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<b>Policy title:</b>	<b>ENROLMENT OF NON-AUSTRALIAN CITIZENS OR NON-PERMANENT RESIDENTS – CHARGING POLICY</b>
<b>Published:</b>	<b>2011</b>
<b>Identifier:</b>	<b>ENCNR201111</b>
<b>Legislation:</b>	<b><i>Migration Act 1958 (Cwlth), section 30 (2)</i></b> <b><i>Education Act 2004 (ACT)</i></b> <b><i>Human Rights Commission Act 2005 (ACT)</i></b> <b><i>Discrimination Act 1991 (ACT)</i></b> <b><i>Children and Young People (Consequential Amendments) Act 2008 (ACT)</i></b>
<b>Procedures:</b>	<b>School Management Manual – Module 9</b>

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## 1. POLICY STATEMENT

- 1.1 A prospective student's entitlement to enrol in an ACT public school will vary according to their residential status. This policy does not apply to International Students studying in Australia on a 571 student visa.
- 1.2 Non-Australian citizens or non-permanent residents may enrol in ACT public schools subject to conditions, which may include the payment of tuition fees. They must hold a valid visa and must meet the specific travel, entry and residency conditions set by the Department of Immigration and Citizenship (DIAC). Enrolment is only for the period of the visa.
- 1.3 In accordance with Australian Commonwealth Government policy and ACT legislation, dependants of non-Australian citizens or non-permanent residents may be required to pay the full cost of their education.
- 1.4 Non-Australian citizens or non-permanent residents are required to pay tuition fees unless they are in identified Commonwealth or ACT Government programs, or are dependants of:
- diplomats
  - Australian government scholarship holders
  - Commonwealth assisted students or dependants of students whose tuition fees are fully paid by a publicly funded Australian higher education provider
  - professional academics visiting Australia to observe or participate in established research projects or employment at the invitation of an Australian tertiary institution or research organisation operating in the ACT
  - officers involved in government-to-government exchanges or reciprocities
  - exchange students under organisations that are on the *Registration of Secondary Student Exchange Organisations in the ACT* as detailed in the *Guidelines for International Secondary Student Exchange Programs*.  
[http://www.det.act.gov.au/school\\_education/international\\_students](http://www.det.act.gov.au/school_education/international_students)
  - refugees and holders of an humanitarian or protection visa.

1.5 Applicants for temporary protection and humanitarian visas who are already on a bridging visa may apply for fee waiver.

1.6 All temporary visa holders are entitled to appeal tuition fee payment.

## **2. RATIONALE**

2.1. This policy provides advice about the circumstances when non-Australian citizens or non-permanent residents are required to cover the costs of educating their dependents in ACT public schools.

2.2. Procedures outlined are to be followed when enrolling non-Australian citizens or non-permanent residents into ACT public preschools, primary schools, high schools and colleges.

## **3. DEFINITIONS**

### **3.1. Non Australian Citizen / Residents**

Holders of Australian temporary visa's living or residing in Australia.

### **3.2. Introductory English Centres (IEC)**

In the ACT, specialist centres provide intensive English language tuition for students with non-English speaking backgrounds. Students may attend an IEC to improve their knowledge of the English language and enable them to enrol in mainstream school classes. There are three Primary IEC's and one Secondary IEC. For more information, please see the Department's website at

[http://www.det.act.gov.au/school\\_education/directory\\_of\\_schools/introductory\\_english\\_centres\\_act\\_government](http://www.det.act.gov.au/school_education/directory_of_schools/introductory_english_centres_act_government).

### **3.3. Priority Enrolment Area (PEA)**

Each public school gives priority to the enrolment of children living in its Priority Enrolment Area (PEA). This may be one suburb, part of a suburb or a group of suburbs. In some instances certain suburbs may be included in the PEA of two public schools.

## **4. LEGISLATION**

4.1. **Enrolment of non-Australian citizens or non-permanent in ACT public schools is governed by legislation. These compulsory requirements are defined in the Education Act 2004, Migration Act 1958 (Cwlth), Human Rights Commission Act 2008 (ACT) and the Discrimination Act 1991(ACT).**

## **5. PROCEDURES**

### **5.1 Implementation Procedures**

5.1.1 To implement this policy all dependants of non-Australian citizens or non-permanent residents seeking enrolment in ACT public schools are required to produce at a minimum documentary evidence of passport, visa and residency status at the public school where they are seeking to enrol.

- 5.1.2 For school enrolment purposes non-Australian citizens or non-permanent residents include those who cannot show evidence such as an Australian passport or Australian migration status as indicated on his/her visa.
- 5.1.3 Dependents whose parents are liable to pay tuition fees and those eligible for fee waiver may change. This is dependent on changes to visa classes and conditions as determined by the Department of Immigration and Citizenship (DIAC). The Directorates receipt of documentation determines the fee status of the applicant.
- 5.1.4 Schools should seek clarification from the International Education Unit of the fee-paying status of all non-Australian citizen or non-permanent resident before enrolment. Schools must not enrol non-Australian citizens or non-permanent residents until they have been notified by the International Education Unit to do so.
- 5.1.5 The International Education Unit will inform schools of any requirements for tuition fee payment and will collect the required tuition fees.
- 5.1.6 Dependents of non-Australian citizens or non-permanent residents with a disability may be subject to specific assessment and placement procedures of the Directorate prior to acceptance and admission to an appropriate ACT public school.
- 5.1.7 Non-Australian citizens or non-permanent residents have access to Priority Enrolment Area (PEA) schools on the same basis as Australian citizens.
- 5.1.8 In considering a fee waiver the Directorate will consider the following:
- (a) the nature of the temporary visa
  - (b) any visa conditions in relation to the payment of tuition fees
  - (c) the circumstances of the applicant
  - (d) any changes in the applicant's circumstances since the applicant first arrived in Australia
  - (e) any other relevant factor.
- 5.1.9 Any applicant who wishes to apply for fee waiver shall supply all relevant information to the Directorate.

## **5.2 Appeal Procedures**

- 5.2.1 All requests for tuition fee review must be in writing. The appeal should include reasons for requesting a review and provide relevant supporting documentation. Please address all requests to:

Executive Director, Tertiary and International Education  
ACT Government Education and Training Directorate  
GPO Box 158  
Canberra ACT 2601

- 5.2.2 The Executive Director will consider the appeal request and aim to provide a response within 15 working days of receipt of the request for a review.
- 5.2.3 Pending the outcome of the review, students will not be enrolled in ACT public schools until the tuition fee has been paid in full.

- 5.2.4 If the review is successful the tuition fee paid will be refunded to the payee and students already enrolled in a school will retain their school place.
- 5.2.5 If the review is successful students not attending school can be enrolled on the same basis as Australian citizens and Australian permanent residents.
- 5.2.6 If the review is unsuccessful applicants may seek an independent external review.
- 5.2.7 The Human Rights Commission Child and Youth People Commission (CYPC) is an independent body that can investigate complaints about the provision for services for children and young people and provide advice and recommendations to government and non-government organisations.

## **6. POLICY OWNER**

Executive Director, Tertiary and International Education.

## **7. RELATED POLICIES**

International Fee Paying Students Policy  
Study Tours and Programs for International Visitors