

## International Student Transfer Policy

<b>Institution</b>	Concord English College
<b>Policy Name</b>	International Student Transfer Policy
<b>Policy Governance</b>	PEO
<b>Reference to Standards</b>	National Code 2018 – Standard 7
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### 1. PURPOSE

Concord English College establishes this policy and procedure to outline the process in relation to a student application to transfer between registered providers

### 2. DEFINITIONS

**Concord/The College:** Concord English College

**DoHA:** Department of Home Affairs

**CRICOS:** Commonwealth Register of Institutions and Courses for Overseas Students

**Compassionate or compelling circumstances:** Circumstances generally out of the control of the student which will have a negative impact on the students ability to progress in their course or their wellbeing.

**ESOS Act:** The Education Services for Overseas Act 2018 (cth) as amended from time to time.

**International Student:** A student with an international passport with a Student Visa issued by the Department of Home Affairs

**National Code:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, establish under Part 4 or the ESOS Act.

**Principal course:** The principal course of study is the highest qualification (normally the last course) covered by the student's visa. Standard 7 also applies to all courses of study prior to the student's principal course.

**PRISMS:** Provider Registration and International Student Management System used to interface and process student information between DoHA and The College.

**Release Letter:** A letter giving permission for a student to be released from their enrolment with the current college and used as evidence of permission to transfer.

**Six months of principal course:** This means completion of six calendar months of the principal course of study from the date that the student commences that course.

**Transfer IN:** Process of a student transferring into The College from another educational provider.

**Transfer OUT:** Process of student transferring to another education institution from The College.

### **3. POLICY**

3.1 The College will at all times aim to keep the best interests of the student paramount in determining any transfer request.

3.2 As a registered CRICOS education provide, The College is bound by the National Code 2018 and in particular Standard 7 relating to the Transfer of Students, the ESOS Act and the requirements of the DoHA.

3.3 The College will not knowingly enrol a student wishing to Transfer In from another registered provider prior to the student completing at least six calendar months of their principal program of study, except in limited and exceptional circumstances (listed below).

3.4 For students requesting to Transfer OUT prior to completing six months of their principal course, The College is entitled to determine the circumstances in which it will provide or refuse to provide a release letter together with the evidence it may require to make such a decision.

3.5 Students must co-operate with The College staff to assist in making any determination and must attend any interviews when requested to do. This may include a request to meet with welfare staff as The College requires.

3.6 All decisions will be communicated in writing to the student within 10 working days of the application being lodged at reception.

3.7 This Policy and Procedure relates to international students (holding a student visa) at The College

## **4. RESPONSIBILITY**

The PEO is responsible for the International Student Transfer Policy.

## **5. PROCEDURE**

The procedures outlined below will be followed to assess and action international student transfers;

### **5.1. Assessing student transfer requests**

- a. Many student visas are granted with the 'No Change of Provider' condition. In general, a student is expected to stay at the CRICOS provider at which they were originally registered. Specifically, it means that an international student must stay with their course provider for at least the first 6 months of their principal course. If the student is enrolled in a package of courses, they must stay with the institute for the length of the prerequisite courses, and then the first 6 months of the main course.
- b. In addition, The College will not knowingly recruit and enrol a transferring student from another education provider prior to 6 months of their principal course being completed.
- c. Consideration for granting a Student Visa by DoHA included a consideration of whether the applicant was a "Genuine Temporary Entrant". Many students have declared the primary driver of improving themselves through education to obtain a Student Visa are at risk of having their visa cancelled if found to be non genuine students.

### **5.2. Transfer IN**

- a) To be considered for enrolment at The College, a student who wishes to leave another education provider may be issued with a conditional letter of offer. This requires the

- applicant to provide a bone fide Letter of Release from their current provider or to demonstrate that they have completed at least 6 months of their principle course of study.
- b) Once the original Letter of Release has been provided then the enrolment may be processed in the normal way with an enrolment offer (see International Admissions and Enrolment Policy).
  - c) The College will not directly encourage a student to move away from their current provider unnecessarily or in a way that might be to the detriment of the student (either educationally or for their welfare).
  - d) Applicants will not be required to meet the six month rule or have a Letter of Release when:
    - the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
    - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
    - the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
    - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
  - e) The Academic Manager/PEO may use The College application form, PRISMS or a copy of the student's visa in the passport to ascertain the principal course and whether they satisfy the 6 month ruling.

### **5.3. Transfer OUT**

The steps for an overseas student to lodge a written request to transfer to another registered provider are outlined below. Students must provide a valid enrolment offer from another registered provider before release can be approved (National Code 2018 Standard 7.2.1)

- a) Prior to applying for transfer, students should be encouraged to read this policy and associated procedure in full.
- b) Students wishing to transfer to another institution must apply in writing for a letter of release using the Transfer Request Form
- c) In addition the student must provide any additional evidence required. This may include (dependent upon the circumstances):
  - Acceptance letter from another provider

- Additional documentary evidence of reasons for change (e.g. how change of course would benefit the student)
  - Medical or other evidence as appropriate
- d) The Academic Manager will immediately contact the finance department and the relevant course coordinator to confirm that:
- there are no outstanding fees owing to The College
  - there are no issues relating to course work, course progress and or attendance relating to the student.
- e) The student must cooperate with the Academic Manager by providing additional information or attending meetings as requested.
- f) The Academic Manager must consider the request and provide a written response to the request within 10 working days of the Form and evidence being received at reception. If additional information is requested, then the determination will be made within 10 working days of receipt of that evidence.
- g) In reviewing an application to Transfer OUT from The College the following factors will be considered:
- Is the request to transfer away from The College in the best interests of the student - for example is the intended course at the same level or higher than that currently being undertaken or is it lower – if so why?
  - Has the student given due consideration, with valid reasons explaining why they have chosen a different study / career path
  - Has the student presented a valid letter of offer from another provider or RTO?
  - Has the student paid all fees or other charges that are due to date?
  - Is the student trying to avoid disciplinary or other action being taken against them?
  - Are they currently under a support arrangement for not meeting the Course Progress requirements?
  - Is the student trying to avoid being reported to DoHA for failure to meet attendance or course progress requirements
  - If the requested transfer is to a course at a lower level than currently being undertaken then is the student currently enrolled on a course beyond their capabilities or are they

failing to meet course progress requirements despite their best endeavours?

In these cases the Academic Manager may seek feedback from the Student Counsellor prior to making a decision. This may lead to the student being asked to meet with The College Counsellor before their feedback is given.

- h) Circumstances in which The College will grant the transfer request (National Code 2018 Standard 7.2.2) because the transfer is in the overseas student's best interests, include but not limited to where The College has assessed that:
- the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even though they have engaged with The College's intervention strategy to assist the overseas student (National Code 2018 Standard 7.2.2.1)
  - there is evidence of compassionate or compelling circumstances (National Code 2018 Standard 7.2.2.2). The College will only consider requests based on "compassionate and compelling circumstances" on a case by case basis. The request will be reviewed by the Academic Manager who in these cases will make a recommendation that will be confirmed or amended by the PEO. The student must be prepared to provide supporting or additional evidence or be asked to corroborate the request.
  - The College is unable to deliver the course as outlined in the written agreement (National Code 2018 Standard 7.2.2.3)
  - there is evidence that the overseas student's reasonable expectations about their current course are not being met (National Code 2018 Standard 7.2.2.4)
  - there is evidence that the overseas student was misled by The College an education or migration agent regarding The College or its course and the course is therefore unsuitable to their needs and/or study objectives (National Code 2018 Standard 7.2.2.5)
  - an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student (National Code 2018 Standard 7.2.2.6)
- i) the circumstances which the registered provider considers as reasonable grounds to refuse the transfer (National Code 2018 Standard 7.2.3)
- j) Transfer Out requests will not be granted if any of the following are correct/current:
- Outstanding fees due to The College
  - There is any disciplinary or other process in place – e.g. an Intervention Plan based on not meeting course progress requirements, or disciplinary procedures on going.

- The request is based on a trivial request e.g. “my friend studies at another college”
- Required evidence (including supplementary evidence requested) is not provided to adequately support the request.
- The College honestly believes that granting the request would be detrimental to the student.

#### **5.4. Notification of Transfer Request Outcome**

- a) The Academic Manager will provide the applicant with a written determination within 10 working days of the receipt of their request form (National Code 2018 Standard 7.2.4)
- b) This response may be sent to either their last recorded home address in Australia or via email to their registered email address.
- c) The response is to include the following:
  - The decision to provide a Letter of Release or not.
  - If the request has been denied then:
    - i. Detailed reasons as to why the request has been denied. These should detail the specific circumstances and reasons for the refusal.
    - ii. Details of any evidence that was NOT provided e.g. Acceptance Letter, or evidence to support compelling reasons request.
    - iii. Details of The Colleges appeals process and how to access it.
- d) If the request has been accepted then The College will document:
  - how the student may obtain their Letter of Release,
  - the date on which the enrolment will be cancelled,
  - how cancellation of their enrolment may affect their visa by:
    - i. Informing DoHA via PRISMS of the student ceasing to be enrolled and why, and
    - ii. cancelling their current and future (if any) eCoE relating to The College, and
    - iii. provide information to the student that they should contact DoHA to confirm any visa requirements or amendments.

#### **5.5. Status on PRISMS**

The College must not finalise the student's refusal status in PRISMS until the appeal finds in favour of The College, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process (National Code 2018 Standard 7.6).

#### **5.6. Administration**

- a) Where a release letter has been granted, the Administration Department will submit a course variation through PRISMS using the 'transferred to another provider variation'. A copy of course variation is to be placed in students file.
- b) Where a release has been granted, there will be no cost at all to the student. The releasing provider must advise the student to contact DoHA to seek advice on whether a new student visa is required (National Code 2018 Standard 7.4).
- c) The College will retain records of all requests from students for a letter of release and the assessment of, and decisions regarding, the request on the students file for 2 years after the student ceases to become a student (National Code 2018 Standard 7.7).

#### **5.7. Appeal Process**

Overseas students have the right to appeal a transfer request outcome and have the right to access The Colleges Complaints and Appeals Policy within 20 working days (National Code 2018 Standard 7.5.2). Refer to Complaints and Appeals Policy.