

College Closures (provider defaults) - Frequently Asked Questions (FAQs)

CONCERN ABOUT POSSIBLE CLOSURE

Q1. I am worried my college might close – what should I do?

In the first instance, talk to your education provider / college to seek further information. If you are still concerned, you may outline your concerns in an email to the TPS at the following address operations@tps.gov.au. The TPS will inform the agency responsible for regulating the college so that it can be monitored.

In the meantime, you should make sure you keep receipts for any fees you have paid to the college and ask the college to give you an official record of the study you have completed and the results you have achieved to date.

Q2. If my college closes will I be able to stay in Australia?

In most cases, students on a student Visa would be allowed to remain in Australia for a reasonable period while they are looking for an alternative course. The Department of Immigration and Border Protection (DIBP), previously known as Department of Immigration and Citizenship (DIAC) has published a fact sheet for students affected by a closure or provider default which you can find at the following link: <http://www.border.gov.au/StudyinginAustralia/Documents/edu-provider-default.pdf>

If you have questions specific questions about your visa, please contact DIBP as soon as possible. If students are in Australia they can contact DIBP on 131 881. If students are outside Australia, a list of immigration offices is available at:

<http://www.border.gov.au/about/contact/offices-locations>

Q3. If my college closes what will happen?

If your college closes, the provider must find you another course to study in or pay you a refund of any unspent tuition fees. They must do this within 14 days of the day they fail to deliver your course.

If your provider does not (or is unlikely to) find you an acceptable course within 14 days, or does not pay you a refund of unspent tuition fees, the Tuition Protection Service (TPS) will help you to find an alternative course with an alternative provider. If you do not find an acceptable course, as a last resort the TPS will pay you a refund of any unspent tuition fees.

For further information visit the TPS website at: <https://tps.gov.au/>

IF MY COLLEGE HAS CLOSED – FINDING A PLACE IN ANOTHER COURSE

Q4. I have paid my course fees and been issued with a Student Visa but have not started my course yet – will I be able to get my money back?

Refer to Q3 above.

Q5. Can I stay in Australia and study at another college? - Will I get any help to find another course?

Refer to Q3 above.

Q6. Can I find my own course or do I have to use the Tuition Protection Service?

Yes, you may enrol in another course of your choice with another provider. You will still be eligible to apply to the TPS for a refund of any unspent tuition fees that are owed to you by the provider that closed. You should keep all official records of your academic progress and official receipts for all fees you have paid to your old college as well as your new one. These may be required to establish your entitlement to a refund.

Q7. What is a 'suitable alternative course'?

You may be offered a 'suitable alternative course' by the TPS. The criteria to be used in considering whether a particular course is a 'suitable alternative course' are:

- the course is registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS) that is offered by a CRICOS provider.
- similarity in terms of level and field of study as the original course;
- geographical location of place of delivery; and
- acceptability to student.

Q8. If I am offered an alternative course do I have to accept it?

If you do not wish to accept any offers of a placement you might receive, you may choose instead to receive a refund of any fees you have paid for which you have not yet received tuition.

Q9. If I start an alternative course and don't like it, can I change again?

The TPS will assist you to find a suitable alternative course. Once you accept a placement, the responsibility of the TPS to assist you to find a placement would end at this point.

Q10. What happens if I have no record of my study – no grades or academic transcript?

To receive credit for the study you have already completed, your new provider may ask to see evidence of your prior learning. If you do not have a record of the units of study you have completed you may need to pay the provider to assess your skills and knowledge.

Q11. What happens if I am under 18 years of age? What should I do?

Students who are under the age of 18 are required to maintain their welfare arrangements at all times as a condition of their visa. If a student is under the age of 18 and their education provider has ceased to offer their course, then the student, the student's parents or their authorised representative should contact DIBP immediately to discuss their visa options. This is particularly important if the education provider was responsible for their welfare arrangements. See: <http://www.immi.gov.au/contacts/index.htm> or telephone 131 881 (in Australia).

IF MY COLLEGE HAS CLOSED – APPLYING FOR A REFUND

Q12. If I can't find an alternative course what will happen to me?

The TPS aims to assist displaced students to find a suitable alternative course so they can continue their objective of studying in Australia. If you cannot find a course that is acceptable to you, you may apply to the TPS for a refund of any fees you have paid - for tuition you have not yet received. It will help if you can produce receipts of any tuition fee payments you have made. If you accept a refund, the TPS will notify DIBP that this has been paid to you. This may have implications for your eligibility to remain in Australia on a student visa.

Q13. I withdrew from my course just before the college closed and have not received a refund yet, what should I do?

You may apply to the TPS for a refund. To help work out your refund amount you will be asked to show us the 'written agreement' you have with the college and any receipts for payments you have made.

Q14. I am overseas. I have paid the course fees but I have not been issued with a Student Visa yet and now my provider has closed. What shall I do?

In this case, if the closing provider is not able to place you in an alternative course and does not pay you a refund, you may register with the TPS On-line System and apply to have your pre-paid fees refunded.

Q15. If I choose to accept a refund, how will this be calculated?

If you choose to accept a refund, this is calculated based on the amount of time you have been studying. For example, if you paid \$10,000 for a ten week course and your course ceased to be provided after five weeks your refund amount would be approximately \$5,000. This amount is known as the unspent tuition fees.

Further detail on the refund calculation is specified in a legislative instrument which you can see at the following link <https://www.comlaw.gov.au/Details/F2014L00907>

Q16. Can I get a refund for accommodation costs (or other costs like health insurance and travel) that I paid to the College (or to my Agent)?

Unfortunately no. The TPS is designed to help you find an alternative course or to refund any unused tuition fees. Any monies you have paid that are not tuition fees cannot be refunded under the TPS.

Q17. I am enrolled in a course that is not on the CRICOS register – will I receive a refund?

The TPS assists students studying on a Student Visa with providers and in courses that are registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS).

If you are studying with a college that is not registered on CRICOS or if you are enrolled in a course that is not registered on CRICOS, the TPS does not have the authority to assist you.

USING THE TUITION PROTECTION SERVICE (TPS) ONLINE SYSTEM

Q18. When and how can I register on the TPS online System?

When it becomes clear that your closing college cannot find you an alternative course with another provider or pay you a refund, the TPS will come to your assistance. At that time we will email or text you details of how to log on to the TPS on-line System. If you think you may need the assistance of the TPS you may email your contact details to administrator@a.tps.gov.au

Q19. Can I register on behalf of someone else?

No, each student must register themselves on the TPS. Students who are under 18 years of age must include details of their guardianship arrangements when they register.

Q20. Can I register on the TPS on-line system from overseas?

Yes, you may register with the TPS on-line system from an overseas location.

Q21. What information will I need to provide when I'm on the TPS system?

When you first register, you will be required to provide 'proof of identity' information. You will be able to scan in your Student I.D. and pages from your passport including details of your visa. In order to assess your entitlements you will also need to provide receipts of money you have paid.

Q22. My English is not very good – is there a translation service I can use?

The TPS Administrator will endeavour to assist students with translation or interpretation services where necessary in order to access the TPS service. In the first place, you may contact the TPS Administrator at the following email address administrator@a.tps.gov.au or telephone them on (02) 6271 3440, or if outside Australia: +61 2 6271 3440.

QUESTIONS RELATING TO THE GRANTING OF STUDENT VISAS

Q23. If my college suddenly closes, what will happen to my visa?

The Department of Immigration and Border Protection (DIBP) appreciates that students are not responsible for a college closure and will usually allow students to remain in Australia for a reasonable period while they are trying to find an alternative course. See fact sheet at: <http://www.border.gov.au/StudyinginAustralia/Documents/edu-provider-default.pdf>

If you have questions about your visa, please contact DIBP as soon as possible. If students are in Australia they can contact DIBP on 131 881. If students are outside Australia, a list of immigration offices is available at: <http://www.border.gov.au/about/contact/offices-locations>

Q24. What if I have to stay longer in Australia to complete my qualification – will my student visa be extended?

Please check your student visa's expiry date. If you require further time to finish your new course in Australia you must apply for a further student visa before your current visa expires. Students may be eligible for a Visa Application Charge (VAC) exemption for this new application. See: <http://www.border.gov.au/StudyinginAustralia/Documents/students-vac-exemptions.pdf>

You can either check your visa label for your visa expiry date or use the Department of Immigration and Border Protection's Visa Entitlement Verification Online (VEVO) service at <http://www.border.gov.au/vevo>