

# Australian College of Theology

## Overseas Students Release and Transfer Policy

### 1. PURPOSE

The objectives of this Policy are to:

- ensure compliance with the National Code of Practice for Providers of Education and Training to Overseas Students, established by the Education Services for Overseas Students (ESOS) Act 2000.
- outline the conditions and circumstances by which an overseas student may apply to transfer to another registered provider prior to the completion of six months of study of their principal program.

### 2. SCOPE

This policy applies to the following:

- all overseas students studying in Australia on a student visa, who seek to transfer to another registered provider prior to completing six months of their principal course of study at ACT.
- overseas students who have been issued with a package offer for more than one course, the principal course being the program of study at ACT.
- ACT staff and affiliated colleges' registrar/staff who is involved in the admission of overseas students.
- Overseas student liaison officer of ACT and affiliated colleges

This policy does not apply to the following:

- Domestic students;
- Hold a visa other than a student visa;
- ACT students transferring between affiliated colleges;
- Overseas students who have completed more than six months of their principal course of study with ACT.

### 3. POLICY STATEMENT

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code) 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 students 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.

The Australian College of Theology has determined circumstances where it:

- a. will enroll students seeking to transfer to the ACT through its affiliated colleges

- b. will approve request to transfer to another provider prior to completion of six months of study in the principal course
- c. will refuse student's request to transfer to another provider prior to completion of six months of study in the principal course

#### **A. Students seeking enrolment at ACT**

The ACT will not enroll a student wishing to transfer from another registered provider's course prior to the student completing a minimum of six months of that principle course except where:

- The original provider has ceased to be registered;
- The course in which the student is enrolled has ceased to be registered;
- The original provider has provided a written letter of release;
- The original provider has had a sanction imposed on its registration that prevents the student from continuing his/her course;
- 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.

Students wishing to transfer to the ACT before they have completed six month of study in their principal course for reasons other than those outlined above will need to request a letter of release from their primary provider. Once a letter of release has been provided, students are welcome to approach the ACT and its affiliated colleges for application to ACT course, and for a CoE to be issued.

The ACT will only enroll an overseas student who has completed or partially completed another relevant course if the ACT is satisfied that:

- (a) the student had demonstrated a commitment to studies in that previous course; and
- (b) had a good attendance record for that course; and
- (c) had paid all the fees required for that course.

At application, students who have previously enrolled in relevant courses must authorise the ACT, through the Registrar of the affiliated college at which the student is seeking to enroll, to obtain official records and other information about commitment to study, attendance and fee payment history from relevant educational institutions attended by the student.

Only if the student has good reports in each of these areas will the Registrar approve admission to the course in the affiliated college.

#### **B. Students seeking release from ACT**

Students wishing to transfer from the ACT before they have completed six months of study in their principal course for reasons other than outlined above must apply to the ACT Registrar for a letter of release. The request for a letter of release must contain a written explanation, and supporting evidence, of the reasons for the compassionate or compelling case, as well as a letter from another registered provider confirming that a valid enrolment offer has been made.

The application for release from the ACT will be assessed using the following criteria:

##### **Circumstances in which a request to transfer may be granted:**

1. The new course is deemed to be in the best interest of the student's future career.
2. Compassionate and compelling circumstances which are beyond the student's control; and which did not make their full impact on the student until after the commencement of the course; and make it impracticable for the student to complete the course.
3. The student will be reported because they are unable to achieve satisfactory course progress, even after engaging with ACT's intervention strategy under the Course Progress Policy.

4. If the student can provide evidence that his or her reasonable expectation about the current course are not being met.
5. If ACT fails to deliver the course as outlined in the written agreement.
6. The student has evidence that they have accessed ACT and affiliated college's support services available to them, and that the student has shown evidence of a genuine effort to engage with these support services to seek resolution of any difficulties they are encountering in progressing in their course.
7. There is evidence that the overseas student was misled by ACT or any of its affiliated colleges regarding the registered provider or its course, and the course is therefore unsuitable to their needs and/or study objectives.
8. An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

**Circumstances in which a request to transfer may be refused:**

1. The request is made within the first four weeks of the principal course commencing.
2. If the ACT determines that the transfer would be detrimental to the student's future study plans.
3. The ACT believes that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet the ACT's attendance or academic progress requirements.
4. It is believed the student is deliberately trying to manipulate the Australian student visa system.
5. The student has not exhausted access to ACT's support services for assistance with study or personal issues.
6. Where the student has outstanding fees to ACT or affiliated colleges.
7. Claims of financial hardship.
8. The student decides they would prefer to study at an institution with lower fees.
9. Change of mind.

ACT reserves the right to take into consideration other factors, including individual circumstances of a student, which may not have been specified above.

The ACT will grant a letter of release at no cost to a student when the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made. If granted such a letter of release, you are reminded that you will need to contact your nearest Department of Home Affairs office to seek advice on whether a new student visa is required.

If the ACT does not grant your request for a letter of release, you will be provided with a written reason for the refusal together with advice that he or she is able to access ACT's appeals policy and procedure and that the student has 20 working days to do so. You have the right to appeal the decision in accordance with the ACT's *Grievance Resolution Policy – Overseas Students*.

***The ACT will maintain a record of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.***

**Timeframe for response to a student's request for transfer**

The ACT will attempt to respond to all students' requests for transfers within five business days of receipt of the request. The ACT will maintain a record of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

**4. CANCELLATION OF ENROLMENT AND REFUNDS**

Students granted a Letter of Release approving transfer to another institution must cancel their enrolment at the affiliated college and apply for a refund of fees if applicable. Students may be

subject to academic or financial penalty for cancellation of enrolment in accordance with their Written Agreement, and ACT's [Refund Policy for Overseas Students](#).

## 5. REFERENCES

- a. [Grievance Resolution Policy for Overseas Students](#)
- b. [Refund Policy for Overseas Students](#)

Simon Davies, Registrar, Australian College of Theology