

Staff Training on ESOS Obligations

1. Purpose

This policy ensures that all staff of Sydney Metropolitan International College (SMIC) who interact with overseas students understand their responsibilities under the Education Services for Overseas Students (ESOS) Framework, including the ESOS Act 2000, National Code of Practice 2018, and related legislative instruments. The aim is to maintain compliance, protect student welfare, and deliver quality education services.

2. Scope

It applies to:

- All SMIC staff (academic, administrative, and support roles).
- Contractors and third-party service providers engaged in marketing, recruitment and delivering (*where applicable*) services to overseas students.

3. Definitions:

CoE: The Confirmation of Enrolment or CoE is a document that SMIC creates on PRISMS for a prospective Student Visa holder when the student has signed their Acceptance of Offer. The student uses the CoE as proof of enrolment when applying for their Student Visa.

CRICOS: The institutions that offer courses to Student Visa holders, and the courses they offer, are listed on the Commonwealth Register of Institutions and Courses for Overseas Students.

DOE: Department of Education

DHA: The Department of Home Affairs

Enrol: The words "enrolled" and "enrolment" are used in the ESOS Framework in the broad sense to mean that a student is undertaking a course.

ESOS Framework: The Education Services for Overseas Students (ESOS) Acts and regulations set out the legal framework governing delivery of education to Student Visa holders.

International Student: The student who is not a citizen or permanent resident of Australia, or a New Zealand citizen, and who must pay the international student fee for their course. International Students generally have Student Visas but may have one of a range of other visas.

National Code: National Code of Practice for Providers of Education and Training to Overseas Students 2018. The National Code provides standards and procedures that institutions which provide education to Student Visa holders must adhere to.

Overseas Student: This term is used in the ESOS Framework to mean an International Student who has a Student Visa. The ESOS regulations only apply to these students.

PRISMS: The Provider Registration and International Students Management System (PRISMS) is a web-based system that lists registered courses and is used to create CoEs or to report on changes in student enrolments.

Suspend: In the ESOS Framework, "suspend" is used to mean any break in studies, for whatever reason, whether it is initiated by the student or the institution.

4. Policy Statement

SMIC is committed to:

- Providing mandatory ESOS training for all staff who interact with overseas students.
- Ensuring staff understand their responsibilities under the ESOS Framework, including visa compliance, student support, PRISMS reporting, and marketing obligations.
- Maintaining accurate training records and reviewing them regularly.

5. Procedures

5.1 The ESOS Framework

Purpose. Protect student interests and Australia's education brand; set minimum standards; interact with migration law (visa/reporting). Providers must comply continuously to remain CRICOS-registered.

- Who is an international/overseas student? Non-citizen/permanent resident/NZ citizen; ESOS applies where the student studies on a student (subclass 500) visa.
- Part-time study. Student-visa holders are normally required to maintain a load enabling completion in the standard full-time duration (exceptions per National Code/visa conditions). Non-student-visa learners may study part-time subject to provider rules.

5.2 Student visa conditions

- Student-visa holders must:

- (a) remain enrolled in a CRICOS course;
 - (b) maintain satisfactory progress (and attendance, where applicable);
 - (c) keep their Australian address current within 7 days;
 - (d) maintain sufficient funds;
 - (e) ensure schooling for school-age dependents;
 - (f) keep OSHC; and
 - (g) not work before the course start.
- *Work limitation: once commenced, most students may work up to 48 hours per fortnight in session and unlimited hours during breaks (role-specific exceptions apply). Staff must refer students to Home Affairs for the most current settings.*

5.3 Pre-enrolment information (National Code Standard 2)

Before accepting an offer, students must receive accurate, comprehensive information about SMIC and the course (e.g., fees/refunds, support services, living costs, visa implications). SMIC publishes this on its website and links it in offers/marketing.

5.4 Promotional material

All marketing to prospective student-visa holders must be accurate, not misleading, and must present SMIC identifiers (e.g., CRICOS code 03792E, RTO ID 45523). Drafts require PEO/CEO approval prior to release.

- Minimum course information (in the document or via direct URL): description; qualification; duration & start dates; mode of study/training methods; assessment methods; any third-party delivery (name, location, CRICOS/RTO codes); recognition/credit arrangements; entry requirements (English/academic) and credit availability.

5.5 Satisfactory course progress & Intervention Strategy (Standard 8)

SMIC must monitor course progress (and attendance where applicable), identify students at risk, and support them via an Intervention Strategy to enable completion within the expected duration of the CoE. This includes periodic reviews, staff referrals, and self-identification.

Supports may include trainer assistance, targeted resources, timetable adjustments, study-load variations (where compliant), and referrals to student support. If progress remains unsatisfactory, SMIC issues an intention to report and informs the student of their right to appeal. Reporting in PRISMS occurs only after internal/external appeals are concluded or not accessed, consistent with the National Code.

5.6 Completion within expected duration (Standard 8)

- SMIC must ensure student-visa holders are always positioned to complete within the CoE duration. Reduced loads in a period are only acceptable where overall completion remains on time; students cannot have zero load in a compulsory period.

- If the student cannot complete it on time, SMIC may issue a new CoE only where compassionate/compelling grounds exist, a reduced load forms part of the Intervention Strategy, or an approved deferment/suspension applies (with evidence on file). If a student completes early, SMIC reports this in PRISMS (visa may be shortened).

5.7 Mode of study (online/distance limits)

No more than 33% of the course may be delivered by distance/online learning for student-visa holders, and students must undertake at least one face-to-face unit each compulsory study period (unless the final unit is only available online). 'Online learning' does not include supplementary online materials for face-to-face delivery.

5.8 Change of course (including transfers)

- When students change course at SMIC, they sign a new Acceptance of Offer and are issued a new CoE; fees may change.
- Transfers within the first six months of the principal course are assessed under Standard 7 (documented policy, release process in PRISMS, and access to internal appeals before refusing release).

5.9 Complaints and appeals (Standard 10)

International students have access to a free, timely, and documented complaints/appeals process with written reasons, maintenance of enrolment during relevant stages, and information on external appeal bodies. Public information is in the Student Handbook and on the website.

5.10 Deferring, suspending or cancelling study (Standard 9)

- Deferment/suspension/cancellation may affect visas; students should seek Home Affairs advice.
- Student-initiated: submit Leave/Deferment form; DoS may approve compassionate/compelling circumstances (illness, bereavement, natural disaster, traumatic event, pre-requisite not offered, visa delay). Update CoE/PRISMS as required.
- Provider-initiated: actions for misconduct follow policy; notify in writing; do not implement until access to internal appeals is provided (unless health/safety risk requires immediate action). Update PRISMS per the standard.

5.11 Course credit

Where course credit shortens the expected duration, update PRISMS (revised CoE end date). Home Affairs may then reduce the visa duration.

5.12 CRICOS registration of courses

Only CRICOS-registered courses may be marketed to and used to enrol student-visa holders. Non-CRICOS courses must not be advertised to or used for international

student-visa enrolments. Applications to add/amend CRICOS courses are submitted to ASQA before marketing or enrolment.

5.13 Refunds (International students)

Refunds for international students follow ESOS-specific settings (including TPS) and may differ from domestic arrangements. Terms are specified in the International Student Refund Policy and in pre-enrolment written agreements per Standards 2 & 3.

6. Implementation: Staff Training, Records & Monitoring

6.1 Staff training

- Induction (prior to duties): ESOS overview; visa conditions; National Code highlights (Standards 1–10); PRISMS basics; support & welfare; complaints/appeals.
- Annual refresher or upon legislative change: update on rule changes (e.g., 48-hour work cap), policy/process refinements, lessons from audits.
- Specialist (role-based): PRISMS advanced functions; transfer/credit/deferment processing; progress intervention case-management.
- Training completion is recorded in the Staff Training Register.

6.2 Records & PRISMS

- Maintain accurate, timely PRISMS entries for non-commencement, enrolment changes, progress/attendance breaches, and early completions; follow Department “How-to” guidance.
- Retain training and student compliance records in secure systems for required retention periods.

6.3 Monitoring & internal audit

- Quarterly spot-checks of marketing content (Standard 1), pre-enrolment pages (Standard 2), progress files & intervention cases (Standard 8), transfer decisions (Standard 7), and defer/suspend/cancel cases (Standard 9).
- Findings feed into continuous improvement actions and policy updates.

7. References (s)

1. ASQA – ESOS legislative obligations / CRICOS overview: <https://www.asqa.gov.au/esos-providers/esos-requirements/legislative-obligations>
2. Department of Education – National Code 2018 hub & factsheets: <https://www.education.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>
3. Standard 8 (factsheet) – progress, duration & online limits: <https://internationaleducation.gov.au/Regulatory-Information/Documents/National%20Code%202018%20Factsheets/Standard%208.pdf>
4. ASQA – ESOS return to compliance (face-to-face requirement): <https://www.asqa.gov.au/guidance-resources/esos-return-compliance-face-face-training>
5. General factsheet (DoE) – online learning cap: <https://www.education.gov.au/download/11452/general-factsheet/29906/document/pdf>

6. Standard 7 (transfers) – factsheet: <https://www.education.gov.au/esos-framework/resources/standard-7-overseas-student-transfers>
7. Standard 9 (defer/suspend/cancel) – page & factsheet: <https://www.education.gov.au/esos-framework/resources/standard-9-deferring-suspending-or-cancelling-overseas-students-enrolment>
8. PRISMS portal: <https://prisms.education.gov.au/>
9. Home Affairs – student visa work limitations (FOI release): <https://www.homeaffairs.gov.au/foi/files/2025/fa-250601036-document-released.PDF>