



SAFE AND PRACTICAL EXEMPTION GUIDELINES

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| Relevant Legislation & External Documents: | Higher Education Standards Framework Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018 | | |
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1 Introduction/Background

1. The Tertiary Education Quality and Standards Agency (TEQSA) have announced that all Australian institutions must return to full compliance monitoring under the Education Services for Overseas Students Act and the ESOS National Code of international students by 30 June 2023, so long as it is ‘safe and practical’ to do so.
2. All international students must be studying in Australia and enrolled in a minimum of one face-to-face subject per session, with a minimum of 66% of their course undertaken on-campus from 30 June 2023, unless a safe and practical exemption is approved.
3. The University of Wollongong is required to consistently and fairly determine whether circumstances exist that exempt a student from a return to full compliance from 30 June 2023 as it is not safe and practical to do so.

2 Scope/Purpose

1. This guideline is designed to assist in making assessments as to whether a student’s circumstances may be deemed to be exempt from the safe and practical requirement of returning to full compliance.
2. This guideline provides guidance on:
 - 2.1. Circumstances that are considered exempt from safe and practical requirement
 - 2.2. Circumstances that are not considered exempt from safe and practical requirement
 - 2.3. Evidence required to enable an assessment of whether circumstances are exempt from safe and practical requirement.
3. This guideline applies to all international students enrolled in an on-campus course offered by the University at an Australian delivery location.

3 Definitions

| Word/Term | Definition (with examples if required) |
|---------------------------------|--|
| Confirmation of Enrolment (CoE) | A document provided electronically, which is issued by the education provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student’s eligibility to enrol in the particular course of the registered provider. |
| International student | A student who is not a citizen or permanent resident of the country in which the course is being delivered, and who is on a student visa for the duration of their studies or holds a Confirmation of Enrolment and is intending to study on a student visa. |
| Registered Medical Practitioner | A medically qualified person registered with their country’s accreditation body as a medical practitioner or psychologist to practice. |



4 Safe and Practical Exemptions

1. The University determines that it is safe and practical for an international student to commence or continue their studies in Australia if there are no significant external factors that have an impact on a student's ability to travel to Australia to study, per the requirements of their student visa.
2. External factors are outside of the student's control and not determined by matters of convenience or choice on the part of the student or the University.
3. To apply for a safe and practical exemption the student must complete the online safe and practical exemption application form and submit with evidence that supports their request. The online form is located here: <https://www.uow.edu.au/student/visa-compliance/>.

Circumstances considered exempt from 'Safe and Practical' requirement

4. Circumstances considered to be an exemption to the safe and practical requirement for returning to full compliance monitoring include:
 - 4.1. Instances where a student is unable to travel due to border closures in the country in which the student is located, whether as a result of a COVID outbreak or for any other reason.
 - 4.2. The inability of a student to obtain a valid student visa, provided that the student can demonstrate that a complete visa application was submitted, and all requests for information were complied with, in sufficient time to allow travel to Australia with regard to standard visa issuance timeframes as listed by the Department of Home Affairs for the student's offshore location.
 - 4.3. Instance of extraordinary and unforeseeable events in the student's home country which render it unsafe and impractical for a student to travel, including a significant civil disturbance, act of terrorism, war, nuclear contamination, government-sanctioned shutdown of civic infrastructure (e.g. transportation, banking etc.), a pandemic, widespread illness in the population resulting in a public health emergency and/or a natural disaster.
 - 4.4. Changes to the student's personal or family circumstances that have had a significant impact on the student's health, wellbeing or financial circumstances (where the impact occurred after the commencement of the course (for current students) or following the student's acceptance of their offer (for future students)). This may include, but is not limited to:
 - a. The unexpected and unforeseen need to care for a close family member, or
 - b. Extended episode of serious ill health, whether physical or psychological, on the part of the student.
 - 4.5. Inability to secure accommodation prior to travelling to Australia, where the student can demonstrate that they have made a sustained effort to secure accommodation at least four weeks prior to the commencement of the session for which they must be compliant.

Circumstances not considered exempt from Safe and Practical requirement

5. Circumstances that will not be exempt from the safe and practical requirement for returning to full compliance monitoring include:
 - 5.1. Instances where the student is able, but does not wish to travel to commence or complete their studies in Australia
 - 5.2. Changes to the student's work obligations that mean they are not able to travel



- 5.3. Failure to obtain a visa, or secure travel arrangements, in time to travel to Australia by the start of the relevant session.

Assessment of Safe and Practical Exemptions

6. Any requests made by students to be considered for an exemption to the safe and practical requirement may only be considered if that request is supported by following documentation:

| Circumstance | Documentation Requirements |
|--------------------------------------|---|
| Medical, health or wellbeing reasons | Medical documentation and/or reports from a registered medical practitioner that outlines nature of the circumstances and impact on student. |
| Caring for close family member | Medical documentation and/or reports from a registered medical provider. Evidence of relationship between the student and family member in question may be requested. |
| Excessive visa wait times | Evidence of submission of an application for visa, evidence of compliance with requests for information. |
| Financial hardship | Evidence of loss of income for the student or their immediate family, and the impact of this on the student's ability to travel to Australia and support themselves. |
| Inability to secure accommodation | Evidence that accommodation has been sought and applied for, but no offer of accommodation has been received. Such evidence should not be restricted to applications for University accommodation, but should demonstrate a sustained effort to secure accommodation. |

7. Where the student's circumstances are because of factors not specific to the student the University may exempt the student from some or all of the supporting evidence requirements. This is the case for circumstances that include those outlined in section 4.3, where the University may reasonably infer from context the impact of the situation on the student, the student's verified location and their personal circumstances.

Outcomes

8. Where a student is approved for an exemption to the safe and practical requirement, the application will be referred to the relevant Head of Students (coursework students) or Associate Dean (Higher Degree Research) (research students) or other delegated authority for confirmation of the enrolment options available based on the student's course/research requirements, completed study and remaining subjects.



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9. Approved students will be provided with the application outcome and advice on their enrolment options. This may include being permitted to continue their study online.
10. Any approval for an exemption will only be given for one session at a time.
11. Where a student is declined an exemption, the outcome will be provided to the student in writing with reasons for denial of application.
12. Where a student is unable to demonstrate that their circumstances meet the University's requirements for an exemption they may be required to:
 - 12.1. Travel to Australia to study, in line with the requirements of their student visa; or
 - 12.2. Take a period of leave from the University (as a Leave of Absence for continuing students) or deferring the commencement of their students (for new commencing students); or
 - 12.3. Withdraw from their enrolment at UOW and complete a Leaving UOW form for student visa holders located on the Leaving UOW webpage: <https://www.uow.edu.au/student/visa-compliance/withdraw/>. This will result in cancellation of a student's Confirmation of Enrolment.

5 Roles & Responsibilities

1. It is the responsibility of the student to:
 - 1.1. Submit a complete application on the appropriate form with the appropriate supporting documentation
 - 1.2. Provide any further information requested by the University throughout the safe and practical exemption application
 - 1.3. Ensure information and documentation provided in the safe and practical exemption application is verifiable and accurate depiction of circumstances
2. It is the responsibility of the Compliance Officer and/or Compliance Manager to:
 - 2.1. Complete an assessment of a student's eligibility for a safe and practical exemption
 - 2.2. If an exemption is approved, refer the application to Head of Students, Associate Dean (Higher Degree Research) or other delegated authority for confirmation of enrolment options and advise the student in writing the outcome of their application
 - 2.3. If an exemption is declined, advise the student in writing with the reasons for denial of the application
 - 2.4. Provide advice to Academic Quality and Standards Division to facilitate a Material Change Notification to TEQSA informing TEQSA of the existence of international students studying contrary to the provisions in Standard 8 of the ESOS National Code.
3. It is the responsibility of the Head of Students, Associate Dean (Higher Degree Research) or other delegated authority to:
 - 3.1. Provide academic advice and enrolment options for the session for which the student has been exempted from returning to full compliance.



6 Version Control and Change History

| Version Control | Date Effective | Approved By | Amendment |
|-----------------|----------------|--|-----------------------------|
| 1 | 07 April 2023 | Deputy Vice-Chancellor (Academic & Student Life) | Establishment of guidelines |
| 2 | | | |