

What is the DIAC position on intermission, remaining in Australia and working in Australia while on intermission?

Policy relating to deferrals and suspensions is administered by the Department of Education, Employment and Workplace Relations (DEEWR) under Standard 13 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code 2007). For more information on assessing requests for deferral or suspension of studies, please refer to the National Code Explanatory Guide on the DEEWR website: http://aei.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_13.htm Questions on the content of the National Code 2007 can also be referred to DEEWR by calling (02) 6240 5069 or by emailing esosmailbox@deewr.gov.au.

Deferrals and suspensions are reported to DIAC through PRISMS. **While it is preferred that students depart Australia during the period of the deferral or suspension, this is not mandatory. As a student on deferral or suspension is considered 'out of session', they are able to access full-time work rights.** The need to work full-time to fund studies would not be grounds, however, for a deferral or suspension on compelling or compassionate grounds.

Providers should be aware that if a student is located by DIAC while in Australia on a deferral or suspension and it is found that the reason for the deferral or suspension is not genuine, or that they are undertaking activities not contemplated by their visa, DIAC will consider cancellation of the visa.

Students are responsible for contacting DIAC if they have concerns about whether their student visa may expire during the period of suspension or before they complete their course.

In addition to the above advice, it is policy that students are allowed 28 days onshore without studying if they have not obtained a deferral. **Education providers should not be advising students of timeframes to leave Australia but rather should ask the student to contact DIAC.**

Source: DIAC policy section, 5/8/09