



ESOS Regulations 2019

Education Services for Overseas Students Regulations 2019 – Overview

The *Education Services for Overseas Students Regulations 2019* (ESOS Regulations) commenced on **1 October 2019**. They replaced the 2001 regulations.

Registered providers must comply with the ESOS Regulations by giving information in the Provider Registration and International Student Management System (PRISMS).

Key Information

The need for new ESOS Regulations

The 2001 regulations sunset (automatically ceased) on 1 October 2019. The ESOS Regulations 2019 replaced them.

Changes to the ESOS Regulations

While the ESOS Regulations are substantially the same, the key changes are described below.

Education agents

Providers must give information on education agents for every student enrolment where an agent of the provider facilitated the student's acceptance for enrolment.

English language tests

Providers must give more information on students' English language proficiency in relation to student visas, specifically:

- If the student has undertaken an English language test for the purposes of a student visa, providers must report the name of the English language test, the date the student took the test and the score the student received.
- If a student was exempt from taking an English language test under the *Migration Regulations 1994*, providers must report the relevant class of applicant the student is, (referred to as evidence exemptions in the *Migrations Regulations 1994*).

When students breach their visa requirements

Providers must give further prescribed information about students who have breached a condition of a student visa with respect to course attendance or progress requirements; specifically, the student's contact details, their residential address in Australia and their residential address overseas.

Tuition fees definition

The list of definitions specific to the ESOS Regulations has been expanded to provide improved guidance for providers and includes a definition of tuition fees that expands upon the definition under section 7 of the ESOS Act.

Other minor amendments

A number of minor additions, deletions and changes were made as follows.

- Definitions that duplicate those in the ESOS Act or that are no longer needed were removed.
- The reference to course level has been clarified to refer to the Australian Qualifications Framework. Reference to the course field of study has been clarified to refer to the Australian Standard Classification of Education.
- Where the course is, or is to be, provided under an arrangement with another registered provider or a non-registered provider, providers must give the name, phone number and email address of the individual who is responsible for the day-to-day operation of the other registered provider or the other person, at that location.
- The requirement for providers to give domestic student numbers has been removed.
- Providers must give the name, phone number and email address of their principal executive officer.
- Providers must give information about accepted students as follows:
 - the student's residential address, phone number and email address;
 - when a student changes their course, in addition to the student's contact details, providers must give the day the student changes their course;
 - when a student's course changes duration, in addition to the student's contact details, providers must give the day the change takes effect;
 - when a student's course changes location, in addition to the student's contact details, providers must give the day the change takes effect;
 - when a student's studies are deferred or suspended, in addition to the student's contact details and the expected duration of the deferment or suspension, providers must give the date deferment or suspension starts;
 - in the event that the provider gives particulars of a student's breach of their student visa conditions, providers must give the student's contact details and residential address in Australia and their residential address overseas; and
 - when a student's studies are terminated (whether or not by the student), in addition to the student's contact details, providers must give the day the student's studies are terminated and the last day of the student's studies.

What you need to do

PRISMS was updated, enabling you to give all information required by the ESOS Regulations.

The Department of Education will publish guidance resources through PRISMS to support your use of the enhancements.

Disclaimer

The Department of Education provides general information and assistance to registered providers and overseas students on the *Education Services for Overseas Students Act 2000* and its associated legislative instruments.

However, such information or assistance should not be relied on as legal advice or as a substitute for legal advice. Overseas students and education providers should seek independent legal advice as appropriate.