

Higher Education International Student Refund Procedure

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Purpose

This procedure mandates actions and assigns responsibilities for the administration of international student fee refunds by stating the conditions under which all refund applications will be assessed to determine any refund amount that may be payable and documents the avenue for students to appeal a decision to partially refund or not refund fees.

This procedure is intended to ensure that the University complies with the Education Services for Overseas Students (ESOS) Act 2000 and its associated regulations, the Tuition Protection Service (TPS), and the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

The University will administer international student fees refund applications in accordance with this procedure and the student's offer and acceptance agreement with the University. This procedure should be read alongside the written agreement and the [International Admissions Procedure](#) and the [Deferment, Suspension or Cancellation of a Student's Enrolment \(ESOS Specific\) Procedure](#).

Scope

This procedure applies to:

- all international students, including sponsored students, who are applying for admission into a course, enrolled in a course or have ceased enrolment
- all staff involved in the administration of international student refund applications

Actions

Responsibilities

International Student Compliance is responsible for monitoring international student enrolments in accordance with ESOS including visa refusals, non-commencement of studies and failure to re-enrol.

International Student Compliance are to assess student refund applications where exceptional circumstances are a factor. This assessment must occur before the application can be processed by Student Finance.

Student Finance, upon receipt of an assessed application from either International Admissions, International Student Compliance or Partner Providers, will process any international student refund payment due.

Course withdrawal

International students are strongly encouraged to discuss any decision to withdraw from their course with the University before doing so, as this will result in the cancellation of their Confirmation of Enrolment (CoE) which may lead to the cancellation of their student visa.

Students seeking to transfer course within the University are advised to submit their application for admission to study in their new course before submitting any request for course withdrawal. Refer to the [International Admissions Procedure](#) for further information.

Students seeking to transfer their enrolment to another provider must follow the process outlined in the [Transfer Between Registered Providers Procedure](#).

International students who have not yet enrolled and wish to withdraw from their course before commencing must submit a request through the [StudyLink portal](#). International students who have enrolled must submit and have approved an [Amend Course Status form in my Student Centre](#). Following approval of the student's withdrawal the University will cancel the student's CoE and report this change in enrolment status to the Government. Students must directly contact the Department of Home Affairs to discuss the impact this will have on their student visa.

The date of a student's withdrawal is the date on which the University receives the student's formal request to withdraw from their course or unit.

Refund of course fees and cancellation charges

Depending on the type of default, the student may be entitled to a full or partial refund of monies paid by the student for the purpose of undertaking the course/s specified in their written agreement with the University.

If a student accepts an offer but later informs the University of an intention to withdraw, the University will retain a monetary amount of the semester fee paid and refund the balance. This cancellation fee will be determined by the date the University receives the student's formal request to withdraw from their course.

Where the student has entered into a package of courses which are all delivered by the University, the refund amount will be calculated for each course in accordance with the refund schedule detailed below.

Where a commencing student is withdrawing from a course, the date of the student's acceptance of their original offer will be used to calculate the cancellation charge. Even if the offer has been previously deferred or the agreed start date was varied and offer re-issued.

University default

Under Section 46A of the ESOS Act, University default occurs when the University has entered into a written agreement with an international student and:

- the course does not start on the agreed starting day, or
- the course ceases to be provided at any time after it starts but before it is completed, or
- the course is not provided in full to the student because the University is prohibited under the Education Services for Overseas Student Act 2000 from offering the course.

The above instances of University default only apply when the student has not withdrawn from the course before the default date.

In the unlikely event that the University is unable to deliver the course in full, a student will be offered a refund of any unspent tuition fees. Enrolment may be offered in an alternative course. A student has the right to choose to accept a refund of tuition fees, or to accept an offer in another course.

A refund of the unspent portion of any prepaid tuition fees will be calculated using the following formula: *refund amount = weekly tuition fee x weeks in default period*

Student default

Under Section 47A of the ESOS Act, student default occurs when an international student has entered into a written agreement with the University to undertake a course and:

- the course commences on the agreed start day, but the student does not start the course on that day (and has not previously withdrawn from the course), or
- the student withdraws from the course (either before or after the agreed start day), or
- the University refuses to provide, or to continue providing, the course to the student because of one or more of the following events:
 - the student failed to pay an amount that they were liable to pay the University, directly or indirectly, in order to undertake the course
 - the student breached a condition of their student visa
 - misbehaviour by the student, such as the student is suspended, excluded or expelled from the University following a finding of general misconduct or academic misconduct

Refund schedule

1. Award course fees

Commencing student

| Reason for refund | Refund payable |
|--|--|
| Student default | |
| 1.1 Student withdraws prior to or fails to start on the agreed start date due to their Student visa application being refused and documentary evidence from Department of Home Affairs is provided | Total course fees (both tuition and non-tuition fees) will be refunded less a \$500 cancellation fee or 5% (whichever is the lesser) |
| 1.2 Student is unable to start on the agreed start date due to their visa not being granted in time and they can provide documentary evidence that: <ul style="list-style-type: none"> the visa application was submitted at least 6 weeks prior to the agreed start they have subsequently withdrawn their visa application from the Department of Home Affairs | Refund of any prepaid tuition fees, less a \$500 cancellation fee |
| 1.3 Student is unable to meet the conditions as set out in their Conditional letter of offer and it is determined by International Student Compliance that the student made a genuine attempt to meet the conditions | Refund of any prepaid tuition fees, less a \$500 cancellation fee |
| 1.4 University withdraws an offer based on incorrect or incomplete information supplied by the student | Refund of any prepaid tuition fees, less a \$1,000 cancellation fee |
| 1.5 Student has been found to have submitted fraudulent or misleading documentation in their application for admission and the University consequently withdraws the offer for admission | No refund |
| 1.6 Student withdraws from the University more than 28 days prior to the agreed start date | Refund of any prepaid tuition fees, less a \$1,000 cancellation fee |

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| 1.7 Student withdraws from course between 28 days prior to the commencement of a semester and the census date | Refund of any prepaid tuition fees, less a \$5,000 cancellation fee |
| 1.8 Student is administratively withdrawn from the University due to non-commencement on the agreed start date | Refund of any prepaid tuition fees, less a \$5,000 cancellation fee |
| 1.9 Student withdraws from course after census date | No refund |

Continuing student

| Reason for refund | Refund payable |
|--|---|
| Student default | |
| 1.10 Student withdraws from course prior to the applicable census date of their second semester of study | Refund of any prepaid tuition fees, less a \$5,000 cancellation fee |
| 1.11 Student is discontinued from course due to no enrolment in their second semester of study | No refund |
| 1.12 Student withdraws from course prior to the applicable census date of their third or any subsequent semester | Full refund of any prepaid tuition fees |
| 1.13 Student is discontinued from course for failing to re-enrol in their third or any subsequent semester | Full refund of any prepaid tuition fees |
| 1.14 Student withdraws from course after the applicable census date in any semester | No refund |

Commencing and continuing students

| Reason for refund | Refund payable |
|---|--|
| University default | |
| 1.15 Where the University is in default (refer University default section above) and the Student has not accepted an alternative offer. | Full refund of unspent portion of any prepaid tuition fees |
| 1.16 The student is excluded from the University for unsatisfactory academic progress and has no | Full refund of tuition fees for incomplete semester where student has continued studies pending outcome of show cause and appeal processes. Full refund of any subsequent semester prepaid tuition fees |

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| further right of appeal within the University | |
| Student default | |
| 1.17 Student is suspended or cancelled from the University for general misconduct or academic misconduct | No refund for semester in which misconduct occurred. Refund of any prepaid tuition fees, less a \$500 cancellation fee |
| 1.18 Student enrolment is cancelled for non-payment of fees | No refund |
| 1.19 Student visa is cancelled during a semester | No refund |
| 1.20 Student withdraws from the University during the restricted period of their visa to take up a place at another education provider without approved release from the University | No refund |

2. Non-award program fees

Commencing student

| Reason for refund | Refund payable |
|--|--|
| Student default | |
| 2.1 Student withdraws prior to or fails to start on the agreed start date due to their Student visa application being refused and documentary evidence from Department of Home Affairs is provided | Total course fees (both tuition and non-tuition fees) will be refunded less a \$500 cancellation fee or 5% (whichever is the lesser) |
| 2.2 Student withdraws from the University more than 28 days prior to the agreed start date | Refund of any prepaid tuition fees, less a \$1,000 cancellation fee |
| 2.3 Student withdraws from the University within 28 days of the agreed start date and up until the applicable census date | Refund of any prepaid tuition fees, less a \$5,000 cancellation fee |
| 2.4 Student formally withdraws from course after the applicable census date in any semester | No refund |

Continuing student

| Reason for refund | Refund payable |
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| Student default | |
| 2.5 The student formally withdraws from the University prior to the applicable census date | Full refund of any prepaid tuition fees |
| 2.6 Student formally withdraws from course after the applicable census date in any semester | No refund |

Commencing and continuing student

| Reason for refund | Refund payable |
|---|--|
| University default | |
| 2.7 Where the University is in default (refer University default section above) and the Student has not accepted an alternative offer | Full refund of unspent portion of any prepaid tuition fees |
| 2.8 Student is suspended or cancelled from the University for general misconduct or academic misconduct | No refund for semester in which misconduct occurred. Refund of any prepaid tuition fees, less a \$500 cancellation fee |
| 2.9 Student enrolment is cancelled for non-payment of fees | No refund |
| 2.10 Student visa cancelled during a semester | No refund |
| 2.11 Student withdraws from the University during the restricted period of their visa to take up a place at another education provider without approved release from the University | No refund |

3. English Language Program fees

| Reason for refund | Refund payable |
|---|---|
| University default | |
| 3.1 Where the University is in default (refer University default section above) and the student has not accepted an alternative offer | Full refund of unspent portion of any prepaid tuition fees |
| Student default | |
| 3.2 Student withdraws prior to or fails to start on the agreed start date | Total program fees (both tuition and non-tuition fees) will be refunded less a \$500 cancellation fee or 5% (whichever is the lesser) |

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| due to their Student visa application being refused and documentary evidence from Department of Home Affairs is provided | |
| 3.3 Student withdraws from the University more than 28 days prior to the agreed start date | Refund of any prepaid tuition fees, less a 25% cancellation fee |
| 3.4 Student withdraws from program within 28 days of the agreed start date | Refund of any prepaid tuition fees, less a 50% cancellation fee |
| 3.5 Student withdraws on or after the agreed start date | No refund |
| 3.6 Student visa is cancelled during a semester | No refund |
| 3.7 Student withdraws from the University during the restricted period of their visa to take up a place at another education provider without approved release from the University | No refund |

Refund of Overseas Student Health Cover (OSHC) fee

The Department of Home Affairs requires that Student visa holders maintain OSHC for the duration of their Student visa. To ensure international students meet this visa condition, the University can accept payment and arrange OSHC on behalf of On Campus students prior to their commencement. The student's premium fee is forwarded to the University's preferred OSHC provider.

The student may be entitled to a refund of the paid but unused portion of their OSHC premium where the student:

- did not come to Australia;
- ceased to be on a Student visa;
- returned to their home country before the end of their approved stay;
- has withdrawn or been discontinued from the University;
- has chosen another OSHC provider; or
- has completed their studies at the University and is returning home.

On Campus students requesting a refund where OSHC was purchased on their behalf through the University's preferred provider:

- prior to the student's arrival in Australia, the refund will be processed by the University
- if the student has commenced studies and the University has already arranged cover on the student's behalf, the student will need to contact the OSHC provider directly to request a refund

Students who have arranged their own OSHC should consult their insurance provider about refund provisions in the event of cancellation.

Removal of financial liability in exceptional circumstances

Commencing students - pre census date

In exceptional circumstances where the student can demonstrate that they were prevented for reasons beyond their control from honouring their written agreement, the University may refund moneys outside the amounts specified in the refund schedule above.

Evidence of exceptional circumstances must be submitted to International Student Compliance for assessment along with the completed Refund Application – International Student form.

Commencing students and continuing students – post census date

Commencing students (post census date) and continuing students can request a Remission of Debt.

Students who obtain Permanent Resident Visa Status

International students may change their visa status before or during their enrolment in a course. This section applies to students who provide evidence of becoming a permanent resident of Australia before or during their enrolment. Permanent resident status is recognised as being granted from the date that the student is issued their Visa Grant Letter from the Department of Home Affairs.

Students are responsible for notifying the University of any changes to citizenship or visa status as soon as they occur. Students who are enrolled must notify Student Administration prior to semester census date and submit the relevant documents via fred.federation.edu.au. Any changes notified after semester census date will not be applicable until the following semester.

| PR Visa Grant Date | Steps |
|--|--|
| Student is granted permanent resident status before commencing a course but after the date of the Letter of Offer for the course | <ol style="list-style-type: none"> 1. the international full fee-paying place will be withdrawn; 2. the student must apply for a domestic place and will be subject to the selection criteria and fees applicable to domestic applicants for the course; and 3. if the student has already paid the international course fees for the semester, or any future semesters, a full refund of fees is payable to the student less any domestic tuition fees owing |
| Student is granted permanent resident status after enrolling in a course but before the census date for the semester | <ol style="list-style-type: none"> 1. the student will be eligible for a domestic place and will be subject to the selection and fees applicable to domestic applicants for that course; 2. if student has already paid the course fees applicable to overseas students for the semester, or any future semesters, a total refund of these fees is payable to the student. |
| Student obtains permanent resident status after the census date in a semester | The student will remain classified as an international student for the remainder of the semester and required to pay the international fee. The student will be classified as a permanent resident from the following semester. |

Credit amounts

Where a continuing student has a credit amount on their student account, due to overpayment or withdrawal from a unit subject prior to census date, the credit will remain on the student's account to be applied against charges incurred in a future semester. Where the student has completed the requirements of their course or formally

withdraws from the University and the credit remains on the student account, the student can apply for a refund from the University.

Credit amounts on a student's account up to and including \$100AUD will be forfeited to the University and processed as a forfeit of an insignificant credit balance. The University deems that credit balances are insignificant balances if the credit balance is \$100 or less and the student's course status is inactive for more than one semester.

Students with unclaimed credit amounts greater than \$100AUD will be notified in writing of their credit amount if the student's course status is inactive for more than one semester. If refund applications are not received within twelve weeks of the date of this written communication, credit balances will be deemed as unclaimed and dealt with by the University according to the Unclaimed Monies Act 2008

Application for refund

- Refund applications must:
 - be made by completing the Refund Application – International Student form; and
 - set out the reasons for the application; and
 - be accompanied by all relevant supporting documents; and
 - be submitted via email according to the instructions on the form
- Refund applications will not be considered as complete until all required supporting documents have been provided.
- Complete refund applications will be assessed, and a Refund Calculation Statement prepared and forwarded to the student showing the refund amount payable.

Refund application submission:

| Student type | Email application to |
|-----------------------------------|--|
| On Campus commencing | internationaladmissions@federation.edu.au |
| On Campus continuing | internationalcompliance@federation.edu.au |
| Partner Provider locations | |
| ATMC Melbourne & Sydney | refunds@atmc.edu.au |
| IIBIT Sydney & Adelaide | admissions@iibit.edu.au |
| MIT Melbourne & Sydney | finance@mit.edu.au |

Preconditions for refund

The following conditions must be met prior to any refund payment being remitted:

- All funds eligible for refund must be cleared and available within the student's Federation University account.
- All debts owing to the University must have been paid before any refund can be calculated with any outstanding amounts to be deducted from the refund amount payable.
- Students must have completed all necessary documentation including the relevant program withdrawal form and provided the required supporting documentation.
- The University will not refund tuition fees paid in advance, where a student has engaged in any fraudulent activity in relation to their enrolment.

Payment of refunds

1. Refunds will be issued to the student, unless:
 - the student's fees have been paid by an approved sponsor; or
 - the student gives written direction to pay the refund to another specified person or organisation and provides documentary evidence to substantiate that the other person or organisation paid the tuition fees.
2. In the case of University default, a refund will be made to the international student within fourteen (14) days of the date on which the University defaulted. The student will be required to complete a 'Refund Application – International Student' form to provide payment details.
3. In the case of Student default, a student must complete the 'Refund Application – International Student' form and attach required supporting documents. Where a refund has been approved under this procedure the payment will be made within twenty-eight (28) days of the University receiving the completed refund application together with all required supporting documents.
4. Where a student's fees have been paid by a sponsor who has entered into a FeeSponsorAgreement with the University, the refund will be paid to the sponsor.
5. Where a student is requesting payment to a specified person documents proving their relationship and identify must be provided.
6. Under banking regulations, if a student has made payment with a credit card any refund must be processed back to the original credit card.
7. Refunds will be made in the currency of the student's country of origin and payable in that country. Exceptions include non-tradable currencies (where the refund would normally then be paid in USD) or payment to another Australian educational institution. The University reserves the right to make refunds payable in the country of origin and is not liable for any variance due to the foreign exchange rate fluctuations.

Refund appeals process

A student who is dissatisfied with the outcome of an application for a refund has the right to request a review of the decision. The student must submit a refund review request via email to studentfees@federation.edu.au within twenty-eight (28) days of receiving the initial decision.

The student must set out the reasons for requesting a review of the decision and provide relevant supporting documentation. Each request will be considered on its merits in conjunction with the supporting documentation provided. The supporting documentation should provide sufficient detail for the University Review Officer [Manager, Student Finance Higher Education or delegate] to make an informed decision regarding the request for review.

The review process will commence within ten (10) working days of lodgement of the review request and the University Review Officer will provide written acknowledgement of receipt of the request. Once a decision has been made the University Review Officer will notify the student in writing of the decision and the reasons for making the decision.

The decision of the University Review Officer is final and there is no further avenue of appeal within the University. If a student wishes to take the matter further, they have the right to access the external complaints and appeals process of the [Victorian Ombudsman](#). This procedure and the availability of complaints and appeals processes does not remove the right of students to take action under Australia's consumer protection laws.

Deceased students

The personal legal representative of the Deceased Estate must submit an application for any payments which are to be refunded. The administrators must supply details about who the refund is payable to. The University reserves the right to request official documentation to support any such claims.

Legislative context

- [Education Services for Overseas Students Act 2000 \(The ESOS Act\)](#)
- [Federation University Australia Act 2010](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(National Code 2018\)](#)

Definitions

| Term | Definition |
|-------------------------------|---|
| Application Fee | Non-refundable fee payable to make an application to study a course at the University and is subject to change |
| Award Course | A set of units, successful completion of which results in an award with which a student graduates from the University (i.e. Diploma, Bachelor, Graduate Certificate, Graduate Diploma, Master or Doctoral degree) |
| Cancellation fee | A monetary deduction applied to a commencing or continuing international student refund when the student formally withdraws and/or formally claims a refund with the University. |
| Census date | Deadline by which a student must finalise their enrolment for each semester, after which they are financially and academically liable for each unit subject that remains on their enrolment |
| Confirmation of Enrolment CoE | A document issued by the University to the student to use when applying for a Student visa with the Department of Home Affairs |
| Commencing student | A student who enrolls or intends to enrol for the first time in a specific course. A student in their first semester of study. |
| Continuing student | A student who re-enrolls or proposes to re-enrol in a specific course. A student in their second or subsequent semester of study |
| Unit | A subject that is offered as part of a course. Defined as 'Unit' in the ESOS Act. |
| Department of Home Affairs | The Australian Government department responsible for assessing Student visa applications and issuing Student visas |
| Domestic Place | Commonwealth Supported Place or Domestic Full Fee-paying Place |
| Domestic Student | A student who is: <ul style="list-style-type: none"> • an Australian citizen (including dual citizenship) or • a New Zealand citizen or • an Australian Permanent Resident Visa holder or • an Australian Permanent Humanitarian Visa holder. |
| Default Day | <ul style="list-style-type: none"> • agreed starting day; or • day on which the course ceases to be provided; or • day on which the registered provider of the course refuses to provide, or continue providing, the course to the student, or |

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| | <ul style="list-style-type: none"> • day on which the student withdraws from the course; or • day on which student's visa application is refused |
| ESOS Act | The Commonwealth Government of Australia Education Services for Overseas Students Act 2000 as amended from time to time |
| Exceptional Circumstances | Circumstances that are unusual, uncommon or abnormal, and beyond the student's control. |
| International/overseas student | <ul style="list-style-type: none"> • 'overseas students' as defined in the National Code and holds a TU 500 Student visa as defined by the ESOS Act; • students studying off-shore who do not hold student visas; and • students who are in Australia on a temporary visa, including a temporary protection visa. |
| Letter of Offer | The International Student Offer Letter and Acceptance Agreement which outlines a student's enrolment contract with the University |
| Non-Award Course | A course of study which does not result in an award with which a student graduates from the University. Includes preparation for study offered by the University i.e. Foundation Studies. |
| Non-Tuition Fees | Any other additional fees charged by the University that are not included in tuition fees |
| On Campus Student | A student who is enrolled or intends to enrol at a teaching location owned and managed by the University |
| Partner Provider | Educational institute providing course and units of the University through an approved Education Agreement. |
| Packaged courses | An overall course of study in which students have packaged their studies to combine a preliminary course/s with their principal course of study on the one visa subclass, with the subclass being the one relevant to the principal course of study. |
| Principal course | Refers to the main course of study to be undertaken by an international student in Australia. Where a student has received CoEs for a number of courses (packaged courses), the principal course would normally be the final course of study. |
| Course | A registered course offered by the University and registered in accordance with the requirements of the ESOS Act. Defined as 'Course' in section 5AA of the ESOS Act. |
| Course fees | <p>Money that the University receives, directly or indirectly, from:</p> <ul style="list-style-type: none"> • an international student, or • another person who pays the money on behalf of an international student for a course that the University is providing, or offering to provide, to the student. <p>Includes tuition fees, and any other amount that the student had to pay the University in order to undertake the course.</p> |
| Restricted period | Period of time in which an international student is restricted from enrolling at a registered provider other than the registered provider in which their |

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| | student visa has been granted. The restricted period concludes once the student has completed 6 calendar months of their principal course as per the CoE/s. |
| Semester | A study period. Also known as a term or teaching period |
| Student default | As defined under Section 47A of the ESOS Act |
| Tuition Fees | Fees that are directly related to the provision of a course |
| University default | As defined Under Section 46A of the ESOS Act |
| Unspent Tuition Fees | Refund entitlements are limited to tuition fees for your course which remain unspent. Refund to the student of any unspent tuition fees will be calculated in accordance with the formula set out in the ESOS Act. |
| Weeks in default period | Number of calendar days from the default day to the end of the semester to which the payment relates divided by 7 and rounded up to the nearest whole dollar |
| Weekly Tuition Fees | Total tuition fees for course divided by number of calendar days in course multiplied by 7 and rounded up to the nearest whole dollar |
| Written agreement | The University letter of offer to the student, containing the enrolment contract between the student and the University, which is agreed to by the student when they accept their offer |

Supporting documents

- [The Federation University Australia Statute 2021](#)
- [Federation University Australia \(Students\) Regulations](#)
- [Federation University Australia \(Operations\) Regulations](#)
- [Students and Support for Students Policy](#)
- [Academic Governance Policy](#)
- [Global Partners and Community Engagement Policy](#)
- [International Admissions Procedure](#)
- [Deferment, Suspension or Cancellation of a Student's Enrolment \(ESOS Specific\) Procedure](#)

Forms.

- [Refund Application - International Student](#) (PDF 340.5kb)
- [Refund Calculation Statement](#) (PDF 2124.5kb)

Responsibility

- Chief Financial Officer, as Approval Authority, is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- Head, Financial Operations, as Document Owner, is responsible for maintaining the content of this procedure as delegated by the Chief Financial Officer.

Promulgation

This procedure will be communicated throughout the University community via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Distribution of e-mails to University and Partner Providerstaff.

Implementation

This procedure will be implemented throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Information sessions for University and Partner Providerstaff.

Records management

| Title | Location | Responsible Officer | Minimum Retention Period |
|---|---|--|--------------------------|
| Refund Application – International Student | Student Finance refund records in approved online business system | Manager Student Finance Higher Education | 7 years |
| International Student Refund Calculation Statement | Student Finance refund records in approved online business system | Manager Student Finance (Higher Education) | 7 years |
| Refund Appeal | Student Finance refund records in approved online business system | Manager Student Finance (Higher Education) | 7 years |