

### **CRICOS Transfer between Registered Providers**

The integrity of the policies and procedures relating to the grounds for, and for assessing, approving/rejecting and recording applications for transfer to another provider or providing a Letter of Offer to an international student with another registered provider plays an essential role in ensuring the overall integrity of the whole international education sector, including the regulation and management of student visas.

The ECA College is committed to ensuring that these requirements and standards are maintained, and that its policy and procedures comply with all legislative and regulatory requirements established under the:

- ESOS ACT;
- ESOS Regulations;
- National Code;
- NVETR Act
- Standards for Continuing Registration (SNR's)
- Migration Act; and
- Migration Regulations.

The specific requirements are summarised under Standard 7, Transfer between registered providers, of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, should be read in relation to policies and procedures relating to:

- **National Code Standard 9**, Deferment, suspension or cancellation of a student during enrolment.
- **National Code Standard 10**, Complaints and Appeals

These policies and procedures are designed to assist the ECA College's staff:

- assess, approve (or disallow) and record applications from international students for a transfer to another provider; and/or
- assess applications for study with the ECA College by international students enrolled with another registered provider, and to issue (or refuse to issue) a Letter of Offer to that applicant, and the reporting of the decisions by the ECA College on PRISMS.

It is recognised that there exists a potential for conflict between:

- the obligations arising from the ESOS desire to guarantee international students freedom of choice in selecting a suitable registered provider; and

- the obligations to the Department of Immigration and Border Protection to act to preserve the integrity of the issuing and administration of student visas.

These policies and procedures are therefore designed to ensure compliance with the ESOS National Code and to preserve the integrity of the international student visa.

### **Principal Course of Study**

The Principal Course of Study is:

- the course in which a student is enrolled if that course is a stand-alone enrolment; or
- the final course of study providing the highest Australian Qualifications Framework (AQF) qualification in a sequenced package of courses for which an international student visa has been granted.
- Progression from each course to the next of the sequenced package is generally dependent on the successful completion of that course as a prerequisite for the next, through to the final or Principal Course.

Where the sequenced package of courses is offered by a number of associated registered providers the Principal Course is defined as the course leading to the highest AQF qualification in the sequence, and not as the course leading to highest provided by each of the providers in the visa related sequenced package.

### **Students Applying for Entry to ECA College Courses**

ECA College will not seek to recruit international students enrolled with another registered provider if they have not completed at least six calendar months of study of their principal course.

If an international student enrolled in a packaged sequence of courses with another provider (other providers) applies for a ECA College courses, that student will not be issued with a Letter of Offer unless the application is for enrolment in a packaged sequence with an equivalent principal course AQF qualification and:

- the student has completed at least six calendar months of their principal course with the registered provider of that course; or
- where the student has not completed at least six months' study in their Principal Course, the registered provider of the course in which they are enrolled has issued a letter of release to the student; or
- the course in which the student is currently enrolled has ceased to be registered on CRICOS; or
- the registered provider of the course in which they are enrolled has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course; or

- a 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.

### **Students Applying for Transfer from an another Provider (Providers)**

An international student enrolled in a packaged sequence of courses with ECA College can freely transfer to another provider and does not need to apply for a Release Letter if:

- they have completed six calendar months or more of their principal course; or
- the student is a government sponsored student and the sponsor has provided written approval for the transfer as being in the student's best interests; or
- the course for which the student has received an eCoE will not be offered by the registered provider.

The start date for calculating the six calendar months of a student's principal course is the enrolment date stated on the eCoE for that course with that registered provider.

Where a student has taken a break from their studies due to a deferment or leave of absence, the break period is not counted when determining whether or not the student has completed six calendar months of their principal course.

International students enrolled in a packaged sequence of courses with the ECA College wishing to transfer to another registered provider before completing six calendar months or more of their Principal Course can do so only if they apply for and receive a Letter of Release.

Applications for a transfer to another registered provider and Letter of Release will be assessed on a case by case basis.

If an international student enrolled in a packaged sequence of courses with the ECA College applies for a release to transfer to another registered provider before completing six calendar months or more of their Principal Course, a Release Letter will be provided if:

- a. the student has presented genuine Letters of Offer for an equivalent package of CRICOS registered courses from a CRICOS registered provider/s which
  - stipulates an enrolment date and/or commencement date which falls after the date upon which the application is made and the letter received, and for which
  - leads to an AQF qualification equivalent to that provided by the student's current Principal Course;
- b. the student has a Release Letter from the provider of their Principal Course if that provider is not ECA College; and
- c. the student has demonstrated a genuine reason for the need to transfer and the requested transfer is determined to be in the student's best interests; or

- the course in which the student is currently enrolled or the principal course has ceased to be registered on CRICOS; or
- a sanction has been imposed on the registration of the provider of the principal course by the Australian Government or state or territory government that prevents the student from progressing to their principal course; or
- a government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

In considering whether or not a transfer to an identified registered provider would be in the student's best interests, genuine reasons may include, but are not limited to:

- a demonstrated inability to find suitable accommodation close to their main study campus;
- the course is not suited to the student's study or personal goals, and this is verified by ECA College Student Welfare and engagement manager;
- the transfer represents clear educational progression;
- the student demonstrates academic difficulties in their current course;
- medical, including psychological, reasons verified by a registered medical practitioner, psychologist or qualified counsellor/social worker;
- other compassionate or compelling reason/s verified by procedures relating to the ECA College's policies on compassionate and compelling circumstances.

A Letter of Release may not be granted to international students in the following circumstances:

- the transfer is considered detrimental to the student's safety or their study or personal goals;
- the course from which the student is seeking a transfer is one of a sequenced package with a principal course for which the student has not been provided a Letter of Release;
- the student has not commenced any program of study with the ECA College, or has studied for less than four weeks and has not taken the opportunity to experience the program of study or the range of support services available;
- the student wishes to transfer to a lower level qualification in the same disciplinary area as their present course, or to a principal course with a lower level of qualification;
- the transfer may jeopardise the student's progression through a package of courses to their Principal Course if a letter of release has not been provided for that Principal Course;
- the student has unpaid tuition fees owing to ECA College; and/or
- the student is attempting to avoid being reported to the Department of Immigration and Border Protection for failure to meet a condition of their student visa.

Where appropriate, the ECA College will offer counselling to students experiencing academic, financial and/or personal difficulties and seek to provide assistance for students experiencing adjustment problems. Such counselling may identify appropriate student support or study skills support as an alternative to a transfer.

The ECA College will assess and respond to all written requests to transfer in accordance with these policies and procedures within ten working days from the date that the application is received by Student Services.

**According to Sub- Standards 7.4, 7.5, 7.6:**

Where it is decided to provide a Letter of Release, this will be issued at no cost to the student.

Where a student is granted a Letter of Release, their entitlement to a refund of course fees will be assessed in accordance with the ECA College's Refund Policy for Tuition Fees and Charges of International Students, published in each student's Letter of Offer, and on the ECA College website.

In the event of a Letter of Release not being granted, the ECA College will provide written reasons for the refusal to the student and inform the student of their right to lodge an internal appeal against the decision.

Records of all requests from students for a transfer and Letter of Release and the assessment of, and decision regarding, the request will be placed in the student's file.

**Procedures**

ECA College procedures for processing student applications for release from their ECA College course to transfer to another registered provider before they have completed six months or more of study in their Principal Course are designed to ensure compliance with the above policies.

When a student indicates, to a trainer or to Student Services, a desire to transfer to another registered provider they will be referred to the ECA College Director of Studies for initial counselling and academic advice, with a view to ensuring the student is fully aware of ECA College courses, options and policies and procedures relating to student transfers; and to providing support for the student to fulfil his/her CoE commitments.

If the student is not satisfied and intends to proceed with an application for transfer to another registered provider the Academic Director of Studies will refer to Student Services for counselling and academic advice, with a view to identifying any unresolved problems and issues and strategies to address and resolve those problems and issues. The counselling is also designed to provide the student with a full understanding of their options and ECA College policies and procedures relating to applications for transfer, and to the refund of pre-paid fees.

If the student intends to proceed with their application for transfer, they will be referred to the Student Services Officer to submit a formal application and the related documentation.

Upon receipt of the application and documentation the Student Services Officer will assess the application against the established criteria (see below) and then forward the application to the ECA College for final assessment and confirmation.

**Table 1: Criteria Checklist for Transfer Applications**

Criteria	Assessment	Action
Are Letter/s of Offer from the new provider/s attached?	YES / NO	If NO Refuse
Is the Letter of Offer Principal Course AQF equivalent to the present Principal Course qualification?	YES / NO	If NO Refuse
If current course is part of a Package, has a Release Letter from the Principal Course been issued & attached?	YES / NO	If NO Refuse
Is the Letter of Offer for courses in a different occupational area than the present CoE?	YES / NO	If NO Refuse
Is the Letter of Offer for courses more relevant to student's career path?	YES / NO	If NO Refuse
Has the student paid all Fees and Charges?	YES / NO	If NO Refuse
Are the students Attendance and Academic Progress Satisfactory?	YES / NO	If NO Refuse
Are there other Compassionate and Compelling circumstances?	YES / NO	If NO Refuse
Is the student unable to achieve satisfactory academic progress even after engaging with the relevant intervention strategies?	YES / NO	If NO Refuse
Has ECA College stopped delivering the course?	YES / NO	If NO Refuse
Is there evidence that the student's reasonable expectations about the course are not being met?	YES / NO	If NO Refuse
Is there evidence that the student was misled by the ECA College or an agent regarding the ECA College course, and the course is not suitable for the student?	YES / NO	If NO Refuse
Is the registered failed to deliver the course as outlined in the written agreement	YES / NO	If NO Refuse
An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.	YES / NO	If NO Refuse

If a transfer is approved by the ECA College, Student Services will prepare a release letter and send it to the applicant at no cost to the student.

The student will then be advised to apply for a refund of fees if eligible using the appropriate documentation.

If an application for transfer is rejected Student Services will inform the student in writing, providing the reasons for the rejection, and informing the student of their right to lodge, and the means of lodging, an internal appeal against the decision

If an Internal appeal is submitted it will be processed in accordance with established ECA College Policies and Procedures for Complaints and Appeals (see ECA College Complaints and Appeals Policy and Procedures).

The student will be sent the outcome, and reasons for that outcome, of their appeal. Should the internal appeal be rejected they will be informed of their right to submit an external appeal to the International Students' Ombudsman, with information on how to submit such an appeal.

The outcome of any external appeal will be conveyed to the student and ECA College will comply with such findings.

All records relating to student applications for transfer and refunds and to possible internal and external appeals will be placed in the student's file.

### **Once a Transfer request decision has been made**

Student Services will record the transfer request outcomes in PRISMS.

Student services will still prepare a release letter and send it to the applicant at no cost through email.

As such, a hard copy release letter is not required from the releasing provider

Student Services must also encourage the overseas student to consider whether a change in enrolment breaches a visa condition.

The student can refer to the department of home affairs website at :

<http://ww.border.gov.au/Trav/Stud/More/Changing-courses>.

If Student services intends to refuse a release, it must not finalise the overseas student's refusal status in PRISM until:

- Any appeal against the refusal lodged by the overseas student is finalised and upholds the registered provider's decision not to release the student; or
- The overseas student did not access the student services' complaint and appeals process within 20 working days of being notified of the refusal; or
- The overseas student withdraws their appeal against the refusal

Student services also notify the overseas student in writing the reason for refusing the transfer request and the overseas student's right to access the student services' internal complaints and appeals process ( in accordance with standard 10) within 20 working days.

Student services must maintain records of overseas student transfer request for two years after the student ceases to an accepted student.

## **Refunds**

### **Full Refunds**

Tuition fee and any administration fee will be refunded in full where:

- the course does not start on the agreed starting date which is notified in the Letter of Offer;
- the course stops being provided after it starts and before it is completed;
- the course is not provided fully to the student because ECA College has a sanction imposed by a government regulator; or
- an offer of a place is withdrawn by ECA College and incorrect or incomplete information has been provided by the student.
- The ECA College is unable to deliver the course in full

A full refund, less any administration fee will be provided to the student where:

- a student is unable to obtain a student visa;
- illness or disability prevents a student from taking up the course;
- a student fails to meet the English or other requirements for admission for the course;
- there is death of a close family member of the student (parent, siblings, spouse or child); or
- a major illness or disability affecting the student; or
- other special or extenuating circumstances, including political, civil or natural disasters.

A full refund of any pre-paid fees will be provided for continuing students if:

- a student's enrolment is either suspended or cancelled by the ECA College.
- a student's visa is cancelled during the semester.

The student must provide documentary evidence to the satisfaction of the ECA College in support of one or more of the grounds listed above.

### **Partial Refunds**

Partial refunds of the amounts specified below will be provided in the following circumstances:

- where the ECA College withdraws an offer based on incorrect or incomplete information supplied by the student, all fees paid for the semester are refundable less Administration Fee;
- where a student, after accepting an offer of a place, withdraws from a course more than 4 weeks before the commencement of a semester, tuition fees paid for that semester and any following semesters are refundable less Administration Fee;

### **No Refunds**

No refund will be provided where:

- a student withdraws or defers from a course more than 4 weeks after the commencement of a semester;
- a student's enrolment is either suspended or cancelled by the ECA College;
- a student's visa is cancelled during the semester.

### **Process for Claiming Refunds**

1. Refund applications for full or partial refunds must:

- be made in writing on the Refund Request Form by the student; and
- set out the reasons for the application; and
- be accompanied by supporting documents as may be appropriate; and

be forwarded to: ECA College DOS

ECA College

55 Regent Street

Chippendale

NSW, 2008

2. The information provided by the student on the Application for Refund Form must include:

- the date of the claim;
- the student's full name;
- the course in which the student was enrolled;
- the basis for making the claim;
- the amount claimed;
- the Financial Institute's information to which the refund is to be forwarded;
- the Student's payment details;
- the Student's signature, and
- all documents relevant to the consideration of the claim.

3. A Refund Calculation Form will be prepared by the Student Services Officer and refunds will be credited to the student's account or where an account is named as the source account within the contract, to that account in Australian dollars. The ECA College is not liable for any variance caused by foreign exchange rate fluctuations.

4. In order for a refund to be payable, the funds must be available (e.g. cheques are cleared, telegraph transfers received), and any debts to the ECA College must be paid in full or outstanding amount will be deducted from the refund.

5. This procedure, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

### **Payment of Refunds**

Applications for refunds for students must be authorised by the PEO or DOS.

Refunds may be approved where:

- the Course does not start on the agreed starting date; or
- the ECA College stops the course after it starts and before it is completed; or
- the course is not provided fully to the student because the ECA College has a sanction imposed by a government regulator, and the student has requested a full refund of fees rather than placement in an alternate course. In this case, the refund of fees will be paid in full to the student within 2 weeks.

In any other circumstance, the ECA College will refund the amount within 4 weeks after receipt of the completed and signed Application for Refund Form together with appropriate supporting documents.

The date of the notification for application for refund is the date the completed and signed Application for Refund is received by the ECA College.

### **Approved refund**

The Student Services Officer will prepare a Refund Calculation Form and seek approval from the PEO or DOS. If the refund is approved, a Refund Calculation Form and Refund Request Form with supporting documents will be passed to the Finance Staff to process the refund.

The Student Services Officer keeps copies of the documents in the Student's file and notifies the student that the refund has been approved and will be credited to their account.

### **Appeals of decisions**

If the student is not satisfied with the application of this Policy, they should raise their concern with the ECA College.

This procedure, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.