

<b>Document: Transfer and Release of International Students Policy</b>		
<b>Approved by: Executive Management Team</b>	<b>Version: 3.2</b>	<b>Date: October 2023</b>

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## 1. Overview

The National Code 2018 requires WIN College (hereafter, WIN) to assess requests from students for a transfer to another registered provider if the students have not completed six months of their principal course of study and WIN is the principal provider. WIN is committed to ensuring that all students are provided with necessary, timely and accurate information relating to transfer requests.

## 2. Policy

WIN is restricted from enrolling transferring students prior to the student completing six months of his or her principal course (see definition below) of study except for the circumstances outlined below.

WIN will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course, unless:

- 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 ASQA 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 PRISMS
- 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.

This Policy does not apply to international students who:

- a. hold a visa other than a student visa and that visa is not subject to the National Code;
- b. are transferring from one Course to another within WIN;
- c. are in receipt of an Australian Commonwealth Government Scholarship (that is not subject to the ESOS Act 2000), and the sponsor supports a transfer;
- d. are sponsored by the government of another country and the sponsor issues a letter supporting the transfer; or
- e. have completed more than six (6) months of their Principal Course with WIN.

## 3. Definitions

The following definitions apply for the purpose of this Policy:

- a. Australian Qualifications Framework (AQF) means the policy for regulated qualifications in the Australian education and training system.
- b. Award or Award Course (Course) means the qualification resulting from the satisfactory completion of a specific Course of Study.
- c. ESOS Act means the Education Services for Overseas Students Act 2000 (Cth).
- d. Package Offer means an offer to study multiple Courses.
- e. Package Provider means a Registered Provider with whom Package Offers can be made.

- f. Principal Course means the main course or the final course as part of the package of courses to be undertaken by an overseas student where a student visa has been issued for a single course or multiple courses of study.
- g. PRISMS means the Australian Government's Provider Registration and International Student Management System used to record student's enrolment information.
- h. Course of Study means the combination of Units and components that must be satisfactorily completed to qualify for at College Award.
- i. Registered Provider means an education provider that is registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

### **3. Responsibility**

It is the responsibility of WIN to receive and process requests for transfer. Requests for transfer may only be granted with the approval of the Head of Academics (HoA) or delegate. It is the responsibility of Student Services to advise students wishing to transfer to WIN from other registered providers, about the requirements of obtaining release where necessary.

## **4. Procedures**

### **Transfer Requests prior to completing six months of a principal course.**

All current students of WIN requesting a transfer to another registered provider prior to the expiry of the required 6 months in principal course are referred to the HoA. WIN will consider each request and provide a written response to the student.

#### **Step 1: Complete and submit:**

#### **Application for Transfer of Enrolment Between Registered Providers Form.**

The following must be completed in the transfer request (available from Student Services):

- a) Personal Details
- b) Academic Details
- c) Summary/brief description of the reason for requesting a transfer;
- d) Explanation of how the transfer will not lead to increased tuition costs, increased duration of studies, a lower level of support services at the new provider and won't affect the progression through a package of courses where appropriate.
- e) Supporting Documentation & Evidence-
  - Letter explaining reasons for request;
  - Evidence of exceptional circumstances;
  - Offer Letter from new provider
- f) Student Declaration-Signed and dated

#### **Step 2: Pay All Course Fees**

Ensure that you have no outstanding fees payable on your principal course of study. For further information regarding your fees please contact Student Services.

### **Step 3: Attend a Meeting with WIN**

The student is required to attend a meeting with the HoA, or delegate, to gain a full understanding of the circumstances and to assess the Application as each case will be assessed on its own merits.

The HoA, or delegate, will assess the transfer request considering the following:

- Is a transfer in the best interests of the student?
- Are there any compassionate and compelling circumstances involved in the case?
- Does the student have any outstanding fees payable? (If they do, these must be paid before release can be provided).
- Is the student fully aware of the study issues involved in the transfer? Will a transfer affect the student's academic progress? Has the student availed themselves of WIN's academic support
- Is the student aiming to avoid being reported to the Commonwealth Department of Home Affairs (DHA) for unsatisfactory course progress?

### **Step 4: Receive Written Response Outlining the Outcome of Your Application**

WIN will advise overseas students of the outcome of the transfer request. This will be done via email (personal and college email). WIN also encourages international students to consider whether a change in enrolment breaches a visa condition. For further information the student can refer to:

[https://www.ombudsman.gov.au/\\_\\_data/assets/pdf\\_file/0035/79685/Factsheet\\_student\\_transferring-between-education-providers-links-fixed-A1576260.pdf](https://www.ombudsman.gov.au/__data/assets/pdf_file/0035/79685/Factsheet_student_transferring-between-education-providers-links-fixed-A1576260.pdf).

### **Timeframe**

If the student has provided the necessary documentation to the HoA, or delegate, up to 20 working days. All requests, considerations, decisions will be retained in the student's file for two years.

### **6.The Application Outcome**

Generally, all requests for release will be approved where it is considered in the best interests of the student academically or personally.

### **Circumstances in which WIN will grant the transfer request**

- 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 WIN's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements);
- there is evidence of compassionate or compelling circumstances;
- WIN has failed 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.

*Note:*

1. The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the Refund Policy independent of this policy. If the answers are satisfactory and in accordance with this policy, the release will be granted at no charge to the student. The student will also be advised to contact DHA to seek advice on whether a new student visa is required. WIN will report the students' termination of studies through PRISMS.
2. Where the transfer request is agreed, the release will be granted at no cost to the student, and the student will be advised of the need to contact the Department of Home Affairs to ascertain whether a new visa is required.

**Circumstances in which WIN will refuse the request for transfer**

- transfer may jeopardize the student's progression through a package of courses;
- student has applied to transfer into a course that they do not have the credentials to enter;
- student has changed their mind about the course they wish to study;
- transfer request is to study a course at an AQF level that is considered lower than their current level;
- student has not exhausted access to WIN's support services for assistance with study or personal issues;
- student has been determined as not meeting satisfactory course progress due to not having fully engaged with WIN's intervention strategy, including but not limited to where the student:
  - a. Does not attend the scheduled academic counselling session;
  - b. Has low attendance at academic support workshops or additional tutoring; or
  - c. Does not accept the study plan that was tailored to meet the student's best interests and study needs including an extension of English language tuition requiring a change or repetition of level and / or a revised pathway of study;
- student found the same course for a cheaper cost at another provider;
- student decides they would prefer to live in another city for personal reasons, including employment opportunities;
- student has 25% or less of the course to complete;
- WIN considers the transfer detrimental to the student;
- student wants to transfer to a course that does not adequately meet their long-term goals;
- claims of migration or representative agent error;
- WIN is concerned that the student's application to transfer is a consequence of the adverse influence of another party or if WIN considers the request for a transfer to be the result of student poaching;
- student was given adequate information at the time of enrolment to enable the student to make an informed decision to undertake the course;
- student is intending to avoid being reported to DHA for failing to meet WIN's academic progress requirements or has unsatisfactory attendance;
  - a valid 'Letter of Offer' has not been received by the student from new registered provider;
- reasons for requesting transfer primarily relate to enhancing permanent resident opportunities, or current timetable interferes with work arrangements;
- student has already accepted and paid for a course at another registered provider;
- transfer perceived as detrimental to student's welfare and wellbeing e.g. New registered provider
  - A) has 2x10 hour days of study,
  - B) requires considerable extra travel;

C) requires attendance at the RTO at hours outside of 0800-1000 in remote locations or areas without access to public transport;

- student has outstanding fees with WIN;
- student does not have a valid unconditional letter of offer of enrolment from another registered provider;
- government sponsor of the student does not approve the request.

*Note:*

WIN will notify the overseas student in writing the reason for refusing the transfer request and the overseas student's right to access WIN's 'Complaints & Appeals' process (in accordance with Standard 10) within DHA working days. WIN will maintain records of overseas student transfer requests for two years after the student ceases to an accepted student.

If WIN refuses a release, it will not finalise the overseas student's refusal status in PRISMS until:

- any appeal against the refusal lodged by the overseas student is finalised and is upheld WIN's decision not to release the student; or
- the overseas student did not access the registered provider's 'Complaints & Appeals' processes within 20 working days of being notified of the refusal; or
- the overseas student withdraws their appeal against the refusal.

## **7. Transferring from Other Providers**

### **Students transferring from other registered providers within 6 months of study at another provider**

A '*Conditional Letter of Offer*' may be provided to a student who requests to transfer to WIN from another registered provider if they have not completed 6 months of study into their principal course. When assessing the application, WIN will ascertain if the student has a valid visa and the commencement date of the principal course to determine that the transferring student has completed 6 months in the principal course with current provider.

If the CoE has been cancelled by another provider, there must be a release from that provider before WIN will accept that student's enrolment.

### **If the transferring student has not completed 6 months in the principal course with current provider**

WIN must inform student of the requirement to obtain release from their current provider before a valid enrolment can commence.

Exceptions to this requirement are where:

- The 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 course.
- Any government sponsor of the student considers the change to be in the best interest and has provided written support for the change.

## **8. Complaints & Appeal Process**

Where a release request is not approved, the overseas student may apply for a review of WIN's decision within 20 working days of decision.

To lodge a formal complaint, simply complete an '*Application to Lodge a Complaint or Appeal Form*' available from Student Services. All complaints and appeals are submitted to the Head of Academics

(HoA), who has the responsibility to record the complaint in the first instance in the 'Complaints & Appeals Register'.

Complaints are to include the following information:

- Submission date of complaint
- Name of complainant;
- Nature of complaint;
- Date of the event which lead to the complaint
- Attachments (if applicable);

**For applicants who have exhausted the above internal complaints processes and the dispute is unresolved** or they are dissatisfied with the outcome, they may wish to raise their complaint with the Ombudsman. The complainant or appellant has an opportunity to formally present his or her case at no cost to themselves.

The decision of this independent mediator is final and any further action the student wishes to take is outside WIN's policies and procedures. The student shall be referred to the government agencies.

Where a decision or outcome is in favour of the student WIN shall follow the required action to satisfy the student's complaint as soon as practicable.

Where a decision or outcome is in favour of WIN, the student may also seek legal redress through the usual court processes if they feel dissatisfied. The student must bear the costs of initiating or defending any legal proceedings.

These terms do not remove the student's rights (if any) to act under the consumer protection laws

Where WIN considers more than 60 calendar days are required to process and finalise the complaint or appeal, WIN will:

- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly update the complainant or appellant on the progress of the matter. If the student has exhausted the above internal complaints processes and procedures and the dispute is unresolved or you feel dissatisfied with the outcome, you may wish to raise their complaint with the Office of the Commonwealth Ombudsman ("Commonwealth Ombudsman").

The complainant or appellant has an opportunity to formally present his or her case at no cost to themselves. The contact details of the Commonwealth Ombudsman are as follows: Commonwealth Ombudsman GPO Box 442 Canberra ACT 2601 Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au) Tel (in Australia): 1300 362 072 Tel (outside Australia): +61 2 6276 0111 Website: <https://www.ombudsman.gov.au>.

In accordance with the provisions of the National Code, WIN will 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.

## 5. Legal Framework

- The *Education Services for Overseas Students Act 2000* (ESOS Act)
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Standards for Registered Training Organisations (RTOs) 2015
- *National Vocational Education and Training Regulator Act 2011* (Cth)
- *Privacy Act 1988*



