ST STITHIANS COLLEGE

PROCEDURE: ADMISSIONS REQUIREMENTS FOR FOREIGN STUDENTS

Purpose

1. The purpose of this Procedure is to establish a clear, consistent and administratively fair process for the application, admission, enrolment and continued enrolment of students who are not South African citizens.
2. For convenience we use the term 'student' broadly, to refer to an applicant for enrolment at the College, or who is currently enrolled as a student of the College.
3. This Procedure must be read together with the College's Admissions Policy, Standard Terms and Conditions for Student Enrolment, Annual Fees Booklet, Debtors Procedure and other applicable College policies, procedures and rules.
4. Infringement of this Procedure may have serious implications for the reputation of the College and beyond, including adverse regulatory consequences and media comments together with the possibility that criminal or civil penalties may be levied.

Scope

5. This Procedure applies to:
   5.1. prospective students who are not South African citizens;
   5.2. currently enrolled foreign students;
   5.3. parents or legal guardians of such students; and
   5.4. College employees responsible for Admissions, enrolment, student records, Finance and compliance.
6. For purposes of this Procedure, **"Foreigner"** has the meaning assigned to that term in the College's Standard Terms and Conditions for Student Enrolment.

General Principle

7. A foreign student remains subject to the College's normal admissions requirements and processes.
8. In addition, the College must be satisfied that the student has the legal permission required to be enrolled at and attend the College for the purposes of learning in South Africa.
9. The College will not admit or enrol a foreign student without the necessary legal permission.
10. Admission should therefore not be treated as completed solely because the student has met the College's academic or other admissions criteria. The immigration requirements applicable to the student must also be addressed before final enrolment.

Application Documentation

11. In addition to the documentation ordinarily required under the Admissions Policy, the Parent shall provide accurate information and copies of all documents reasonably required by the College to establish the Student's identity and immigration status and in compliance with the College's obligations in terms of section 39 of the Immigration Act.
12. Depending on the circumstances of the student, the College may request the applicable documents to establish the immigration status of the student, which may include but is not limited to:

    - the student's valid passport or other acceptable identity document;
    - the Parent's or legal guardian's passport or identity documentation;
    - evidence of the student's current immigration status;
    - a valid study visa, where required;
    - proof of permanent residence, where applicable;
    - refugee or asylum documentation, where applicable; or
    - another visa, permit or authorisation relied upon as giving the student lawful permission to study in South Africa.

Verification Before Final Enrolment

13. Admissions should identify a student's citizenship or immigration status as part of the application process.
14. Where the student is a Foreigner:
    14.1. the relevant immigration documentation must be obtained;
    14.2. the documentation must be checked for completeness and apparent validity;
    14.3. the expiry date of any time limited visa or permit must be recorded;
    14.4. any uncertainty concerning whether the documentation permits the student to study should be referred for appropriate specialist advice; and
    14.5. the College should not treat the student as finally enrolled until the applicable admission and immigration requirements have been satisfied.

Important Control

15. Admissions staff should verify documentation but should not make substantive immigration law determinations where the position is unclear.

16. This distinction is important operationally. It prevents Admissions staff from inadvertently giving immigration advice to families.

Outstanding Or Pending Immigration Documentation

17. Where the Parent advises that an application, renewal or extension is pending, the matter must be referred to the Head before enrolment is confirmed. Following consultation with the Parent, if the documentation required by this Procedure has not been provided, the student cannot be enrolled.
18. The College may request reasonable supporting evidence of the application or renewal relied upon by the Parent.
19. The College should not represent that acceptance of an application for admission, payment of an Entrance Fee, or an offer of a place constitutes confirmation that the student satisfies South African immigration requirements.

Financial Requirements

20. Foreign students and their Parents remain subject to the College's normal financial admission and enrolment requirements.
21. Where the Temporary Resident Fee Deposit applies, it must be paid in accordance with the Annual Fees Booklet and the applicable College requirements.
22. The Temporary Resident Fee Deposit is defined as an advance refundable deposit equal to one third of the annual fees, applicable to Temporary Resident Parents and Students.

Acceptance And Enrolment Documentation

23. Once the application has been approved and all applicable requirements have been satisfied, the Parent must: a) complete the College's prescribed enrolment process; b) accept the Ts & Cs; and c) all other documents that constitute the Annual Agreement documentation (collectively referred to as “the Agreement”).
24. No student should commence attending classes until the Agreement has been concluded.
25. Parents on behalf of students who apply for enrolment during the Academic Year must complete the enrolment process, provide the relevant documents and accept Agreement before commencing classes.

Continued Immigration Compliance

26. Admission is not a once off immigration compliance exercise.
27. The documentation obligation in clauses 11 to 14 continues throughout the enrolment of a Student who is a Foreigner. The Parent of such a Student is responsible for:

27.1. maintaining any visa, permit or other authorisation required by law;

27.2. taking timely steps to renew or extend that authorisation where necessary;

27.3. providing updated documentation to the College when reasonably requested; and

27.4. notifying the College promptly upon becoming aware of the expiry, withdrawal, revocation, suspension or refusal of any such authorisation, or any other material change affecting the immigration status of the Student or that of the Parent(s).

Schools Internal Control

28. The responsible Head of School, should maintain an **immigration document register** containing, at minimum:

- student name;
- student number;
- citizenship;
- category of immigration documentation held;
- document expiry date;
- date updated documentation was received; and
- follow up status.

29. Access to such a register should be appropriately restricted because the information constitutes personal information.

Expiring Documentation

30. As an administrative safeguard, the Head of School, or delegate, should contact the Parent a minimum of three months before the recorded expiry date and request updated documentation or reasonable evidence that renewal or extension has been applied for.
31. The Parent shall take all reasonable and timely steps to obtain and maintain any visa, permit or other authorisation required by law in the Student's circumstances, including submitting any necessary application for renewal or extension.

Change In Or Loss Of Immigration Status

32. Where the College becomes aware that a student's immigration status may no longer satisfy the applicable legal requirements, the matter must be referred to the Rector by the Head of School. In the event that the Student's immigration status changes, the College may in appropriate

circumstances terminate the Agreement and the student's enrolment only after following the fair procedure set out in clause 34.

33. The student's enrolment must not be terminated automatically.
34. Before termination is considered, the College must follow a fair procedure comprising at least the following:

34.1. **Notice and representations**

34.1.1. The Head shall give notice to the Parent of the College's intention to terminate the Agreement and the Student's enrolment, and invite the Parent and Student to submit written or oral representations on the impact of the intended decision on the Student's best interests, the effect on the Student's education, and any proposed steps that might mitigate against the possibility of harm to the Student.

34.2. **Participation of the Student**

34.2.1. The Head shall afford the Student an appropriate opportunity to express their views, having regard to their age, maturity and stage of development. These views may be conveyed directly, through a representative or with the assistance of a suitable person, including a counsellor.

34.3. **Consideration**

34.3.1. The Head shall consider the representations submitted by the Parent and Student to evaluate the extent to which the intended decision may impact on the best interests of the Student, and in this regard assess:

34.3.1.1. the effect of termination on the Student's education and wellbeing, including the timing of examinations and the practical availability of alternative schooling;

34.3.1.2. any relevant rights and interests of other students, the legitimate interests of the College, and its legal obligations; and

34.3.1.3. whether reasonable alternatives are available, including allowing time to resolve the difficulties associated with the immigration status.

34.4. **Recommendation and decision**

34.4.1. The Head shall record the assessment and submit a reasoned written recommendation to the Rector.

34.4.2. The Rector shall independently consider the relevant information, representations and recommendation before deciding whether termination of the Student's enrolment at the College is justified.

34.5. **Communication and implementation**

34.5.1. The Rector's decision must be communicated promptly to the Parent in writing, with reasons. If the decision is to terminate the Agreement and consequently the Student's enrolment, the communication must specify the effective date and any reasonable measures to reduce disruption to the Student's education.

Breach

35. Failure by the Parent or Student to fulfil applicable legal requirements for the Student to attend school in South Africa may constitute a material breach of the Agreement.
36. The existing breach provision in the Ts & Cs specifically identifies failure to obtain a valid study permit for a foreign citizen as an example of such a breach.
37. However, where the issue concerns immigration status, staff should first apply the specific process in this Procedure rather than treating the matter as an automatic cancellation of enrolment.

Refunds, Deposits And Cancellation Charges

38. Any financial consequences arising from withdrawal or termination must be determined in accordance with:
    - the Standard Terms and Conditions for Student Enrolment;
    - the Annual Fees Booklet;
    - the Debtors Procedure; and
    - the particular circumstances of the termination.

Record Keeping And Confidentiality

39. Documentation obtained under this Procedure must:
    - be retained securely;
    - only be accessible to authorised employees;
    - be used for legitimate admissions, enrolment, statutory and compliance purposes; and
    - be processed in accordance with POPIA and the College's applicable privacy and information management requirements.

Responsibility

40. Admissions
    40.1. identifies foreign student applications;
    40.2. obtains the required documentation;
    40.3. ensures the matter is appropriately verified or escalated before final enrolment.

40.4. determines and administers the Temporary Resident Fee Deposit

41. Parent

41.1. provides accurate documentation;

41.2. takes all reasonable and timely steps to obtain and maintain any visa, permit or other authorisation required by law in the Student's circumstances, as set out in clause 31;

41.3. renews applicable documentation timeously; and

41.4. notifies the College promptly upon becoming aware of any authorisation event or material change affecting the immigration status of the Student or Parent(s), as set out in clause 27.4.

42. Head

42.1. considers immigration related concerns affecting continued enrolment and undertake the assessment detailed in this Procedure;

42.2. determines the financial consequences in relation to notice periods and cancelation fees and informs Finance of recommendation for processing of Refund in terms of the Debtors Procedure.

43. Rector

43.1. makes the final decision where termination of enrolment is contemplated following the prescribed process.

Procedure Governance

44. This procedure will be reviewed by the Senior Leadership Team and amended upon any Gazetted regulatory amendments and according to the College agreed policy and procedure review cycle.
45. Ownership of this Procedure is vested in the Director of Admissions.
46. This Procedure is approved by College Exco according to the College agreed policy and procedure review cycle.
47. Any proposed interim changes must be approved by College Exco.

Policy and legislative framework

48. List of relevant legislation and policy applicable to this Procedure:

48.1. Constitution of the Republic of South Africa, 1996, in particular section 9 (equality), section 14 (privacy), section 28 (children's rights and best interests) and section 29 (education);

48.2. Immigration Act 13 of 2002, in particular section 39 (learning institutions);

48.3. Immigration Regulations, 2014 (Government Notice R413 of 2014), as amended, in particular regulation 12 (study visa);

48.4. Refugees Act 130 of 1998;

48.5. South African Schools Act 84 of 1996, including the provisions applicable to independent schools;

48.6. Basic Education Laws Amendment Act 32 of 2024;

48.7. Children's Act 38 of 2005;

48.8. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;

48.9. Protection of Personal Information Act 4 of 2013 (POPIA);

48.10. Promotion of Access to Information Act 2 of 2000;

48.11. Consumer Protection Act 68 of 2008;

48.12. National Credit Act 34 of 2005;

48.13. Student: Code of Conduct;

48.14. Parent: Code of Conduct;

48.15. the Standard Terms and Conditions for Student Enrolment;

48.16. the Annual Fees Booklet;

48.17. Debtors Procedure.

Non-Compliance by employees

49. Instances of non-compliance with this Procedure will be dealt with in the manner described in this Procedure.
50. Instances which represent critical breaches of internal control systems will be reported to the Rector.
51. Breaches of this procedure may result in disciplinary action, which may include dismissal, in addition to any civil or criminal action that may be taken. Incidents rendering employees liable for such action include:

    51.1. Any failure to abide by the obligations listed above.

    51.2. Negligence by a manager who fails to take due care and diligence when reviewing the actions of employees under their control.

Approved by the COO & external Council: 05 November 2026
Owner: Director of Admissions
5-year review cycle date: 04 November 2031