

INTERNATIONAL STUDENT TRANSFER BETWEEN REGISTERED PROVIDERS POLICY AND PROCEDURE

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Approved by	Executive Committee	19 November 2014
Responsible Person	National Manager of Student Experience	
Related Documents	Tuition Fees and Refund Policy; Admissions and Enrolment Policy; International Student Course Progression Policy; Grievance, Complaints and Appeals Policy and Procedures; Application for Letter of Release - International Students' form, Letter Granting Release to Transfer between Registered Providers (template); Letter of Refusal to Release (template); Letter Requesting Further Information in connection with request for Letter of Release (template); International Student Applicant "Unsuccessful Letter" (template).	
References and Legislation	Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth); Higher Education Standards Framework (Threshold Standards) 2015; Education Services for Overseas Students Act 2000 (Cth); Education Services for Overseas Students Regulations 2001; National Vocational Education and Training Regulator Act 2011; Migration Act 1958 (Cth); National Code of Practice for Providers of Education and Training to Overseas Students 2018; the Higher Education Support Act 2003 (Cth); Privacy Act 1988 (Cth)	

1. Purpose:

This policy outlines the circumstances under which the College will allow both the enrolment of international students transferring from another Registered Provider into the College and the release of students from the College to another Registered Provider and the procedures for assessing such requests for transfer.

2. Scope:

This policy applies to international students studying in Australia, with a student visa, who wish to transfer between Registered Providers.

3. Definitions:

Term	Definition
<i>Academic staff / teaching staff</i>	Permanent and casual employees engaged in teaching and assessment of courses at the institution.
<i>Confirmation of Enrolment (CoE)</i>	A document provided electronically, which is issued by a Registered Provider to intending overseas students and which must accompany their application for a student visa.

Term	Definition
	It confirms the international student's eligibility to enrol in a particular course offered by the Registered Provider.
<i>Compassionate grounds</i>	Family, medical or 'wellbeing' reasons for supporting a transfer.
<i>Compelling grounds</i>	Circumstances that are involuntary and such that the applicant has little or no alternative.
<i>College (the)</i>	The Australian College of Applied Psychology (ACAP).
<i>DHA</i>	The Department of Home Affairs.
<i>ESOS</i>	The Education Services Overseas Students Act (2000).
<i>International student/ Overseas student</i>	A student required to hold a student visa for study in Australia.
<i>Intervention Strategy</i>	An individual plan to provide academic support and/or assistance to an international student identified as being 'at risk' of not achieving satisfactory academic progression.
<i>Letter of Release</i>	A letter issued by a CRICOS Registered Provider to confirm approval for an international student to be released from that provider to study with another provider.
<i>Letter of Offer</i>	A statement issued by an education provider which confirms its approval for an international student to enrol in the course(s) indicated on the letter.
<i>National Code</i>	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (as updated from time to time).
<i>Packaged program</i>	Students studying an ELICOS or VET program explicitly packaged with an ACAP or NCPS higher education course.
<i>Principal Course/Program</i>	The main program of study to be undertaken by an overseas student where a student visa has been issued for multiple programs of study. The principal program of study would normally be the final program of study where the overseas student arrives in Australia with a student visa that covers multiple programs.
<i>PRISMS</i>	The Provider Registration and International Students Management System Registered Provider refers to a university, TAFE or private educational institution listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to offer courses to people studying in Australia on student visas.
<i>Student</i>	An international or overseas student studying in Australia on a student visa.
<i>Unit</i>	A unit of study in a higher education course or a unit of study, module and/or unit of competency in a vocational education and training course.

4. Policy:

4.1 Policy Overview

Under the Education Services for Overseas Students Act 2000 and the associated requirements of Standard 7 of the National Code of Practice 2018 the College is restricted from enrolling transferring international students within the first six months from the commencement of the student's principal program except in limited circumstances.

If you are an international student you must complete six months of your principal course before you can transfer to another Registered Provider.

If you have not completed six months of your course, your application to transfer may be refused, except in the limited circumstances as outlined in this policy. International students transferring to another provider within the first six months of their principal course without being released from their existing provider are also at risk of having their visa cancelled by the Department of Home Affairs.

International students enrolled with the College who have completed six months of their principal course of study who wish to transfer to another place of study must follow the College's course withdrawal procedures to do so.

If you wish to change your study plans, do promptly contact your ACAP campus International Student Contact Officer to discuss the impact of your plans on your student visa and the various options that may be available to you. For further information on how changes to your course may impact your visa refer also to the Department of Home Affairs' website (DHS) information on Changing Courses at <https://www.homeaffairs.gov.au/trav/stud/more/changing-courses>.

4.2 Calculating the six months

The start date for calculating the six (6) calendar months is from the date when the student commences their principal course.

4.3 Circumstances in which transfer to the College from another Registered Provider will be permitted prior to a student completing 6 months of their principal course

The College will not actively recruit an international student wishing to transfer from another Registered Provider's course prior to the student completing six (6) calendar months of their principal course.

The College will also not knowingly enrol the student wishing to transfer from another Registered Provider's course prior to the student completing six months of his or her principal course of study except where:

- a. the original Registered Provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- b. the original Registered Provider has approved the release;
- c. the original Registered Provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
- d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

If the student is under the age of 18, written evidence is also required that:

- the student's parent or legal guardian supports the transfer; and
- the College being transferred to has put arrangements in place for approving a student's accommodation, support and general welfare; and
- the request is accompanied with the student's signed *Letter of Offer-Agreement*.

Only in the excepted circumstances listed immediately above will the College issue a Conditional Letter of Offer-Agreement to the student, which will also make clear that enrolment is conditional on the students attaining a Letter of Release from their current provider. A Confirmation of Enrolment (CoE) will not be issued by the College until the student has provided an appropriate Letter of Release.

4.4 Circumstances in which transfer from the College to another Registered Provider will be permitted prior to a student completing 6 months of their principal course

International students seeking to transfer from the College to another Registered Provider prior to completion of the first six (6) months of their principal course must seek approval to transfer and obtain a Letter of Release from the College in accordance with College procedure.

The College recognises overseas students as consumers and supports them to exercise choice and that some international students may require support to transition to study in Australia. The College will take into consideration the individual circumstances of the student when determining whether or not the transfer will be detrimental to the student and whether or not a Letter of Release will be issued to the student. When making such judgements the College will ensure the reasons are adequately supported.

4.5 College Grounds for Granting the Issue of a Letter of Release

The College will approve the release if:

- a. The student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the intervention strategy to assist overseas students in accordance with Standard 8 (Overseas student visa requirements) of the National Code or;
- b. Compassionate or compelling reasons for the transfer exist. For example, medical, family, or 'well-being' reasons for supporting a transfer (compassionate reasons). Or there are circumstances that are generally beyond the control of the student which affect their course progress or well-being (compelling reasons) or;
- a. The College fails to deliver the course as outlined in the written agreement or;
- b. There is evidence that the overseas student's reasonable expectations about their current course are not being met or;
- c. There is evidence that the overseas student was misled by ACAP or an education or migration agent regarding ACAP or its course and the course is therefore unsuitable to their needs and/or study objectives or;

In determining requests for release from a student with a package offer, the College will take into account the recommendation of the package provider; however the College reserves the right to differ with the recommendation and the decision of the College will be final.

4.6 College Grounds for Refusal to Release the Student

The College will refuse to release the student unless:

- a. the student has a valid enrolment offer from the receiving Registered Provider and;
- b. the student, if under 18, has provided to the College written evidence that their parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new Registered Provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code and;.
- c. All fees and/or other outstanding charges are paid in full.

The College will also refuse to release the student when the transfer is considered detrimental to the student. Factors that would be considered detrimental to the student include (but are not limited to):

- a. a transfer would jeopardise a student's progress through a package of courses; or

- b. the student has not identified plausible benefits which will accrue from the transfer; or
- c. the student has recently had an intervention strategy put in place and there has been insufficient time to assess whether or not this will be an effective solution for the student; or
- d. the College forms the view that the student is avoiding being reported to the Department for breaching any student obligations or student visa conditions.

5 Procedure:

5.1 Procedure to apply to transfer to the College within six (6) months of commencing a principal course with another Registered Provider

Application Lodgement

To apply for transfer to the College within six (6) months of commencing a principal course with another Registered Provider the international student must initially, complete the College's normal course admissions process for international students, indicating that they are also applying to transfer within the first six (6) months of their principal course with another Registered Provider.

Upon receipt of an application the College will identify through PRISMS whether the international student is currently enrolled with another Registered Provider and seeking transfer within the first six (6) months of their current principal course.

College Issuance of Conditional Letter of Offer-Agreement

If the student is found to be currently enrolled with another Registered Provider seeking to transfer within the first six (6) months of their current principal course, the College will only issue the student a Conditional Letter of Offer-Agreement if both the exceptional circumstances warranting transfer outlined at item 4.3 above apply and if the College has deemed the student is eligible for course admission. The issued Conditional Letter of Offer-Agreement will make clear that enrolment is conditional on the students attaining a Letter of Release from their current provider.

If the student is found to not be currently enrolled with another Registered Provider or not seeking to transfer within the first six (6) months of their current principal course, the College's standard international student admissions processes will apply.

College Issuance of Confirmation of Enrolment

The College will only issue an international student enrolled with another Registered Provider seeking to transfer within the first six (6) months of their current principal course, their Confirmation of Enrolment (CoE), when the international student provides to the College:

- confirmation that they have been released from the other Registered Provider;
- their signed Letter of Offer-Agreement; and
- following the College's receipt of any due monies as listed in the College Letter of Offer-Agreement.

College Issuance of 'Unsuccessful' Letter

The College will issue an 'Unsuccessful' Letter to any student who has applied to enroll with the College who is also seeking to transfer within the first six (6) months of their current principal course if the College has deemed:

- that the exceptional circumstances warranting transfer outlined at item 4.3 above do not apply to the student; and/or
- that the student is not eligible for course admission.

The student is welcome to re-apply for enrolment with the College once the six (6) month period has passed.

5.2 Procedure from students enrolled with the College to apply for a Letter of Release to another Registered Provider

Application Lodgement

An international student seeking to apply for transfer from the College within six (6) months of commencing their principal course to another Registered Provider must do so by submitting a completed College 'Application for Letter of Release - International Students' form, as instructed in the form and supply with the application the required information and supporting documents.

The following supporting information and documentation is required to be submitted with the application:

- a statement of reasons for the release request with evidence to support one of the eligible criteria for release,
- a copy of a valid enrolment offer (e.g. Letter of Offer) from the intended Registered Provider, and if the student is under 18:
- written confirmation that the student's parents support the transfer, and
- where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the Registered Provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code.

(Note: International students under 18 are not normally enrolled in College courses except in College authorised exceptional circumstances).

The 'Application for Letter of Release - International Students' form can be downloaded from the College website: <http://www.acap.edu.au/current-students/managing-my-course/a-z-forms/>

College Granting a Release

The Release will be granted to a student who has been determined under the policy to be eligible for release. The Confirmation Letter of Release will advise the student to consult the Department of Home Affairs (<https://www.homeaffairs.gov.au/Trav/Stud>) to seek advice on whether a new Student Visa is required. The College will notify DHA of the student's withdrawal from their course via PRISMS and the student's CoE with the College will be cancelled upon completion of the withdrawal process.

If the student does not supply all required documents with the Application for Release, the Campus Manager (or designated officer) may request further information. If the student does not reply within 10 working days, the Campus Manager (or designated officer) will issue the student a Letter of Refusal to Release.

College Issuance of Letter of Refusal to Release

If the College has not approved the request to transfer to another education provider, the student will be informed of the reasons for this decision in writing and reminded that they may freely transfer between institutions after six (6) months of study at the College. The notification of refusal will also advise the student of their right to appeal the decision within 10 working days of receipt of the Letter of Refusal to Release.

5.3 Application Fees and Charges

Applications for Transfer to the College or Transfer from the College within the first six (6) months of their current principal course do not incur any administration or processing charges. Students applying to transfer to the College are advised that a non-refundable administrative enrolment fee applies to

the College’s international student course applicants on acceptance of their letter of offer-agreement. For further details refer to: <http://www.acap.edu.au/international-students/how-to-apply-international/>

5.4 Application Processing Timeframes

The College will normally assess and respond to Applications within 10 business days of receipt of a complete application.

5.5 Right of Appeal

If an international student feels aggrieved by any decision of the College made in relation to a Transfer Request between Registered Providers, the student may appeal the decision through the College’s Grievances, Complaints and Appeals Policy and Procedure:

<http://www.acap.edu.au/current-students/managing-my-course/student-handbook/grievances-and-appeals-policies-and-procedures/>

5.6 Outstanding Fees and Refunds

If the student transfers from the College owing fees, the College is entitled to pursue payment with the student. Any student tuition fee refunds in connection with a student transfer to another institution are governed by the College’s Tuition Fees and Refund Policy which is available on the College website:

<http://www.acap.edu.au/current-students/managing-my-course/a-z-policies/>

5.7 Records Management

The Director of Operations (or designated officer) is responsible for ensuring all records associated with this policy are kept as per requirements of National Code Standard 7.7. A copy of all relevant documentation relating to the student’s request for transfer will be included in the student’s record.

6. Document Management Control

Date	Summary of Changes	Author
1/08/2007	Initial approval	International Student Contact Officer
1/12/2010	Review and minor amendment	International Student Contact Officer
19/11/2014	Review and minor amendment	International Student Contact Officer
11/07/2016	Transitioned to new policy template and update. Minor amendments to policy in line with new SSVF arrangements	International Student Contact Officer
30/06/2017	Administrative update to business and academic titles and roles	International Student Contact Officer
20/12/2017	Administrative Updates to conform with the National Code 2018	International Student Contact Officer
4/01/2018	Minor administrative changes	International Student Contact Officer
12/10/2018	Change of template	VET Compliance Manager