

# International Student Appeal Against Notice of Intention to Report Procedure

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## Purpose

This Procedure provides international students with a fair appeal process where the University intends to report the student to the Department of Home Affairs for failure to meet visa conditions. These circumstances include, but are not limited to, failure to meet course attendance or progress requirements and non-payment of fees.

This Procedure applies to all international students on an Australian study visa at all University campuses. It describes the process followed when a student has received a Notice of Intention to Report (NOIR) from the University and the student chooses to appeal that decision.

## Applicable governance instruments

Instrument	Section	Principles
<a href="#">Education Services for Overseas Students Act 2000 (Cth)</a>	Part 3. Division 1. Section 20 (Sending students notice of visa breaches)	N/A
<a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</a>	Part B. Standard 10 (Complaints and Appeals)	N/A

## Background

In accordance with Federal legislation and the University's processes, the University will write to a student to issue a formal NOIR if:

- a) there is unsatisfactory course attendance or progress, despite the fact that a University support strategy is in place; and/or
- b) outstanding fees have not been paid; and/or
- c) the student has had their enrolment suspended for a period of time due to misconduct. Misconduct includes both breaches of academic integrity and behavioural misconduct.

## Procedure

### 1. Minimum inclusions in the Notice of Intention to Report (NOIR)

The notice must clearly state:

- a) that the student has breached their visa conditions, under Standard 8 of the National Code;
- b) that the student has 20 working days, from the date they were sent the notice, in which to appeal the decision;
- c) how to appeal the decision;
- d) the start and end date of the appeal period;
- e) that if the student does not wish to take part in the internal appeals process, their Confirmation of Enrolment (CoE) will be cancelled and this may lead to cancellation of their student visa;
- f) if the CoE is cancelled, they should seek advice from the Department of Home Affairs in relation to their visa status; and
- g) that a copy of the notice will be kept on the student's University file.

Students who receive a NOIR for outstanding tuition fees can contact the Fees team through [U.Connect@utas.edu.au](mailto:U.Connect@utas.edu.au) to arrange payment. Once payment has been confirmed, the University will not report the student to the Department of Home Affairs.

### 2. Grounds for appeal

Students may appeal a NOIR on the following grounds:

- a) compassionate or compelling circumstances that have impacted upon them or their ability to meet visa conditions, or to pay their tuition fees on time; or
- b) procedural or administrative error.

To appeal a NOIR students must submit:

- a) an explanation of what the compassionate or compelling circumstance is that has impacted on their studies and/or their ability to pay their tuition fees (supported by evidence); or
- b) an explanation of the alleged procedural or administrative error (supported by evidence).

Students should also provide evidence of the difficulties faced and whether their situation has now improved. This evidence may be provided by a health professional or other relevant authority.

### 3. Compassionate or compelling circumstances

A compassionate or compelling circumstance is one that is beyond the student's control and has had an impact upon their wellbeing or progress in a program of study.

Students must supply documentation (such as from a health professional, government body or agency) that demonstrates how these circumstances have impacted on their ability to meet their visa requirements.

Examples of compassionate/compelling circumstances include, but are not limited to:

- a) serious illness or injury of the student;
- b) death or serious illness of a close family member such as a parent or grandparent;
- c) major political upheaval or natural disaster in the home country of the student requiring emergency travel by the student that is having, or is likely to have, an impact on the student's ability to continue or commence their studies;
- d) a traumatic experience where a student has been a victim of, or a witness to, a serious accident or crime, and this experience has adversely impacted on the student;
- e) misadventure, for example: an unusual/one-off event such as a major traffic incident that prevented the student from being able to travel to and attend class; and
- f) severe and unexpected financial hardship that has impacted on the student's ability to pay their tuition fees.

Circumstances that are within the control of the student and/or will not have an impact on the student's capacity to progress with their planned course of study will not be considered as compassionate or compelling. These include, but are not limited to:

- a) failure of a student to understand or seek clarification of University requirements as specified in policies, procedures and rules, for example, if a student misreads the exam timetable;
- b) any delay by the student in checking correspondence sent by the University;
- c) conflicts of priorities which are to be expected in the normal course of the student's study, work, family or social life, for example, working while studying and any timetabling challenges that arise because of this work; and
- d) events that could have been prevented, for example, failing to attend class because an alarm was not set.

### 4. Lodging appeals

If the student wishes to appeal the notice, they must submit a formal request in writing to [U.Connect@utas.edu.au](mailto:U.Connect@utas.edu.au). The appeal request must:

- a) outline the reasons that, in the student's view, the University should not report them to the Department of Home Affairs;
- b) include all relevant supporting documentation that the student would like considered; and
- c) outline the changes in behaviour or approach the student will make if their appeal is upheld.

If the student is supplying medical documentation in support of an appeal, this should be in the form of a detailed medical statement that includes any treatment plans or other relevant information.

Students are very strongly encouraged to contact their [International Student Adviser](#) or a Tasmanian University Student Association (TUSA) [Student Advocate](#) for help with their appeal.

## 5. Assessment of appeals

The University will consider the student's NOIR appeal and may ask for additional evidence (e.g., medical documentation) as required.

The University may consult other members of staff and/or take into account additional information, such as class attendance records, academic progress and engagement or fee payment history, when deciding the outcome of the appeal.

Students will not be reported to the Department of Home Affairs while their NOIR appeal is being assessed.

## 6. Appeal decisions

### 6.1. If the appeal is successful

If the appeal is successful, the student will be notified in writing within 10 working days of receipt of the request.

The appeal decision notice will include advice to the student that:

- a) they will not be reported to the Department of Home Affairs;
- b) their enrolment will be re-instated as soon as is possible;
- c) a learning support plan will be created with an International Student Adviser, if applicable, as part of an intervention strategy; and
- d) a payment plan may be created if the appeal is tuition fee-related.

### 6.2. If the appeal is unsuccessful

If the appeal is unsuccessful, the student will be notified in writing within 10 working days of receipt of the request.

The appeal decision notice will include advice that:

- a) the student's CoE is cancelled;
- b) the Department of Home Affairs may cancel the student's visa and that they may be excluded from entering the country for some time;
- c) it is important for them to discuss their visa situation directly with the Department of Home Affairs, as this is beyond the University's control; and
- d) the student may access an external review process.

## 7. External review

Following an unsuccessful appeal, students will be advised that they may submit a request for review to the [Tasmanian State Ombudsman](#). Note that: external review is not available in relation to non-payment of fees and/or misconduct, and reports will be made immediately for non-payment of fees and/or misconduct, following the conclusion of any related internal appeals process.

Students must inform the University within 2 working days of requesting an external review, through [U.Connect@utas.edu.au](mailto:U.Connect@utas.edu.au) if they have asked the Ombudsman for an external review.

The student may not enrol during an external review process.

Students will not be reported to the Department of Home Affairs for unsatisfactory attendance and/or course progress while their external review is being assessed.

The University will comply with the outcome of any external review process.

## Related Procedures

[Student Attendance Monitoring Procedure \(ELICOS and Foundation Studies\)](#)

[International Student Fees Procedure](#)

[Student Academic Integrity Procedure](#)

[Behaviour Procedure](#)

## Versions

Version	Action	Approved By	Business Owner/s	Approval Date
1	Approved	Provost	Manager, International Compliance	16 July 2021
2	Approved	Deputy Vice-Chancellor (Academic)	Director, Academic Quality and Standards	5 September 2022
3	Approved, renamed	Pro Vice-Chancellor (Student Equity and Success)	Director, Academic Quality and Standards	29 August 2023

## Definitions

[Academic progress](#) | [Confirmation of Enrolment \(CoE\)](#)