

# Information & Tips for enrolling students on visas – 2019 update

Non-government schools are required to provide information about enrolled students to State and Commonwealth governments in census collections in a prescribed form and at a prescribed time each school year.

When enrolling students who are not Australian citizens, non-government schools should always refer to the relevant definitions and eligibility criteria in legislation and census guidelines that apply to these students for the current year.

## Check for appropriate state/territory School Census requirements

- As per relevant Education Acts, Regulations and Non-Government School Census guidelines

## For the Commonwealth Non-Government Schools Census (August)

- [Australian Education Act 2013](#)  
Division 2 s.6 Definitions (**overseas student**)
- [Australian Education Regulation 2013](#)  
s.5 Meanings of *census day* and *census reference period* and s.6 Overseas students  
s.37 Requirement to keep records  
s.50 Non-government schools—information about students (ss. 2.a and 2.b)
- [Non-Government Schools Census](#)  
For the 2019 Census, see in particular:
  - [2019 Census FAQs](#) 7. Reporting students on visas and overseas students
  - [2019 Census Guidelines](#) Under ELIGIBILITY FOR INCLUSION:
    - Who is a Student on Visa?
    - Who is an Overseas Student?
    - Who is an Exchange Student?

## Enrolling students with visas

Apart from students holding a 571 or 500 subclass visa for the school sector, schools can enrol any school-age student with a visa that permits study.

When deciding to accept an enrolment application, schools need enough information about each student's circumstances and visa subclass to determine if there are any limitations on studies and if the student will be eligible for government funding.

For example, schools must be registered on the [Commonwealth Register of Institutions and Courses for Overseas Students](#) (CRICOS) to be able to enrol a student with a subclass 571 or 500 student visa, whereas students with visitor visas can be enrolled in any school, but only for a maximum period of three calendar months. In both cases, students will not be eligible for recurrent funding.

## Evidence of visa and residency status

Schools must keep records of information used to determine the residency status or visa subclass of the parent or child at time of enrolment. These might include documents verifying citizenship, a valid passport with DOB or a visa grant notice. Schools can also register to use the Department of Home Affairs' database [Visa Entitlement Verification Online \(VEVO\)](#), and, with the permission, can view and print a record of the student's or parent's visa subclass and entitlements. These records may be required as evidence for validation of funding claims in a post-enumeration exercise and must be kept for seven years.

## Census eligibility and reporting students who are not Australian citizens

Schools need to check census instructions or guidelines to determine which students are eligible or not eligible to be reported in an annual census return. For example, students may be ineligible for inclusion in a census return because they hold a visitor visa, or they were not enrolled during the census reference period. Commonwealth and State jurisdictions may require reporting of students who are not Australian citizens in different ways.

For example: the Commonwealth Census requires schools to report all "eligible students at the school who hold a visa... in the age/grade table **and** in the *Students on Visas* table **and** (if classified as an Overseas Student) in the *Overseas Students* table"<sup>1</sup>, whereas

It is important to note students who are excluded from the definition of *Overseas students* when reporting students in this category in census returns, as these students may be eligible for funding<sup>2</sup>.

### *Overseas students*

As of 1 July 2016, there has been a single [subclass TU/ 500 student visa](#) for overseas students enrolled in a CRICOS registered course, dependants of overseas students and participants in a registered secondary student exchange program. Student visas issued prior to this included subclasses 570, 571, 572, 573, 574, or 575, with a 571 subclass visa being issued to students enrolled in a CRICOS registered school or participating in a registered secondary student exchange program.

Visa holders with a 500 subclass student visa could therefore be:

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

Schools can use [VEVO](#) in this case to view a student's *Visa class/subclass* (TU/500), *Visa type* (Student Visa), and *Education sector* (School sector or other education sector).

If the *Education sector* is not the school sector, it can be assumed the student is a dependant of an overseas student, and schools can request further information to determine if, by definition, the student is or is not, reported as an *Overseas Student* in a census collection.

If the *Education sector* is the school sector, schools will 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 visa to participate in a registered secondary student exchange program.

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<sup>1</sup> [2019 Census Guidelines](#) p12-13 Who is a student on visa? Who is an overseas student? (Accessed 22/7/19)

<sup>2</sup> See Div 2 Section 6 Definitions of the [Australian Education Act 2013](#) (Cwlth) and Div 2 Subdivision A [Australian Education Regulation 2013](#) (Cwlth) for more information.

## Determining tuition fees

After deciding that a student with a visa can be enrolled, the next step for schools is to determine a student's eligibility to be reported in the school's annual census return and for recurrent funding. Census guidelines provide advice on the relevant reporting requirements.

Generally, this means:

- Schools can charge domestic fees for students with visas that are eligible for recurrent funding.
- Schools can charge full fees or pro-rata full fees for students who are not eligible for recurrent funding. These include students with visitor visas and student visas. (The exceptions are students who are dependants of overseas students who are receiving a full tuition sponsorship or a scholarship from an Australian higher education institution or from the Australian Government – in which case, these students' dependants may be eligible for recurrent funding).
- Secondary exchange students for whom a school has completed an Acceptance Advice for Secondary Exchange Students (AASES) form cannot be charged tuition fees but may be eligible for recurrent funding if all other census eligibility criteria are met.

## Further information and advice

At times schools may wish to seek further information or contact census authorities to clarify if students will be eligible for funding. Schools should keep records of advice received from government sources in these cases.

- For the Commonwealth Census, visit [SchoolsHUB Collection Guidelines](#), contact the Australian Government Department of Education by email at [grantsanddatahelp@education.gov.au](mailto:grantsanddatahelp@education.gov.au) or by telephone on 1800 677 027 (option 3).
- Check for any state/territory Non-Government School Survey or Census requirements.
- Check for information about state/territory registered secondary exchange programs or contact the relevant state/territory International Education Unit.

## FAQs and Tips - Enrolling students on visas

### What should I pay attention to for an enquiry from a student with a visa?

Schools should ensure the circumstances of the child or family members are understood when processing an enrolment application. In some cases, schools may need to ask parents for documentation of proof of residency or citizenship if this is not provided. Schools should keep copies of all documentation provided on file, and should note passport and visa expiry dates, if applicable. Because it is possible for a passport to expire before a current visa end date, students with overseas citizenship should ensure they always hold a current passport to be able to travel abroad. If needing to renew a passport while holding a visa issued with an expired passport, students should carry both passports to ensure smooth passage through immigration check points.

## Where do I find more about a student's visa and what this allows them to do?

Once a visa subclass has been identified, schools can check the visa conditions and entitlements by searching for that subclass number at <https://immi.homeaffairs.gov.au/> or <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing>.

It is possible for a person's visa status to change, therefore schools are encouraged to register for the [VEVO](#) service provided by the Department of Home Affairs to verify details of a student's current visa status at any point in time during a student's enrolment. The service will enable a school to print a record of this information as a source of evidence for annual census returns. As permission is needed to access this information, it is recommended that schools request permission at the time of enrolment to check visa entitlements for the duration of enrolment.

## What do I need to know about different kinds of visas and funding?

### **Only the Department of Home Affairs or a registered Migration Agent can give advice about visas.**

The information in this fact sheet relates to students who already have a visa or who contact a CRICOS registered school to request a Letter of Offer or a Confirmation of Enrolment (CoE) for a 500 subclass student visa for the School sector.

### **Students with a visa other than a visitor visa or 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 [Department of Home Affairs](#) website. If unsure of a student's eligibility for inclusion in the annual census return, schools should contact the Australian Government Department of Education by telephone on 1800 677 027 (option 3) or by email at [grantsanddatahelp@education.gov.au](mailto:grantsanddatahelp@education.gov.au) for further advice.

### **Students with a visitor's visa**

Schools can enrol students with a Visitor visa<sup>3</sup> provided studies do not exceed the maximum study limit of three calendar months. These students are not eligible to be reported in the Commonwealth census<sup>4</sup>, and schools may charge pro-rata full fees. Students on study tours or enrolling in schools for holiday programs will usually have a visitor's visa of some kind. 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. including medical insurance, and the student is aware the period of enrolment cannot be longer than three calendar months.

### **Students who are dependants of an overseas student**

Dependants of *Overseas Students* (with a visa subclass 570, 572, 573, 574, 575, or 500 if for a sector other than the school sector) 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 dependants also pay full fees.

However, dependants of *Overseas Students* receiving a full tuition sponsorship or a scholarship from an Australian higher education institution or from the Australian Government may be eligible for recurrent funding because of the exclusions under s.6 of the [Australian Education Regulation 2013](#). In this case, schools should contact the Australian Government Department of Education by email at [grantsanddatahelp@education.gov.au](mailto:grantsanddatahelp@education.gov.au) or telephone

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<sup>3</sup> Search for visas at <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing> (Accessed 03/07/19)

<sup>4</sup> See "Which students are NOT eligible to be reported in the Census?" [Commonwealth Census Guidelines](#) for the current year.

on 1800 677 027 (option 3), to provide details of the primary visa holder's tuition sponsorship or scholarship and request confirmation of eligibility.

*NB: Dependants of overseas students funded by foreign governments are not eligible for recurrent funding.*

### **Students with a student visa for the School sector**

Students with a subclass 571 or 500 subclass School sector student visa can only be enrolled in a school registered on the [Commonwealth Register of Institutions and Courses for Overseas Students](#) (CRICOS). These students should be reported in the Commonwealth Census 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 an overseas student, schools should check if the student is already enrolled with another school or is applying for a visa. If the student is enrolled with another CRICOS registered school, transfer conditions may apply. Schools can also request permission to check the student's details in [VEVO](#).

### **Students with a subclass 500 student visa who are secondary exchange students**

Secondary exchange students participating in 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 school is asked to host a student and to complete an Acceptance Advice for Secondary Exchange Students (AASES) form. Schools may wish to determine eligibility for recurrent funding before agreeing to accept the student's enrolment application.

If a student holds a current visa for a Registered Secondary Student Exchange Program and applies for enrolment at a school, the school should contact the state authority responsible for registration of approved Secondary Exchange Organisations to find out details of the approved arrangements for the student.

### **Students with bridging visas**

[Bridging visas](#) are granted to persons already holding a visa to allow them to remain in Australia lawfully while a further visa application is being processed. For example, a student with a visitor visa who applies for a student visa may be issued a bridging visa while the student visa application is being decided. It is important to establish if a bridging visa is in effect (i.e. that the previous visa has expired) before deciding how to report a student at census time. Schools should consult census guidelines for specific instructions about bridging visas and contact relevant authorities for clarification if in doubt.

Some bridging visas do not allow travel outside Australia. For example, a [Bridging Visa A \(BVA\)](#) does not allow a person to return to Australia if they leave. A person with this kind of bridging visa would need to apply for another kind if they wished to leave and return to Australia before their substantive visa application was decided.