

<b>Policy Owner</b>	Academic Director
<b>Contact Officer:</b>	Student and Academic Services Manager
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<b>Approved by:</b>	Senior Management Group (17/05/18); Learning and Teaching Committee (19/04/18); Academic Council (04/05/2018)
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<b>Related Policies:</b>	Complaints and Appeals Policy Enrolment Policy Enrolment Terms of Offer (International Students) Refunds Policy
<b>Related Forms:</b>	Appeal Request Form Complaint Form Refund Request Form Transfer of Provider Request Form Withdrawal (all ECC Courses) Request Form Withdrawal (English) Request Form

### 1. Overview

- 1.1. This policy clarifies the circumstances under which an International Student can request a transfer to or from the Edith Cowan College (ECC) prior to completing six months of their Principal Course of study in accordance with Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students (2018).
- 1.2. Under the National Code, students on an International Student visa are required to remain with the education Provider for the first six months of study of their principal Course.
- 1.3. This policy supports the intent of the National Code Standard 7 which recognises International Students as consumers who require support in exercising their choice. It outlines the processes related to the assessment and approval of such a transfer.
- 1.4. This policy should be read in conjunction with the related policies listed above.

### 2. Organisational Scope

- 2.1. This policy applies to all international students with a Student Visa to study in Australia who are or may apply to be enrolled at Edith Cowan College.

### 3. Definitions

- 3.1. **CAAW:** Refers to Confirmation of Appropriate Accommodation and Welfare
- 3.2. **CoE:** Confirmation of Enrolment is a document registered with Immigration to confirm a student's acceptance into a particular Course for a specified duration.
- 3.3. **Course:** A formal program of education and/or training made up of study components known as units or modules.

- 3.4. **CRICOS:** Commonwealth Register of International Courses for Overseas Students. International Students on a Student Visa can only enrol with a Provider that is listed on the CRICOS Register.
- 3.5. **ELICOS:** English Language Intensive Courses for Overseas Students
- 3.6. **ESOS Act:** Education Services for Overseas Students Act 2000 which regulates the delivery of education services to International Students.
- 3.7. **ECU:** Edith Cowan University
- 3.8. **Immigration:** Refers to the Department of Home Affairs which is the Australian government agency responsible for multicultural affairs, immigration and border-related functions and agencies. The Department of Home Affairs is responsible for issuing Student Visas.
- 3.9. **International Student:** For the purpose of this policy, an International Student is defined as one who is not an Australian or New Zealand citizen or the holder of a permanent residency or humanitarian visa. For the purposes of this policy, students in Australia as a result of their parents/legal guardians being on a temporary business visa (e.g. visa subclass 457), are regarded as International Students.
- 3.10. **Intervention Strategy:** any method that identifies students who are at risk of failure and attempts to mitigate that risk through counselling, academic assistance and/or amended study plan.
- 3.11. **Local Student:** For the purpose of this policy, a Local Student is anyone who is a permanent resident of Australia, citizen of Australia or New Zealand or the holder of a permanent humanitarian visa who will be resident in Australia for the duration of a Course of study.
- 3.12. **National Code:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (and subsequent amendments).
- 3.13. **Pathway:** Pathway is the term for all accredited Courses which are designed to qualify students for entry into the University sector. ELICOS Courses are not Pathway Courses.
- 3.14. **PRISMS:** Provider Registration and International Student Management System is the database system used by the Department of Education and Immigration for the purpose of receiving and storing information about International Students with respect to s. 19 of the ESOS Act.
- 3.15. **Principal Course:** In regards to packaged offers, the principal Course is the final or highest level of study covered by an International Student's visa. Generally the Diploma is the Principal Course unless packaged with an ECU Course, in which case the ECU Course is the Principal Course.
- 3.16. **Provider:** Any Registered Training Organisation (RTO) or Higher Education Provider within Australia.
- 3.17. **Release:** refers to the process of allowing students to transfer from ECC to another Provider within the first six months of their course.
- 3.18. **Tuition Protection Service (TPS):** An Australian Government- backed scheme designed to back up education Providers and protect fees paid in advance by International Students.
- 3.19. **Valid Unconditional Enrolment:** Is an enrolment that is carried out in accordance with ECC's Enrolment Terms of Offer, policies and procedures, Course requirements and any other criteria the student is required to meet.
- 3.20. **VET:** Vocational Education and Training
- 3.21. **Withdrawal:** refers to ceasing enrolment in an ECC course after completing at least six months of study. Students who are approved for Release in line with this policy, must also complete a separate Withdrawal form/process to ensure compliance with legislation.

#### 4. Policy Principles

4.1. This policy has been developed in line with requirements set out in the:

- Education Services for Overseas (ESOS) Act 2000 (and its amendments)
- The National Code which complements existing national quality assurance frameworks in education and training including the Higher Education Standards Framework (Threshold Standards); VET Quality Framework and the Australian Qualifications Framework (AQF)
- Tuition Protection Service (TPS)

4.2 The National Code requires students to complete a minimum of six (6) months of study with their Principal Provider before transferring to another Provider, unless they are issued with a Letter of Release from their Principal Provider. Where a student has a packaged offer, the Principal Provider is the institution that offers the highest qualification. Exceptions to this requirement are set out in the policy.

#### 5. Policy Content

##### 5.1. Transfer from another Provider:

ECC will only assess requests to transfer from another registered Provider to ECC within the first six months of their principal program where the:

- Original registered Provider has ceased to be registered or the program in which the student is enrolled has ceased to be registered;
- Original registered Provider has agreed to the International Student's release and recorded the date of effect and reason for release in PRISMS ;
- 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 program, or
- Government sponsor of the student considers the change to be in the student's best interest and has provided written evidence to support that change.

##### 5.2. Request for Transfer to another Provider:

5.2.1. When applying to study with ECC, potential students are provided with a range of information outlining entry requirements, Course structures and articulation Pathways. As such, requests for transfer will take into consideration the range of information provided to prospective students prior to the application and enrolment at the College.

5.2.2. It is an Australian regulatory requirement that students must complete six months of their "Principal Course of study" before changing or transferring between Providers.

5.2.3. Students who apply to transfer after accepting their offer but before starting classes, will not be approved except in extreme situations which includes:

- Inability to obtain an Australian visa;
- Compassionate and compelling circumstances (eg. evidence of serious illness or injury; death of an immediate family member; major political upheaval or natural disaster requiring emergency travel which has impacted on the student's studies; traumatic experience such as involvement or witnessing a serious accident or crime)

5.2.4. Students who have not yet completed six months of their Principal Course of study with ECC will not be authorized to transfer to another registered Provider unless it is deemed by ECC management that the student has compassionate and compelling circumstances beyond the student's control which would make it detrimental for the student to remain at ECC.

5.2.5. International students are advised that cancellation of Enrolment or Course Withdrawal is not equal to a Letter of Release. International Students who cancel their Enrolment or withdraw from a Course (before completing six months of their Principal Course) without a

Letter of Release may risk having their visa cancelled by Immigration and may be asked to leave Australia for up to three years.

5.2.6. Students who wish to transfer to another Provider must complete the *Transfer of Provider* Form and outline the reasons for their transfer, together with documentary evidence to demonstrate how the transfer would be in the student's best interests.

5.2.7. ECC cannot approve any request for transfer unless:

- Student has a Valid Unconditional Enrolment offer from the receiving Provider; and
- If the student is under 18 years of age:
  - Written evidence that student's parent/legal guardian supports the transfer; and
  - Written confirmation that the new Provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements as specified in Standard 5 of the National Code.
- If the student is a Sponsored Student:
  - Written evidence that the Sponsor supports the transfer, or
  - Financial evidence that the student is able to pay their own fees

### 5.3. Sufficient Grounds for Transfer:

5.3.1. In the event of a request for early release, a student must provide sufficient evidence to satisfy ECC management that they have a genuine case for transferring to another Provider. Circumstances in which ECC will grant approval for a transfer are as follows;

- ECC is unable to continue to provide the Course;
- Student is enrolled in an ECC Course that ceases to be registered or has had a sanction imposed by regulatory authorities that prevents ECC from continuing to offer that Course.
- Edith Cowan University is unable to continue to provide the packaged Course;
- Student has received a direct offer for a degree program at Edith Cowan University;
- There is evidence of compassionate and compelling circumstances that suggests transferring to another Provider is in student's best interest.
- Student demonstrates he/she is experiencing threats to physical or mental health or safety by remaining at ECC and demonstrates clearly how this will be alleviated through a transfer;
- Course of study is not consistent with the documented Course requested on their application;
- Government sponsor of the student considers the change to be in the student's best interest and has provided written, authorised support for that change;
- Student can provide evidence that he/she was misled by ECC or an education agent or migration agent regarding ECC or its Courses, constituting a breach of the ESOS Act. In such cases, documentary evidence should be provided to support the claim.
- The student is genuinely unable to achieve satisfactory course progress, even after engaging with ECC's intervention strategies and support systems
- Student provides evidence that their reasonable expectations about their current course (eg. false information in ECC marketing materials) are not being met.
- An appeal (internal or external) on another matter results in a decision or recommendation to release the student

5.3.2. ECC deems the following circumstances to be reasonable grounds to decline a request for transfer prior to completing the first six months of the Principal Course of study:

- Student changes his/her mind about the Course – students may apply to transfer to another Course within ECC, but will not be granted a release on the basis of a change of mind;
- Student wants to change their course of study to a lower AQF level or a non-AQF level Course – in such cases, the student will need to apply for a new Student Visa..

- Transfer may jeopardise the student's progression through a package of Courses or unnecessarily extends the study period by moving to a lower AQF level Course;
- Student expresses difficulty with Course material and/or has been identified as being "at risk" of failing, but has not availed themselves of any Intervention Strategy or academic support services;
- Student expresses difficulty with the Course material but has failed to submit assessments that would have provided formative feedback to support the student;
- Student has been warned for non-attendance or failed to meet minimum attendance requirements set by their visa;
- Student is experiencing Homestay or other accommodation problems and/or wants to live somewhere else (unless there are compassionate grounds);
- Student is experiencing Course schedule conflict with personal, work, or other non-study commitments;
- Claims of financial hardship which is contrary to evidence supplied for their visa application or if the student has outstanding debts owed to ECC;
- Student is experiencing homesickness or adjustment difficulties moving to Australia;
- Where the student's application included information that is inconsistent with the claim made in a Transfer of Provider application
- ECC forms the view that the student is trying to avoid being reported to Immigration for failure to meet the Provider's attendance and/or academic progress requirements;
- Where ECC and/or ECU forms the view that the student is deliberately trying to manipulate the Australian Student Visa system;
- ECC believes that the Course detailed in the Letter of Offer from the other Provider will not provide adequate preparation for further study – e.g. the other Provider's Course does not articulate into a similar Pathway Course.
- Student does not have a valid offer from a CRICOS-Registered receiving Provider;
- Student who is a Minor does not have a valid offer from a CRICOS-Registered Provider who is willing to take on the CAAW obligations for the Minor.

5.3.3. Any student with a ECC/ECU packaged Course will also need to apply for a Letter of Release from ECU, the Provider of the Principal Course

#### **5.4. Transfer Approved:**

5.4.1. Where an application for transfer to another Provider is approved, a Letter of Release will be provided within 10 working days to a student at no cost. The Letter of Release will provide information on whether or not the student:

- Demonstrated commitment to their studies;
- Met visa requirements related to attendance
- Paid all fees owing for their Course

5.4.2. Where the student has a packaged offer with ECU, the student must seek a separate Letter of Release from ECU to avoid the risk of being in Australia without a valid CoE.

5.4.3. The Letter of Release will not be granted unless the student has a valid offer whereby:

- The receiving Provider is CRICOS registered to deliver the Course;
- In the case of minors, there is written evidence of approval from the student's parent/legal guardian AND written Confirmation of Appropriate Accommodation and Welfare (CAAW) to say that the new Provider is accepting responsibility as per Standard 5 of the National Code.

5.4.4. ECC will cancel the student's enrolment and undertake their regulatory obligations in PRISMS.

5.4.5. Any cancellation fees/penalties will be applied in accordance with ECC Refunds Policy.

5.4.6. Students take full responsibility for contacting Immigration to seek advice on whether or not a new student visa is required.

### 5.5. Transfer Denied:

5.5.1. Where an application for transfer to another Provider is denied, the student's enrolment will remain current and the student will be advised of the decision and the reason for the refusal within 10 working days.

5.5.2. If not satisfied with the outcome, the student may choose to lodge an appeal within 20 working days if being sent a notification that their transfer has been denied, in accordance with the *ECC Complaints and Appeals Policy* available from:  
[www.edithcowancollege.edu.au/policies](http://www.edithcowancollege.edu.au/policies)

### 5.6. Further Information:

5.6.1. Further information regarding your rights to change Courses can be found at:  
<http://www.immi.gov.au/study/pages/changing-Courses.aspx>.

5.6.2. Further information regarding your rights to change Provider can be found at:  
<http://www.border.gov.au/Trav/Stud/More/Changing-courses>

## 6. Administrative Procedures

6.1. This policy and related documentation is accessible at:

<http://www.edithcowancollege.edu.au/policies> or  
<http://www.edithcowancollege.edu.au/documents-and-forms>

6.2. ECC is within its rights to refuse to give a Letter of Release if a student has unpaid Course fees owing for the current period of study.

6.3. Requests for an ECC Letter of Release will be considered and (if approved) notice will be given within ten (10) working days of the written request being provided by the student.

6.4. Important Note: ECC is not responsible for any issues arising from delays or loss caused by applications for a Letter of Release that needs to be issued by ECU.

6.5. In accordance with the National Code, a student who fails to maintain satisfactory attendance and/or Course progress whilst awaiting approval for release may be reported to Immigration for non-attendance or poor progression as soon as the 20-day appeal period of the respective *Notice of Intention to Exclude*, has lapsed. In the event that a student lodges an appeal, reporting to Immigration will not occur until the internal appeals process has been completed. To avoid being reported, students who intend to lodge a Stage 4 appeal must notify ECC of their intention to lodge the External Appeal within 10 days of being notified that their Stage 3 appeal has been rejected.

6.6. In accordance with the National Code, a student who ceases to attend classes or who does not return from leave and cannot be contacted by ECC, is considered to have "inactively" advised ECC of their intention to withdraw. In such circumstances, ECC is obliged to report the student to the Department of Education and Immigration through PRISMS within 14 working days of becoming aware of this extended absence.