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## University of South Australia to refund overseas student Anupamdeep Kaur's fees

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The University of South Australia yesterday reversed its decision not to refund nearly \$16,000 in tuition fees paid by an international postgraduate student who enrolled but never entered the country.

The university had been steadfastly refusing to return any portion of the \$15,880 Anupamdeep Kaur paid to enrol in a master of business administration degree but was prevented from pursuing after the Immigration Department cancelled her student visa. The cancellation, a month after the visa was issued, was based on Mrs Kaur having incorrectly stated that she had never had a visa to another country refused.

In what sounded like a replay of the Matt Canavan defence, Mrs Kaur said the education agent in India filled in the form on her behalf and never asked her about previous visa refusals. In fact, she had been refused a visa for New Zealand several years earlier over financial documentation.

Mrs Kaur's lawyer Karl Konrad drew attention to the case, saying she had been unfairly treated and that no domestic student would be refused repayment of fees if they had given one month's notice.

"The (Education Services for Overseas Students) Act does say that if a student visa is refused, they are not entitled to a refund. But most universities don't enforce that because it would be business suicide. No one would apply to a university, pay all the money and then not get their money back if they were refused."

However, having originally stood by its decision, yesterday the university said it was in the process of refunding Mrs Kaur's money. A UniSA spokeswoman said the cancellation of a visa by the Department of Immigration typically indicated a serious

"Like all other Australian universities, UniSA has clear policies and procedures relating to the refund of tuition fees when a visa is cancelled," she said.

"While we are unable to comment about the specifics of this case due to privacy issues, the university is currently in the process of refunding Ms Kaur's tuition fees."

Mr Konrad welcomed the decision, saying the university "knew it had a public relations nightmare" on its hands.

"In our opinion the use of the no-refund clause if a visa is cancelled was an unconscionable punitive action against a student who had no chance of defending herself. It caused a significant amount of emotional hardship and was completely unwarranted," Mr Konrad said.

He said the no-refund clauses due to visa cancellations should be removed immediately from all education providers' policies and refunds should be based on the percentage of services already used.

Mr Konrad said Mrs Kaur's case also highlighted how international students who felt aggrieved by the Australian system could slip between the gaps. The federal Overseas Students Ombudsman would not look at her case because it related to a public university; the Australian Human Rights Commission said it didn't fall in its remit because UniSA was not a federal institution; and Ombudsman SA said it could deal with the case only if it involved maladministration relating to policy and procedures.

Mr Konrad also said that while Mrs Kaur had been offered a right of appeal by the university, she had decided against it on the basis that it had little chance of success.

"What is the point of appealing a policy where it clearly states no refund and they have made a decision where they have applied that policy?" Mr Konrad said.

"There was no ground to think about appealing and certainly no policy there which indicates any compelling or compassionate circumstances may be considered. If there had been, I would have pursued it."

He said there was also a patent conflict of interest in that education agents were permitted to lodge visa applications on behalf of clients, but whose commission depended on the success of an application — a system that, according to Mr Konrad, encouraged lying.



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