

## INTERNATIONAL STUDENT TRANSFER TO ANOTHER PROVIDER Policy

### 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 College permitting a student to terminate their enrolment in the College 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 College are well informed of the policy in relation to an international student request 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 College.

### SCOPE

This policy clearly outline the considerations 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 at the College, or during any programs prior to the principal program.

the College

This policy and the *International Student Transfer to Another Provider Procedures* are made available all international students on request and are available on-line on the [ACC website](#).

This Policy aligns with the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

## **POLICY**

In accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018, the College 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 College 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 College to issue a Release Letter is stipulated under Standard 7 of the National Code.

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

Release from the College is to be approved by the Marketing and Student Engagement Manager who may consult with relevant staff in making decisions to release.

### **Eligibility**

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

- the College, or the relevant program in which the international student is enrolled, has ceased to be registered;
- the College has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing their program with the College; 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.

### **Conditions for Approval of Release**

Release will be granted by the College 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 program are not being met;
- the student received misleading information about their program of study from ACC or one of its representatives/agents, and the program is therefore unsuitable to their needs and/or study objectives;
- the student has packaged CoEs and has not met the entry requirements for the 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 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.

### **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 program 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.

### **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 *ACC Student Grievance and Appeal Policy and associated Procedures*.

### **Visa Information/Requirements**

The College 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 College.

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.

## IMPLEMENTATION and MONITORING

The Marketing and Student Engagement Manager is responsible for the implementation and monitoring of this policy.

## REVIEW

The College's *International Student Transfer to Another Provider Policy* is normally reviewed every three years.

It is a policy of the College 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

- International Student Transfer to Another Provider Procedures
- Student Grievance and Appeals Policy and associated procedures
- Student At Risk Policy
- Student Support Policy
- Attendance Policy and procedures
- Academic Progress Policy and associated procedure
- Student Fee and Refund Policy.

## VERSION CONTROL

<b>Document:</b> I003 International Student Transfer to Another Provider Policy		
<b>Responsible Officer:</b> Marketing and Student Engagement Manager		
<b>Initially endorsed by:</b> Academic Board		<b>Date:</b> 2 September 2020
<b>Initially approved by:</b> Board of Directors		<b>Date:</b> 1 October 2020
<b>Reviewed and approved by:</b> Board of Directors		<b>Date:</b> 27 July 2021
<b>Reviewed and approved by:</b> Academic Board (in accordance with the Delegations Policy)		<b>Date:</b> 13 December 2023
<b>Version:</b> V2.0	<b>Replaces Version(s):</b> V1.1	<b>Next Review:</b> December 2026
<b>HESF</b>	1.1 Admissions	1.1.2c
<b>Nature of Change</b>	June 2021 <ul style="list-style-type: none"><li>• 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.</li></ul> December 2023 <ul style="list-style-type: none"><li>• Separate the Policy and Procedures</li><li>• Update to the standard format</li><li>• Broaden to include Diploma of Health Science</li><li>• Update titles where necessary</li><li>• Include the Implementation and Monitoring section</li><li>• Include HESF reference in the Version Control Table</li></ul>	