

# Enrolling Students on Visas – 2020 Update

## Information for non-government schools enrolling students on visas

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.

### For State and Territory School Census:

- Please check for appropriate Education Acts, Regulations and Non-Government School Census guidelines

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

- [Australian Education Act 2013](#) s.6 Definitions (*overseas student*)  
[Australian Education Regulation 2013](#)  
s.5 Meanings of *census day* and *census reference period*  
s.6 Overseas students  
s.37 Requirement to keep records  
s.50 Non-government schools—information about students (see in particular s.2.a and s.2.b)
- [Non-Government Schools Census](#) (Commonwealth webpage for Non-Government Schools Census)  
This webpage is updated annually. Schools can check Census FAQs for advice on *Reporting students on visas and overseas students* and Census Guidelines under *Eligibility for inclusion* for students with visas, including overseas students and exchange students.

## Enrolling students on visas

When deciding whether 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.

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.

For example, in the following situations:

- students with a subclass 571 or 500 student visa for the school sector can only enrol in schools registered on the [Commonwealth Register of Institutions and Courses for Overseas Students](#) (CRICOS)
- 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

If enrolling a student, 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, if permission has been obtained, can view and print a record of the student's or parent's visa subclass and entitlements.

School 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

Commonwealth and state jurisdictions provide census guidelines for reporting of students who are eligible or not eligible to be included in an annual data collection, including those who are not Australian citizens.

It is important to follow the relevant census guidelines as reporting requirements for non-citizens may differ between jurisdictions. For example, students may be ineligible for inclusion because they hold a visitor visa, or because they were not enrolled during the census reference period. It is also important to note students who are excluded from the definition of *Overseas students* when reporting students in this category in census returns, as some these students may be eligible for funding<sup>1</sup>.

### A note on *Overseas students* (500 subclass visa holders)

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 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 enrolled in another education sector, e.g., Higher education or Vocational education and training. In this case, schools can request further information to determine if the student be included or excluded as an *Overseas Student* according to the census guidelines.

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.

## Determining tuition fees

If a school decides 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 who 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 students who have subclass 500 student visa for the school sector.

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<sup>1</sup> See s.6 of the *Australian Education Act 2013* (Cwlth) and the *Australian Education Regulation 2013* (Cwlth) (Accessed 04/02/20)

- 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. Schools should check the relevant state or commonwealth census eligibility criteria for *Exchange students* before accepting an enrolment if funding will be a deciding factor.

### Further information and advice

For the Commonwealth Census, visit [SchoolsHUB Collection Guidelines](#), contact the Recurrent Assistance for Schools team by email at [grantsanddatahelp@education.gov.au](mailto:grantsanddatahelp@education.gov.au) or by telephone on 1800 677 027 (option 3).

### FAQs and Tips - Enrolling students on visas

***Please note: 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.

#### What should I pay attention to for an enquiry from a student on 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 when travelling 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 confirmed, 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 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?

##### **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 (Immigration and citizenship) website. If unsure of a student's eligibility for inclusion in the Commonwealth's annual census return, schools should contact the Recurrent Assistance for Schools team 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 visa**

Schools can enrol students with a Visitor visa provided studies do not exceed the maximum study limit of three calendar months. Visitor visas are listed at: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing>. Students on study tours or enrolling in schools for holiday programs will usually have a visitor visa of some kind.

These students do not meet census eligibility criteria and 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 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 (secondary visa holders) also pay full fees.

However, dependants of *Overseas Students* receiving a full tuition sponsorship or a scholarship from an Australian higher education institution or who are receiving a sponsorship or a scholarship from the Commonwealth for the purpose of undertaking a course provided by an institution or other body or person in Australia, 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 Commonwealth's Recurrent Assistance for Schools team by telephone on 1800 677 027 (option 3) or by email at [grantsanddatahelp@education.gov.au](mailto:grantsanddatahelp@education.gov.au) 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*. They are not eligible for recurrent funding and may be 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 a bridging visa**

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 of visa if they wished to leave and return to Australia before their substantive visa application was decided.