

Regulations Appeals Board MoMi (monitoring academic progress)

introductory considerations

- (i) the Executive Board of the foundation HZ University of Applied Sciences;
- (ii) considering the coming into force of the Modern Migration Act on 1 June 2013 (Government Gazette 2010, 290 and Government Gazette 2013, 165) and the regulations based on this;
- (iii) considering, among others, Article 5.5 of the Code of Conduct for International Students in higher education (revised edition 1 June 2013);
- (iv) considering Article 5.5 of the Code of Conduct, which states that HZ annually determines the academic progress of international (non-EEA) students who are obliged to have a residence permit (except exchange students) after the end of each study year and that as adequate academic progress is labelled: 50% of the (proportional) nominal study load for the study year; and
- (v) if it appears that the international student who is obliged to have a residence permit is unable or insufficiently unable to meet the level, this student will be deregistered from the IND within a month, with the exception of personal circumstances as referred to in Article 7.51 WHW and Article 2.1 Implementing regulations Whw as a result of which there is no satisfactory academic progress;
- (vi) considers it desirable to achieve formalization in HZ regulations of the already existing practice at HZ regarding hearing students on the intention to deregister from the Immigration and Naturalisation Service (IND);
- (vii) endorses the following Regulations Appeals Board MOMI.

Article 1. Definitions

These regulations are understood to mean:

1. **HZ**: the foundation HZ;
2. **Executive Board**: the Executive Board of HZ;
3. **WHW**: Higher Education and Scientific Research Act;
4. **Student**: the international student who is obliged to have a residence permit as intended in the Code of Conduct for international students in higher education;
5. **monitoring academic progress**: The monitoring of academic progress as intended in Article 5.5 of the Code of Conduct for international students in higher education and the underlying laws and regulations;
6. **Appeals Board MoMi**: Appeals Board as intended in these regulations.

Article 2. General

- 2.1 An Appeals Board MoMi exists.
- 2.2 The Appeals Board MoMi hears students with respect to those to whom an intention to check out from the IND is released. As a result of this hearing, the board also issues an advice to the Executive Board.

- 2.3 The Appeals Board MoMi observes the guidelines and instructions as well as other rules and the applicable laws and regulations that apply within HZ and which were issued by the Executive Board, among which the matter of immigration and foreigners.

Article 3. Composition Appeals Board MoMi

- 3.1 The Appeals Board MoMi consists of two members.
- 3.2 The Executive Board appoints the members of the Appeals Board MoMi.
- 3.3 The members of the Appeals Board MoMi should interpret the hearing rights of students in a professional, honest and convincing way.
- 3.4 The Executive Board appoints the chairman from the members of the Appeals Board MoMi.
- 3.3 The members of the Appeals Board MoMi are appointed for a term of three years. Members can always be reappointed after the expiration of this period.

Article 4. Preparation hearing

- 4.1 The Appeals Board MOMI determines in a timely fashion, ultimately in June of each year, the date or dates on which the Appeals Board MoMi is in session. These data are published on the HZ website and disclosed to the students involved.
- 4.2 A student to whom an intention to deregister from the IND is issued, should make known within ten days after sending this intention whether he wishes to be heard, submitting his point of view regarding the deregistration and as many onus of proof as possible.
- 4.3 Untimely requests will not be considered by the Appeals Board MoMi.
- 4.4 Upon receipt of a timely filed request by the student as referred to in the second paragraph, the Appeals Board MoMi shall prepare for the hearing. At any time, the Appeals Board MoMi may demand further information from, among others, the Bachelor's programme coordinator and study career coach of the study programme involved or from the student and the (departmental) Examination Board of the academy of the Bachelor's programme to which the student belongs.
- 4.6 The Appeals Board MoMi invites the student in writing, electronically (per e-mail) or orally to the hearing.
- 4.7 The student may inspect the file present during hearing of the Appeals Board MoMi.
- 4.8 A student may submit further documents up to the time of the hearing.

Article 5. Hearing

- 5.1 Hearings are not public.
- 5.2 Hearings usually take place at HZ locations. By agreement of the parties, hearings may be held by telephone or otherwise.
- 5.3 The student may be accompanied by third parties at the hearing, if so desired.
- 5.4 The chairman of the Appeals Board MoMi may in some cases deny third parties access to a hearing.
- 5.5 The student may be represented at the meeting by a proxy, provided that before the appearance at the oral hearing a written authorization, signed by the student, has been submitted.
- 5.6 The hearing is held by the Appeals Board MoMi or on its behalf by one of its members.
- 5.7 Of each hearing a report is made by or on behalf of the Appeals Board MoMi.
- 5.8 Within one week after the hearing, the Appeals Board MoMi meets to deliberate on the proceedings and the Board formulates an advice on the validity of the point of view submitted by the student, and in particular whether there is an excusable reason why notification can once only be refrained from, and sends this report to the Executive Board.

Article 6. Decision Executive Board

- 6.1 The Executive Board decides on the student's deregistration, based on the advice issued by the Appeals Board MoMi.
- 6.2 The Executive Board strives to reach its decision about the deregistration before the start of the new study year. Ultimately at the end of November, a decision must have been reached and the IND is notified by the Executive Board or on behalf of it, which students obtained insufficient credits in the previous study year without the existence of an excusable reason. The Executive Board ensures that the decision is communicated to the student.
- 6.3 Due to the nature of the decision, there is no option for an appeal against the decision of the Executive Board about the student's deregistration.

Article 7. Miscellaneous

- 7.1 The Executive Board may make provisions in cases where these regulations are lacking.

Article 8. Final Provision

- 8.1 These regulations come into force on 1 July 2015.
- 8.2 These regulations are published on the HZ website.
- 8.3 These Regulations may be cited as Regulations Appeals Board MoMi.