

What can the Overseas Students Ombudsman do for international students?



By Joel Mayer

23 Apr 2014

International students in Australia have the right to complain about problems that they have about their provider.

These are foreign students who believe that they are not being treated fairly by their education provider or the provider is not following the rules. The government institution where they can lodge the complaint to is the [Overseas Student Ombudsman](#). This is an independent and impartial complaint handling body established in 2011.



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For students enrolled in a publicly funded provider, they can lodge their complaint with the appropriate State Ombudsman. For students enrolled with a private provider, the right body to lodge their complaint to is the Commonwealth Overseas Student Ombudsman.

In addition to handling complaints from international students, the Ombudsman also perform other functions such as:

- Provides material information on complaint handling best practices to enable private education providers to effectively handle internal complaints
- Issue reports on issues and problems of a broader scope with regards to international education that is identified as a result of investigations

The procedure

International students who are experiencing problems with their education provider such as their enrolment has been cancelled or suspended without due process can file a complaint. They are entitled to an internal and external review of their complaints. An education provider can be a [university, college, VET provider or English language institution](#).

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Student of 2007 is simply called the [National Code](#) of practice. It provides the consistent standards on the national level that should be followed on the conduct of registered providers and the registration of their courses.

Step 1: Internal review or a review by the education provider

The National Code provides for the creation of an internal complaints handling and appeals body within the institutional offices of the providers from where an international student can lodge his/her complaint.

International students who do not know where to lodge the complaint can get in touch with their international student advisor. The advisor will not only inform the students where or who to lodge the complaint to but will also provide information as to how to prepare it complete with all required documentations and the deadline for filing it. There is a deadline for making the complaint for it to fall under the Code.

The education provider will review and study the complaint and make a decision according to the facts presented.

Step 2: External review by the ombudsman

If the international students are not happy with the decision of their provider they can request the Ombudsman to review their case. Those that are enrolled in a private university or college can lodge their complaint to the Commonwealth Student Ombudsman. International students studying in public education providers will have their cases lodged with the State or

Territory Student Ombudsman.

The usual procedure of a State Ombudsman is, first, to acknowledge receipt of the complaint in writing. The state ombudsman also communicates the complaint to the provider and requires it to respond to the complaint, after which they will conduct a preliminary review of the case and issue an initial report based on the preliminary review.

If the initial report favours the complainant, it sends a copy of the initial report to the education provider for comments, after which another review is conducted before the final report is made. If the final report still favours the complainant, the report will contain recommendations on actions to be taken in accordance with the National Code.

If the initial report favours the education provider, a letter is sent to the complainant with the full details of the decision made. A copy of the report is also sent to the provider for their information.

On both cases, the international students are given the chance to confer with the person/persons who reviewed their complaint if they need more information and explanation.

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