

INTERNATIONAL STUDENT TRANSFER TO ANOTHER PROVIDER Policy and Procedure

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

CoE (Confirmation of Enrolment): A document issued by an education provider to verify the applicant's enrolment in a specified course. Applicants require a CoE to apply for a student visa.

International/Overseas student: A prospective or enrolled student who requires an international student visa from the Australian Government to study in Australia, whether applying to ACC from within Australia or from overseas.

National Code of Practice for Providers of Education and Training to Overseas Students 2018: The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students. The National Code 2018 commenced on 1 January 2018.

PRISMS: The acronym for 'The Provider Registration and International Student Management System', which is the Australian Government secure online system that allows tertiary education providers to issue confirmations of enrolment (CoEs). Australian Government agencies use PRISMS to monitor student compliance with visa conditions and education provider compliance with the ESOS Act 2000.

Release Letter: An official letter from the ACC permitting a student to terminate their enrolment in the ACC degree program prior to the expiry of six (6) months from the commencement of their enrolment in order to transfer to a program offered by another registered education provider.

Six months: Is defined as six calendar months of the principal program of study from the date that the student commences the principal program. A student's commencement date is the start date specified on their CoE (Confirmation of Enrolment).

The **principal program:** The highest qualification (normally the final program) covered by the student's visa. The Release Letter requirement applies to all programs of study prior to the student's principal program.

PURPOSE

The purpose of this policy is to ensure that staff and prospective international students of the ACC are well informed of the policy and procedures if an international student wishes to withdraw from the College in order to commence study at another education provider, prior to the expiry of six (6) months from the commencement of their enrolment at the ACC.

SCOPE

This policy and procedures clearly outline the considerations and processes and authorities that apply to

ACC staff and international students who wish to transfer to another provider within six months of commencement of either their principal program (Chiropractic degree) at the ACC, or during any programs prior to the principal program.

Relevant ACC staff are required to ensure that they have followed the procedures outlined, when dealing with a request from an international student to transfer to another education provider, and that the ACC's decision for release or refusal of release is in the best interests of the student concerned.

This policy will be made available in hard copy to all international students on request and will be available online on the ACC website <<https://acc.sa.edu.au/>>.

It aligns with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>.

POLICY AND RELATED PROCEDURES

In accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018, the ACC does not generally permit international students to transfer to another registered provider prior to completing six calendar months of their principal course.

A Release Letter from the ACC is required if an international student wishes to accept an offer to transfer to an alternative registered education provider within six months of commencement of either their principal program, or during any programs prior to the principal program.

The requirement of the ACC to issue a Release Letter is stipulated under Standard 7 of the National Code. Detailed information regarding Standard 7 can be found at: <https://internationaleducation.gov.au/regulatory-information/Documents/National%20Code%202018%20Factsheets/Standard%207.pdf>

ACC is responsible for processing a release request made by an international student.

Release from ACC is to be approved by the Academic Services Manager who may consult with relevant ACC staff in making decisions to release.

1. Eligibility

For an ACC international student to transfer before completing six months of their degree program, they must **either** obtain a release from the ACC, **or** meet one of the following conditions:

- ACC, or the degree program in which the international student is enrolled, has ceased to be registered;
- ACC has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing their course with ACC; or
- any government sponsor of the international student considers the change to be in that student's best interests and has provided written support for the change. This usually applies where the international student's study in Australia is sponsored by the government of another country.

2. Conditions for Approval of Release

Release will be granted by ACC if:

- the College has discontinued the program into which the student was accepted;
- the College fails to deliver the course as outlined in the written agreement;
- there is evidence that the overseas student's reasonable expectations about their current course are not being met;
- the student received misleading information about their program of study from ACC or one of its representatives/agents, and the course is therefore unsuitable to their needs and/or study objectives;
- the student has packaged CoEs and has not met the entry requirements for the degree program;

- there are demonstrated compelling and compassionate grounds deemed beyond the student's control, including but not limited to:
 - serious illness or injury, where a medical certificate states that the international student was unable to attend classes;
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the international student's studies;
 - a traumatic experience, which could include involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime, and this has impacted on the international student (these cases should be supported by police or psychologists' reports);
- the student cannot obtain enrolment in pre-requisite units by ACC approved providers, or the international student has failed a prerequisite unit and therefore faces a shortage of relevant units for the College's degree course in which they seek to enrol;
- the international student is unable to begin studying on the program commencement date due to delay in receiving a student visa;
- the international student is unable to achieve satisfactory course progress at the level at which they are studying, even after engaging with ACC's intervention strategy to assist students at risk of not meeting course progress requirements in sufficient time to achieve satisfactory course progress; or
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

3. Reasons for refusal of Release

Release may be refused on a number of grounds, which include, but are not limited to the following:

- the request is based on change of mind or personal preference such as wishing to experience living in another city in Australia, wishing to live and/or study with friends enrolled at another registered provider, or wishing to save time or expense by enrolling in a shorter or lower cost course;
- the student has not accessed support or academic services offered by ACC;
- there is evidence to suggest the student can be successful in completing their current course of study;
- the student wishes to transfer to a similar program or program of the same AQF level offered by another provider;
- the request is an attempt to avoid being reported to the Department of Home Affairs (HA) due to a failure to achieve satisfactory attendance or satisfactory course progress as per student visa requirements;
- the change of provider is deemed as detrimental to the student's personal and/or academic welfare;
- the student has not made a genuine attempt to participate in their program by missing classes and/or not meeting assessment requirements of the program; and/or
- tuition fees or other charges are owed to the College.

4. Requirements for a Valid Application

To make a valid application for a Release Letter, international students must provide the Admissions Office with the following:

- a completed ACC *Application for Release* form;
- a valid offer of enrolment from an alternative registered provider; and
- a written statement outlining the reasons for the release request with reference to the circumstances for granting release outlined in this policy and any supporting documentation.

5. Steps in processing the Application

Once an application has been lodged with the Admissions Office, the process for the student and relevant staff is as follows and is at no cost to the student.

- The student meets with the relevant Student Services staff for counselling.

- The relevant Student Services staff member acknowledges receipt of the request for release in person or in writing and assesses, according to the conditions outlined above, whether the student is eligible for release.
- If the student is eligible, and providing relevant conditions have been met, a Release Letter is issued to the student within 10 business days. The letter approving release is provided by the Academic Services Manager.
- If a release is granted, it will be at no cost to the overseas student and the College will advise the student to contact Immigration to seek advice on whether a new student visa is required. The ACC will also record the date of effect and the reason(s) for the release in PRISMS.
- If the student is not eligible and/or relevant conditions have not been met, the Student Services staff member provides written notification to the student within 10 business days outlining the reasons for refusal of their application and advising them of their right to appeal the decision within 20 working days, in accordance with the procedures outlined in *Grievance Management Non Academic (Students) Policy and Procedure*, the link for which is provided in section 7 below. The letter refusing release is provided by the Academic Services Manager.
- The ACC will not finalise a student's refusal status in PRISMS until an appeal finds in favour of the College, or the student has not accessed the College's complaints and appeals processes within the required 20 working day period, or the student withdraws from the process.

6. Review of Decision

If a student disagrees with a decision made in relation to their eligibility or ability to meet the conditions for release, then they may appeal the decision.

Further information on the Appeals process can be found in the '*Grievance Management Non Academic (Students) Policy and Procedure*' <https://acc.sa.edu.au/current-students/policies/>

Appeals should include:

- evidence showing how the decision did not comply with the College's 'Transferring to Another Education Provider Policy and Procedure'; and
- additional or new evidence to support the appeal for release request.

In the event that a student proceeds with an appeal, as indicated in Section 5. above, the ACC will not finalise a student's refusal status in PRISMS until an appeal finds in favour of the College.

7. Visa Information/Requirements

The ACC emphasises to all international students that it is their responsibility to ensure they remain compliant with their international student visa conditions at all times, including during a change of education provider, and that they may be required to apply for a new international student visa if their release is granted by the ACC. This may involve a student returning to their home country and voluntary visa cancellation especially if they are downgrading to a lower level program.

Accordingly, international students seeking to withdraw from the College in order to commence study at another education provider are advised that they should contact the Department of Home Affairs for further information on visa requirements.

8. Records Management

All communications regarding a student's request for release will be stored in the student's electronic file for a minimum of 2 years after the student ceases to be an accepted student. These communications include:

- A student's request for release.
- A copy of the student's offer from another provider.
- Documentation concerning the College's assessment of, and decision regarding the request.

- Formal notifications between the parties concerned (ACC, the student and the institution to which the student is seeking to transfer).
- Documentation pertaining to a student’s appeal against ACC’s decision.
- The ACC’s final letter of Approval or Refusal of Release, including reasons for the final decision.

POLICY REVIEW

The ACC’s *International Student Transfer to Another Provider Policy and Procedure* is normally reviewed every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

RELATED POLICY DOCUMENTS

- Grievance Management Non Academic (Students) Policy and Procedure
- Student At Risk Policy
- Student Support Policy
- Attendance Policy and Procedure
- Academic Progress – International Students Policy and Procedure
- Student Academic Appeals Procedure
- International Student Fees and Fee Refunds Policy

VERSION CONTROL

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Version: V1.0	Replaces Version(s):	Next Review: July 2024
Nature of Change	June 2021 Up-dated to clarify for students the sequence and timeline for elements of the application process and to further emphasise aspects important to the student’s experience.	