



# Australian Education & Compliance Training & Overview

2024

CRICOS Provider 00289M





# Overview

## 1. Australian Education Regulatory Terminology and Agent Expectations

- ESOS Act, TEQSA Act, CRICOS, and the National Codes
- Written agent agreement
- Provider Registration and International Student Management System (PRISMS)
- Navitas English expectations when working with agents

## 2. Australian Education Refresher

- Admissions Process Overview
- Genuine and non-genuine students
- Recap



# Australian Education Regulatory Terminology and Agent Expectations





# Overview for Australia

Navitas English must comply with the ESOS and the TEQSA Act in relation to:

- **Recruiting** genuine students
- **Monitoring** education agents comply
- **Reporting** students who do not comply with the attendance or course progress requirements of their visa

## **TEQSA** Tertiary Education Quality and Standards Agency

Conduct risk assessments of all registered higher education providers, which examine the delivery of quality higher education and look for a range of possible risks to students.

## **CRICOS** Commonwealth Register of Institutions and Courses for Overseas Students

List of Australian institutions approved to provide courses for overseas students. Navitas English has been approved and has been given a unique CRICOS number. NO CRICOS number = Not able to recruit overseas students

The poor performance of education agents can put Navitas Englishes' CRICOS status at risk.



# ESOS for Education Agents

## ESOS and the National Code

Education Services for Overseas Students (ESOS) Act 2000 contain the National Code of Practice for Providers of Education and Training to Overseas Students 2018. The National Code contains 11 standards to control the quality education for overseas students. The standards below are relevant to education agents (Agents)



### STANDARD 1

Marketing information that is provided to students must not be false or misleading



### STANDARD 4

Australian colleges must ensure their Agents act ethically, honestly and in the best interests of overseas students



### STANDARD 5

Overseas students under the age of 18 must maintain appropriate welfare arrangements for the duration of their stay in Australia



### STANDARD 7

Restrictions on overseas students transfers between Australian colleges



# The Australian International Education and Training Agent Code of Ethics (Code of Ethics)

An Agent must always act honestly, in good faith, and in the best interests of the student:

- be straightforward, fair and ethical in business dealings
- be objective – don't be biased
- be professional and focus on the student's success
- be truthful, open and honest
- respect confidentiality
- respect Australia's laws
- earn the trust of Navitas, students, parents and the Australian government

## Action required

Please review the [Code of Ethics](#).

# Marketing via Agents

## Agents MUST NOT

- market Navitas English courses in a false or misleading way
- claim that a student can get permanent residency by completing a course, or
- guarantee that a student can get a successful educational outcome by completing a course

## Action required

- Give students accurate and up to date information on Navitas English products.
- Use the Navitas English website to access product training and the most up to date marketing materials.
- Remove any outdated Navitas English marketing materials from your website and social media accounts.
- Marketing materials must include Navitas English CRICOS registered name and number







# Agents and Trust

Students place a significant amount of **trust in their Agents** throughout the process of their application.

It is therefore essential that Education Agents maintain the **highest level of professional objectivity** when communicating information about:

1. Courses
2. Fees
3. Refunds

and any other important information which the student needs in order to make an informed decision.



# Written Agreements

Navitas English must have written agreements with each of its agents



# Expectations of Agents who sign the agreement

1

**ACCURATE** when providing information to students

2

**COMPLY** with the ESOS Act and National Code

3

**ETHICAL** and **HONEST** in recruiting genuine students

4

**COOPERATE** with Navitas English processes for monitoring the Agent's activities

5

**ACCEPT** corrective actions that may be taken by Navitas if an Agent breaks the agreement

6

**EXPECT** to be terminated for fraud, misleading students or misrepresenting Navitas

7

**ACCEPT** that Navitas English will disclose the Agent's information to the Australian government

- **REVIEW** your latest written agreement with Navitas English in detail.
- **If you breach** the ESOS Act or National Code, Navitas English will be held **responsible** for your actions by **TEQSA**.



# Standards - when dealing with Navitas Agents

## Provider Registration and International Student Management System (**PRISMS**)

### Navitas English **MUST:**

- Publish a list of Agents on all its college websites
- Maintain agent details in PRISMS

### Agent details **MUST BE ACCURATE**

If not, Navitas English is unable to process your students' applications in a timely manner

### Agents must provide accurate details as follows:

**1**

Registered name and Trading name

**2**

Complete billing address  
(street, city, state/province, postal code, country)

**3**

Complete phone number (including dialing code)

**4**

Website Address

**5**

Director's full name, email and phone number

**6**

OMARA registered agent number (if applicable)

# When dealing with Navitas Agents - Standards that apply when there are breaches

## Navitas English and Agent monitoring:

Navitas English

- monitors its agents.
- reviews Agent performance reports provided by the Australian government's Department of Education.

The reports break down enrolment and visa outcomes for overseas students recruited through a particular Agent.

The following areas are reported in PRISMS and can affect an Agent's performance:

Incompletions

Visa application refusals or grant cancellations

Student transfer to another provider

Student notifying early termination of their studies

Studies terminated for non-payment of fees or disciplinary reasons

Students reported for unsatisfactory course progress or course attendance

Students defer or suspend their studies without good cause



# Navitas and Agent Monitoring

## Monitoring of Education Agents

- Navitas English will continuously monitor the activities of Education Agents throughout their engagement as a Navitas English representative.
- This is to ensure that the Educational Advisor continues to adhere to the terms and conditions of their engagement and all legislation and regulatory requirements.



# When dealing with Navitas English Agents – These Breaches trigger corrective action by Navitas

Using outdated or unapproved marketing materials

Providing insufficient, wrong or misleading information to a student

Selling a product to a student that is of no value to the student

Not respecting the student's privacy

Not disclosing a conflict of interest to Navitas or prospective students

Not ensuring that information provided by prospective students is accurate

Having a track record of student visa refusals or incompletions

Advising students to transfer to other providers within six months of starting their course

Providing migration advice when not registered to do so





**CORRECTIVE**

**ACTION**

## When dealing Navitas English Agents – corrective with actions taken by Navitas

If an Agent, sub-agent or employee breaches the written agreement, Navitas English may immediately take the following kinds of corrective action:

- Verbal counselling
- Re-training
- Provision of new or updated marketing material
- Direction to stop poor conduct
- Verbal warning
- Written warning
- Termination
- A variation of commission rate for an extended period of time

If a sub-Agent or employee is involved in false, misleading or inappropriate recruitment practices, Navitas English may ask an Agent to terminate its relationship with the sub-Agent or employee.

# When dealing with Navitas Agents – Migration Advice

All agents that have a connection with Australia, and provide visa advice, need to be either **OMARA registered or registered legal practitioners.**

A connection can be:

- An office or branch within Australia
- An agent within the company who is in and sells out of Australia.

Agents are required to renew their **OMARA registration each year** and provide Navitas with their updated number.

The OMARA registration details must be published on the agents' website.





# Agents – Conflict of Interest and Transparency

A **conflict of interest** occurs when a person has competing interests because of their duties to more than one person or company.

**AGENTS** must declare any conflict of interest to a persons or company that it becomes involved with.

## **Conflicts of interest may occur if:**

- an Agent charges services fees to an overseas student and Navitas for the same service,
- an agent has a financial interest in Navitas, or
- an employee of an Agent has a personal relationship with an employee of Navitas English.

## **Action required**

If you charge service fees to students, you should declare this to both the student and to Navitas English in writing. Service fee structures should be explained to students clearly and up front.



# Agents – Confidentiality

**An Agent must observe confidentiality and transparency when dealing with students.**

Note that Navitas must follow the Australian Privacy Act 1988 and the EU General Data Protection Regulations when dealing with student personal information. Broadly speaking, these laws:

- protect the rights of students to have their personal information dealt with confidentially, and
- require Navitas to explain how it uses personal information in a Privacy Policy.

## Action required

- Please keep students' personal information secure and do not give it to other people or businesses unless the student consents.
- Be aware that Navitas English may not be able to give a student's personal information to you or the student's parents, unless the student has consented.

# Under 18s Policy and Procedures via agents

**When recruiting students under the age of 18, Education Agents are required to take further steps to ensure additional care.**

It is expected that the Education Agent will:

- Ensure that the student has adequate representation and support from a guardian and/or legal representative during meetings with the Agent or consultant, and that this is recorded as informed consent before any money changes hands;
- Ensure that all applications for admission for students under the age of 18 are also signed by their parent or guardian;
- Ensure that the student has the legal capacity to enter into any agreement/commitment; and
- Act not only in accordance with relevant laws and regulations, but competently, diligently and fairly that befits dealing with minors.







# Genuine and non-genuine students





# Genuine Student requirement

The Government has replaced the Genuine Temporary Entrant (GTE) requirement for student visas with a Genuine Student (GS) requirement.

All applicants for a student visa must be a genuine applicant for entry. They must stay as a student and be able to show an understanding that studying in Australia is the primary reason of their student visa. The GS requirement is intended to include students who, after studying in Australia, develop skills Australia needs and who then go on to apply for permanent residence.

In the online student visa application form, there are series of questions the applicant will need to answer to address the GS criteria. Each answer must be handwritten and no longer than 150 words per question.

Generic statements unsupported by **evidence** are not given significant weight in the GS assessment. This means it is important to provide **evidence** to support a claim made by the applicant.

The Department of Home Affairs [website](#) provides additional guidance on the level of **evidence** to include in the application which will then be assessed.

## Read more:

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-student-requirement>

# Financial requirements

Even if full financial evidence requirements do not apply, students should be prepared to provide full financial evidence if and when required.

This can be done by showing that the student's parents or partner meet an annual income test, or by showing that the student has genuine access to:

- 12 months of living costs (including for family member, if accompanying the student)
- 12 months of course fees (unless already paid)
- travel costs

If **streamlined evidence requirements** apply (low risk country/college), students:

- may generally be able to declare they have financial capability, and
- will not generally need to provide evidence of their English language capability.

Parents or partner meet an annual income test

OR

By showing the student has genuine access to:

12 months of living costs  
(including for family  
member, if coming with  
the student)

12 months of course fees  
(unless already paid)  
Travel costs

If Streamlined evidence requirements apply  
(low /medium risk country students)  
Will generally be able to satisfy the Department of  
Home Affairs of their financial capacity by declaration



# Student visa conditions and cancellation

Student visa breaches impact **Education Provider's visa risk rating**.

May result in a **suspension certificate** being issued to the provider and any associate providers.

**A higher risk rating** = more evidence of financial and English capability in their visa applications.

Students should be advised that if they **fail to declare** food, plant or animal items on entry to Australia, or provide other false or misleading information to biosecurity officers at the airport, their student visa may be cancelled and they may be directed to return home.

## Action required

Remember to inform each student of the importance of complying with their visa conditions





## Recap: What Navitas English expects from Agents



**Top grade  
compliance**



**Quality  
student  
experience**



**Meet sales  
targets**

### **Navitas English Agents must:**

- accept the latest Agent T&Cs
- meet the Australian Visa/Regulatory or OMARA migration agent training eligibility criteria
- recruit genuine students only
- provide accurate and up to date name and contact details for PRISMS and college websites
- provide students with accurate and up to date information
- use current and approved marketing materials
- act honestly and in the best interests of the student
- have good knowledge of the Australian education system and Agent Code of Ethics
- disclose conflicts of interest to Navitas and students (e.g. that they charge both students and Navitas for the same service)
- keep student personal information confidential and secure

### **Navitas English Agents must not:**

- recruit students prior to accepting the latest Agent T&Cs
- recruit students prior to meeting the training eligibility criteria
- use outdated or unapproved marketing materials
- provide inaccurate or insufficient information to students
- sell a product to a student that is not in the student's best interests
- breach student privacy
- fail to disclose a conflict of interest
- fail to take all reasonable steps to confirm the accuracy of information provided by intending students
- develop a poor track record of student visa refusals or completions
- take any of the actions that may result in termination

### **Navitas English Agents applications will be delayed if they:**

- have not accepted the latest Agent T&Cs
- have not provided accurate and up to date name and contact details for PRISMS

### **Navitas English Agents may be terminated if they:**

- do not respond to corrective actions
- engage in fraudulent activity
- give dishonest or inaccurate advice
- provide migration advice to students without being a registered Australian migration agent or legal practitioner
- recruit non-genuine students
- recruit students who intend to transfer to another college after arrival
- refuse to terminate their relationship with an employee or sub-Agent who does any of the above