

International Student Transfer Between Registered Providers Policy

CRICOS Provider Number 03392K Australian College of the Arts Pty Limited

Purpose

This policy establishes the principles and processes by which Collarts will assess international student requests to transfer between registered providers to ensure compliance with the *Education Services for Overseas Students (ESOS) Act 2000* and the requirements of the *National Code of 2018*.

Scope

This policy applies to all international onshore students who request to transfer their enrolment to (or from) Collarts prior to them having completed six months of their principal course of study. This policy also applies to College staff who assess the transfer request.

Definition of Key Terms

Appeal a formal written request by a student to have a matter heard and/or reconsidered in accordance with the College four-stage grievance resolution framework.

External Appeal a written request by a student to have a matter heard and/or reconsidered by the Overseas Student Ombudsman if they are not satisfied with the outcomes of their internal appeal.

Enrolled where an international student has been issued with a CoE (Confirmation of Enrolment) to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards completion of the course requirements.

Original Provider the registered provider who the student is seeking to transfer from.

New Provider the registered provider who the student is seeking to transfer to.

Principal Course of Study is the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.

Letter of Release a letter supplied by the Original Provider acknowledging their agreement to release an international student within (or prior) to the first six months of their principal course of study, to transfer to another registered provider.

Policy

1. Transferring to Collarts from another registered provider

Collarts will not enrol, nor seek to enrol, any international student wishing to transfer from another registered provider's course prior to that student having completed six months of their principal course of study. The international student must **either** obtain a release from their registered provider, **or** meet one of the following exceptions:

- a) The original registered provider has ceased to be registered, or the course in which the student was enrolled has ceased to be registered
- b) 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/her principal course of study or any prerequisite courses
- c) 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.

After completing six calendar months of the principal course, an international student can transfer without needing to meet one of the above conditions.

2. Transferring from Collarts to another registered provider

An international student wishing to transfer from Collarts to another CRICOS registered provider, prior to having completed six months of their course of study at Collarts, must submit an 'Application for a Letter of Release' with the following supporting documentation:

- a) Completed and signed Cancellation/transfer form
- b) A certified copy of their student visa
- c) A copy of the letter of offer from the registered provider to which they wish to transfer
- d) Supporting documents (Any document that helps Collarts make a decision)

Collarts will only consider an application complete if it has been signed and the above documentation attached. Collarts will assess and respond to all completed applications within ten working days.

An international student should not accept an offer to enrol in a course of study with another provider unless Collarts has agreed to issue a Letter of Release. To do so will be in breach of the visa conditions in accordance with the *National Code 2018*.

A copy of the application, decisions and outcomes will be kept on the student file.

2.1 Grounds for the provision of a Letter of Release

Collarts will assess an 'Application for a Letter of Release' and provide a letter of release, at no cost to the international student, on one or more of the following grounds:

- a) Collarts is no longer able to provide the course of study in which the student is due to commence or has enrolled
- b) The student is unable to complete the course of study due to compassionate circumstances i.e. emotional or financial hardship, welfare or personal safety
- c) The student has justifiable claims that their reasonable expectations of the course of study are not being met
- d) The course is academically unsuitable for the student and does not meet their educational or developmental needs
- e) The student is unable to achieve satisfactory course progress, even after intervention strategies have been implemented as per Standard 8 (and in particular, Standard 8.8) of the National Code

- f) There is evidence the student was misled by Collarts or an education/migration agent regarding the course or the college, and therefore the course is unsuitable to the student's needs and/or study objectives
- g) The Government sponsor of a student considers the change to be in the student's best interest and has provided written support for that change.

The following are not considered grounds for the provision of a 'Letter of Release', where the student:

- h) has changed their mind about the course and/or studying at Collarts
- i) is downgrading to a qualification not offered at Collarts for reasons other than academic ability
- j) wants to live somewhere else (unless there are compassionate grounds).

Where an 'Application for a Letter of Release' is successful, the student will be notified in writing attaching the Letter of Release. A student who is granted a Letter of Release should contact the Department of Home Affairs (DHA) to seek advice on whether a new student visa is required.

2.2 Grounds for denying a Letter of Release

Collarts will assess an 'Application for Letter of Release' and refuse the request for a Letter of Release on one or more of the following grounds, where:

- a) the student has unpaid tuition fees (or other charges)
- b) the transfer would be detrimental to the student's ability to complete the requirements of the new course of study
- c) the Government sponsor of the student does not consider the change to be in the student's best interest and will not provide written support for the change.

Where an 'Application for a Letter of Release' is denied, Collarts will not provide a Letter of Release. The student will be sent a 'Refusal of a Letter of Release' outlining the reasons for decision and their rights to appeal the decision. Where release is denied, the applicant has the right to appeal the decision within twenty working days in accordance with the College *Grievance & Appeals Policy*.

Procedures

1. Submission (and receipt) of an 'Cancellation/Suspension' form

The international student must submit a completed *Cancellation/Suspension* form with all supporting documentation attached. Applications will only be assessed if they are deemed complete and to have all the necessary documentation attached at the time of submission. The form can be downloaded from the Resources section of the International Student page on the College website. It must be completed to very clearly set out the basis for the request and must attach one or more of the following documents in support of the application:

- A certified copy of the current student visa, and
- A copy of the Letter of Offer from the registered provider to which they wish to transfer.

The 'Cancellation/Suspension' form should be lodged with the Office of the Registrar. The application will not be accepted if it has not been completed in full, signed and attaches the required supporting documentation as outlined above.

2. Review and assessment of completed application form

a) Confirm necessary supporting documentation is attached to the application form

The completed 'Cancellation/Suspension' form is reviewed by the Registrar for completeness. Application forms are not accepted or deemed complete (completed application) without all sections completed, the form signed, and the following documentary evidence attached:

- a certified copy of their student visa, and
- a copy of the letter of offer from the registered provider to which they wish to transfer.

b) Review and assess the completed application against the grounds for approval

The completed application is assessed by the Registrar against the grounds for approval.

If the application is successful, a 'Letter of Release' will be provided **within ten working days of receipt of the completed application**.

If the application is unsuccessful, the 'Letter of Release' will be refused, and the applicant notified in writing **within ten working days** of the reasons for the decision and the avenues available for appeal.

3. Respond to the notification of decision

Responsible: Student (or the Applicant)

a) The student accepts the College decision

If the student (or applicant) accepts the College decision outlined in their notification letter following their application, they must formally withdraw from their course of study at Collarts by lodging an 'Application to Withdraw or Cancel Enrolment' form. It is the responsibility of the student to do this. No changes to the student's enrolment without receipt of the student's formal application to cancel and as such the student remains bound by the rules of Collarts, the *Higher Education Standards Framework 2015*, the *Education Services for Overseas Students (ESOS) Act 2000* and the *National Code 2018*, which governs their enrolment and visa to study in Australia.

For an application for withdrawal to be processed without academic penalty or liability for fees, it must be submitted in accordance with the College *Deferral, Suspension & Cancellation of Enrolment Policy* and *Tuition Fee Refund Policy for International Students* found in the Student Handbook. Any such applications will be processed by the Office of Registrar as per the normal process for cancelling enrolment and refunding fees.

On receipt of the 'Application to Withdraw or Cancel Enrolment' form, the Office of the Registrar will update the student management system and report the change to DHA via PRISMS within five working days in accordance with the *National Code 2018*.

b) The student elects to appeal the College decision

Students who wish to appeal the College decision outlined in their notification letter to refuse a release must do so within twenty working days from the deemed receipt of the notification letter. The appeal must be submitted in writing using the 'Application for an Appeal' form which can be downloaded from the Student Resources page of the College website. Students should refer to the College *Grievance & Appeals Policy* on how to lodge an appeal and details on how the case will be heard.

If the student elects appeal, they remain enrolled in their course of study as per the CoE and are bound by the College policies, the *Higher Education Standards Framework 2015*, the *Education Services for Overseas Students (ESOS) Act 2000* and the *National Code 2018*, which governs enrolment at Collarts and the visa issued by DHA to study and reside in Australia. The student should continue to attend classes and submit assessments to ensure satisfactory course progression and completion of the course of study at Collarts within the expected timeframe in accordance with the *National Code 2018*. Failure to do so may incur academic and/or financial penalty and result in a breach of the conditions of their visa which Collarts will be required to report to DHA which could affect the length of stay in Australia.

If successful in appeal, Steps 2a and 3a in the procedure to this policy will be implemented.

4. Filing for the Student Record

As each task is completed in relation to the application and the outcomes, it should be marked off from the *Collarts Office Use Only* section of the application form.

When all tasks are completed and the application is closed and final, the *Collarts Office Use Only* section should be signed off and a copy of all applications, decisions and outcomes will be kept on the student file.

Related Policies

This policy should be read in conjunction with the following College policies:

- *Admissions Policy for International Students*
- *Deferral, Suspension or Cancellation of Enrolment*
- *Tuition Fee Refund Policy for International Students*
- *Grievance & Appeals Policy*

All College policies referenced in this document can be found in the Collarts Student Intranet.

Further Information

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