

International Students on Student Visas compliance with the ESOS Act Procedure

Associated Policy

These procedures have been developed in conjunction with the International Students on Student Visas compliance with ESOS Act Policy ([link](#)).

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Transfers between registered providers

Under Standard 7 of the National Code of Practice 2018 registered providers must not knowingly enrol a student seeking to transfer from another registered provider's program prior to the student completing six months of their principal program* (or for the school sector, until after the first six months of the first registered school sector program). The following exceptions apply:

1. the releasing registered provider, or the program in which the student is enrolled, has ceased to be registered
2. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing their course at that registered provider
3. the releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release on Provider Registration and International Students Management System (PRISMS)
4. any government sponsor of the student considers the change to be in the student's best interests and has provided written support for the change.

**The principle program is the highest level of study in the student's study path, i.e. if the student's study path leads to the Advanced Diploma of Business the student's study path may be:*

Certificate III in Business, Certificate IV in Business, Diploma of Business and Advanced Diploma of Business. In this case the Advanced Diploma of Business would be the principle program.

Students transferring to the Canberra Institute of Technology (CIT) from another registered provider:

On receipt of the student's application, a Letter of Offer (LOO) is issued if the student meets the entry requirements for the program and the Genuine Temporary Entrant (GTE) requirements. The following checks will confirm if the student must provide evidence of being released from studies by their current registered provider:

- checking the end date of the student's visa; and
- checking all Confirmation of Enrolments (COEs) relevant to the student's visa

If the student should be released from studies, the LOO will be conditional upon evidence of one of the following being provided:

- the releasing registered provider, or the program in which the student is enrolled, has ceased to be registered; or
- the releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release on PRISMS; or
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing his or her program at that registered provider; or
- any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

For CIT to provide a release from studies for a student to transfer to another registered provider:

1. The student must apply in writing to the International Student Advisors at ISAdvisors@cit.edu.au for a release from studies at CIT including the circumstances or reasons for their request for release. The following must be provided with the written application;
 - i. the Letter of Offer from the new Institution;

- ii. documented evidence supporting the circumstances or reasons for seeking a release from studies.
2. The International Student Advisor will forward this to the Lead, International Student Operations, CIT International, with a recommendation;
3. The Lead, International Student Operations, CIT International, will assess if the requested transfer meets the requirements below.

CIT will provide a release from studies, at no cost to the student, when:

- the student presents a valid LOO for entry in a CRICOS registered program from another registered provider; and
- the student has been reported in PRISMS due to not achieving satisfactory program progress at the level they are studying, even after engaging with that registered provider's Intervention Strategy to assist the student in accordance with Standard 8 of the National Code of Practice 2018; or
- CIT is unable to deliver the course as outlined in the written agreement; or
- there is evidence that the student was misled by CIT or a CIT contracted Education Agent regarding CIT or its program and the program is therefore unsuitable to their needs and/or study objectives; or
- an appeal (internal or external) on another matter results in a decision or recommendation to release the student; or
- documented evidence of compassionate and/or compelling personal or academic circumstances that impact the student's welfare and/or ability to continue their current study plan has been provided. Compassionate and/or compelling circumstances are usually beyond the student's control. These may include but are not limited to:
 - serious illness or injury;
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
 - a traumatic experience which could include:
 - involvement in, or witnessing of a serious accident; or
 - witnessing or being the victim of a serious crime and this has impacted on the student (these cases should be supported by police or psychologists' reports)
 - inability to study for a portion of a study period due to cultural reasons, e.g. arranged marriage.
 - a change to the student's family circumstances which impacts on the financial support provided to the student and would place significant hardship on the student were they to continue studies with CIT (may include a letter from the support person).

CIT will not provide a release from studies where the transfer would be considered detrimental to the student's study plan.

These circumstances may include but are not limited to:

- The student does not have a valid LOO for entry in a CRICOS registered program from another registered provider; or
- the student has any outstanding fees; or

- the student's pathway of study will be affected, ie. the student has a packaged offer with another provider on completion of studies with CIT (CIT plus University of Canberra); or
- the student is transferring to a study path resulting in a lower AQF qualification; or
- the student's duration of studies in Australia will be increased; or
- the student's COE with CIT has been reported for the student not studying, e.g. non-commencement of studies, prior to the request for release being assessed; or
- the student will be paying higher tuition fees; or
- CIT considers the request for transfer is to avoid the student being reported to the Department of Home Affairs for poor academic progress or attendance.

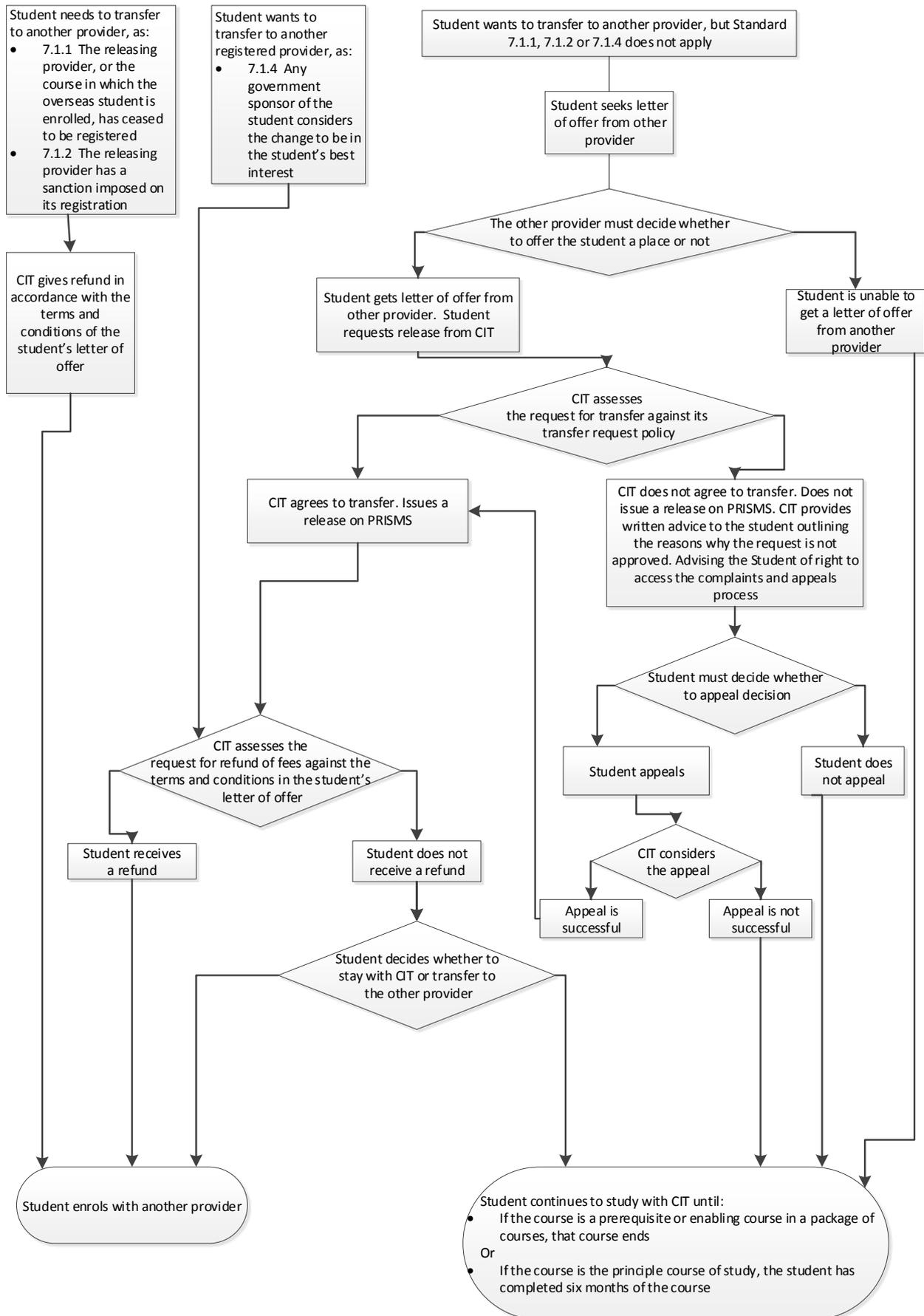
If the application is successful:

- The release from studies will be recorded in PRISMS and evidence of this will be emailed to the student with the relevant student course variation/s;
- the student will complete a subject variation form withdrawing from the program if required;
- the process should be completed within 14 days of the application being received by the International Student Advisor.

If the application is unsuccessful:

- An email explaining why the application has been unsuccessful is provided to the student. The email should note the decision, the reasons for the decision, the factors taken into consideration and reflect the student's individual circumstances. The reasons for refusal should be sufficiently detailed to enable the student to make an informed decision as to whether to appeal the decision.
- the process should be completed within 14 days of the application being received by the International Student Advisor
- Information on applying for an appeal against the decision is forwarded to the student and a copy of this information is to be kept on the student's record. The student has 20 working days from the date of the decision email to request to appeal this decision. Please see the *Appeal process procedure*.

TRANSFER BETWEEN REGISTERED PROVIDERS



Completion within the expected duration

1. Pastoral Care Officers (PCO) will always ensure that each student's program load and progress is such that the student is in a position to complete their program within the expected duration. The program duration is specified in the New and Continuing student lists provided by CIT International.
2. The expected duration of study for each student must not exceed the CRICOS registered program duration, except in circumstances described in point 3 below.
3. Variations to the student's expected duration may only occur when it is clear that a student will not complete their program within the expected duration as a result of compassionate or compelling circumstances. This could include but is not limited to:
 - a. serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - b. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - c. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
 - d. a traumatic experience which could include:
 - i. involvement in, or witnessing of a serious accident; or
 - ii. witnessing or being the victim of a serious crime and this has impacted on the student (these cases should be supported by police or psychologists' reports)
 - e. where CIT was unable to offer a pre-requisite unit;
 - f. inability to begin studying on the program commencement date due to delay in receiving a student visa;
 - g. inability to study for a portion of a study period due to cultural reasons, e.g. arranged marriage;
 - h. CIT has implemented the intervention strategy described in the *Program Progress procedures*;
 - i. an approved deferral or suspension of study has been granted and meets the requirements of the *Deferral, suspension and cancellation of studies as stated on page 12 of this procedure*. CIT International will report changes to expected duration through PRISMS by issuing a new COE to the student and inform PCO;
 - j. if the student had failed occasional units throughout the program, but had not done so poorly as to be picked up by the provider's intervention strategy for program progress (in this case, the College would need to document the findings of the monitoring process and the decision to extend the student's duration of study in order to complete the program)
4. Variations to a student's enrolment load must be recorded on the student's record.
5. Where the variation leads to an extension of the expected duration of study, CIT International must report the student via PRISMS and issue a new COE.

Online learning

- The Head of Department will not allow the student to undertake more than one third of the total program by distance and/or online learning.
- The Head of Department will ensure that students are not enrolled exclusively in distance or online learning units in each compulsory Study Period.
- Online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours.

Course Credit

1. If a student is granted credit, in accordance with the CIT *Skills Recognition Policy*, which leads to a time reduction of the student's program, CIT International must apply the following action:
 - a. If the credit is granted before the student visa grant, indicate the actual net program duration in the COE; or
 - b. If the credit is granted after the student visa grant, report the change of program duration via PRISMS within 31 days;
 - c. Ensure that student accepts in writing a record of course credit granted and place it on the student record; and
 - d. Inform the PCO of outcome.
2. If a student is not granted credit in accordance with the *Skills Recognition Policy*, CIT International must save evidence of the application and reasons for refusal on the student's record.

Non-Commencement of studies

As per ESOS requirements, CIT International must report to the Secretary of the Tuition Protection Scheme (TPS) Director via PRISMS the student's default of non-commencement of studies within 31 days of the default date. The default date is clearly identified on the student's LOO.

Program Progress monitoring

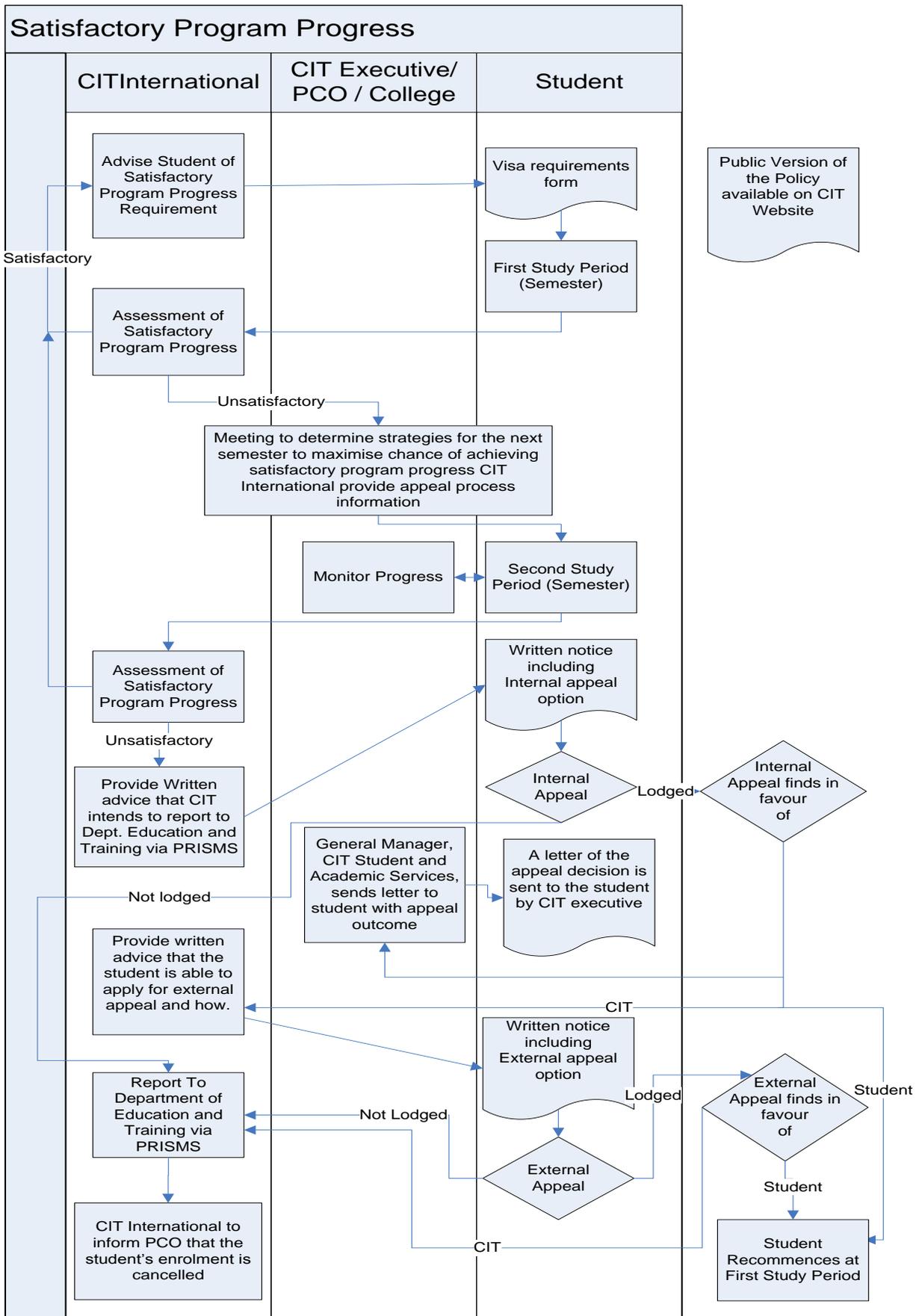
1. CIT International provide each student with the Visa requirements – Academic progress document which gives written advice for students on student visas of their responsibilities regarding 'Satisfactory Program Progress' before commencement of study. Students must sign and return this document before the application for studies at CIT is finalised.
2. Students study the first 'study period' (in the context of this procedure, the student is always in the first study period unless they did not make satisfactory program progress in the previous semester in which case, they are in the second 'study period'.) The intervention process will be implemented for the student's second 'study period'.
3. CIT International ensure compliance of students after the first study period by running a Banner report showing all students who have not passed more than 50 per cent of their studies in the previous semester. These students will undertake the intervention process in the following study period.
4. If the student has unsatisfactory program progress in the first study period, an Intervention meeting must be held to determine strategies to enable the student to achieve satisfactory program progress for the second study period and to set a schedule to monitor progress. Stakeholders at this meeting should include:
 - International Student Advisor (CIT International)
 - Academic Pastoral Care Officer (PCO)
 - Student.

Additional attendees may include but are not limited to:

- Head of Department
 - A support person determined by the Student
 - Manager, International Pastoral Care.
5. The student will only be given the opportunity to undertake the intervention process once during their study pathway. The study pathway includes all programs leading to the final qualification. For example, the study pathway for the Advanced Diploma of Business would be: Certificate III in Business, Certificate IV in Business, Diploma of Business and Advanced Diploma of Business. The student will only be able to access the intervention process once during their study pathway. The only exception would be if implementing an additional intervention is a condition of a successful appeal decision.
 6. At the initial intervention meeting the student will be issued a 'Non-Genuine Student letter' stating that they have received information on the resources and contacts available to them to support their future studies. See the Deferral, Suspension and Cancellation of Enrolment procedure for the process of CIT cancelling a student's enrolment for misbehaviour or non-genuine student.
 7. A result of the student not passing more than 50% of semester enrolments in a study period may be that the student is studying across two programs in the following semester. If this is the case the student will be liable to pay tuition fees for the subjects/competencies studied in each program. Fees for subjects/competencies in both programs will be calculated on enrolment and invoiced to the student.
 8. The PCO/Colleges monitor the student's program progress in the second study period, using the International Student Notification Form to report poor attendance, academic concerns or welfare concerns. CIT International contacts the PCO at beginning of the second term of the study period to request information regarding the student's progress. The PCO forwards this information to the student by email. Additional meetings between the student and PCO may be scheduled if required.

If the student does not pass more than 50% of subjects/competencies studied in the second study period CIT International issue a letter of Intent to Non-Compliance. This letter of intent to non-compliance advises the student they have 20 working days to apply for an internal appeal to be conducted. See the Appeal process procedures.

The following flow diagram describes the process in more detail:



Attendance monitoring

1. CIT International provide each student studying ELICOS programs or the ACT Year 12 Program with the Visa requirements – Attendance document, which advises students on student visas of their responsibilities regarding attendance requirements, before commencement of studies. Students must sign and return this document before the application for studies at CIT is finalised.
2. The CIT English Language Centre (ELC) teachers record attendance in Banner daily. All attendance for Friday sessions should be entered by 3:00pm.
3. CIT International run the 'International Student Maximum Attendance Rate Report' on Banner for each level of English on the Friday afternoon for that week of studies.
4. CIT International check all students' percentage rate for maximum possible attendance for the study period which is generated in the Banner Report.

CIT International provides written advice by email to students whose maximum attendance rates for the study period is 90% or below, stating that they are at risk of breaching their student visa conditions. The appeal information is provided to the student at this time. These emails are saved to the student's record.

5. CIT International provides the CIT English Language Centre PCO the lists of students who have been sent emails regarding attendance issues as stated in point 4 for that week by midday, Tuesday.

The CIT English Language Centre PCO meets with the students on the list whose attendance has dropped to 85% or below to discuss attendance issues. A record of this meeting is made on the ELC International Student Notification Form for the student. The International Student Notification Form is kept at the CIT English Language Centre to be added to, if subsequent meetings with the student occur.

CIT International requests the CIT English Language Centre PCO provide the ELC International Student Notification Forms and medical certificates for a student when the student is unable to meet the 80% attendance requirement for all subjects in a study period.

6. CIT International issues a letter of intent to non-compliance when the student is unable to meet the 80% attendance requirement for all subjects in a study period. CIT may decide not to report the student for breaching the 80 per cent attendance requirements where:
 - a. The student produces documentary evidence clearly demonstrating that compassionate and compelling circumstances apply;
 - b. CIT has confirmed that the student has attended at least 70 per cent of the scheduled course contact hours for the program in which the student is enrolled.
7. The student is advised in the letter of intent to non-compliance that they have access 20 working days to apply for an internal appeal hearing to be conducted. See the Appeal process procedure.

Deferral, suspension and cancellation of studies

Student applying to defer or suspend studies at CIT

1. The student meets with an International Student Advisor to discuss deferral or suspension of enrolment.
2. The student applies in writing to the Lead, International Student Operations, CIT International, including supporting documentation.
3. The Lead, International Student Operations, CIT International, assesses if the request for deferral or suspension meets compassionate and compelling circumstances. This could include but is not limited to:
 - a. serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - b. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - c. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
 - d. a traumatic experience which could include:
 - i. involvement in, or witnessing of a serious accident; or
 - ii. witnessing or being a victim of a serious crime and this has impacted on the student (these cases should be supported by police or psychologists' report)
 - e. where CIT was unable to offer a pre-requisite unit;
 - f. inability to begin studying on the program commencement date due to delay in receiving a student visa;
 - g. inability to study for a portion of the study period due to cultural reasons, e.g. arranged marriage.
4. If the request is not approved the student has the option to continue studies or withdraw from studies;
 - a. If the student continues studies no changes are made;
 - b. If the student withdraws from studies, CIT International reports the changes to the student's enrolment to the Department of Education and Training via PRISMS.
5. If the request is approved;
 - a. The student must advise if they are staying in Australia or returning home during the deferral or suspension period;
 - b. The student provides travel documentation to the International Student Advisor if returning home;
 - c. A new LOO is issued to show changes in study duration;
 - d. CIT International reports changes to the student's enrolment to the Department of Education and Training via PRISMS;
 - e. Student meets with the International Student Advisor when they return to studies after the deferral or suspension period.

CIT cancelling a student's enrolment for misbehaviour or non-genuine student

- 1) The student is reported to CIT International for misbehaviour or CIT International has identified the student as a non-genuine student. Students may be identified as a non-genuine student in the following circumstances:
 - a) the student has not attended 70% or more of their classes during a study period.
 - i) A written non-genuine student notification is issued to the student when CIT International receive two or more notification forms for attendance issues from the College, or
 - b) the student has not passed more than 50% of subjects/competencies studied in a study period after successfully completing an intervention study period.
 - i) A written non-genuine student notification is issued during the intervention process. Please refer to the Program Progress procedure.
- 2) The International Student Advisor contacts the student to discuss the process.
- 3) The International Student Advisor refers reports of misbehaviour to College Director for confirmation of the Student Behavioural Risk Procedure being completed.
- 4) The student is sent a letter of Intent to Non-compliance if being reported for misbehaviour or as a non-genuine student. This letter states the student has access to an internal appeal and gives a final date for the appeal request to be received by CIT International (20 working days from the date of the letter).
- 5) The student decides if they should appeal the decision.
 - a) If the student does appeal and the appeal hearing finds in favour of the student, the student continues studies.
 - b) If the student does appeal and the appeal hearing does not find in favour of the student, the student does not continue studies and CIT International reports that CIT has ceased the student's enrolment based on disciplinary reasons via PRISMS.
 - c) If the student does not appeal the decision and the student does not continue studies, CIT International reports that CIT has ceased student enrolment based on disciplinary reasons the changes to the student's enrolment, to the Department of Education and Training via PRISMS.

CIT cancelling a student's enrolment for non-payment of tuition fees

1. The student is identified by CIT International for non-payment of tuition fees.
2. International Student Advisor contacts the student to discuss the process.
3. The student is sent a letter of Intent to Non-compliance if being reported for non-payment of tuition fees. This letter states the student has access to an internal appeal and gives a final date for the appeal request to be received by CIT International (20 working days from the date of the letter).
4. The student decides if they should appeal the decision.
 - a. If the student does appeal and the appeal hearing finds in favour of the student, the student continues studies
 - b. If the student does appeal and the appeal hearing does not find in favour of the student the student does not continue studies and CIT International reports that CIT has ceased the student's enrolment based on non-payment of fees, to the Department of Education and Training via PRISMS.
 - c. If the student does not appeal the decision, the student does not continue studies and CIT International reports that CIT has ceased the student's enrolment based on non-payment of fees to Department of Education and Training via PRISMS.

CIT Cancelling a student's enrolment for non-commencement of studies – initial study period at CIT

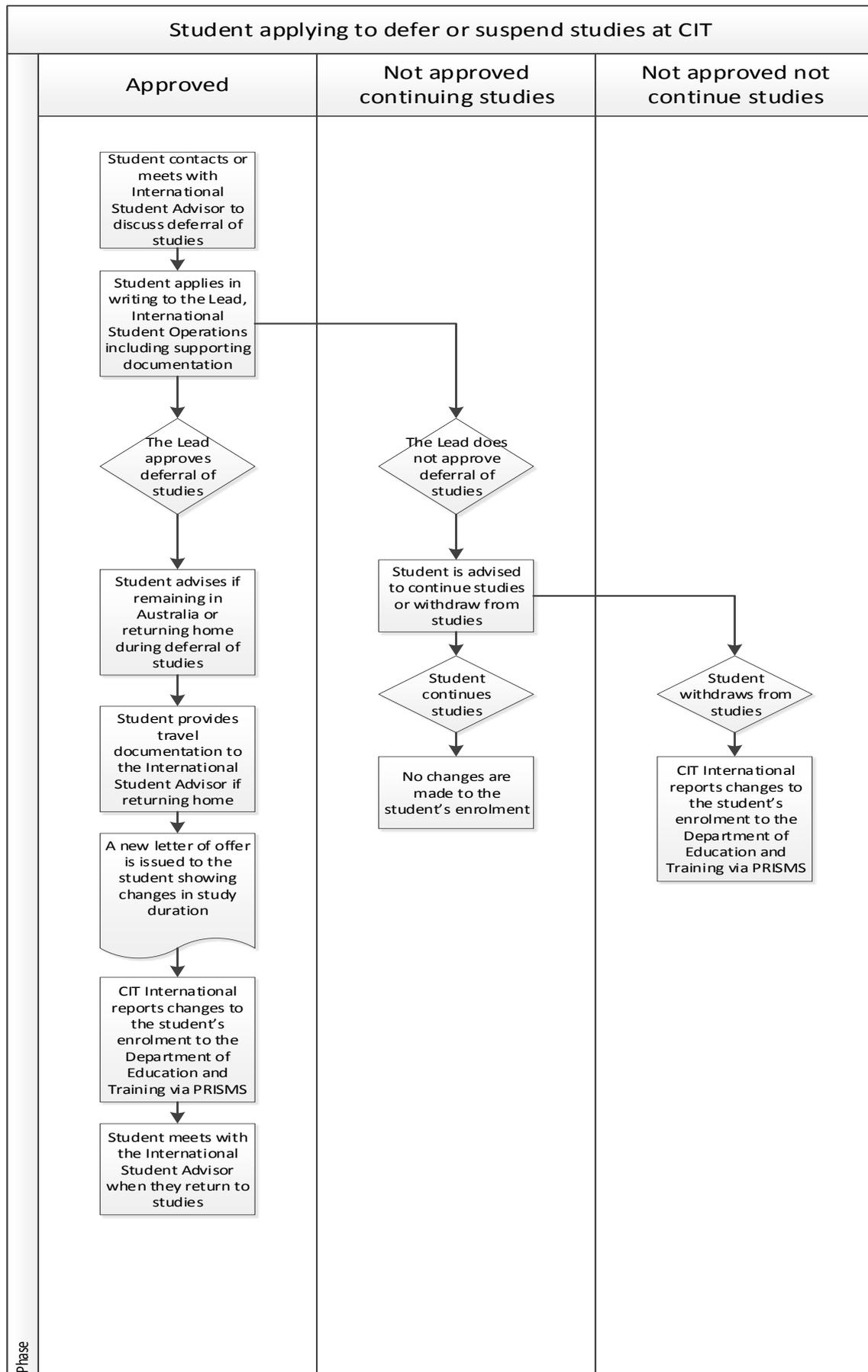
1. The student is reported to CIT International for non-commencement of studies by the College or has been identified by the CIT International by the Default process.
2. CIT International Admissions attempts to contact the student or student's education agent if they have not commenced studies by the Default Date.
 - a. If the student's visa has not been issued the student is able to defer the commencement of studies
 - b. If student's visa has been issued and the student has not been able to travel to Australia before the commencement date, they may be granted permission by the College Director to commence studies after the Default Date, or they may have the commencement of their studies deferred to the next study period
 - c. If student's visa has been issued and the student or agent has not been able to provide a reason as to not commencing classes, or if the student is not able to be contacted, a student default will be reported to the Department of Education and Training via PRISMS.

CIT Cancelling a student's enrolment for not re-enrolling

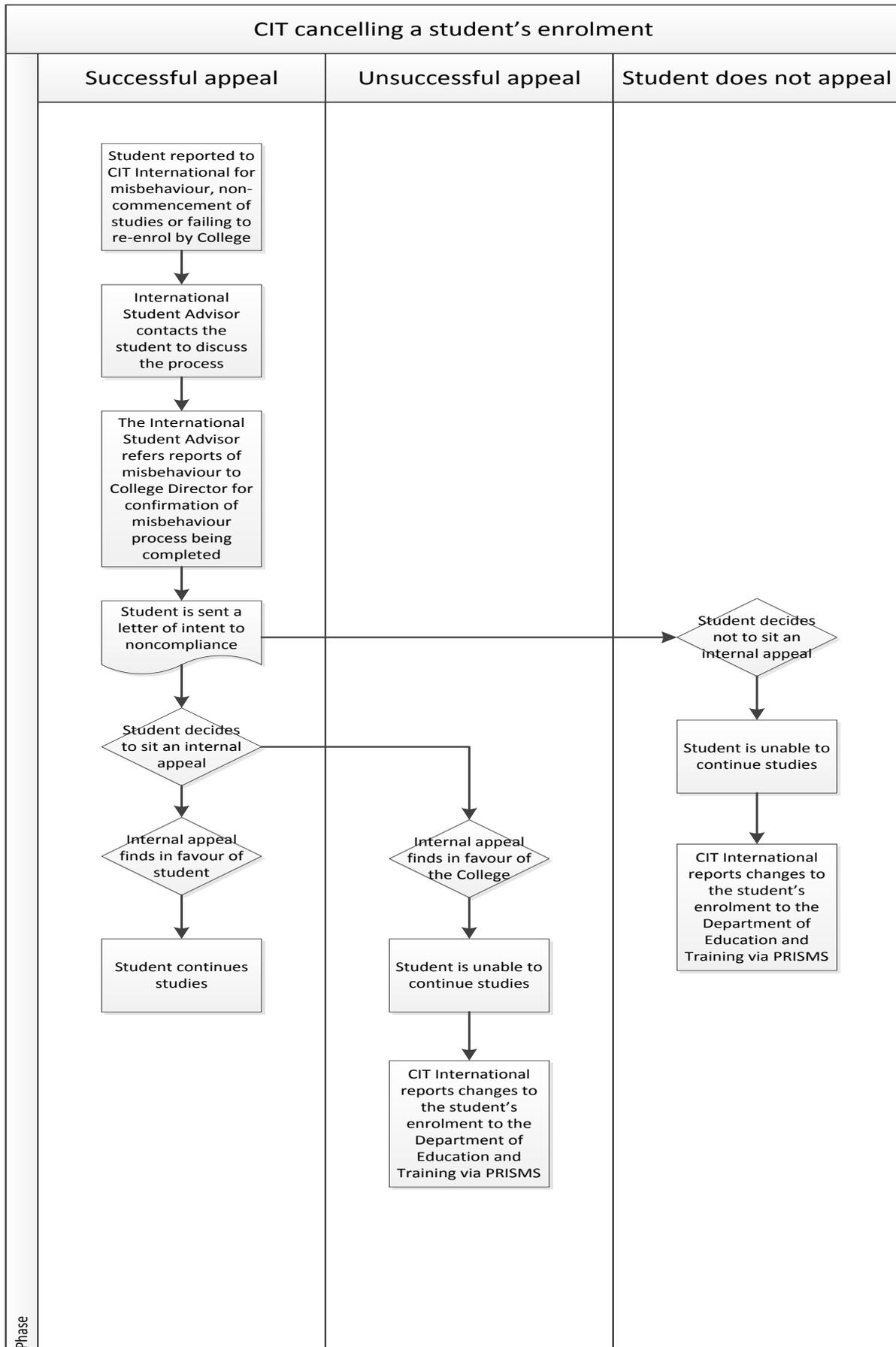
1. The student is reported to CIT International for not re-enrolling in studies by the College or has been identified by the CIT International by the default process.
2. An International Student Advisor attempts to contact the student or student's education agent if they have not returned to studies by the default date.
3. If the student is contacted, they are advised to withdraw from studies or are advised of the deferral process depending on the reason they have not returned to studies by the default date. The student is liable for the semester fees as they did not meet the terms and conditions on their Letter of Offer (LOO) for withdrawing from studies.
4. If the student is unable to be contacted, the student is reported to the Department of Education and Training via PRISMS stating 'Student notified cessation of studies' as the student has inactively notified that they will not continue studies with CIT by not re-enrolling. The student is liable for the semester fees as they did not meet the terms and conditions for withdrawing from studies as stated on their LOO.

Student withdrawing from studies at CIT:

1. The student contacts or meets with an International Student Advisor to discuss withdrawing from studies.
2. The student completes a 'Request for Withdrawal and/or Refund form' which is located at https://international.cit.edu.au/information/publications_forms. The student emails the signed form to ISAdvisors@cit.edu.au. The form must be received at least 14 days before the commencement of studies for the study period the student is withdrawing from. If not, the student will be liable to pay the tuition fees for the following study period.
3. CIT International reports changes to the student's enrolment to the Department of Education and Training via PRISMS;



Phase



Phase

Appeal process

Letters of Intent to non-compliance

1. The student must email to request an internal appeal in writing to the CIT International Student Advisor at ISAdvisors@cit.edu.au
2. When a student requests an internal appeal they are advised of their appeal date within 10 working days of their request being received.
3. If the student's internal appeal is successful, the student continues studies.
4. If the student's internal appeal is unsuccessful, they are sent a letter from the Executive Director, Education and Training Services of the appeal outcome.
5. CIT International will advise in writing if the student has the right to apply for an external appeal with the Overseas Student Ombudsman's Office as a part of the appeal process for their non-compliance. In these cases, the student has 20 working days to provide evidence that they have lodged an external appeal with the Overseas Student Ombudsman's Office. Non-compliances that include the external appeal process are:
 - a. Unsatisfactory Program progress
 - b. Unsatisfactory Program attendance
6. If an external appeal is not included in the process, the student is able to appeal the decision with the Overseas Student Ombudsman's Office even after a non-compliance is reported against their COE.
7. CIT International must report the student to Department of Education and Training via PRISMS if the student does not appeal or if their appeal/s is unsuccessful.
8. CIT International informs the PCO if the student's enrolment is cancelled.

Non-Academic decisions including but not limited to:

- Refund of tuition fees
 - Release from studies
1. The student describes in writing why the original decision should be reviewed. This is emailed to the International Student Advisor at ISAdvisors@cit.edu.au.
 2. The following documents are referred to the Executive Director, Education and Training Services to be reviewed:
 - a. Original request and outcome including reasons for the decision
 - b. The National Code of Practice standard/s that impacts on the decision
 - c. The student's request for a review of the decision
 3. When the decision has been reviewed, a letter outlining the final decision is emailed to the student including the reasons for the decision by the Executive Director, Education and Training Services.

Welfare monitoring

1. If a student does not attend two consecutive classes (or two consecutive days for students studying English language programs) the teacher should contact the student and make a note on their class roster. If they receive no response from the student, and the student then misses a third consecutive class, notify the PCO who will check other class rosters for attendances and then if they have not attended, they will contact the student to enquire if they are okay and to offer support services.

2. If the PCO is unable to contact the student and the student has not returned to the next scheduled class the circumstances are recorded on the International Student Notification Form, including the last day in each class, and forwarded to CIT International via the ISAdvisors@cit.edu.au email address.
3. An International Student Advisor will contact the student by email and phone. If they are unable to contact the student directly, they leave a message requesting the student contact CIT International within 2 working days.
4. If the student responds to the email or phone message, they are asked to meet with the International Student Advisor within 2 working days. At the meeting, the International Student Advisor will discuss the attendance issues with the student and refer the student for any additional student support if required.
5. If the student does not respond to the email or phone message the International Student Advisor will email and/or phone the following contacts to try to locate the student and request the student contact the International Student Advisor within the next 24 hours:
 - a. Student's emergency contact person;
 - b. Student's Education Agent;
 - c. Student's family member;
 - d. A friend from class if identified by the PCO.
6. If this is unsuccessful CIT International will contact hospitals in Canberra to see if the student has been admitted.
7. If the student does not contact CIT International, the International Student Advisor and a support person from CIT International will go to the student's address to try to locate the student. If the student is not at home a letter is left at the address advising that the student will be reported to the Australian Federal Police as a missing person if they do not contact the International Student Advisor within a 24 hour period.
8. If the student does not respond, the International Student Advisor will request approval via a minute to the General Manager, CIT Solutions, to report the student as a missing person with the Australian Federal Police. This request will include approval to access the student's photo which has been taken for their CIT Card.
9. When approval has been given, the following information must be provided to the Australian Federal Police when the report is made:
 - a. Student's name and address;
 - b. student's education agents, parents and friends contact details if available;
 - c. student's emergency contact details;
 - d. the last day the student was in class;
 - e. a timeline of all tasks completed by the International Student Advisor.
10. CIT International must report against the student's COE to advise that the student has 'notified cessation of studies' by not attending classes. Details of action taken should be included in the comments section.
11. When/if the student is located the student is requested to attend a meeting with the International Student Advisor. If the student is returning to studies, they will be placed on the 'Student at Risk' list for further monitoring by PCO and CIT International.