



Department of
Education



CANNING
COLLEGE

INTERNATIONAL STUDENT TRANSFER AND RELEASE POLICY

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1. POLICY STATEMENT

This policy outlines the processes involved when reviewing requests from international students who request to change courses within the same provider college or who request to transfer to another registered provider. These processes comply with Standard 7 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)*, specifically

Clauses 7.1 – 7.7 Overseas student transfers:

- Registered providers must not knowingly enrol an overseas student seeking transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except in certain circumstances.
- The registered provider must have and implement a documented policy and process for assessing overseas student transfer requests **prior to the overseas student completing six months of their first principal course** (or for the school sector, until **after** the first six months of the first **registered school sector course**) except in certain circumstances.
- If the overseas student is under 18 years of age:
 - the registered provider must have written confirmation the overseas student's parent or legal guardian supports the transfer;
 - where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).
- If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact immigration to seek advice on whether a new student visa is required.
- If a registered provider intends to refuse the transfer request, they must inform the overseas student in writing of the:
 - reason for the refusal;
 - overseas student's right to access the provider's complaints and appeals process, in accordance with *Standard 10 (Complaints and appeals)*, within 20 working days.
- The registered provider must not finalise the student's refusal status in the Provider Registration and International Management System (PRISMS) until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals process within 20 working day period, or the overseas student withdraws from the process.
- The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

2. SCOPE

This policy applies to all onshore international students who are enrolled at Canning College.

3. BACKGROUND

This policy outlines the standards and procedures Canning College follows in order to ensure compliance with Standard 7 of the National Code as outlined above for assessing transfer requests from overseas students who request to change courses within the College or who request to transfer between registered providers.

The Department of Home Affairs also provides guidelines for registered providers who are reviewing international students' requests for course changes within the same Institute and for transfer between registered providers.

4. DEFINITIONS AND ACRONYMS

CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
Principal Course	The final course within a package of courses. If a student has only enrolled in one course that is the principal course.
Principal Provider	The provider offering the final course in a package of courses.
Restricted Transfer Period	The period from the visa grant date to the end of the first six calendar months of the principal course from the start date identified in the student's Confirmation of Enrolment (CoE)

5. PROCEDURES

5.1 Conditions of transfer

5.1.1 Students transferring to Canning College from another registered provider.

Canning College cannot accept a student within the restricted transfer period unless the following circumstances apply:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the Education Services for Overseas Students (ESOS) agency that prevents the overseas student from continuing his or her course at that registered provider;
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in Provider Registration and International Student Management System (PRISMS); or
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

5.1.2 Students transferring from Canning College to another provider.

5.1.2.1 Canning College will grant transfer requests where the transfer is deemed to be in best interest of the student. The circumstances where this may occur include but are not limited to where Canning College has assessed that:

- the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 of the *National Code* (Overseas student visa requirements);
- the registered provider 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;
- there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives;
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student;
- the student does not successfully complete a prerequisite course as part of a package of programs;
- it is in the interest of the student's welfare, such as when a relative relocates and the student remaining alone in WA is not an option; or
- there is evidence of other compassionate or compelling circumstances.

5.1.2.2 Canning College will **refuse transfer requests** in, but not limited to, the following circumstances:

- the student's fees are still outstanding;
- the student requests to transfer to another course with lower fees;
- the student is currently in a complaints and resolution process for unsatisfactory progress or for not meeting course attendance requirements;
- the student is not genuinely engaging with the intervention strategy;
- the student has breached a student visa condition(s) and has been reported on PRISMS;
- the transfer may jeopardise the student's progression through a package of courses;
- a valid letter of offer has not been received from the provider the student requests to transfer to;
- the transfer is perceived as detrimental to the student;
- the transfer request is based on change of program and this program is also offered by Canning College;
- the commencement date on the letter of offer from the transferring provider has passed
- the student has changed their mind;
- issues such as living a long distance away from campus and travel difficulties; or

- the student has not utilised Canning College support services; or academic resources and assistance.

5.1.3 Visa conditions

Students are advised to contact the Department of Home Affairs(DOHA) to seek advice as to whether the release and therefore a change to their enrolment:

- breaches a visa condition; and/or
- if a new student visa is required.

5.1.4 Students under the age of 18

If the student is under 18 years of age:

- Canning College will obtain written confirmation that the student's parent or legal guardian supports the transfer; and
- where the student is not being cared for in Australia by a parent or suitable nominated relative, Canning College will ensure that the receiving provider confirms that they accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 of the *National Code* (Younger overseas students).

5.2 Applying for transfer from Canning College to another provider

5.2.1 Students who wish to transfer to another provider but who have not completed six months of study in their principal course must complete a *Release Request Form*.

5.2.2 Students who complete **less than 6 months of a school based course** and packaged with another provider (university) the school based course is considered the principal course and release is only required from the Canning College.

5.2.3 Students who complete **less than 6 months of a non-school based course** and are packaged with another provider (university) the other provider is considered the principal course and will require a release form the other provider (university).

5.2.4 Canning College's will assess the application for release, in accordance with the conditions listed at 5.1.2 above, within 10 days of the request.

5.2.5 If the **release is approved**, the student:

- will be notified in writing of the outcome within 10 working days; and
- will be advised to contact the Department of Home Affairs to seek advice as to any impact on their visa (see 5.1.3 above); and
- a release letter (if required) will be provided at no cost to the student.

5.2.6 If the **release is refused**, the student:

- will be advised in writing as to the reasons for the refusal; and
- their right to appeal this decision in writing to the Director of International Operations, within 20 working days as per the *Student Grievance and Appeals Policy*.

5.2.7 Canning College will not finalise the student's refusal status in PRISMS until:

- the appeal is not upheld; or
- the overseas student has chosen not to access Canning College's complaints and appeals process within the 20 working day period; or
- the overseas student withdraws from the process.

5.2.8 The Director of International Operations will review appeals and advise the student of the decision in writing. Canning College will maintain records of requests for release, including the assessment and decision; for two years after the overseas student ceases to be an accepted student.

5.2.9 Request to change course or school.

- If a student requests to change their course, then their application must be approved by the Director of International Operations; and is dependent on intakes and places available. If the student is currently on an Intervention Strategy, then consultation between Canning College and the new school will occur, prior to the change being approved. Students will be informed in writing of the outcome within 10 working days.
- If the student is not satisfied with the outcome of their request, then they may appeal in writing to the Director of International Operations. The CEO (Principal) will review their appeal and notify the student of the decision in writing.

6 RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Admissions and Enrolment Policy*
- *International Student Fee Payment and Refund Policy*
- *Release Letter Request Form*

7 RELEVANT LEGISLATION

- *Vocational Education and Training (VET) Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)*

8 REVIEW DATE

23 May 2021

Development Date		Feb 2020 Version 3.0	
Revision History			
Review Date	Reviewer Name	Review Reason	Outcome and Changes
September 2016 V1.1	Director(ISO) and RTO manager	Continuous Improvement	Insertion of Department of Immigration and Border Protection updates to course change and transfer policy
April 2017 V1.2	Director(ISO) and RTO manager	Continuous Improvement	Relating to SSVP students
March 2018 V 2.1	Director(ISO) and RTO manager	National Code changes	Amendments made to reflect changes from the National Code 2007 to the National Code 2018
March 2019 V 3.0	Director(ISO) and RTO manager	Annual Review	Annual Policy Review and clearer alignment to the regulatory standards.
Feb 2020	RTO manager	Transfer from provider	Amendments to wording