

Students wishing to discontinue from their program should submit a program variation form, this is available from UNSW Student Central.

### Early Completion

The University is required to report to DIMIA all students' visa holders who finish one or more sessions earlier than their expected program end date.

If students finish their program early, you must either enrol in another CRICOS registered program or depart Australia immediately, unless you have been given authorisation by DIMIA to remain in Australia.

### Update contact details

It is a condition of the student visa that students must inform the University of their Current Residential Details and inform of any changes, as soon as possible. Students must update their address on myUNSW, <https://my.unsw.edu.au/portal/dt>. The University is required by law to maintain a record of a students' residential address so they can be contacted when necessary.

### Visa Extension

Students must submit an application for visa extension before their current visa expires. This is so that they do not become unlawful in Australia.

Visa extensions are subject to approval by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). To extend their visa, students will need to obtain a new eCOE by filling in a Visa Extension/Amendment form, available from UNSW Student Central, and have it certified by their program or Faculty authority.

DIMIA requires students to make an appointment to lodge their visa extension and students should ensure that this is done approximately 1 month prior to their current visa expiry date.

### Permission to work

Students who are granted a student visa with work rights are limited to 20 hours work per week while their program is in session; they may work full time during session breaks. Student visa holders found to be working in excess of their limited work rights are subject to mandatory visa cancellation.

Students will need to apply for a visa with 'permission to work' (condition 8105) after they have commenced study. Application forms are available from International Student Services or online from DIMIA for credit card holders. For more information on either process please visit: <http://www.international.unsw.edu.au/current/workrights.shtml>

### Who to contact?

For further information, please contact the ESOS Management Unit on

Tel: 9385 3065 or 9385 3074 or by email on [esos@unsw.edu.au](mailto:esos@unsw.edu.au)

International Student Services on

tel: 9385 5333 or email: [international.student@unsw.edu.au](mailto:international.student@unsw.edu.au)

Detailed information on the ESOS Act and the National Code may be found at the following websites:

[www.dest.gov.au/esos](http://www.dest.gov.au/esos)

[www.dest.gov.au/esos/National\\_Code/contents.htm](http://www.dest.gov.au/esos/National_Code/contents.htm)

[www.immi.gov.au/students/index.htm](http://www.immi.gov.au/students/index.htm)

*Information sources used when compiling this brochure:-*

- Education Services for Overseas Student (ESOS) Act 2000  
National Code of Practice for Registration Authorities and providers of education and training to Overseas Students (The National Code) – 2001
- Department of Immigration and Multicultural and Indigenous Affairs - Student Visa Reforms, Information Package (2001)
- DIMIA ESOS and YOU published by the Australian National University (2002)
- ESOS at UNSW@ADFA published by UNSW Australian Defence Force Academy (2002)

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# INFORMATION FOR Student Visa Holders

# ESOS

EDUCATIONAL SERVICES FOR  
OVERSEAS STUDENTS

UNSW

# ESOS ACT

The ESOS Act 2000 is Government Legislation that ensures providers of education and training are regulated in the delivery of education services to international students. All providers and programs available to International students are required to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

The Act also provides for obligations and restrictions on students to comply with the conditions of their *student visa* (only student visa holders are subject to the ESOS Act). Under the Act, the University is required to monitor and report on some of these conditions to the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA).

The **ESOS Management Unit** at the University of New South Wales is responsible for coordinating the monitoring and reporting requirements under the Act and is available to advise students on any of these requirements.

The following information outlines the responsibilities of students, including some of the visa conditions which impact upon a student's study program.

For more information please visit:

<https://my.unsw.edu.au/student/resources/ESOSstudent.html>

## Full Time Study

Condition 8202 of the student visa requires that a student maintain full-time enrolment in the program. The University is required by law to ensure that this visa condition is met. Part-time may be permitted under exceptional circumstances (see below).

UNSW defines normal full time enrolment as between 18-24 Units of Credit (UoC) per session. Students should be enrolled in 24 UoC per session.

If you enrol in 18 UoC or more but less than 24 UoC, this may result in the need to take additional courses in a future session in order to complete your program within the time frame specified on your visa. Should you not complete within the time frame, you will need to seek an extension of your visa from DIMIA. The decision on whether to grant a student visa extension will be made by DIMIA.

## Part Time Study

Part time study may only be permitted in circumstances as outlined below:

1. Medical recommendation of part time study
2. Final session of degree – completing degree requirements

Supporting documentation such as medical certificates will need to be submitted to the school office and the ESOS Management Unit for approval and to DIMIA for visa extension.

**NOTE:** Credit granted for previous studies, and/or failure of prerequisites, does NOT exempt a student from the requirement to be enrolled in a full-time load, unless one of the above reasons applies. You must be able to follow a full-time program regardless of the session you commence in.

If any of the above situations occur, it is important for future visa extensions that the Faculty provides you with a letter confirming that they have approved the part-time enrolment for each Semester in which it applies. You should keep originals of the letter and certified copies should be kept by the Faculty and also sent to the ESOS Management Unit.

Students who wish to apply for permanent residency in the future, should be warned that DIMIA does not look upon part-time enrolment favourably and it may be detrimental to their application for permanent residency.

## Summer/Winter Sessions

Students can enrol in Summer/Winter Sessions and are not required to have full-time enrolment during that time. However, you must ensure you maintain full-time enrolment during the main sessions of the year i.e. Session 1 or Session 2.

## Distance Education

An international student (on a student visa) cannot study a distance mode program whilst in Australia. Full-time study refers to full-time, on campus programs.

## Recognition of Prior Learning (RPL) / Credit Transfer

If a student receives credit transfer (Advanced Standing) from previous studies which leads to a reduced study load, they are still required to maintain a full-time load.

If the credit transfer is granted before the visa is granted, the University must indicate the actual net program duration (as reduced by credit transfer) in the Electronic Confirmation of Enrolment (eCoE) for that program.

If the credit transfer is granted after the visa is granted, the University must report the change of program duration to DIMIA and issue the student with a new eCoe which reflects the revised program duration.

## Satisfactory Academic Progress

Condition 8202 requires student visa holders to maintain satisfactory academic progress in their studies so that they are able to complete their degree within the specified visa duration.

The University is required to report to DIMIA student visa holders who fail to maintain academic progress that is students who are excluded or suspended from a program at the close of the appeals period. A non-compliant notice letter will be sent to the student advising them that they have 28 days to attend a specified DIMIA office to explain why they breached Condition 8202.

If students fail to report to DIMIA within the 28 days, their visa will be automatically cancelled and they will be subject to removal from Australia. When students report to the DIMIA office, the automatic cancellation process is stopped and a decision made whether or not to cancel the visa. If the breach is substantiated, migration law requires that the visa must be cancelled.

## Repeat Failed Units of Study

Paragraph 40 of the National Code refers to repeat failures. Students can repeat a failed course provided they maintain full-time enrolment. The only exception is where, in order to complete a program of study, the remaining required course/s does not constitute a full-time load as described previously in "Part-Time" study. When an international student is repeating a course in order to complete a program of study, the student may only do so once, if studying part-time. Please contact the ESOS Management Unit for advice.

## Change Education Provider

Students with condition 8206 on their visa must remain with the education provider with whom they originally enrolled for the first 12 months of their program, or, if the program is for less than 12 months, for the duration of the program.

If a student is undertaking a qualifying program, they must remain with the provider for the length of that program. They will then need to remain with the education provider offering their principal program of study for the first 12 months.

Students may apply to DIMIA to change their education provider during the periods described above. However, permission to change provider will only be granted in exceptional circumstances.

## Program Leave

In order to comply with the requirements of the ESOS Act, a student visa holder who requests program leave, must be reported to DIMIA. The Act requires that program leave be granted on documented medical, compassionate, or exceptional grounds.

Leave can be assessed as compliant, requiring certified copies of all supporting documentation to be held on file. If leave is assessed as non-compliant, students are advised that the granting of leave may result in the cancellation of their student visa. Provided they are willing to leave Australia for the duration of their leave, non-compliant leave may be granted. They may be required to apply for a new student visa upon their return to Australia.

The ESOS Management Unit advises students to report to DIMIA prior to departing Australia in order to ensure that their visa is cancelled without prejudice. Students who are granted compliant leave are subject to DIMIA investigation, and may be granted permission by DIMIA to remain in Australia.

## Discontinuation from program

The ESOS Management Unit is required to report to DIMIA any changes to student's enrolment status, including discontinuation from a program or the university.