

# POLICY AND PROCEDURES

## International Student Transfer

This policy is important to:

- International Students
- Victoria University International

POLICY NUMBER:	POS120228000
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POLICY CATEGORY:	General (Student Services)
POLICY OWNER:	Vice President (International)

## 1. CONTEXT

The ESOS Framework, including the *Education Services for Overseas Students (ESOS) Act 2000* and the National Code, ensures overseas students in Australia have a safe, enjoyable and rewarding place to study by promoting quality education and consumer protection for overseas students. The National Code provides nationally consistent standards for the conduct of registered providers and the registration of their courses. Its key objectives are to:

- a. support the ESOS framework
- b. safeguard Australia's international reputation for high quality education and training
- c. protect the interests of overseas students; and
- d. support providers in monitoring student compliance with student visa conditions.

Standard 7 of the National Code recognises students as consumers and affords them the right to transfer under certain circumstances. The University is restricted from enrolling transferring students prior to the student completing six months of their principal course of study except for the circumstances specified in this policy. The University is also responsible for assessing a student's request to transfer to another organisation within this restricted period. The intention of this standard is that a student's request to transfer will be granted where the transfer will not be to the detriment of the student.

## 2. DEFINITIONS

**COE:** Confirmation of Enrolment. A document, provided electronically, which is issued by a registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the international student's eligibility to enrol in a particular course offered by the registered provider.

**CRICOS:** The Commonwealth Register of Institutions and Courses for Overseas Students.

**ESOS Act 2000:** *Education Services for Overseas Students Act 2000*

**DIAC:** The Department of Immigration and Citizenship.

**International Student:** as defined in the ESOS Act, an overseas student studying in Australia on a student visa.

**Letter of Release:** letter issued by a CRICOS registered provider to confirm approval for an international student to be released from that provider to study with another provider

**Letter of Offer:** A statement issued by an education provider which confirms its approval for an international student to enrol in the course(s) indicated on the letter.

**Principal Course:** the main course of study to be undertaken by an international student where a student visa has been issued for multiple courses. The principal course would normally be the final course of study or the highest level qualification.

### 3. STATEMENT OF POLICY

#### 3.1 Students seeking to transfer to Victoria University

- 3.1.1 Victoria University will not actively recruit an international student wishing to transfer from another registered provider's course prior to the student completing six (6) calendar months or one (1) full semester of their principal course.
- 3.1.2 Victoria University will not knowingly enrol an international student from another registered provider unless:
  - i. the student has completed six (6) calendar months or one (1) full semester of their principal course; or
  - ii. the registered provider has issued a letter of release to the student; or
  - iii. the course in which the student is currently enrolled has ceased to be registered on CRICOS; or
  - iv. the 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 their principal course; or
  - v. a government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

#### 3.2 Students seeking to transfer from Victoria University

- 3.2.1 An international student requesting to transfer from Victoria University to another registered provider before completing six (6) calendar months or one (1) full semester of their principal course, must obtain approval from the University in the form of a letter of release.

The start date for calculating the six (6) calendar months or one (1) full semester is when the student starts the course.

Where a student has taken a break from their studies due to a deferment or leave of absence, this break is not counted in determining if the student has completed six (6) calendar months or one (1) full semester of their principal course.

3.2.2 A letter of release is not required where:

- i. an international student has completed six (6) calendar months or one (1) full semester, or more of their principal course,
- ii. the student is a government sponsored student and the sponsor has provided written approval for the transfer,
- iii. the course for which the student has received an eCOE will not be offered by the University.

3.2.2 A letter of release will be granted only when all of the following criteria have been satisfied:

- i. the student has presented a genuine letter of offer for a CRICOS registered course from a CRICOS registered provider, and
- ii. the letter of offer stipulates an enrolment date and/or commencement date which falls after the date upon which the University receives the letter, and
- iii. where the student is an Under 18 Student:
  - the University has written confirmation that the student's parent(s)/ legal guardian(s) supports the Transfer; and
  - where the student is not being cared for in Australia by a parent(s)/legal guardian(s) or an Approved Relative, the Onward Provider confirms in writing that it will accept responsibility for approving the student's accommodation, support and general welfare arrangements.
- iv. where the student is sponsored by a government agency, the government sponsor has provided written confirmation that it supports the transfer, and
- v. the student has demonstrated a genuine reason for the need to transfer. Genuine reasons may include, but are not limited to:
  - an inability to find suitable accommodation close to their main study campus
  - the course is no longer suited to the student's study or personal goals, and this is verified by a VU International Student Adviser
  - medical reasons verified by a medical doctor or qualified counsellor
  - any other compassionate or compelling reason verified by a VU International Student Adviser or qualified counsellor.

3.2.3 A letter of release will not be granted to international students in the following circumstances:

- i. the transfer is considered detrimental to the student's safety or their study or personal goals.
- ii. the student has not commenced any program of study with the University, or has studied with the University for less than four (4) weeks and has not taken the opportunity to experience the program of study or the range of support services available at the University.
- iii. the student wishes to transfer from a higher level qualification to a lower level qualification (eg Degree to Diploma) in the same study field
- iv. the transfer may jeopardise the student's progression through a package of courses
- v. the student has unpaid tuition fees owing to the University
- vi. the student is attempting to avoid being reported by the University to the Department of Immigration and Citizenship for failure to meet a condition of their student visa.

3.2.4 In all cases outlined in 3.2.2, the University may agree to approve a request for a letter of release if the student can demonstrate that the transfer would be in their best interests. This will be assessed on a case by case basis, and may include but not be limited to the following:

- Consideration of the student's personal circumstances

- Whether the transfer represents clear educational progression
  - Where the student demonstrates academic difficulties in their current course.
- 3.2.5 Where appropriate, the University will counsel students to consider their personal or academic reasons for transferring. Outcomes of counseling may identify alternative academic programs within the University and/or recommendations for appropriate student support or study skills support as an alternative to the transfer. Where the student is eligible for a release, this will not affect their right to transfer.
- 3.2.6 The University will assess and respond to all written requests to transfer within five working days from the date that the application is received by the VUI Compliance and Quality Assurance team.
- 3.2.7 Where the University grants a letter of release, this will be issued at no cost to the student.
- 3.2.8 Where a student is granted a letter of release, their entitlement to a refund of course fees will be assessed in accordance with the VU Refund Policy for Tuition Fees of International Students.
- 3.2.9 In the event of a letter of release not being granted, the University will provide written reasons to the student for refusing their request to transfer. The letter will inform the student of their right to appeal the decision.
- 3.2.10 Records of all requests from students for a letter of release and the assessment of, and decision regarding, the request are to be retained on the student's file.

## 4.0 THE PROCEDURES

### 4.1 Students seeking to transfer TO Victoria University

- 4.1.1 Prospective international students applying to study a course at Victoria University must indicate on the International Student Application Form whether they currently study (or are due to commence study) with another registered provider in Australia.
- 4.1.2 Where a Recruitment and Admissions officer identifies that an eligible student is already studying with another provider, the Recruitment and Admissions officer will provide the student with a conditional offer of enrolment. The conditional offer will specify that the offer is provisional on the student obtaining a letter of release from their current provider.
- 4.1.3 Prospective international students must submit a letter of release from their current provider together with the International Student Acceptance Form and payment before a COE can be created for the student.

### 4.2 Students seeking to transfer FROM Victoria University

#### Submission of required information

- 4.2.1 An international student seeking a letter of release to transfer from Victoria University must submit the following information to the Compliance and Quality Assurance unit within Victoria University International (VUI Compliance):
- a) An International Student Release Letter Application form completed in full by the student and authorized by the relevant faculty's Student Retention Officer; and
  - b) A valid Letter of Offer from another registered provider.

4.2.2 For Under 18 Students seeking a letter of release to transfer from Victoria University, in addition to the above, the following information must also be submitted to VUI Compliance:

- a) Written confirmation from the student's parent(s)/legal guardian(s) supporting the transfer; and
- b) Written confirmation in the letter of offer that the proposed new provider will accept responsibility for approving a student's accommodation, support and welfare arrangements

On receipt of all required information, VUI Compliance will assess the request against the conditions of the *International Student Transfer and Release Policy*.

### **Assessing Principal Course of Study**

4.2.3 VUI Compliance will determine whether the international student has studied at least six (6) calendar months or one (1) full semester of their principal course:

- a) Where the student has completed six (6) calendar months or one (1) full semester of their principal course, a letter of release is not required and the transfer will be approved without question.
- b) Where the student has not studied at least six (6) calendar months or one (1) full semester of their principal course, VUI will proceed to assess the request in accordance with the *International Student Transfer and Release Policy*.

### **Assessing a letter of offer from another Registered Provider**

4.2.4 VUI Compliance will establish whether the international student has a valid offer letter from a registered provider for a CRICOS registered course. A letter of offer which identifies a provider or course that is not CRICOS registered must be rejected. The student must be informed of the reasons for the decision in writing.

An offer letter is not valid if it specifies an enrolment date or course start date, which precedes the University's receipt of the Offer Letter.

### **Assessing a student's reasons for requesting a release**

4.2.5 VUI Compliance will assess an international student's reasons for requesting a transfer to consider whether they are acceptable according to the Policy.

- a) Where VUI Compliance is dissatisfied with the student's written reasons for requiring a transfer to another provider (e.g. the written reasons do not adequately explain why the student requires a release), further clarification may be sought from the student.
- b) Where appropriate, VUI Compliance may liaise with or refer the student to another University department in order to fully explore their reasons for the request to transfer. This may include:
  - i) Consultation with the student's Faculty/School to further understand the student's circumstances and to understand the Faculty/School reasons for recommending the transfer. The relevant Faculty/School staff member to be consulted will generally be the relevant faculty's Student Retention Officer who authorises the International Student Release Letter Application form.
  - ii) Referring the student to VU International Student Support (or other student support services) to discuss the student's personal/academic circumstances, and to recommend appropriate study skills support or student support as an alternative to the transfer.
  - iii) Referring the student to Recruitment and Admissions to discuss a recommendation for transfer into another suitable VU program.

A recommendation made under 3.2.5(b) should not prevent a student from obtaining a release from the University where they are eligible to do so under the Policy.

- c) In line with section 3.2.3 of the Policy, a request to transfer may be rejected where the University considers that it would be of detriment to the student. The decision to reject an application on detrimental grounds will take in to account the student's individual circumstances. The reasons for refusing a request must be formally documented in the student's file.

The range of detrimental circumstances and the course of action that should be taken for each are as follows:

- i) Where the student has not started study, or has studied for less than four (4) weeks, the request may be rejected by VUI Compliance on the basis that the full range of University support services have yet to be provided or offered to the student. In this situation VUI Compliance will:
- Inform the student of the decision in writing and offer the right of appeal against the decision
  - Re-visit the issue within a timeframe negotiated with the student
  - Refer the student to ISS for further advice and guidance
  - Inform the Faculty/School of the outcome
- ii) The University forms the view that the student is trying to avoid being reported to the DIAC for failure to meet the provider's attendance or academic progress requirements:
- The request may be rejected by the University for this reason following consultation between VUI and the relevant Faculty/School
  - VUI Compliance will inform the student of the decision in writing and offer the right of appeal against the decision
- iii) The student has requested a transfer to a course with another registered provider that the University considers:
- Will be unsuited to the student's academic capabilities, future study plans and/or career aspirations
  - May jeopardise the student's progression through a package of courses
  - Will not provide adequate preparation for further study, and/or is not recognised by Higher Education or VET providers as meeting their entry requirements

In the above circumstances, VUI Compliance:

- Will consult with the relevant Faculty/School (generally the relevant faculty's Student Retention Officer who authorises the International Student Release Letter Application form) to understand the student's individual circumstances. Consideration should be given to the student's future study or career plans, and whether the student will be capable of studying the course with the other registered provider. The University may also choose to initiate further discussion with the student to better understand the student's situation
- Will inform the student of the decision in writing. Where the decision is to reject the request, the University will offer the student a right of appeal
- May (in conjunction with the Faculty/School) recommend that the student seeks teaching and learning support or other student support services, as appropriate to the student's circumstances

## **4.3 Transfer and Release for Under 18 Students**

### **Additional procedures for students under 18 years of age**

- 4.3.1 For under 18 students, VUI Compliance will apply the additional following quality assurance procedures:

- a) Confirm that written and signed approval has been received from the student's parent(s)/legal guardian(s); and
- b) Confirm receipt of written confirmation from the new registered provider that it will accept responsibility for approving the student's accommodation, support and welfare arrangements.

4.3.2 Where a letter of release is granted for an under 18 student, VUI Compliance will agree in writing on the dates for transition of responsibility with the new registered provider.

4.3.3 Where the new registered provider refuses to take on responsibility of accommodation, support and welfare arrangements, VUI Compliance will not grant the request for a letter of release.

#### 4.4 Notifying International Students of the Outcome of a Request for a Letter of Release

3.4.1 VUI Compliance will provide a written response to a international student in a reasonable timeframe from the date of receiving the request. A reasonable timeframe is defined as 10 working days upon receipt of the application and all required information.

- a) If a student's application is **successful**, VUI Compliance will provide the student with a letter of release at no cost to the student. VUI Compliance will advise the student to contact DIAC to seek advice on their student visa.
- b) If the student's application is **unsuccessful**, VUI Compliance will provide written reasons for the refusal and inform the student of their right to appeal the decision in accordance with Standard 8 of the National Code 2007.

#### 4.5 Appeals Process

##### Internal Appeals Process

4.5.1 Students who choose to access the internal appeals process must do so within 20 working days of being provided written reasons for the refusal of their application for transfer. Their appeal against the decision must be presented in writing to the Coordinator, Compliance and Quality Assurance. The student's internal appeal may be assisted by a support person.

4.5.2 A panel will be convened by VUI to commence the internal appeals process within 10 working days upon receiving the student's written appeal to review the case. The panel will comprise of the Manger, Compliance and Quality Assurance or the Coordinator, Compliance and Quality Assurance, and an International Student Advisor.

4.5.3 The panel will provide a written decision, within 5 working days of the commencement of the internal appeals process, to either uphold or overturn the original decision for refusal of the student's application for transfer.

- a) If a decision is made to overturn the original decision, VUI Compliance will provide the student with a letter of release at no cost to the student. VUI Compliance will advise the student to contact DIAC to seek advice on their student visa.
- b) If a decision is made to uphold the original decision, the Coordinator, Compliance and Quality Assurance will provide written reasons for the refusal of the appeal, and inform the student of their right to an external appeal.

##### External Appeals Process

4.5.4 Students who choose to access the external appeals process may do so to the Victorian Ombudsman.

#### 4.6 Administration

3.6.1 If an International Student's application for a letter of release is successful, VUI Compliance will cancel the student's COE. The approved International Student Release Letter Application form should then be forwarded to the Admissions and Enrolments for processing on VUSIS.

### 5. POLICY ADVISOR

Manager, Compliance and Quality Assurance, Victoria University International  
Coordinator, Compliance and Quality Assurance, Victoria University International

### 6. RELATED POLICIES AND LEGISLATION

Education Services for Overseas Students Act 2000

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

### POLICY HISTORY

Version approval date	Summary of changes
13 December 2011 <i>(cleared by SMS Futures program 27/02/12)</i> (POS120228000)	Reviewed policy.
13 February 2009 (POS09021000)	New policy.