

1 POLICY STATEMENT AND PURPOSE

The purpose of this policy is to ensure that ICHM fully complies with the requirements of Standard 7 of the National Code of Practice 2018 when an International Student requests to transfer training provider.

In accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018, higher education providers cannot enrol students seeking to transfer from another education provider before that student has completed six (6) months of their Principal Course of study, except in some circumstances. The Principal Course is the highest qualification covered by the student visa.

International students must comply with all visa conditions.

2 SCOPE

This Policy applies to International Students wishing to transfer to another higher education provider.

3 DEFINITIONS

International Student is defined as a person holding a student visa as determined in the ESOS Act 2000.

Principal Course is the highest qualification covered by the student's current student visa

4 POLICY DETAILS

International students enrolled in a course of study with ICHM for which the student visa has been granted, and who are seeking to change training providers to another registered provider before completing the first six [6] months of the Principal Course of study, must seek approval and a letter of release from ICHM. If the student is under the age of 18, written evidence is required that the student's parent or legal guardian supports the transfer, and the new provider will accept responsibility for approving a student's accommodation, support, and general welfare.

Persons seeking admission to courses offered by ICHM, who hold a student visa granted for a course/s at another training provider, must provide ICHM with a Letter of Release if they have not completed six [6] months of their Principal Course. If the person is under the age of 18, there must be written evidence that the student's parent or legal guardian supports the transfer and ICHM has put arrangements in place for approving a student's accommodation, support, and general welfare arrangement.

A Confirmation of Enrolment form (COE) will only be issued to a person who seeks to transfer their enrolment to ICHM within the six [6] months of the Principal Course where;

- 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 provided a written Letter of Release;
- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
- 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; and
- If the person is under the age of 18, there is written evidence that the person's parent or legal guardian supports the transfer and ICHM has put arrangements in place for approving a student's accommodation, support, and general welfare arrangements as per Standard 5 of the National Code.

4.2 Post Enrolment

4.2.1 Letter of Release

A Letter of Release is not required if:

- a student has completed more than six [6] months of his/her Principal Course for which the visa has been granted before seeking to transfer to another provider.
- A student wishes to transfer to another education provider outside Australia.

In this case, students need only formally (in writing) withdraw from ICHM.

A Letter of Release is required if

- a student has not completed six [6] months of his/her Principal Course of study for which the visa was granted and
- would like to transfer to another education provider.

The other provider may issue a Letter of Offer for a place in their course, but it may not enrol the student without receiving a Letter of Release from the current education provider.

The six [6] months starts on the first study day of the student's Principal Course.

4.2.2 Written Request

If a Letter of Release is required, the student must apply in writing to the Manager Admissions and Administration, where the student has not commenced at ICHM, or the Program Director Academic where the student is in the first six [6] months of commencement at ICHM, to request a "Letter of Release" explaining why they wish to change courses. A copy of the Offer Letter from the other education provider and any other supporting documentation must also be provided. If the student is under the age of 18, a copy of written approval from parent or legal guardian supporting the Release must accompany the application.

4.2.3 Assessment of request

When a student requests a Letter of Release, the reason for this request must be determined. In the letter of request the student should include the reason for changing provider and any other supporting information including the Offer Letter from the other training provider.

ICHM undertakes to consider each such request and to make a determination on its merits. ICHM will release a student if any of the following apply:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with ICHM's intervention strategy
- there is evidence of compassionate or compelling circumstances
- ICHM does not deliver the course as outlined in the written agreement
- there is evidence that the student's reasonable expectations about their current course are not being met
- there is evidence that the student was misled by ICHM or an education or migration agent regarding ICHM or its 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 student.

ICHM will consider the following in determining if ICHM will release a student:

- the reasons outlined in the student's letter
- the best interests of the student
- the student's academic performance and course progress
- financial issues (whether or not the student has any fees or other outstanding liabilities such as debts to ICHM) and personal financial circumstances
- the nature of the course the student wishes to transfer to
- if the student, whether or not he/she has breached student visa conditions related to attendance or course progress, and
- any other matters considered relevant.

A Letter of Release to change provider will not be granted by ICHM where there are reasonable grounds for refusal. Reasonable grounds for refusal of a request may include, but not be limited to:

- Where the student visa holder has provided insufficient documentation to support reasons for the transfer;
- Where ICHM deems that the transfer would be detrimental to the student's welfare, future study, and/or career goals; this may include a transfer to another provider in a different education sector or lower-level qualification
- Where the student has not utilised the full range of support services that are available to assist with academic and personal issues and /or where they have not made a genuine attempt to participate in the ICHM courses to which they have been granted admission;
- Where it is believed the 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;
- Where the student has indicated they would prefer to study at another institution with lower fees and/or where the student claims financial difficulty but cannot provide evidence of the suddenness and/or unexpected nature of the difficulty;
- Where it is believed the student is deliberately trying to manipulate the Australian student visa system. For example, where a student accepted an offer to study at ICHM, obtained a student visa through ICHM's participation in the Streamlined Visa Processing arrangements, but then seeks to transfer to a non-SVP provider without making a demonstrated effort to pursue their course of study at ICHM;
- Where the student has outstanding fees owing to ICHM;
- Where the primary reason is based on personal preferences such as wishing to experience living in another city in Australia, or wishing to live and/or study with friends enrolled with another registered provider or employment opportunities – unless the student can demonstrate the refusal would involve significant social and/or academic detriment;
- Where the student is under 18 and the student visa holder's parent or legal guardian has not supported the transfer and/or the new provider has not provided written confirmation that it will accept responsibility for approving the student visa holder's accommodation, support, and general welfare arrangements.
- ICHM reserves the right to deny a Letter of Release to transfer to essentially the same course with another provider simply because it is cheaper, easier, or shorter in duration.

If approved, the Manager Admissions and Administration or the Program Director Academic, as relevant, within 14 days of receipt of the request, will issue a Letter of Release. The student must formally (in writing) withdraw from ICHM with immediate effect or stating the exit date if in mid-semester. The student will be entitled to a refund in line with the *ICHM Fee and Refund Policy*.

If the request for a Letter of Release to transfer to another provider is denied, the Manager Admissions and Administration or the Program Director Academic, as relevant, will so advise the student, in writing, within 14 days of receipt of the request stating the reason/s for the decision and outlining the procedure to be followed to have that decision reviewed.

4.3 Pre-Enrolment

Where a person seeks enrolment with ICHM and they have a student visa for a course/s with another provider, the Admission Staff will determine whether a release letter from the provider is required before proceeding with the enrolment. If a release letter is required, the Admissions Staff will request this before issuing a Confirmation of Enrolment form (COE). If a Release Letter is not required, the Admissions staff will proceed with enrolment as per the standard enrolment process.

4.4 Visa Conditions

International students should be aware that their student visa conditions may restrict their transfer from ICHM to another provider. Further information should be sought from the Department of Home Affairs.

5 APPEALS

The student may activate an appeal against the decision not to issue a Letter of Release through the Academic Grievance Policy.

Students who are unsuccessful in obtaining a Letter of Release after exhausting all avenues of appeal outlined in the Academic Grievance Policy, must either confirm their intention to continue at ICHM or withdraw from ICHM stating their final date. Students who fail to return to ICHM as scheduled will be reported to the Department of Home Affairs.

6 REVIEW

The Chief Executive Officer is responsible for the review of this policy on a 3-yearly basis.

7 APPROVAL

<i>Change of Provider</i>	
Policy Owner	Chief Executive Officer
Version Number	6.2
Approval Authority	Chief Executive Officer
Approval Date	21 February 2022
Next Review Date	February 2025

Version Control and Modification History Table				
Date	Version	Modification	Approval Authority	Approved & Published Date
03/01/12	1.0	New policy based on existing policies	Ian Whyte, Principal	03/01/12
6/11/12	2.0	Addition of the Changes to Policy section	Gerald Lipman, Chief Executive	6/11/12
17/12/13	3.0	Addition of section (page 4) outlining reasonable grounds for refusal of letter of release	Gerald Lipman, Chief Executive	17/12/13
25/7/2014	4.0	Addition of visa conditions compliance	Gerald Lipman, Chief Executive	25/7/2014
15/02/18	4.1	Change of terminology from Department of Immigration and Border Protection (DIBP) to Department of Home Affairs	Ian Whyte, Principal	15/02/18
23/07/2018	5.0	Update name of Policy, to align with Withdrawal and Deferral Policy and National Code of Practice 2018	Gerald Lipman, Chief Executive	23/07/2018
15 April 2019	6.0	Amendment to meet requirements of National Code in relation to circumstances to release a student	Gerald Lipman, Chief Executive	15 April 2019
April 2020	6.1	Change in titles	CEO and Principal	May 2020
20220221	6.2	Minor amendment Edits for amended reference to ICHM, the National Code, course, clarity, order and consistency.	CEO CEO	21 February 2022