

# Tuition Fee Refund Policy for International Students

## Policy

The following policy and procedures apply in regard to tuition fee refunds for international students in accordance with the *Education Services for Overseas Students Act 2000* and the *National Code 2018*.

## Scope

This policy applies to new and continuing international students who are enrolled in a higher education course of study at ICAT; and Institute staff that assess and process fee refund requests.

## Policy Statement

Each student acknowledges and agrees to the terms of the ***Tuition Fee Refund Policy for International Students*** when signing the *International Student Acceptance Declaration* document contained in their offer to study at ICAT.

## Related Policies and Documents

These procedures form part of the **International Student Letter of Offer** (and associated International Student Acceptance Declaration) and should be read in conjunction with the following Institute policies and documents:

- Deferral, Suspension or Cancellation of Enrolment Policy
- International Admissions Policy
- Statement of Tuition Assurance Exemption
- Misconduct Policy
- Monitoring Academic Progression Policy
- Complaints & Appeals Policy
- Application for Fee Refund for International Students

All documents referenced in this policy can be accessed via the [Forms & Policies](#) section at the bottom of the homepage of the Institute website and handbook section of the Moodle student portal via [myicat.edu.au](http://myicat.edu.au).

## Definition of Key Terms

**"Administration Fee"** if charged, is either a fixed amount or a percentage of the first trimester tuition fees.

**"Commencement Date"** means the date set for that teaching period (trimester) to start.

<b>"Course of Study"</b>	means a higher education award delivered by ICAT as per the CRICOS website managed by the Department of Education under the ESOS Framework.
<b>"CRICOS"</b>	means the Commonwealth Register of Institutions and Courses for Overseas Students.
<b>"International Fees"</b>	means a student pays their tuition fees upfront (i.e., in advance) for units of study directly to ICAT with no contribution from the Commonwealth Government.
<b>"International Student"</b>	means a student who is holding an Australian student visa and is enrolled in a CRICOS registered course of study at ICAT.
<b>"Special Circumstances"</b>	means circumstances which are an exception to the rule and beyond a student's control.
<b>"Trimester"</b>	means each twelve-week teaching period.
<b>"Tuition Fees"</b>	means the agreed amount of money charged to, and paid by, a student to undertake units of study as part of a course of study at ICAT.
<b>"Unit of Study"</b>	means a single component or subject that a student undertakes as part of a course of study that leads to a higher education award at ICAT.

## Refund Eligibility

The following section outlines the grounds for a refund of international tuition fees. However, ICAT may, in its absolute discretion grant a partial or full refund where they determine there are extenuating or compassionate circumstances.

To be eligible for a refund of tuition fees, a student must withdraw (or cancel their enrolment) or suspend their enrolment (for a leave of absence) on or before the Commencement Date.

The “Non-refundable Enrolment Fee” will not be refunded in any circumstances.

## **1. Withdrawal of an Offer by ICAT on/before the Commencement Date**

### **a. Institute Default Event**

*Entitlement: Full Refund*

In the event, ICAT withdraws an offer of a place in a course of study before the agreed Commencement Date of that course of study, the student is entitled to a refund of any tuition fees paid in advance. No administration fee is charged in the event of this Institute Default.

### **b. Fraudulent, Forged or Misleading Information and/or Documentation Provided by the Student**

*Entitlement: No Refund*

In the event, ICAT withdraws an offer of a place in a course of study as a result of fraudulent, forged or intentionally misleading information and/or documentation being supplied by the student, and it is not considered to be as a result of a Institute Default, the student will not be entitled to a refund of any tuition fees paid in advance.

### **c. Unsuccessful Visa Application**

*Entitlement: Full Refund (less 5% or \$500 of tuition fees paid (the lesser of the two amounts))*

Where a student’s application for a visa is unsuccessful, and on the provision of evidence of this decision, the student is entitled to a refund of any tuition fees paid in advance, less an Administration Fee of 5% or \$500 of the tuition fee payment (the lesser of the two).

## **2. Withdrawal of Enrolment on/before the Commencement Date**

### **a. Withdrawal by Student before the Commencement Date**

*Entitlement: Full Refund (less 10% Administration Fee)*

Where a student withdraws from a course of study before the Commencement Date, the student is entitled to a refund of any tuition fees paid in advance, less an Administration Fee of 10% of the tuition fee payment.

Students wanting to withdraw from their course of study before the Commencement Date should lodge an *application to Withdraw or Cancel Enrolment Form* with the Officer of the Registrar. For more information on how to withdraw (or cancel enrolment), please refer to the **Deferral, Suspension or Cancellation of Enrolment Policy** via the [Forms & Policies](#) section at the bottom of the Home Page of the Institute website and the Handbook section of the Moodle Student Portal via [www.myICAT.edu.au](http://www.myICAT.edu.au).

## **3. Withdrawal of Enrolment after Commencement Date**

### **a. Withdrawal by Student after Commencement Date**

*Entitlement: No Refund*

Where a student withdraws from a course of study after Commencement Date, and there are no special circumstances, the student is not entitled to a refund of tuition fees.

**b. Withdrawal by Student after Commencement Date (Due to Special Circumstances)**

*Entitlement: Partial Refund (less \$500 Administration Fee) at Institute Discretion*

Where a student withdraws from a course of study after the relevant Commencement Date as a result of special circumstances, the student may be entitled to a partial refund of 50% of tuition fees, less an Administration Fee of \$500.

ICAT will only consider applications for tuition fee refunds after the relevant Commencement Date where there are special circumstances which make it impracticable for the person to complete the requirements for the course of study such as:

- Medical circumstances
- Family circumstances
- Personal circumstances
- Political or civil related circumstances
- Course-related circumstances

Special circumstances must:

1. Be beyond a person’s control; and
2. Not make their full impact known until after the Commencement Date; and
3. Make it impracticable for a student to complete the requirements for the unit of study.

For circumstances to be considered beyond a person’s control, the situation should be one which a reasonable person would consider is not due to the person’s action or inaction, either direct or indirect, and for which the person is not responsible. The situation must be unusual, uncommon, or abnormal to be considered special circumstances. ICAT must be satisfied that a person’s circumstances did not make their full impact on the person until after the Commencement Date for a unit of study if the person’s circumstances occur:

3. Before the Commencement Date but worsen after that day; or
4. Before the Commencement Date, but the effect of magnitude does not become apparent until after that day; or
5. After the Commencement Date.

**4. Suspension or Cancellation of Enrolment due to Misconduct**

*Entitlement: No Refund*

Where a student’s enrolment is suspended or cancelled by ICAT as a result of misconduct in accordance with the **Misconduct Policy**, including the non-payment of tuition fees, the student is not entitled to a refund including any tuition fees paid in advance at the time of suspension or cancellation. For more information on the suspension or cancellation of enrolment as a result of

misconduct, please refer to the **Deferral, Suspension or Cancellation of Enrolment Policy** and **Misconduct Policy**.

## 5. Cancellation of Enrolment due to Unsatisfactory Course Progression

*Entitlement: Refund of fees paid for part of course not yet delivered*

Where a student's enrolment is cancelled by ICAT as a result of unsatisfactory course progression in accordance with the **Monitoring Academic Progression Policy**, the student is entitled to a refund of tuition fees paid in advance at the time of cancellation for parts of the course not yet delivered. Previous trimester fees will not be refunded.

For more information on the cancellation of enrolment as a result of unsatisfactory course progression, please refer to the **Deferral, Suspension or Cancellation of Enrolment Policy** and **Monitoring Academic Progression Policy**.

## 6. Changes to Enrolment

### a. Granting of Advanced Standing

*Entitlement: No Refund, Credit Applied*

Where a student applies for course credit and is granted Advanced Standing after the payment of tuition fees, the student is not entitled to refund of tuition fees for those units, including any paid in advance. However, the amount will be held by ICAT and credited towards the next trimester fees.

### b. Transfer to Another Course of Study at ICAT

*Entitlement: No Refund, Credit Applied*

Where a student applies for and is approved to transfer to another course of study at ICAT after the payment of tuition fees, where the new course fee is lower than the original course, the student is not entitled to refund of the difference in tuition fees, including any paid in advance. However, the amount will be held by ICAT and credited towards the next trimester fees.

## 7. Changes to Visa Conditions

### a. Obtains Permanent Residency (Humanitarian Subclass) before/on Commencement Date

*Entitlement: Partial Refund (less Any Agent Fees)*

Where a student is granted Permanent Residency (Humanitarian Subclass), and the date stamped in the student's passport is before Commencement Date, the student can be classified as a domestic student and will be entitled to a partial refund being the difference between the international student fee and the domestic student fee for the enrolled course of study, less any payment to an agent who recruited the student if that payment relates to that trimester (if applicable).

**b. Obtains Permanent Residency (Humanitarian Subclass) after Commencement Date**

*Entitlement: No Refund, No Change to Fees*

Where a student is granted Permanent Residency (Humanitarian Subclass) after the Commencement Date, the student will be classified as an international student for the remainder of the relevant trimester and is liable for the relevant international student fee for that trimester. From the following trimester, the student will be classified as a domestic student.

**c. Cancellation of Visa**

*Entitlement: No Refund*

Where a student has their visa cancelled during a trimester, the student is not entitled to a refund.

**8. Institute Default**

In the unlikely event that ICAT is unable to provide the student's course in full, a student is eligible for a refund of tuition fees where, as the result of an event or action (Institute Default), ICAT ceases to provide a course of study in which a student is enrolled, including where the course of study:

- Does not commence on the agreed Commencement Date
- Ceases to be provided at any time after it starts but before it is completed
- Is not provided in full due to sanctions placed on the Institute

The Institute will refund all the unused portion of prepaid tuition fees within ten days of the date of the Institute Default and provide the student with a written statement outlining how the refund amount has been calculated. ICAT will notify the Secretary (or delegate) and TPS Director within three working days of the provider default and the outcomes of a provider default within 14 calendar days.

*or*

The student may be offered enrolment in an alternative course by ICAT at no extra cost. The student has the right to choose whether they prefer a refund of the unused portion of prepaid tuition fees, or to accept a place in another course. If the student chooses placement in an alternative course with ICAT, the student will be issued with a new International Student Letter of Offer. The student must accept the offer by returning a signed copy of the *International Student Acceptance Declaration* section of the offer in accordance with the Institute **Admissions Policy for International Students**.

If the Institute is unable to provide a refund or place the student in an alternative course, the Tuition Protection Services (TPS) administered by the Director of TPS will place the student in a suitable alternative course at no extra cost to the student. Finally, if TPS cannot place the student in a suitable alternative course, the student will be eligible for a refund as calculated.

**9. Transfer to another Provider**

*Entitlement: Refund paid directly to the new provider*

In accordance with the National Code and the Tuition Protection Service [TPS] the Institute is obligated to help you:

- arrange for you to finish your studies with another provider, or
- give you a refund of unspent tuition fees you paid directly to ICAT.

As part of this cooperation, the institute may be also pay any refund directly to the new provider should the circumstances necessitate this.

## Fee Refund Application Process

### 1. Applying for a Refund of Fees

#### 1.1 Submit an application to the Office of the Registrar

*Responsible: Applicant*

To be eligible for a tuition fee refund, a student must withdraw (cancel their enrolment) in a course of study on or before the Commencement Date by lodging the appropriate form with the Office of the Registrar in accordance with the **Deferral, Suspension & Cancellation of Enrolment Policy**.

A fee refund is not an automatic result of withdrawing or cancelling enrolment. Applicants seeking a fee refund should also lodge an 'Application for Fee Refund' with the Office of the Registrar advising the reasons for the request. An 'Application for Fee Refund' form can be downloaded from the [Forms & Policies](#) section at the bottom of the Home Page of the Institute website and the Handbook section of the Moodle Student Portal via [www.myICAT.edu.au](http://www.myICAT.edu.au).

All applications are required to be completed, signed, and accompanied by appropriate documentary evidence in support of the application as outlined in this policy. The completed application form and attachments should be submitted to the Office of the Registrar.

ICAT will only accept Completed Applications for assessment. Incomplete forms will be returned to the applicant.

#### 1.2 Review and consideration of the Application

##### **a. Confirm application for completeness**

*Responsible: ICAT (Office of the Registrar)*

The 'Application for Fee Refund' form as submitted is checked for completeness by the Office of the Registrar. All sections of the application are required to be completed and the application signed (Completed Application). It is the responsibility of the student to attach any relevant supporting documentation in relation to the course of study for which a refund is being sought.

All attachments should be copies of originals certified by a Justice of the Peace. However, if this is not possible, the original documentation can be presented with the application and the Office of the Registrar will make copies of the documentation and witness them as being true copies of the originals presented. The original documentation is then returned to the applicant.

ICAT only accepts Completed Applications for assessment. The Office of the Registrar signs the *Lodgement Receipt* of a Completed Application and returns the front instruction sheet to the applicant as proof of submission (Submission Date). It is recommended that the



student make a copy of their application for their records before submitting to the Office of the Registrar. ICAT is not responsible for taking or providing the applicant with a copy at the time of the completeness check. Application forms are not accepted if incomplete, unsigned and/or without appropriate documentary evidence attached.

**b. Assessment of the Completed Application**

*Responsible: Office of the Registrar & Director of Operations and Compliance*

The Office of the Registrar is the designated Fee Refund Officer responsible for the assessment of refund requests. The Director of Operations and Compliance is the designated Review Officer of any recommendations relating to the full or partial refund of tuition fees. The Office of the Registrar undertakes a review of the Completed Application against the assessment criteria as outlined in the **Tuition Fee Refund Policy for International Students** and makes a recommendation to the Director of Operations and Compliance to grant or deny the application for the refund of tuition fees within fifteen working days of the Submission Date.

### 1.3 Advise assessment decision in writing

*Responsible: Office of the Registrar*

Following assessment, the Office of the Registrar will forward written notification of the decision to grant or deny the application for the refund of tuition fees.

Where an 'Application for Fee Refund' is successful, ICAT sends the student an *Approval of Fee Refund Letter* advising the decision in writing and confirming how the refund will be made (see 1.4 Processing Refunds).

Where an 'Application for Fee Refund' is denied, ICAT does not grant the refund. The applicant is sent a *Refusal of Fee Refund Letter* outlining the reasons for the decision and informing them of their rights to appeal. Applicants wishing to make an appeal should refer to the Institute **Complaints & Appeals Policies**.

### 1.4 Processing refunds

The following table summarises the eligibility and entitlement for a refund of international tuition fees as outlined in this policy. However, ICAT may, in its absolute discretion, grant a partial or full refund where they determine there are special or compassionate circumstances. If applicable, any payment to an agent who recruited the student will be deducted from the *Refund Entitlement* amount.

Where an 'Application for Fee Refund' is successful the refund is processed by the same method in which the tuition fees were originally paid. Where the original payment was made by credit card, the refund must be re-credited to the same credit card. Alternatively, it can be paid by EFT but in accordance with banking regulations, it cannot be paid to a different credit card. Refunds cannot be paid in cash.

### Refund Table

ICAT will pay refunds for fees related to tuition. Non-tuition fees like application or administration fees, and or Student Services and Amenities Fees will not be refunded.

Refund Eligibility	Refund Entitlement
<b>1. Withdrawal of an Offer by ICAT on/before Commencement Date</b>	
a. ICAT withdraws the offer on/before Commencement Date (Institute Default Event)	Full Refund (no Administration Fee)
b. Student provides fraudulent, forged, or misleading documentation	No Refund
c. Unsuccessful visa application	Full Refund less 5% or \$500 Administration Fee
<b>2. Withdrawal of Enrolment on/before the Commencement Date</b>	
Student withdraws on/before Commencement Date	Full Refund less 10% Administration Fee
<b>3. Withdrawal of Enrolment after Commencement Date</b>	

a. Student withdraws after Commencement Date	No Refund
b. Student withdraws after Commencement Date due to Special Circumstances	Partial Refund (if approved) of 50% less \$500 Administration Fee
<b>4. Suspension or Cancellation of enrolment due to misconduct</b>	No Refund
<b>5. Cancellation of Enrolment due to Unsatisfactory Course Progression</b>	Refund of fees paid for part of course not yet delivered
<b>6. Changes to Enrolment</b>	
a. Granting of Advanced Standing	No Refund. Credit applied to next trimester fees
b. Transfer to another course of study at ICAT	No Refund. Credit applied to next trimester fees
<b>7. Changes to Visa Conditions</b>	
a. Obtains Permanent Residency on/before Commencement Date	Refund of difference between the domestic fee and international fees
b. Obtains Permanent Residency after Commencement Date	No Refund
c. Cancellation of visa	No Refund
<b>Other</b>	
<b>8. Institute Default</b>	Refund of unused portion of prepaid tuition fees
<b>9. Transfer to another Provider</b>	Any refund paid directly to the new provider

### Change and Version Control

Version	Date Approved	Authored by	Approved by	Description
210622 V1.0	25 Jun 21	QA Manager	Academic Board	Policy prior to change of Ownership

220616 V1.0	23 Jun 22	Collaborative	Academic Board	Update TEQSA default notification to 14 days
181222 V1.0	19 Dec 22	Compliance & QA Manager	Academic Board	Minor modifications align with relevant ESOS legislation and updated branding
270423 V1.0	28 Apr 23	QA	Academic Board	ICAT branding updated
271123 V1.0	28 Nov 2023	Director of Operations and Compliance	Academic Board	Minor revisions made to explicit reference of National Code for CRICOS purposes

### Policy Information

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