

# International Student Application for Release

## Policy

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Related policies and documents:	Request Form for International Students, Refund Policy for International Students, Course Cancellation Form, Academic Progress Policy Complaints and Appeals Procedure

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## Purpose

To ensure that William Angliss Institute (WAI) implements a fair and equitable process to assess international students request for transfer to another Institute within the restricted period. International students on student visas must remain with their original education provider for the first six months of their principal course, except in certain circumstances.

This policy has been developed in accordance with Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code).

## Coverage

This policy applies to international students studying at WAI and staff at the International Office dealing with transfer requests.

## Policy

### Transfer Restriction:

International students on student visas must remain with their original education provider for the first six months of their principal course, except in certain circumstances. This restriction applies from the time a student commences study until they have completed six calendar months of their principal course. It includes any preliminary courses prior to the student's principal course in a packaged offer. (If the student is studying a single program, that program is the principal program. If the student is studying more than one program, the principal program is the final program of a packaged offer.) After the first six calendar months of their principal course, students are free to transfer to another provider and do not require to be released.

### Accepting enrolments within the Restriction Period

WAI 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:

- The original registered provider has released the student on Provider Registration and International Student Management System (PRISMS).
- The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- The original registered provider has had a sanction imposed on its registration by the ESOS

- agency 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
  - e) If the student is under the age of 18, the Institute must also have written approval from the parent or legal guardian in support of the transfer, and arrangements in place for approving the student's accommodation, support and general welfare arrangements in accordance with National Code 2018, Standard 5.

### Requests to transfer from WAI within the Restriction Period:

Where a student requests a transfer from William Angliss Institute within 6 months of principal course of study, WAI will assess the request against this policy based on the following criteria:

#### 1. Compassionate or Compelling Circumstances

Students may be released if they can demonstrate compassionate or compelling personal or academic circumstances that are beyond the control of the student and have an impact on the student's capacity and/or ability to progress through a course at WAI.

#### 2. Unable to deliver the course or offer pre-requisite units

Release will be granted if the Institute fails to deliver the course as outlined in the written agreement or unable to offer pre-requisite units and therefore faces a shortage of relevant units for which students are eligible to enrol.

#### 3. Misleading information

Students may be granted release if there is evidence to prove that they were misled by the Institute's education agent and the course is therefore unsuitable to their needs and/or study objections.

#### 4. Unsatisfactory Course Progress

Release may be considered if international students are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the Institute's intervention strategy in accordance with Standard 8 (Overseas student visa requirements).

#### 5. Unmet expectations

Release may be granted if there is evidence that the international student's reasonable expectations have not been met

#### 6. Appeal Outcome

An appeal (internal or external) on another matter results in a decision or recommendation to release the international student.

- confirm parental approval for the transfer if the student is under the age of 18 and agree to the transfer of welfare arrangements as negotiated with the next provider;

### Application for Release

All applications for release must be made in writing on a Request Form for International Students.

The application must also include:

- a Letter of Offer from another registered provider,
- Evidence of not meeting conditions of offer with relevant supporting documents. Relevant supporting documents may include letter of confirmation, results statement, and progress report from their preliminary program e.g. ELICOS, Foundation and VET program at WAI for packaged courses; release will only be considered if course deferment or transfer of course is

not possible;

- Evidence of their compassionate or compelling personal or academic circumstances, with relevant supporting documents. Relevant supporting documents might include a personal statement, and a statement of support from an independent professional (e.g. medical, legal, counselling, academic);
- Where the student is under 18 a written confirmation from the student's parent or legal guardian supports the transfer, and 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:
- Course Cancellation form (if applicable):
- Application for Refund form (if applicable).

### Consideration of Application for Release

In all cases, students seeking release will be counselled by a WAI International staff member to explore their reasons for wishing to transfer and any compassionate or compelling personal or academic circumstances that may apply in their case. WAI international staff will identify any alternative academic pathways or programs within the Institute which may be relevant to a student's academic aspirations.

The Application for Release will be take into account:

- Health and well-being of student
- Ability of student to complete course successfully
- Advice from academic and welfare staff
- Communication with WAI approved education agent

Changing course preference alone or change of career aspirations is not considered as an exceptional circumstance for the Institute to release a student. The Institute does not consider these factors as exceptional circumstances warranting the release of a student.

If the student fails to meet the entry requirements as per the offer letter to commence the course, release will only be considered if course deferment or transfer of course is not possible.

Poor academic performance alone will not be considered as grounds for release. Students must undertake and engage in academic intervention strategies as per the Academic Progress Policy before applying for release based on not meeting course requirements. The Institute has the right to report on course progress even if the transfer request has been granted.

The Institute has the discretion to refuse transfer requests from international students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the international student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa.

### Under 18 student considerations

An International student under the age of 18 must obtain written approval from their parent or legal guardian to support the release application.

If an international student who is under the age of 18 and holds WAI's Confirmation of Appropriate Accommodation and Welfare (CAAW) letter applies for a release to transfer to or transfer from another registered provider, the Institute is responsible for coordinating with the other provider to ensure that the student has continuous and appropriate welfare arrangements in place at all times without any gaps. A new CAAW letter must be issued to cover the transition from one arrangement to another.

The Institute will negotiate a common date when the first registered provider's approval will cease and the new registered provider will take responsibility for the welfare arrangements. These arrangements are made and confirmed through the provision of CAAWs prior to the international student applying for a visa. It is important that the student maintains their current welfare arrangements until the transfer

date. The Department of Home Affairs will only issue a visa for the length of study where continuous welfare arrangements are in place. This is unless the international student's parent or legal custodian makes alternative welfare arrangements, such as nominating a guardian through the Department of Home Affairs. If an international student wishes to return to their home country during a gap between courses, a registered provider may still issue a CAAW letter to cover the period the international student will be abroad. This arrangement will mean the international student does not need multiple visa applications and should benefit both the Institute and the international student.

Release will only be granted if all welfare arrangements are confirmed as above.

### Compassionate and Compelling Circumstances

“Compassionate or compelling” circumstances are generally those beyond the control of the overseas student and which have an impact upon the student's course progress or wellbeing. These include, but are not limited to:

- **Serious Illness or Injury:** When a student is unable to start or continue with their course due to medical condition, (medical certificate required) For example, a severe food allergy that hinders the student's ability to attend cookery classes; a severe back injury that prevents a student from standing for a long period of time.
- **Delayed course commencement due to visa issues:** If a student is unable to begin studying on the course commencement date due to delay in obtaining a student visa. In such cases, the release will only be considered if course deferment or course transfer is not possible.
- **Instances where a traumatic event has significantly affected the student's ability to continue with their current course at WAI.** This can include, for example, being involved in or witnessing a serious accident or being a victim of crime.

Individual situations will be evaluated on a case-by-case basis, taking into account the specific details and supporting evidence provided by the student.

### Transfer requests and packaged courses

If the international student is not able to complete the preliminary course such as ELICOS program and requires an extension that overlaps with the course commencement day of the principle course, the receiving provider must release the student from the principle course and reissue the Confirmation of Enrolment (COE) to delay course commencement.

### Outcome of Application

Students will be given a written statement of the outcome of their request, including reasons for the outcome. This can be done via email as a formal letter is not required. The written outcome will be provided within 10 working days of the date the student submits their written request. Requests that do not contain the information required under this policy may take longer to process

All transfer request outcomes must be recorded in the Provider Registration and International Student Management System (PRISMS). A hard copy is not required from the releasing provider.

### Monitoring and Review

WAI must keep all documentation and records of Requests for Release and the process used to make a decision in relations to the request for 2 years.

WAI will monitor the success of WAI packaged offers by reviewing the number of release requests received from students who have been issued with a packaged COE. This review will include student source, courses of study, agent and reasons for request for release.

WAI will undertake regular review of arrangements with English Language Intensive Courses for Overseas Students (ELICOS) partners and WAI approved Education Representatives (Agents) to

minimise incentives for students to deliberately arrive and then purposely transfer out of or downgrade their course.

The reviews of Education Representatives (Agents) performance will include consideration of students applying for release.

Students from ELICOS partners' pathways are monitored and WAI reserves the right to decide on requests for release from students on packaged pathway programs. The number of release requests will be monitored and WAI will take action where patterns or trends are apparent.

### Appeals

Where a student is not granted a release, the student has a right to access the Institute's complaints and appeals policy and procedure within 20 business days. Appeals must be in writing and addressed to the Director, International and Business Development.

A review of a student's appeal will commence within 10 working days of the written appeal being lodged. The student may be accompanied by a support person (who is not a legal practitioner) at any relevant meetings. The student will be given a written statement of the outcome of their appeal, including reasons for the outcome. Where a student remains dissatisfied with a decision on appeal, the student may appeal to the Victorian Ombudsman at minimal or no cost in accordance with the National Code.

The International Office will not finalise the international student's refusal status in PRISMS until:

- any appeal against the refusal lodged by the student is finalised and upholds the registered provider's decision not to release the student; or
- the student did not access the Institute's complaints and appeals processes within 20 working days of being notified of the refusal; or
- the student withdraws their appeal against the refusal.

The Institute will maintain records of international student transfer request for two years after the student ceases to be an accepted student.

### Refunds

In all cases students' entitlement to a refund will be assessed in accordance with WAI's Refund of Fees for International Student Policy and Refund of Fees for International Students Procedure. .

### Definitions

- **International student:** – a student who is holding a Student Visa and enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the Institute CRICOS Provider Code.
- **PRISMS** - Provider Registration and International Student Management System
- **Provider:** - an institution in Australia that provides courses to international students.
- **Principle Course of Study:** - The principal course of study is the highest qualification (normally the last course) covered by the student's visa.

### **Non-compliance**

Established breaches of this Policy and any associated procedures will be met with disciplinary action and may result in dismissal.