



Changes to provider registration requirements and processing

There are a number of changes to provider registration requirements and processes under the *Education Services for Overseas Students Act 2000* (ESOS Act):

- To be a registered provider under the ESOS Act to deliver courses to overseas students, and appear on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), a provider must have delivered one or more courses to domestic students, over a consecutive period totalling 2 years, with certain exceptions (see page 1).
- The Minister for Education (the Minister) can pause the making or processing of applications for registration (see page 3).
- If a provider has not delivered any registered course to any overseas student at any onshore location for a period of 12 consecutive months, their CRICOS registration will be automatically cancelled for all courses at all locations (see page 5).

This fact sheet is intended as a plain language guide to the changes and should not be relied upon as legal advice. Where there is doubt, please refer to the [ESOS Act](#).

Changes in requirements to become a CRICOS registered provider

What is changing?

To be eligible for CRICOS registration, an education provider must demonstrate delivery of:

- one or more courses as defined in section 5AA of the ESOS Act
- at any location or locations in Australia
- over a consecutive study period totalling at least 2 years
- to students in Australia other than overseas students.

A provider seeking CRICOS registration does not need to meet this additional requirement if it is:

- an exempt provider (as defined under section 6D of the ESOS Act)
- already a registered provider on CRICOS
- delivering *only* standalone English Language Intensive Courses for Overseas Students (ELICOS) or standalone Foundation Programs or both

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- a Table A provider under the *Higher Education Support Act 2003*
- a registered higher education provider (within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011*)
- a registered TAFE provider.

Why the change?

The requirement ensures providers first demonstrate a commitment to delivering education outcomes to domestic students before they can deliver courses to overseas students. This requirement will allow ESOS agencies to assess the performance of providers seeking to deliver to overseas students. It enhances classroom diversity and will help deter non-genuine providers from entering the international education sector purely for profit and facilitating migration outcomes. It will also support providers that are genuinely intending to deliver educational outcomes for all students.

Frequently Asked Questions

Who is a 'student other than an overseas student'?

An 'overseas student' under the ESOS Act is a person who holds a student visa (excluding some students as outlined in the [*Education Services for Overseas Students Regulations 2019*](#)). A 'student other than an overseas student' is a student in Australia who does not meet this definition. This will cover, for example, citizens or permanent residents of Australia or New Zealand citizens who are studying in Australia and enrolled with the provider in the relevant course.

What is a 'consecutive study period'?

The new definition of 'study period', included in the ESOS Act, refers to a period of study within a course that meets the requirements set out in the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*. This definition captures examples of study periods, including terms and semesters.

A consecutive study period totalling at least 2 years will include breaks that would ordinarily occur or would reasonably be expected to occur during or between study periods. For example, where a provider teaches 2 semesters per year, mid-semester breaks and natural breaks between semesters (without interruptions beyond these natural breaks) are included in the 2 years.

Counting of the 2-year period starts on the day the first student in Australia, who is not an overseas student, commences the course of study.

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Does this new requirement apply to providers who applied for registration before this provision commenced?

No. This new requirement only applies to providers who made applications for CRICOS registration on or after Royal Assent of the Education Legislation Amendment (Integrity and Other measures) 2025 Bill.

Does a provider need to demonstrate that they have delivered to students other than overseas students for all their courses, and at all their locations?

No. This new requirement only needs to be demonstrated for at least one course at one location.

Instruments to suspend applications for registration or suspend processing of applications

What is changing?

Amendments to the ESOS Act will enable the Minister for Education (the Minister), after consultation with the ESOS agencies and with the written agreement from the Minister for Skills and Training, to make instruments to suspend the making or processing of applications for registration. This means that the Minister can determine that ESOS agencies cannot accept applications, or are not to process applications, for a limited period of time.

Suspend the making of applications for registration

This includes applications to:

- become a CRICOS registered provider, or
- to add courses to a CRICOS registration.

Example of suspension of making application: On 30 March 2026 the Minister makes an instrument that suspends the making of applications for registration by registered higher education providers between the period 31 March 2026 and 10 December 2026.

This has the effect that any application received in that date range from registered higher education providers will be considered invalid by the relevant ESOS agency, TEQSA. TEQSA will not be permitted to accept, consider or decide on the application. In other words, the application is taken to have not been made.

Suspend the processing of applications for registration

This includes applications to:

- become a CRICOS registered provider or
- to add courses to a CRICOS registration.

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The Minister can determine either that an ESOS agency must not process applications or give the ESOS agency the discretion to not process applications and/or receive applications to register courses for a period of up to 12 months. This applies to applications currently under consideration or 'on-hand'.

Processing includes, but is not limited to, the following activities:

- reviewing an application to determine what risk assessment action, if any, would be required to inform a decision
- collecting more information from the applicant or other sources
- risk assessing (e.g. auditing) an application to inform a decision
- making a decision about an application
- reviewing a decision about an application.

Classes of application

An instrument made by the Minister will clarify how the suspension of applications will apply by specifying the classes of applications that are covered by the instrument. For example, the instrument may only apply to applications from a certain type of provider.

An instrument may apply to one or more classes of applications. This allows targeted suspension of processing for specific cohorts of applications, without affecting other applications.

A *class of application* may include one or more of the following factors:

- type of applicant organisation
- applicant regulatory history
- type of course/s
- delivery location/s
- any other factor as determined by the Minister in an instrument.

Example of must not process applications: On 9 January 2026 the Minister makes an instrument that determines that the ESOS agency, ASQA, must not process on-hand applications or any new applications to register VET courses for the period of 10 February 2026 – 10 June 2026.

ASQA will not process any applications on-hand or received during that period. Once the period as set by the instrument has expired, or if the Minister revokes the instrument prior to its expiration, ASQA will recommence processing.

Why the change?

These amendments allow the Minister to make instruments where action is required to protect the integrity and sustainability of the international education sector.

The instruments will provide ESOS agencies with additional time and resources to apply appropriate scrutiny to applications and acquit processing within a reasonable timeframe.

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This change gives certainty to providers who may otherwise be faced with long and uncertain assessment times and ensures the integrity of the sector is safeguarded through the application of due diligence in the assessment of all new applications for providers or courses. This will support quality education providers to enter into the sector or to extend their operations.

Frequently Asked Questions

How will I know if my application is covered by an instrument?

An instrument will be registered and published on the [Federal Register of Legislation](#).

The Department of Education and the ESOS agency responsible for registering and regulating providers and the course/s covered in the instrument will provide advance notice to providers affected by the making of the instrument and will have information available on their websites to assist with any uncertainty.

What happens if I am about to lodge an application to register as a CRICOS provider and the making of applications is suspended?

You should not lodge your application. If you try and lodge your application, it will not be accepted. You can choose to lodge your application once the period of the suspension has passed.

What happens to applications that have been submitted before the date set out in the instrument?

These will be processed as normal *unless* there is another instrument directing the ESOS agency to suspend processing of applications (see below).

What happens to my application if an instrument to suspend processing is made?

If your application is with the ESOS agency for assessment and processing and is within the timeframes set out in an instrument directing the suspension of processing, your application will not be processed until the day after the end date specified in the instrument.

Automatic cancellation of registration following non-delivery of courses to overseas students

What is changing?

A provider that has not delivered any CRICOS registered course at any registered onshore location to an overseas student within a 12-month period, known as the measurement period, will have its CRICOS registration automatically cancelled for all courses at all locations.

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The measurement period will begin from 1 January 2026. The measurement period is individual to each provider and refers to any consecutive 12-month period where the provider does not deliver any course at any location to an overseas student, starting on or after 1 January 2026.

If a provider is not delivering any course at a location to an overseas student on 1 January 2026, the measurement period for that provider begins from that date. If 12 months from the start of the measurement period (i.e. 1 January 2027) the provider still has not delivered any courses at any locations to overseas students, their CRICOS registration will be automatically cancelled. CRICOS will be updated to reflect this.

If a provider is delivering any course at any onshore location to an overseas student on or after 1 January 2026, the measurement period for that provider will begin on the day when the provider is no longer delivering any courses at any onshore locations to any overseas students.

Providers will need to monitor their overseas student enrolments and completions. A provider will be able to apply to its ESOS agency for an extension of the measurement period. An application for an extension must be made at least 90 days before the end of the measurement period, in a form (if any) approved by the provider's ESOS agency.

Extension applications will be considered by ESOS agencies on a case-by-case basis. ESOS agencies may grant, where appropriate, more than one extension of a measurement period in relation to a provider, so long as the total period of all extensions for the provider does not exceed 12 months. This means that the maximum period of time a provider cannot deliver a course to an overseas student without cancellation of their CRICOS registration is 24 months.

Approved school providers are exempt from this change, as their intake of overseas students are small, and they may not enrol an overseas student every year.

Example of the measurement period for a provider: The last overseas student who studies a course at Provider A completes their course on 24 September 2026. From 25 September 2026, Provider A does not deliver any courses to any overseas students onshore for a consecutive 12-month period. The measurement period for Provider A will begin on 25 September 2026 and at the end of the measurement period, which is 12 months later, on 25 September 2027, Provider A will have its CRICOS registration automatically cancelled for all courses at all locations unless they request and are granted an extension or they start to deliver a course to an overseas student or overseas students.

Why the change?

This change is intended to remove dormant providers who may be using their registration on CRICOS for non-genuine or fraudulent purposes, and providers who are not committed to delivering quality education to overseas students. This change also prevents

unscrupulous providers from entering the international education sector through the purchasing of dormant providers.

Frequently Asked Questions

What if a provider is delivering one course to overseas students, but not others?

Automatic cancellation under this section of the ESOS Act only applies where a provider does not deliver *any* of their CRICOS registered courses to overseas students at *any* of their CRICOS registered locations. This means that, so long as a provider is delivering at least one CRICOS registered course to at least one overseas student onshore, the measurement period will not commence, and the provider's CRICOS registration will not be automatically cancelled.

Providers are not required to commence delivery for a *new* overseas student in their registered courses every year. The requirement is only that a provider must be delivering a registered course to an overseas student (whether a new or continuing student), otherwise the measurement period for automatic cancellation will begin.

Example of automatic cancellation: A provider has registered three courses for delivery to overseas students on CRICOS: Course A, Course B, and Course C.

The provider has a small number of overseas students enrolled in Course A, starting on 1 February 2026, but no overseas students enrolled in Course B or Course C.

By 1 February 2027, the provider is still not delivering Course B or Course C to any overseas students. The measurement period for automatic cancellation does not begin, however, as the provider is still delivering Course A to overseas students.

On 1 December 2028, all overseas students in Course A complete their studies, and the provider is still not delivering either Course B or Course C to any overseas students. On 2 December 2028, the measurement period begins. If the provider has not commenced delivering Course A, B, or C to any overseas students by 2 December 2029, their CRICOS registration will automatically be cancelled, and they will no longer be able to deliver any courses to overseas students.

How will a provider know it must write to the ESOS agency for an extension of the measurement period?

Providers are responsible for monitoring their delivery of courses to overseas students.

A message will be sent to all registered providers via email and/ or in the Provider Registration and International Student Management System (PRISMS) on a quarterly basis reminding them to check their delivery of courses to overseas students and apply for an extension at least 90 days before the end of the 12-month measurement period (i.e. before the end of the 12-month period of no course delivery to overseas students).

How will a provider know if its registration has been cancelled?

The provider's ESOS agency must give a written notice, advising the provider that its CRICOS registration has been cancelled. If the provider wants to re-commence delivering courses to overseas students, it will need to apply for a new CRICOS registration.

In what circumstances will an ESOS agency be able to extend the 12-month period?

Extensions to the measurement period are intended to only be granted where providers are prevented from delivering courses to overseas students for legitimate reasons.

Circumstances considered to be legitimate may include but are not limited to where:

- a newly registered provider is facing operational challenges, such as lack of staff or funding, preventing successful delivery of courses to overseas students
- a provider is affected by a natural disaster or circumstances, for example, fire, flooding, or a pandemic, that are beyond its control and impact the delivery of a course.

Can the automatic cancellation of a registered provider's registration be reviewed?

No. As the automatic cancellation of a provider's registration is made by operation of law and is not a decision of an ESOS agency, internal and external merits review is not available.

Can the decision made by an ESOS agency to extend or not extend the measurement period for a provider be reviewed?

Yes. Decisions made by an ESOS agency to extend or not extend the measurement period are subject to internal and external merits review, provided the request for extension was made at least 90 days before the end of the measurement period and in a form (if any) approved by the ESOS agency.

If a provider is registered for courses that are regulated by more than one ESOS agency (i.e. a dual sector provider), and seeks an extension to its measurement period, does it need to apply to all ESOS agencies?

No, a dual sector provider seeking extension of their measurement period will only need to apply to one ESOS agency. A provider should apply to the ESOS agency that approved their initial CRICOS registration. If a provider has courses that are regulated by different ESOS agencies, these courses are not considered separately in the application of the measurement period, or of automatic cancellation.

Does 'cancel' in this measure have a similar meaning to 'lapse' in the *National Vocational Education and Training Regulator Act 2011* (NVETR Act)?

In relation to a provider's registration, the term 'cancel' used in the ESOS Act and the term 'lapse' used in section 40A of the NVETR Act have a similar meaning and result in the same outcome, i.e. a provider is no longer registered.