

## GCA Overseas Student Transfers Policy

<b>Approved by:</b> GCA Executive	<b>Date Approved:</b> 18 December 2019
<b>First Approved by:</b> GCA Executive	<b>Date First Approved:</b> 06 April 2012
<b>Current Version:</b> V6	<b>Date of Next Review:</b> 31 January 2021
<b>National Code of Practice for International Students (NCPIS) Standard(s):</b> Standard 7	

### Context

This policy describes the requirements for International Students transferring from one provider to another in accordance with Standard 7, National Code 2018.

### Rationale

Group Colleges Australia is required to have in place a policy and set of procedures for assessing applications from students wishing to transfer to or away from Group Colleges Australia.

### Legislative Context

- National Code Standard 7
- National Code Standards 5 and 10

### Definitions

**Principal course of study** is the student's main course of study leading to the highest qualification on the student's current visa. If the student is on a packaged course, the course leading to the highest qualification will be the student's principal course and the restriction will apply to the first 6 months of that course and any packaged course before it.

### Policy

Under this policy Group Colleges Australia will not knowingly enrol any overseas student seeking to transfer from another registered provider's course prior to the 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 the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in 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.

Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

Group Colleges Australia will support the intent of Standard 7 of the National Code 2018 which recognises overseas students as consumers and supports their option to exercise choice, whilst acknowledging that as a group that requires support in transition to study in Australia individual circumstances may need to be considered.

Where a decision has been made to release the student, Group Colleges Australia will provide a letter of release at no cost to the student and advise the student to contact Immigration to seek advice on whether a new student visa is required.

Group Colleges Australia will ensure this policy is available to both staff and overseas students on GCA's Student Information System (MyGCA).

Group Colleges Australia will not enrol an overseas student who has already been enrolled in the same course unless the student has not completed the relevant course at another register provider and that provider has given a letter of release to the student for the relevant course.

Group Colleges Australia may enrol a student who is about to complete his/her first 6 months of enrolment (1 week or less to complete) in another provider if the student signs a statutory declaration explaining their case and committing to completing their 6 months of studies in their original provider and commencing their studies at UBSS. This exception is only available for concurrent studies students when their current term end date clashes with the UBSS start date by no more than one week.

### **Provider obligations under Standard 1.5 and 4.6.2 National Code**

Under Standards 1.5 National Code, Group Colleges Australia will not actively recruit a student where this conflicts with its obligations under Standard 7 National Code. Furthermore, under Standard 4.6.2 National Code Group Colleges Australia will not accept students from or enter into an agreement with an education agent where it knows or suspects that the education agent has deliberately attempted to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 National Code.

### **Transferring away from Group Colleges Australia**

If a student wishes to transfer away from Group Colleges Australia, Group Colleges Australia assess the application and if decided will provide a letter of release unless the student has failed to provide a letter from another registered provider confirming that a valid enrolment offer has been made.

An application can be considered prior to or after the student has completed six months at Group Colleges Australia. If less than six months has been completed, the transfer will only be considered under the following circumstances:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with Group College Australia's intervention strategies to assist the overseas student in accordance with ESOS National Code Standard 8 (Overseas student visa requirements)
- there is evidence of compassionate or compelling circumstances
- it has been found that Group Colleges Australia has failed to deliver the course as outlined in the student's written agreement

- there is evidence that the student was misled by the registered provider or an education or migration agent regarding the registered provider or the 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.

In situations where students are eligible for a Letter of Release, Group Colleges Australia will provide such a letter within 5 working days of receiving a written request.

### **Circumstances in determining release**

The policy will ensure students' individual circumstances are considered in order to determine if the transfer will be to the detriment of the student.

Circumstances for which transfer may be may considered 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,
  - is offered by a different provider in another state
- 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 Immigration for failure to meet the provider's attendance or academic progress requirements.

### **Refusing to provide a letter of release**

Group Colleges Australia will not give a student a letter of release unless the student provides a valid enrolment offer from another registered provider.

When a request for release is refused, the student will be provided with a written response stating the reason for the refusal.

The student will be given advice in writing that it is possible to appeal the decision if the student so chooses, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

## **Students withdrawing from a course**

If a student withdraws from a course the ESOS Act requires that the provider advise the Department of Education and Training (DET) through PRISMS within 14 days. This information is transmitted to the Department of Home Affairs and has implications for the student's visa.

## **Refund of Fees**

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.

This policy details the procedures for assessing applications to transfer within this period.

## **PROCEDURE FOR ASSESSING STUDENTS WISHING TO TRANSFER TO GROUP COLLEGES AUSTRALIA**

- i. Group Colleges Australia receives a student application from a student who is "onshore" and who has indicated that they are currently studying at another institution.
- ii. Group Colleges Australia will assess the individual situation and will not enrol any overseas student seeking to transfer from another registered provider's course prior to the student completing six months of his or her principal course unless:
  - o the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
  - o the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
  - o that student has a valid letter of release agreeing to such a transfer
  - o 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.
- iii. Group Colleges Australia will use PRISMS to decide if the student has completed six months of their principal course. It will also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.

If valid criteria have been met the application process will proceed as for all offshore students. If it has not been met the student must be asked to provide an appropriate "*letter of release*" in support of their application.

Students can be provided with a "conditional" offer which clearly states that an offer of a place is contingent on their obtaining a letter of release. If students are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any letter of release.

If a letter of release is received as per above and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all offshore applicants.

If no satisfactory letter of release is obtained from such students, the application process is halted and the student is informed that they are unable to transfer at this time. A student is able to re-activate their application when the six-month period has passed.

*Note: In the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue their course, no letter of release is required.*

**PROCEDURE FOR ASSESSING TRANSFER APPLICATIONS FROM STUDENTS WISHING TO TRANSFER AWAY FROM GROUP COLLEGES AUSTRALIA**

- i. Students make a written request (e-mail is satisfactory) to Group Colleges Australia to transfer to another registered provider.
- ii. The student is asked to provide a valid offer of enrolment from the new registered provider.
- iii. With the valid offer of enrolment, Group Colleges Australia will assess the transfer request considering the following questions:
  - Does the student have any outstanding fees payable? (if they do, these must be paid before a letter of release can be provided)
  - Is the student fully aware of the study issues involved in the transfer?
  - Is the student simply trying to avoid being reported to Immigration for lack of course progress or poor attendance?
- iv. If the answers to the above are satisfactory and in accordance with policy, the letter of release will be granted at no charge to the student. The student will also be advised to contact Immigration to determine if they need to obtain a new visa or CoE.
- v. Group Colleges Australia report students' termination of studies through PRISMS where the date of effect and reason for release will be recorded.

If any of the answers are unclear, the Student Services Manager will interview the student to gain greater understanding of the circumstances.

The Student Services Manager will make a recommendation if they believe the request should be refused. Alternatively they will recommend the letter of release.

Group Colleges Australia will inform the student in writing of a negative outcome with reasons and indicate that the student may access the provider's complaints and appeals process if they seek a review.

**Notes:**

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions and copies of letters of release should be placed on the student's file and maintained for at least two years after the student ceases to be an accepted student.
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the GCA Refund Policy independent of this policy.

This policy is reviewed every year at the beginning of the calendar year by the Marketing Director.

**Document Change Control**

Version	Change Description	Date	Author

Version	Change Description	Date	Author
v4	Refreshed format	May 2018	Vivian Duong
v4	Amendment to Legislative Context - 'Standard 8' replaced with 'Standard 10'	May 2018	Vivian Duong
v4	Update on the circumstances under which GCA may 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	May 2018	Vivian Duong
v4	'National Code 2007' replaced with 'National Code 2018'	May 2018	Vivian Duong
v4	'DIBP' replaced with 'Immigration'	May 2018	Vivian Duong
v4	'Standard 1.3' replaced with 'Standard 1.5'	May 2018	Vivian Duong
v4	'Standard 4.3.a' replaced with 'Standard 4.6.2'	May 2018	Vivian Duong
v4	'Department of Immigration and Border Protection (DIBP)' replaced with 'Department of Home Affairs'	May 2018	Vivian Duong
v4	Addition to step v of the procedure for assessing transfer applications from students wishing to transfer away from GCA: recording the date of effect and reason for release in PRISMS	May 2018	Vivian Duong
v4	Inclusion of the requirement to maintain records of all requests for a release for at least two years after the overseas student ceases to be an accepted student	May 2018	Vivian Duong

Version	Change Description	Date	Author
v4.1	'Department of Education, Employment and Workplace Relations (DEEWR)' replaced with 'Department of Education and Training (DET)'	August 2018	Vivian Duong
v5	Change of header due to GCA rebranding	January 2019	Vivian Duong
v6	Removed references to "approximation to a release letter"	December 2019	Carlos Munoz
v6	Added section on page 2 regarding concurrent studies students	December 2019	Carlos Munoz
v6	Added to "Transferring away from Group Colleges Australia" section.	December 2019	Michael Christodoulou
v6	The policy has been reviewed. There is no change in the policy	January 2020	Pam Kewkhuntod