

Information and Tips for Enrolling Students with Visas

The [Australian Education Act 2013](#) requires non-government schools to provide information about the number of “overseas students” and “students who hold or are included in a visa in force under the *Migration Act 1958*” in a school’s census return for the year for the Australian Government Department of Education and Training (DET).

Non-government schools are able to enrol any school-age student with a visa that permits study, but should be aware of the circumstances of these students when deciding whether or not they must be reported in the school’s annual census return, and how they must be reported.

Schools also need to take into account a student’s eligibility for recurrent funding when deciding what to charge for tuition fees.

Census eligibility

To check which students are **eligible** or **not eligible** to be reported in the annual census return, please see “ELIGIBILITY FOR INCLUSION” in the [2016 Census Guidelines](#). Please note the Guidelines do not include the changes for recognising the new classification of [Student Visa subclass 500](#) for new overseas students’ enrolments post 1 July.

Schools are also referred to the “Definition of census day” in Div.2 s7 of the [Australian Education Act 2013](#) and to information provided by the DET at the [SSP Help - Home](#) website.

Students on Visas

DET’s annual Census Guidelines provide a definition of a *Student on a Visa* as any student who holds (or is a dependant of persons who hold) a permanent, bridging or temporary visa, including New Zealand citizens. For more information, see “*Who is a Student on a Visa?*” in [2016 Census Guidelines](#).

However, some students who hold a visa, for example, those with a [Visitor Visa](#), are not eligible to be reported in the census.

Reporting Students on Visas

Non-government schools are required to report eligible *Students on Visas* in the age/grade table and in the *Students on Visas* table in the school’s annual census return. Schools must keep on file copies of documentation used to assess student eligibility for inclusion in the census return as *Students on Visas*.

Schools must also separately identify *Students on Visas* who are also *Overseas Students* and report these in the age/grade table and in the *Students on Visas* table and in the *Overseas Students* table in the school’s annual census return.

Overseas Students

Students on Visas include *Overseas Students*, who are defined for funding purposes in Div.2 s6 of the [Australian Education Act 2013](#) and Div.2A s6 of the [Australian Education Regulation 2013](#).

In summary, the Act defines an *Overseas Student* as a person who holds a visa or who is included in a visa in force under the *Migration Act 1958* “that permits the person to travel to Australia for the purpose of undertaking a course provided by a body”, whilst the Regulation clarifies that the following are excluded from the definition of an *Overseas Student*:

- a dependant of an overseas student who is receiving a full sponsorship or a scholarship from an Australian higher education institution or from the Australian Government

- a secondary student who is who is participating in a registered Student Exchange Program.

Important information about enrolling Overseas Students

As of 1 July 2016, there is a **single subclass TU/ 500 Student visa** for all overseas students to study in any education sector and for secondary exchange students undertaking a course of study under a registered Secondary Exchange Program.

Schools will therefore need to have procedures at the time of enrolment to determine the circumstances of a student presenting with a 500 subclass student visa.

From 1 July, 2016, a student with a 500 subclass student visa could be:

- a) a dependant of an *Overseas Student* who is enrolled in a CRICOS registered course in another education sector, or
- b) a full fee paying *Overseas Student* with a confirmation of enrolment (CoE) for School sector course, or
- c) a secondary exchange student participating in a registered Secondary Exchange Program.

Using VEVO to determine education sector for Overseas Students

Schools that are registered to use the Department of Immigration and Border Protection's [Visa Entitlement Verification Online \(VEVO\)](#) will, with the student's permission, be able to log in to view the student's *Visa class/subclass* (TU/500), *Visa type* (Student Visa), and *Education sector* (School sector or another education sector).

If the *Education sector* is not the School sector, schools can assume the student is a dependant of an overseas student, and can request further information to determine if, by definition, the student is or is not an *Overseas Student*.

If the *Education sector* is the School sector, the school will then need to determine if the student is currently enrolled in a CRICOS registered school course, is seeking to enrol in a CRICOS registered school course, or has a 500 subclass student visa to participate in a registered Secondary Exchange Program.

Enrolling Students on Visas and determining Tuition Fees

When enrolling *Students on Visas*, schools are encouraged to check the subclass of the student's visa, and decide if the student is eligible to be reported in the school's annual census return.

If a student is eligible to be reported in the school's annual census return, the school then needs to decide if the student will or will not be eligible for recurrent funding.

Students on Visas who are defined in legislation as *Overseas Students* are not eligible for recurrent funding, except for those excluded by Div.2A s6 of the [Australian Education Regulation 2013](#) i.e. dependants of overseas students who are receiving a full sponsorship or a scholarship from an Australian higher education institution or from the Australian Government.

Apart from secondary exchange students, who cannot be charged tuition fees, schools may charge:

- domestic fees for *Students on Visas* if students meet census eligibility requirements for claiming recurrent funding
- full fees or pro-rata full fees for students who are not eligible for recurrent funding.

Tips & Frequently Asked Questions

How do I know what visa a student has and what that visa allows them to do?

Schools can check visa conditions and entitlements by searching for a visa subclass at <http://www.border.gov.au/>.

Students may present travel documentation such as passports or visa grant letters as proof of visa status at the time of enrolment, but it is possible for visa status to change without the school being notified of the change.

Therefore, to be able to verify details of a student's current visa status at any point in time during a student's enrolment, schools are encouraged to register for and use the [VEVO](#) service provided by the Department of Immigration and Border Protection (DIBP). It is recommended that schools request permission to use [VEVO](#) to check visa entitlements for the duration of enrolment at the time of enrolment, and schools use this information as a source of evidence for assessing student eligibility for inclusion in annual census returns.

What should I pay attention to when I have an enquiry from a student with a visa?

Schools should ensure that enrolment procedures include information that is relevant to the circumstances of Students on Visas. Please see notes on the different types of visas below.

Students with a Visa other than a Visitor Visa or Subclass 500 Student Visa

- In most cases students with a visa subclass other than a visitor visa or a student visa will be eligible for recurrent funding. Schools can check visa conditions using [VEVO](#) or by searching the [DIBP website](#). If unsure if a student will be eligible for inclusion in the annual census return, for example in the case of a student with a bridging visa, schools should contact DET by t: 1800 677 027 (option 1 then option 3) or by e: grantsanddata.help@education.gov.au for further advice.

Students with a Visitor Visa

- Schools can enrol students with a [Visitor Visa](#) provided studies do not exceed the maximum study limit of three calendar months. According to the [2016 Census Guidelines](#), students with a [Visitor Visa](#) who are in Australia for a period of less than six months are not eligible to be reported in the census. Most students on study tours or enrolling in schools for holiday programs will usually have a [Visitor Visa](#).
- If a student holds a [Visitor Visa](#), schools may charge pro-rata full fees. Schools are advised to ensure visiting students hold appropriate insurance cover, including medical insurance, and the student is aware the period of enrolment cannot be longer than three calendar months.

Students with a Subclass 500 Student Visa – Dependents of an Overseas Student

- Dependents of *Overseas Students* can be enrolled in any school. The school does not have to be CRICOS registered. These students are generally not eligible for recurrent funding, and may be charged full fees. (As a rule of thumb, if the primary student visa holder pays full fees, then any dependents also pay full fees.)
- However, there are some exclusions under Div.2A s6 of the [Australian Education Regulation 2013, i.e.](#), dependants of overseas students who are receiving a full sponsorship or a scholarship from an Australian higher education institution or from the Australian Government. In this case, schools should check with DET by e: grantsanddata.help@education.gov.au or t: 1800 677 027 (option 1 then option 3) if the dependant(s) will attract recurrent funding. When contacting DET, schools should provide

details of the primary visa holder's sponsorship or scholarship. (NB: Dependents of overseas students funded by foreign governments are not eligible for recurrent funding.)

Students with a Subclass 500 Student Visa with a Confirmation of Enrolment (CoE) for the School Sector

- Students with a subclass 500 student visa to study in the **School sector** can **only enrol in a CRICOS registered course in a CRICOS registered school**. These students should be reported in the tables for *Students on Visas* and *Overseas Students* in the census. They are not eligible for recurrent funding, and are charged full fees.
- If a student requests a Letter of Offer or Confirmation of Enrolment (CoE) for enrolment as a full fee paying overseas student, schools should check if the student is already enrolled with another school or is in the process of applying for a subclass 500 student visa for the School sector. If the student is still enrolled with another CRICOS registered school, conditions for transfer may apply. Schools can also request permission to check the student's visa details in [VEVO](#).

Students with a Subclass 500 Student Visa who are Secondary Exchange Students

- Secondary exchange students enrolled in a school under a registered Secondary Student Exchange Program cannot be charged tuition fees, but may attract recurrent funding, subject to meeting census eligibility requirements. This may be an important consideration if a registered exchange organisation asks a school to host a student and to complete the Acceptance Advice for Secondary Exchange Students (AASES) form. Schools may first wish to determine eligibility for recurrent funding before agreeing to accept the student's enrolment application.
- If a student holds a current visa for an approved Secondary Student Exchange Program, and applies for enrolment at a school, the school should contact the state authority responsible for registration of approved Secondary Student Exchange Organisations to find out details of the approved arrangements for the student. Secondary exchange students participating in approved student exchange programs are not required to pay tuition fees.
- For more information about "Who is an Exchange Student?" for DET census purposes see the [2016 Census Guidelines](#).

Collecting information at time of enquiry

- Schools are required to keep on file a copy of any information used to determine the visa status and subclass of the parent or child at time of enrolment. This may be required as evidence for validation of funding claims in a post-enumeration exercise. Documentation might include evidence of citizenship or a valid passport with DOB and visa at time of enrolment, or a screenshot of current visa details in [VEVO](#).
- Schools should note passport and visa expiry dates, if applicable. It is possible for a student's passport to expire before their visa expiry date.

Seek advice

- In all cases, schools should contact DET for further advice if necessary by email grantsanddata.help@education.gov.au or telephone 1800 677 027 (option 1 then option 3). It is recommended schools make file notes of advice received.
- Only the Department of Immigration and Border Protection (DIBP) or a registered Migration Agent can give advice about visas. The information in this document is relevant to students who have a visa already, or if a full fee paying overseas student requests a Letter of Offer or a CoE from a school for a 500 subclass student visa for the School sector.

Links

Commonwealth Department of Education and Training

- [2016 Census Guidelines](#)
- [Australian Education Act 2013](#)
- [Australian Education Regulation 2013](#)
- [CRICOS](#)
- [SSP Help - Home](#)

Visas

- [Department of Immigration and Border Protection](#)
- [VEVO](#)
- [Visas for Studying in Australia](#)
- [Visitor Visa](#)

Secondary Student Exchange Programs

- [National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia](#)

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