



Withdrawal Policy and Procedures

Withdraw from a program as an international coursework student

As an international student visa holder, withdrawing from your program may have significant visa implications for you and you may be at risk of being non-compliant with your visa conditions. This can lead to the cancellation of your student visa and a ban imposed on you by the Department of Home Affairs.

Your withdrawal will be effective from the date the application is received by Rosehill College, or the start of the course program indicated on your withdrawal application.

If you stop attending classes but don't notify Rosehill College that you wish to withdraw, you will remain an enrolled student and will be charged fees and receive fail results for your enrolled courses.

Program withdrawal is final. Readmission to a withdrawn program requires a new application to Rosehill College.

Changing to another Vocational Provider

International students leaving Rosehill College within six months of commencing their study require a release letter from Rosehill College to enrol at another registered education provider. To apply for a release letter international coursework students must complete and submit a Request to Withdraw Form along with all the following supporting documentation to info@rosehillcollege.edu.au

- Valid full offer letter from other registered education provider. Note that an offer that is provisional or conditional upon Academic or English requirements will not be accepted;
- *Refer to National Standards Code 7 below*
- Original current visa and passport;
- Evidence that the principal program at Rosehill College is academically unsuitable, or that compassionate or compelling reasons for the transfer exist;
- Application for Program withdrawal form (where students have already commenced studying at Rosehill College);
- For students under the age of 18, written confirmation that your parent or legal guardian supports the transfer, or that the new registered education provider will accept responsibility for approving your accommodation, support and general welfare.

If you have paid your fees in full and you are seeking a withdrawal from the course, you **may** under consideration of the CoE approved by the college then be eligible for a refund. This refund request will be subject to approval of the Principal of the college.

You will be notified of the outcome of your request via email within 10 working days of lodgement of a complete application (including all supporting documentation). If your request for a release letter is approved, the release letter will be sent to the email address supplied on your Request to Withdraw Form.

You will be advised when your electronic confirmation of enrolment (eCoE) has been cancelled. After you have received this notification you will need to visit your nearest Immigration Office with your release letter.

Please note you will need to keep a copy of this letter for yourself, as it will be required to present to your new registered education provider.



Step 1 – Advisor appointment

Before withdrawing from your program, you should speak to your Rosehill College Principal to discuss alternative options such as taking leave from your program or transferring to a different Rosehill College program.

Step 2 – Withdraw from your program

You can withdraw from your program using the Request to Withdraw Form

Program withdrawal should be requested before the course program date in which it is to take effect.

Withdrawing from your program will automatically drop all courses from the effective date of the withdrawal, including any in progress, and all courses you are enrolled in for future sessions. The consequences of having your courses dropped when you withdraw from your program are the same as dropping courses without withdrawing from your program.

Step 3 – Apply for a fee refund

Students who enrol and withdraw from all courses before the relevant primary course date (ie. 6 months after commencement) will not be liable for the tuition fees/student contribution for those courses and fees already paid may not be refundable.

Step 4 – Return to your home country

It is expected that students who have withdrawn from their studies and are not transferring to another Australian registered education provider will report to the Department of Home Affairs (DHA) immediately to advise them of the change to their plans and will make arrangements to leave the country within 28 days of the date their eCoE was cancelled.

Alternately, students may wish to discuss different visa options directly with DHA that will allow them to lawfully remain in Australia.

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1. National Code Part D, Standard 7

1.1.1 Explanatory guide for Standard 7

Please note this explanatory guide applies to the National Code 2017 and will not apply after 1 January 2018. [Factsheets on the National Code 2018](#) are available here.

Frequently asked questions on this page:

- [Six months – what it means, when it starts](#)
- [Transfers after six months](#)
- [Which course or visa does it apply to?](#)
- [Transfer policy – what is reasonable](#)
- [Reasons for refusing a letter of release](#)
- [Letters of release – when, how and by who](#)
- [Enrolling a student without a letter of release](#)
- [Government sponsored students](#)
- [Refunds](#)
- [Multiple locations](#)
- [Diagram showing the process steps](#)

Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of his or her principal course of study in accordance with their documented procedures.

This standard restricts providers from enrolling transferring students prior to the student completing six months of his or her principal course of study, except for the circumstances outlined in the standard. Providers, from whom a student is seeking to transfer, are responsible for assessing the student's request for transfer within the restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student.

After the first six months of the principal course no restrictions apply.

1.1.2 Key requirements for all sectors

1.1.3

- Registered providers must not enrol a transferring student before the student has completed six months of the student's principal course of study except for the circumstances outlined in this standard.
- The restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the principal course.
- When a student wants to transfer before completing six months of his or her principal course, the provider must assess the student's request against its documented transfer policy and procedure.
- Requests can be refused, but the reasons must be consistent with the intent of the standard, the provider's documented transfer policy and given to the student in writing.
- If a provider refuses to release a student or the provider does not respond during the timeframe set out in the policy, the student can appeal through the provider's complaints and appeal process.
- The new provider must have issued a valid enrolment offer for a student's request for a letter of release to be considered.
- A provider must not charge the student for the release letter.
- Under-18 students must have written confirmation from their legal guardian or parent to transfer. If the student is not being cared for in Australia by a parent or suitable nominated relative, the receiving registered provider must accept responsibility for approving the student's accommodation, support and general welfare arrangements as per [Standard 5](#). The letter of offer must note this responsibility.



- Providers must keep records of requests for letters of release and the process used to make a decision in relation to the request.
- A provider must not enrol a transferring student before the student has completed six months of his or her principal course unless the exceptions in Standard 7.1 are satisfied. Before 1 July 2007, students' movements were restricted by a visa condition.
- Students can apply to transfer before they have completed six months of their principal course.
- The provider must have documented policies and procedures for assessing applications for transfer.
- Providers must accept responsibility for assessing applications to transfer. Before 1 July 2007, the Department of Immigration and Border Protection (DIBP) assessed all applications from students for a transfer within the first twelve months of the principal course of study.
- If a student's request for release is refused, the student must be informed in writing of the reasons for the refusal and his or her right to appeal the decision.

1.1.4

1.1.5 What this standard involves:

- 7.1 The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
- a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
 - b. the original registered provider has provided a written letter of release
 - c. 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; or
 - d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

- If any of the conditions in Standard 7.1 apply, a receiving provider can enrol a student before he or she has completed six months of the principal course.
- Providers must not actively recruit a student before the student has completed six months of his or her principal course (refer to Standard 1.3). These restrictions also apply to any courses undertaken before the principal course. A student must remain with his or her provider for all of his or her courses before the principal course unless Standard 7.1 applies.
- The Provider Registration and International Student Management System (PRISMS) will assist receiving providers to determine if a student has not completed six months of the principal course. When providers attempt to create a new Confirmation of Enrolment (CoE), PRISMS will usually advise them if the student has **not** completed six months of the principal course. PRISMS will alert that the student is enrolled elsewhere, but not identify the provider.
- If the receiving registered provider wants to issue a CoE for a student who has not completed the first six months of his or her principal course, PRISMS will ask the provider one or more questions:
 - *Does the student require a letter of release?* [Answer: Yes or No]
The answer will be 'Yes' unless the circumstances listed in Standard 7.1a, c or d have occurred.
 - If the answer is 'No', the response is recorded and the provider will be allowed to continue with creating the CoE.
 - If the answer is 'Yes' the provider will be asked the following question:
 - *Have you sighted the letter of release from the previous provider?* [Answer: Yes or No]
 - If the provider answers 'Yes', the response will be recorded and the provider will be allowed to continue with creating the CoE.
 - If the answer is 'No', the provider will be shown the following warning:



- *It would appear that you may be in breach of the requirements in Standard 7 should you continue to create the CoE for this student. This information will be recorded. Do you wish to create the CoE?* [Answer: Yes or No]
 - If the provider answers 'Yes', the provider will be required to enter reasons for doing so (in the mandatory comments field).
 - If the provider answers 'No', the CoE approval process will be cancelled.
- If a student transfers from a principal course to a new course, PRISMS assists to identify the student's new course as the student's principal course. If another provider tries to enrol the student they will be alerted that the student has not completed six months of his or her principal course. If a student transfers from a preceding course in a package of courses, PRISMS will normally flag the course leading to the highest qualification as the principal course and the warning will apply to this course.
- If a student transfers to another provider, any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.

7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:

- a. the circumstances in which a transfer will be granted
- b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student; and
- c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.

- A provider must assess student applications for a letter of release against its transfer policy.
- The transfer policy must include:
 - the circumstances in which a transfer will be granted
 - a statement to the effect that a transfer will be refused unless:
 - a student has a valid enrolment offer from the receiving provider; and
 - a student under 18 must have written evidence that the student's parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements as per Standard 5.
 - circumstances when a transfer will be refused and when the transfer may be considered detrimental to the student; and
 - a timeframe for assessing and replying to the student's transfer request. This timeframe must be reasonable.
- The policy must support the intent of the standard which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia. It should guide decision making by pointing to the range of factors that ought to be taken into account. It should also enable the individual circumstances of the student to be considered in order to determine if the transfer will be to the detriment of the student. The range of factors may include:
 - if the course the student wishes to transfer to:
 - better meets the study capabilities of the student
 - better meets the long term goals of the student, whether these relate to future work, education or personal aspirations
 - If the student wishes to change course in order to get access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network)
 - If the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met.
- Factors that may be considered to the student's detriment, but which should be considered in light of the student's individual circumstances and a broader range of factors, such as those outlined above, include:
 - if the transfer may jeopardise the student's progression through a package of courses
 - If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student (it is good practice to revisit the issue within a timeframe negotiated with the student); and
 - if the student is trying to avoid being reported to DIBP for failure to meet the provider's attendance or academic progress requirements.



- A letter of release should be provided for a student where:
 - a student can provide evidence that he or she was misled by the provider or an education or migration agent regarding the provider or its course, which constitutes a breach of the ESOS Act, or
 - an appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer supports the student.
- When a provider makes judgements about a student's best interests or the receiving course or provider, the provider should ensure the reasons are adequately supported.
- A provider may also choose to have a policy that a letter of release will be granted automatically to any student who requests one.

Compliance tip

Policies which apply blanket rules such as no requests for letters of release will be granted are not compliant. Policies that only enable transfers in a very limited set of circumstances, acting effectively as a blanket rule that no requests will be granted, are also not compliant.

Compliance activity will be concerned with ensuring that a provider's policies, processes and their implementation uphold the intent of the standard by considering requests fairly and applying their best efforts.

- Providers must make the student transfer policy and procedure available to both staff and students.
 - Under Standard 6.7 providers need to ensure that their staff who interact directly with students are aware of all the provider's ESOS obligations and the potential implications for students. Marketing and recruitment staff and agents must be aware of the limitations on transfer before completion of six months of a principal course. They should advise overseas students (or parent or guardian if the overseas student is under 18) of these limitations.
 - Good practice would be to make the transfer policy and procedure available of the website as well as through other avenues.
- It is good practice to issue a student who lodges a request for a letter of release with a receipt acknowledging that the request has been received.

7.3 The registered provider must grant a letter of release only where the student has:

- a. provided a letter from another registered provider confirming that a valid enrolment offer has been made; and
- b. where the student is under 18
 - i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer; and
 - ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (younger students).

- The provider must not issue a letter of release for a student who does not have a valid letter of offer of enrolment from another provider. Similarly, if the student is under 18, the provider must not issue a letter of release unless the student has written evidence that his or her parent or legal guardian supports the transfer AND, if applicable, written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5.
- For under-18 students, support for the transfer must be obtained from the student's parent or legal guardian. The person with whom the student is living in Australia (e.g. homestay provider) will often not be the student's parent or legal guardian.



- To facilitate a transfer between providers, the proposed receiving provider must issue a letter offering the student enrolment. It cannot formally **enrol** the student until 7.1.a, c or d occurs or it has seen a letter of release from the student's original provider (the provider the student is transferring from). The receiving provider should keep a copy of the letter of release for compliance purposes.

7.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIAC to seek advice on whether a new student visa is required.

- A new visa may be required if the new course is in a different sector to the original course or if there is an extension required to the student's visa. To find out more about visa requirements, please visit the [DIBP website](#) or call 131 881.

7.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).

- A student should be informed of the outcome of his or her application for transfer within a reasonable timeframe. Good practice is that a student would be informed within 10 working days of the result of their application.
- If a request for release is refused, the student must be provided with written reasons for the refusal. The written reasons should note the decision, the reasons for the decision, the factors taken into consideration and reflect the student's individual circumstances. The reasons for refusal should be sufficiently detailed to enable the student to make an informed decision as to whether to appeal the decision.
- The student must also be given advice in writing that it is possible to appeal the decision if the student so chooses. The appeals mechanisms required under Standard 8 will apply where the student wishes to lodge an appeal.

7.6 The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

Compliance tips

For a provider to show it is complying with Standard 7, it may need some of the following as evidence:

- a documented transfer policy and procedure which supports the intent of the standard and meets all of its requirements
- evidence that the provider's transfer policy and procedure is available to staff and students
- request from students for a letter of release, e.g. the provider's request for release form completed and signed by the students
- the assessment of the request, e.g. the provider's decision written on the request form
- a copy of the letter informing the student of the decision and reasons if the student's request is refused
- if there is an appeal, evidence that the appeal was conducted in accordance with the provider's appeal processes outlined in Standard 8
- if the student is under 18, written confirmation that the student's parent or legal guardian supports the transfer



- if the student is under 18 and is not being cared for in Australia by a parent or suitable nominated relative, a valid enrolment offer confirming that the receiving provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5; and
- a copy of a letter of release for any student it has enrolled before the student had completed six months of the principal course of study.

1.2 Common questions and answers

Please note: The principles in the examples below can be applied to all sectors.

1.2.1 Six months – what it means, when it starts

1.2.2

Q What does the reference to “six months” in Standard 7 mean?

A The requirement in Standard 7.1 refers to a period of six months. This means completion of six calendar months of the principal course of study from the date that the student commences the course.

A provider's policy on transfer between providers should support the intent of Standard 7 which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia. As such, the impact on a student of refusing a request should be one factor taken into consideration. For example if the semester begins in February and ends in June, a student who cannot transfer until the end of July may miss enrolment cut offs for other institutions. An institution may adopt a policy that allows all transfers after the end of a semester.

Q Why is six months the minimum study period before a student is allowed to transfer to another provider?

A The independent evaluation of the ESOS Act 2000 recommended the 12 month restriction that applied to the principal course of study be reduced to six months. It also recommended the 12 month period be transferred from a condition on a student's visa to a requirement on the provider through the ESOS legislation.

Following consultation with the international education industry, the restriction was reduced to six months and included in the National Code 2007. Six months is seen as a reasonable compromise between giving overseas students a choice as consumers while acknowledging they are a group that may require support to transition to study in Australia.

Q When calculating the six month restriction period, what is used as the starting date (when the visa was issued, the date the student arrives in the country or the course start date)?

A The start date for calculating the period is when the student starts the course.

Q If a student suspends enrolment in his or her studies before completing six months of his or her principal course, how is the six months calculated?

A Where a student has had a break from his or her studies due to a deferment or suspension, the break is not counted for the purposes of determining if the student has completed six months of his or her principal course.



- Q Can I issue a student with a CoE prior to the six month period ending if the CoE starts after the six month period?**
- A** Yes because the CoE start date is after the six month period ends Standard 7 does not apply. For example, if a student started his or her principal course in February but wanted to move to a course that started in September, this would be acceptable even if the COE for the September course was issued in June.

1.2.3 Transfers after six months

- Q If a student is not satisfied with their education provider can he or she transfer after six months?**
- A** Yes, a student can transfer without restriction after he or she has completed six months of the principal course.

1.2.4 Which course or visa does it apply to?

- Q Can I issue a COE to a student who does not have a letter of release if the student is going to use that COE to apply for a new visa?**
- A** No. Under Standard 7, providers must not knowingly enrol a student wanting to transfer from another provider's course prior to that student completing six months of their principal course.

The only circumstances in which a provider may issue a student with a COE during the restricted period are if:

- one of the exceptions in standard 7.1 is satisfied
- the student is able to provide documentation which approximates a letter of release (which is only to be used in unusual circumstances, and a student wishing to apply for a new visa is not considered to be one of these); or
- the student no longer has a student visa and therefore no principal course.

- Q How does Standard 7 apply to a student enrolled in a package of courses, but who has not started his or her principal course?**
- A** A student must not transfer from his or her original provider's course before completing six months of his or her principal course of study. As the principal course of study is the highest qualification (normally the last course) covered by the student's visa, Standard 7 also applies to all courses of study prior to the student's principal course.

The student needs to ask for a letter of release from the provider of the course the student wants to transfer from. If the transfer will affect the start dates of any subsequent courses covered by the visa, the student needs to obtain letters of release for those courses or gain the providers' agreement to delay the start of those subsequent courses.

It is important for providers to advise students that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).



Student in a preliminary course requests a transfer

Jenny is enrolled in a package of courses comprising

- *English language (six months) – Provider A*
- *Foundation programme (12 months) – Provider B, and*
- *Bachelor Degree (three years) – Provider C*

Jenny's principal course is the Bachelor's degree as this is the last and the highest qualification covered by her visa.

Jenny seeks a transfer from Provider A to a different English Language course with Provider X. Provider A assesses Jenny's request against its transfer policy and provides her with a letter of release. Jenny does not need to get a letter of release from Provider B or C, as her transfer does not affect the start date of these courses.

While studying with Provider X, Jenny discovers an alternative two-year programme in the VET sector with Provider Y. As Jenny has not completed six months of her principal course, Provider Y needs to see a letter of release in order to enrol Jenny in its course. As Provider Y's course covers the period of the foundation programme and then part of the Bachelor programme, Jenny needs to request a letter of release from both Provider B and Provider C. Alternatively, Provider C can decide to defer the start date of the Bachelor programme for Jenny. If the proposed change to the student's course/s does not affect the start date of the principal course, then Provider C would not need to consider the letter of release request.

Note:

- The English language and foundation courses are prerequisite courses being completed as a part of a package so the restriction on transferring between providers applies while Jenny is enrolled in these courses. Each provider that will be affected by the transfer must assess the request for a letter of release in accordance with its transfer policy.
- Standard 7.4 requires that the letter of release must include instructions for the student to contact DIBP to seek advice on whether a new student visa is required.
- Please note that with packaged courses, the visa subclass corresponds with the sector of principal course.
- It is important for providers to advise students in a package of courses that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).

Q If a student is enrolled in a package of courses but the provider of the first course in the package is not aware of the other courses in the package, how will the provider know what restrictions apply to the student?

A If the student transfers from a principal course to a new course, PRISMS assists to identify the student's new course as the student's principal course. If another provider tries to enrol the student PRISMS will often alert the provider that the student has not completed six months of his or her principal course.

If a student transfers from a preceding course in a package of courses, PRISMS will normally flag the course leading to the highest qualification as the principal course and the warning will apply to this course.

Q Does Standard 7 apply to each visa a student might obtain, even if the visa is granted onshore following a transfer from another course?

A Standard 7 applies to all current valid student visas, regardless of whether the visa was granted onshore or offshore, if it is the student's first visa or a subsequent visa.



1.2.5 Transfer policy – what is reasonable

Q What are some examples of what would be reasonable grounds for granting or refusing a request for a letter of release?

A For examples of what would and would not be appropriate grounds for granting a letter of release, please see below.

A student's application for transfer is approved on academic grounds

Letat had commenced her principal course at the Southern Institute of Studies, a small provider that offers only three courses for international students. Letat found that the Certificate IV course was far too difficult and was causing frustration and unhappiness for her.

Letat's friend informed her that a Certificate III course was available with a neighbouring CRICOS provider and Letat obtained a letter of offer from the neighbouring provider. Letat completed an application to transfer from the Southern Institute of Studies. As the institute recognised that its courses were too difficult for Letat, her application for transfer was approved.

Note:

- The Southern Institute of Studies has a policy and procedure for assessing applications for course transfer within the first six months of commencing the principal course of study. The policy enables the decision maker to take into account a number of factors, including how the student is handling the course, and the individual circumstances of the student. The policy allows students to transfer if they are experiencing personal difficulty or educational problems that cannot be addressed by the provider's resources.
- In the case of Letat, it was recognised by the provider that the support services could not bridge the gap that would enable Letat to make satisfactory course progress.

A student's application for transfer is approved on personal grounds

Seventeen-year-old Jose was studying a Diploma in Visual Arts at the Central College of the Arts in Adelaide, and was living with his 23-year-old brother who was a resident of Australia. Two months into Jose's course, his brother was given a promotion, and told that his new job was located in Brisbane.

Jose sought to study in Brisbane because he did not have alternative living arrangements and wanted to remain with his brother. Jose investigated a provider in Brisbane at which he could continue to study for the same qualification. He received an offer of enrolment from the Brisbane provider and applied to Central College for a transfer.

Realising the significance to Jose of transferring to Brisbane, Central College approved the application for transfer.

Note:

- The Central College of Arts has a policy and procedure for assessing applications for transfer between providers within the first six months of a student commencing his or her principal course. Its policy enables a number of factors, including the welfare of the student, and the student's individual circumstances to inform the decision making process.
- The Central College of Arts ensured before granting a letter of release to Jose that his parents had provided written confirmation confirming their support for the transfer.



- As Jose is residing with a suitable nominated relative, the College did not need to sight a letter of offer from the Brisbane provider confirming that they will take on responsibility for approving his accommodation, support and general welfare arrangements as per Standard 5 (Younger students).

A provider does not approve a student's request for transfer to another provider

Peter is a university graduate who has enrolled in the Master of Professional Accounting at Accounting University. After three weeks he applies for a release to transfer to a Diploma in Accounting with another provider in the vocational education and training (VET) sector.

The University Transfer Policy specifies that where students apply to transfer to another sector (e.g. to English Language Intensive Course for Overseas Students (ELICOS) or VET) or another level (e.g. Master's to Bachelor's course) the student must discuss the request with a university course advisor. The policy states that the course advisor will make a recommendation based on an assessment of what is in the student's best interests, whether there are compassionate and compelling circumstances, and whether the student is likely to succeed in his or her present course.

Following a discussion with Peter, the course advisor finds out that the VET course Peter wishes to transfer to will not enable him to achieve his career goals. So in this case, the course advisor recommends that a release not be granted but that Peter's academic progress be monitored closely through the first semester. The course advisor believes Peter is capable, with effort, of succeeding in the Master's course, and advises him to access a structured study support programme. The university does not grant a release at this time and negotiates with Peter to revisit the issue after four weeks to determine if he still wants to transfer after accessing the support services available. If Peter decides to seek a transfer after this period, he will still be able to enrol with the other provider in a timely manner. This was taken into consideration by the university when it decided not to grant a release and when negotiating to revisit the issue after four weeks.

The University informs Peter of the decision, together with the reasons, and informs him also of his right to appeal in accordance with the university's processes.

Note:

- Refusal of the release was consistent with the institution's student transfer request assessment policy and procedure (as required by 7.2) and the other requirements of the Standards, especially 7.5.
- The provider undertook to revisit Peter's situation within an agreed timeframe (4 weeks) to ascertain if he still wanted to transfer after accessing the support services of the provider.
- The institution provides monitoring and a study support programme to enhance Peter's prospect of success.



A provider considers that transfer to another provider would not be in the best interest of a student

Imelda is studying English for Academic Purposes (EAP) at the International Language Academy as her principal course and intends to proceed to a VET or higher education course at the end of her English course. EAP provides specific preparation for further study in English. The EAP course at the academy is recognised by several higher education and VET institutions as satisfying their English language entry requirements.

Imelda then becomes aware of another ELICOS College specialising in General English where the tuition fees are considerably lower and the assessment tasks are believed to be less onerous. She obtains an offer of enrolment and applies for a release from the academy.

The academy's transfer request policy states that a release will be granted only where the transfer will not be to the detriment of the student or their future studies. In this case the Director of Studies refuses the release on the grounds that the intended course will not provide adequate preparation for further study, nor be recognised by higher education or VET providers as satisfying their entry requirements. A transfer would be detrimental to Imelda's future study plans.

The academy informs the student of the decision in writing, together with the reasons, and informs her also of her right to appeal in accordance with the academy's processes.

Note:

- Refusal of the release was consistent with the institution's student transfer request assessment policy and procedure (as required by 7.2) and the other requirements of the standards, especially Standard 7.5
- The academy made the assessment, consistent with its release policy that it was not in Imelda's best interest to grant a release.

Q What should I do if my student wants to leave my course and enrol with a provider that in my view:

- **has an inadequate course/facilities**
- **is more expensive**
- **will result in poor living conditions for the student; or**
- **is in a different state?**

A Standard 7.2 requires providers to have a policy that specifies the circumstances that the provider considers as reasonable

grounds for refusing the student's request. The policy should support the intent of Standard 7 which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia.

When determining the contents of their policies, providers should consider if adequate weight is given to the student as a consumer. Providers should also consider the circumstances in which it may be reasonable to refuse a transfer request based on the provider's opinion of the student's best interests and the receiving course or provider. Where a provider makes such judgments, the provider should ensure the reasons are adequately supported by evidence and conveyed to the student.

1.2.6 Reasons for refusing a letter of release

Q What are the provider's obligations to the student if his or her request for transfer is refused?

A Under Standard 7.5, the student must be provided with written reasons for refusing the request and informed of his or her right to appeal the provider's decision in accordance with the provider's complaints and appeals process.



Q What detail is needed for the written reasons for refusing a student's request for a letter of release?

A The written reasons for refusing a request should reflect the decision making process for the student's individual circumstances and be detailed enough to enable the student to make an informed decision as to whether to appeal the decision.

1.2.7 Letters of release – when, how and by who?

Q If a student has a letter of offer from a second provider, does the original provider have to automatically grant a letter of release?

A No. The request for transfer must be assessed against the provider's transfer request policy.

Q Which provider needs to issue the letter of release?

A For transfers from any of the student's original courses (the courses the student's visa was issued for), the letter of release needs to be from the affected provider. For transfers from any of the student's original courses (the courses the student's visa was issued

for), the letter of release needs to be from the affected provider. The affected provider is the provider the student is seeking to transfer from. If a transfer will impact on the start date of another of the student's planned courses, then the provider offering that subsequent course is also an affected provider and the student needs to obtain a letter of release for that course as well or seek the provider's agreement for the COE commencement date to be delayed.

It's very important for providers to advise students in a package of courses that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).

Q Can I grant a letter of release that specifies certain conditions on the student (such as that the student can only transfer to a campus of the same provider in another state or to a specific provider of which I approve)?

A No. The purpose of a letter of release is to enable the student to enrol with another provider of their choosing. The provider should determine through its decision making process whether or not it supports the student's request for a letter of release, based on the information presented to it by the student. If a letter of release is then granted, it can not contain conditions.

Q If an under-18 student has his or her guardian's permission to transfer prior to completing six months of the principal course, is the student's request for transfer automatically granted?

A No. Even with the parent or guardian's permission for the student to transfer, the provider may refuse to release the student if the student's reason for transfer is not included as allowable grounds under the provider's transfer request assessment policy.



An under-18 student's request for transfer is refused

Tichy is a 17-year-old student who has come to Australia to learn English. He has a CoE from the Australian English Centre for a course in English language. He attends irregularly and receives a warning notice from the provider that his attendance is at 82%. Tichy feels that he will soon be reported to DIBP and three months into the course, requests to be transferred to another registered provider - Central English College.

Tichy has a letter of offer of enrolment from Central English College and a letter from his guardian to the effect that the guardian supports Tichy's transfer. Both letters are submitted as a part of the application for release in accordance with the Australian English Centre's policy and procedure. The Australian English Centre rejects Tichy's application because its policy states that students who have been warned for non-attendance will not be granted approval to transfer unless other mitigating circumstances apply.

The Australian English Centre's decision is communicated in writing to Tichy, together with the reasons for refusal. Tichy is informed that he has the right to appeal the provider's decision in accordance with the provider's complaints and appeals process.

Note:

- Tichy is under 18 and so requires written support from his guardian to transfer between providers.
- The provider has a documented student transfer request assessment policy and procedure that indicates that a student seeking to transfer within the first six months will not be granted, unless other mitigating circumstances apply, if the student has received a warning letter for non-attendance.

Q Would an application for admission to a school signed by parents be satisfactory to meet the requirements that the parents agree to the transfer of an under 18 year old student or is a separate letter required?

A A provider must only grant a letter of release for an under 18 if:

a. the registered provider has written confirmation that the student's parents support the transfer, and

b. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the students accommodation, support and general welfare arrangements as per Standard 5 of the National Code.

If the receiving provider includes with the letter of offer of enrolment, a copy of an application for admission signed by the student's parents, the original provider would be entitled to accept this as evidence that the parents support the transfer. However, the original provider can also seek independent confirmation from the parents of the student if it considers such confirmation appropriate.

Q If a student has already transferred course, does he or she need to get another letter of release if the student wants to move again?

A Standard 7 requires providers to not knowingly enrol a student wishing to transfer from another provider's course prior to the student completing six months of his or her principal course except in certain circumstances. Where a student transfers from a principal course to a new course, the new course becomes the principal course. If a student wants to transfer from this second provider and one of the exceptions in Standard 7.1 has already been satisfied for the original course (the course on the student's initial visa) for the time period of relevance, a new letter of release is not required.

1.2.8 Enrolling a student without a letter of release



Q If a student has withdrawn from his or her principal course before completing six months can I enrol that student if the student has evidence that the provider no longer wants the student?

A Under Standard 7 of the National Code 2007, registered providers are required to not knowingly enrol a student wishing to transfer from another provider prior to completing six months of his or her principal course unless one of the exceptions in 7.1 is satisfied. In unusual cases, the receiving provider may consider enrolling a student if he or she has documentation which approximates the letter of release (e.g. the student may have evidence that his or her COE was conditional on meeting certain entry requirements and that the student has not been able to meet those requirements). This action should be noted on PRISMS and the documentation kept on the student's file.

Student wants to transfer because he or she does not meet the course entry requirements

Sian has enrolled in ELICOS, followed by a Master of Accounting at the Accounting Plus College. Sian finishes her ELICOS course but has not met the English standard requirement to gain entry into the Masters of Accounting. With the English skills she has acquired, Sian is keen to complete a lower level course and obtains an offer from Accountancy for Me for a lower level course.

The Accounting Plus College refuses to give Sian a letter of release because it is of the view that with additional English study, Sian could meet the entry requirements. However, Sian is confident that further study is not going to substantially impact her English skills, is concerned about the cost implications of undertaking ELICOS and would rather undertake a lower level course which she can manage with her current English skills.

As Sian can demonstrate that the COE for the Master of Accounting was conditional on meeting certain English entry requirements and that she has not achieved these requirements, Accountancy for Me is able to enrol Sian in a Graduate Diploma course as these documents are considered to be an approximation of a letter of release. The Accountancy for Me notes that Sian was able to provide documentation which approximated a letter of release and places it on her student file.

Note:

- If the student has completed his or her preparatory course, yet is not accepted into the principal course because the student does not meet the entry requirements, then the principal course provider should issue a letter to the student to the effect that the student is not accepted and report the student for non-commencement of studies within 14 days as required under section 19(1)(c) of the ESOS Act.
- If the questions relating to Standard 7 appear on PRISMS when the receiving provider goes to enrol the student, that provider should add a comment to the effect that the CoE for the original provider was conditional and that receiving provider has sighted (and filed) documentation which supports this comment.

1.2.9 Government sponsored students

Q Can a government-sponsored student transfer before completing six months of his or her principal course?

A Yes, this is one of the situations in which a student may transfer to another provider before completing six months of his or her principal course (see Standard 7.1d). In this situation, a letter of release from the original provider is not required.



Government sponsored student seeks transfer

At the College of Practical Arts, Myan has been sponsored by the Government of Colombia to enrol in a Diploma of Manual Arts which is registered for a duration of two years. The Colombian Ambassador in Australia has received reports that Myan is unhappy because there are no other Colombians studying at the College of Practical Arts. The Ambassador considers a change of provider to be in the best interests of the student and provides written support for that change.

Q If the student is a government sponsored student and the government sponsor approves the transfer, does the student need a letter of release?

A No. Under Standard 7.1d, a student does not require a letter of release if their government sponsor approves the transfer.

Q Does a Queensland provider have to issue a letter of release if the student is sponsored and the sponsor does not approve the transfer?

A In Queensland, the Queensland Government's *Education (Overseas Students) Regulation 1998* states a letter of release must be given to a student who requests one. If the other requirements of Standard 7 are met (student has a valid letter of offer and if under 18, the requirements of 7.3.b), the provider must issue the student with a letter of release even if the sponsor does not support the transfer.

1.2.10 Refunds

Q Now that the restricted period for transfer has dropped from 12 months to six can the provider ask for 12 months fee deposit or must it be six months only?

A Standard 7 of the National Code does not affect the provider's policies on payment of course fees or its refund policy. Under Standard 3 a provider is required to enter into a written agreement with the student which clearly sets out what the course fees are and the amounts that may, or may not, be repaid to the student.

Q If the student has outstanding fees and transfers to another provider, can any notes be included on PRISMS to alert the second provider to the outstanding fees issue?

A How a student pays outstanding fees will be noted in the provider's refund policy. If the student leaves owing fees the provider is entitled to pursue payment with the student.

The provider should report the student's cessation of studies in PRISMS. There is no capacity in PRISMS to include notes about the student's non-payment that will be visible by a subsequent provider.

1.2.11 Diagram showing the process steps

Q Is there a diagram which shows the steps involved in a transfer between registered providers?

A Yes. Transfer between registered providers diagram.



TRANSFER BETWEEN REGISTERED PROVIDERS

