

International Student Transfer Between Registered Providers Policy and Procedure

1. Introduction

The Australian Performing Arts Conservatory (APAC) International Student Transfer Between Registered Providers Policy and Procedure has been developed in accordance with Standard 7 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*. Standard 7 prescribes that registered providers must not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the student completing six months of their principal course.

1.1. Purpose

The intent of this policy and procedure is to outline the requirements and process for international students seeking to transfer between APAC and other registered providers prior to completing six calendar months of their principal course of study at APAC.

1.2. Scope

This policy and procedure applies to APAC's international students, staff, approved APAC education agents and members of APAC's decision-making and advisory bodies.

1.3. Principles

- APAC's processes and practices for assessing international student transfer requests to another registered provider are transparent, fair, timely, and consistently applied;
- APAC will not enrol an international student seeking to transfer from another registered provider prior to completing six (6) calendar months of their principal course of study, with the exception of either where a release is not required or has been granted by the student's previous registered provider;
- APAC will grant the transfer request for an international student to another registered provider where it is evidenced to be in the student's best interests.

2. Policy Statements

2.1. Free to Transfer Without Release

An international student who meets one of the following requirements is free to transfer to another registered provider and is not required to obtain approval for a release from APAC:

- The international student has completed at least six (6) calendar months from the date of commencement of their principal course of study at APAC;
- APAC, or the course in which the international student is enrolled in at APAC, has ceased to be registered;

- APAC has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing their course with APAC;
- Any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change.

In all other circumstances the international student is required to obtain a release to transfer from APAC to another registered provider.

2.2. Request for Release Approval Criteria

In accordance with Section 7.2.2 of the *National Code 2018*, APAC will grant the transfer request for an international student to another registered provider where it is in the international student's best interests, including but not limited to where APAC has assessed that:

- the international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the intervention strategy developed by APAC;
- there is evidence of compassionate or compelling circumstances;
- APAC fails to deliver the course as outlined in the Written Agreement and Acceptance of Offer and Student Agreement;
- there is evidence that the international student's reasonable expectations about their current course are not being met;
- there is evidence that the international student was misled by APAC or an approved education agent of APAC regarding APAC or its course and the course is therefore unsuitable to their needs and/or study objectives; and
- an appeal (internal or external) on another matter results in a decision or recommendation to release the international student.

2.3. Compassionate and Compelling Circumstances

Compassionate and compelling circumstances are generally those beyond the control of the student and have a detrimental impact on the student's capacity or ability to progress through a course. In the context of this policy and procedure, they are used to assess eligibility as to whether the international student transfer request is in the student's best interests.

Compassionate and compelling circumstances can include:

- serious illness or injury where a medical certificate states that the student was unable to attend classes or study;
- bereavement of close family members such as parents or grandparents, with supporting documentary evidence;
- major political upheaval or natural disaster in the home country requiring a student's emergency travel to their home country or evidence from a psychologist that the situation in their home country has had a detrimental impact on the student's studies;

- a permanent or temporary disability which is supported by a medical assessment that recommends a break from study or a reduced study load;
- a traumatic experience which could include, but is not limited to, involvement in or witnessing of an accident or a crime committed against the student, or the student has been a witness to a crime and this has had impact on the student. These cases should be supported by police or psychologists' reports.

The above are only some examples provided by the Department of Home Affairs of what may be considered compassionate or compelling circumstances. APAC staff exercise their professional judgement and assess each application on its individual merits. When determining whether compassionate or compelling circumstances exist, all documentary evidence provided to support the claim is considered. Copies of these documents, together with a detailed record of why the decision was made, is retained in the student's file.

The following circumstances will not generally be considered as compassionate or compelling circumstances for transfer requests:

- Changing to a new course with lower fees;
- Distance of student's accommodation from APAC;
- The need or desire to work;
- Homesickness. APAC offers support services to assist international students with adjusting and living in Australia;
- Accommodation or personal issues where the international student can receive assistance from APAC; and
- Changing to course that is outside the student's previous field of study.

2.4. Request for Refusal Criteria

APAC has the discretion to refuse a release on reasonable grounds if:

- The student does not meet the approval criteria or fails to provide the appropriate documentary evidence outlined in Section 2.2 of this policy and procedure;
- APAC is not satisfied that the student has demonstrated compassionate or compelling grounds for a transfer;
- The request is assessed as detrimental to the student's wellbeing;
- No firm offer from another CRICOS registered provider has been provided;
- The student has an outstanding debt to APAC;
- The request is based on personal preference or change of mind only;
- The international student is not genuinely engaging with an intervention strategy with the intention of failing and being released;
- The international student has not accessed the support or academic services offered by APAC;

- APAC forms the view that the international student is trying to avoid being reported to the Department of Home Affairs for failure to meet the provider's attendance or academic progress requirements; and
- The student applies to transfer from an APAC course to a lower AQF level of study.

2.5. Transfer to APAC from Another Registered Provider

APAC will not enrol an international student seeking to transfer from another registered provider prior to completing six (6) calendar months of their principal course of study, except where a release is not required and in the circumstances where the provider from where the international student is transferring from:

- has ceased to be registered, or the course in which the international student is enrolled has ceased to be registered, or
- has a sanction imposed on it that prevents the international student from continuing their principal course.

Students seeking to transfer to APAC from another registered provider prior to completing six (6) months of their principal program will be issued with an APAC CoE only if:

- the international student completes the required admissions processes, and
- the international student has been granted a release by the existing provider and this is evidenced in PRISMS (or they provide evidence that they have not met the entry requirements for their principal program with the other provider and so no longer hold an active CoE).

2.6. Complaints and Appeals

If an international student enrolled at APAC is dissatisfied with any aspect of the assessment or outcome to their request for release or a prospective student is dissatisfied with any aspect of the assessment or outcome of their request to transfer to APAC, they may lodge a complaint through the process outlined in the Student Complaints and Appeals Policy and Procedure.

3. Procedure

3.1. Application Procedure

International students must request a release by applying to withdraw from APAC by completing the *Application for Withdrawal Form*. This form is submitted to admin@apac.edu.au or in person at APAC reception: Level 5 102 Adelaide Street. Brisbane

All applications must be accompanied by the following:

- An unconditional letter of offer from the provider to which the international student wishes to transfer; and,
- A letter with detailed reasons for the release request; and,
- Evidence of compassionate and compelling circumstances, if relevant; and,

- Evidence to support any claims that the international student was misled by the registered provider or an education or migration agent regarding the registered provider or its course, if relevant.
- Applicants asking to be released by APAC will receive an acknowledgement that their release request has been received.

3.2. Application Assessment and Outcome

- 3.2.1. The Admissions and Compliance Manager will assess the international student's application on a case-by-case basis in line with Standard 7 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.
- 3.2.2. APAC will notify the international student of the outcome of the request in writing within ten (10) working days of the receipt of the release request and supporting evidence. During this time, APAC may request the international student to provide further information to assist with the assessment of the release request, including but not limited to, an in-person interview, phone interview, and/or any further documentary evidence.
- 3.2.3. If the international student's release request is successful, APAC will:
- Provide the international student with an International Student Notification of Release outcome via email. The international student will also be advised that they will need to contact the Department of Home Affairs to seek advice whether their change in enrolment breaches a visa condition and whether a new student visa is required.
 - Cancel the international student's Confirmation of Enrolment (CoE) in PRISMS and their enrolment in the APAC's student management system.
 - Record the international student's transfer outcome in PRISMS.
 - Provide the international student with information to submit a refund request, if applicable.
- 3.2.4. If the international student's release request is unsuccessful, APAC will provide the international student with an *International Student Notification of Refusal to Release* outcome via email which includes the following:
- The detailed reason(s) for the international student's unsuccessful outcome so that the student will be able to make an informed decision as to whether appeal the decision;
 - The international student's rights to access APAC's complaints and appeals process within twenty (20) business days of being notified of the unsuccessful outcome;
 - The appeal process including how to submit an appeal application and the appeal processing timeframe;
 - The international student may freely transfer between registered providers after they have completed six (6) calendar months of their principal course of study at APAC.

3.2.5. The international student's application unsuccessful outcome will not be finalised and recorded in PRISMS until:

- any appeal against the refusal lodged by the international student is finalised and upholds the registered provider's decision not to release the student; or
- the overseas student did not access the registered provider's complaints and appeals processes within twenty (20) working days of receipt of the application outcome; or
- the international student withdraws their appeal against the refusal.

3.2.6. APAC will maintain all records of the international student's release request for two (2) years after they cease to be an accepted student.

3.3. Application Review

3.3.1. In line with Standard 7 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*, when the release request is not approved, and the student is not satisfied with the decision, they may appeal the decision. This appeal must be made within twenty (20) working days of receipt of the application outcome in accordance with APAC's *Student Complaints and Appeals Policy and Procedure*. The international student will be notified of the outcome in writing.

3.3.2. The appeal application must include the following:

- evidence showing how the decision was not made in accordance with this Policy and Procedure;
- any additional evidence or previously unsubmitted evidence to support the appeal for a release.

3.3.3. An international student who is not satisfied with the outcome of the internal appeal may refer the matter to the Commonwealth Ombudsman for external review.

4. Responsibilities

4.1. Board of Directors

Ensure compliance with relevant legislation and regulatory requirements through the oversight of APAC activities and the development, monitoring and review of policies and practices and initiating prompt action where compliance is deemed to have lapsed.

Monitor and oversee formal complaints, allegations of misconduct, appeals processes for non-academic matters, breaches of academic or research integrity and critical incidents.

4.2. Chief Executive Officer

The Chief Executive Officer is:

Responsible for implementing this Policy and Procedure.

Ensuring that APAC staff assessing international student requests for release are aware of the registered provider's obligations under the ESOS framework and the potential implications for international students arising from the exercise of these obligations.

4.3. Admissions and Compliance Manager

The Admissions and Compliance Manager is responsible for managing the withdrawal process at APAC and regularly reviewing outcome documentation to ensure it aligns with legislative and regulatory education provider obligations.

4.4. International Students

International students requesting release are responsible for submitting complete applications with appropriate supporting documentation (if applicable) and contacting the Department of Home Affairs to seek advice on whether their requested change in enrolment breaches a visa condition and whether a new student visa is required.

5. Relevant Documents

- APAC Application for Withdrawal
- APAC International Student Notification of Refusal to Release
- APAC International Student Notification of Release
- APAC International Student Refund Policy and Procedure
- APAC Student Complaints and Appeals Policy and Procedure
- Education for Overseas Students Act 2000
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Written Agreement and Acceptance of Offer and Student Agreement

6. Definitions

- **Course** is a single program leading to an Australian higher education award.
- **International Student** is a student who holds an Australian student visa which provides approval to study in an APAC course.
- **Principal Course of Study** refers to the main course of study to be undertaken by an international student, often when a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the international student arrives in Australia with a student visa that covers multiple courses.
- **Registered Provider** is an education provider that has been approved under the ESOS Act to provide a specified course in that state to international students.

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