International Students - Transfer Between Registered Providers Procedure

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') requires procedures regulating the transfer of international students on a student visa to another registered provider and from other registered providers to CDU. CDU may not approve a student to transfer between registered providers where the student has not completed six months of the principal course of study with the original registered provider unless there are exceptional circumstances.

Section 2 - Purpose

(2) This document outlines the procedures regulating the transfer of an international student on a student visa to CDU from another registered provider and from CDU to another registered provider.

Section 3 - Scope

(3) These procedures apply to CDU staff, to CDU international students on a student visa, to international students on a student visa seeking to enrol at CDU, and to CDU's education agents.

Section 4 - Procedure

(4) CDU Global is responsible for managing all applications from international student's on student visas to transfer to, or from, another registered provider.

Applying for Release to Transfer to Another Registered Provider

(5) An international student on a student visa who has not completed six months of their principal course must:

a. obtain an official letter from the relevant registered provider confirming that a valid enrolment offer has been made to the student; and
b. submit a complete application to CDU Global seeking release to transfer to another registered provider.

(6) In addition to this, an international student who is on a student visa and who is under 18 years of age must:

a. provide written confirmation from their parent or legal guardian of support for the transfer; and
b. if the student is not being cared for in Australia by a parent or suitable nominated relative, ensure that the offer from the receiving registered provider confirms that the provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements consistent with Standard 5 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code).

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(7) The first six months is calculated as six calendar months from the date an international student commences their principal course. This means that an international student is not permitted to transfer to another registered provider during all courses they undertake prior to the principal course.

Assessment of Applications for Release

(8) Assessments will recognise the student as a consumer and support them to exercise choice, acknowledging that they may require support to transition to study in Australia and considering individual circumstances to determine if the transfer will be detrimental to the student.

(9) Assessments will take into account that the student has been assessed as a Genuine Temporary Entrant for the purposes of obtaining a student visa, and that, as such, the student has made a deliberate and informed decision to undertake a course of study at the CDU and any courses packaged with it. That decision involved an undertaking that the course met the student's study goals, that they were aware of the general socio-economic and cultural characteristics of CDU's relevant locations and of the nature of its facilities, and of the involvement of other entities delivering courses in a package of courses.

Approvals

(10) Release will normally be approved if:

a. the student has demonstrated and provided evidence of compassionate or compelling circumstances that are beyond their control;
b. the student, where enrolled in a package of courses, has failed to meet the entry requirements to the CDU course after having made a genuine attempt to meet them;
c. the student has demonstrated that they have exhausted all of CDU's support services and they can demonstrate that the transfer to an alternative provider will give them access to support services not available at CDU;
d. the student cannot meet the academic requirements of the CDU course and evidence is supplied from relevant CDU student support services that confirms this;
e. the student will be reported because they are unable to achieve satisfactory course progress at the level of study they are studying, even after engaging with CDU's intervention strategy;
f. a government sponsor requests in writing that the student be released to another registered provider;
g. CDU fails to deliver a course as outlined in the written agreement with the student; or there is evidence that the student's reasonable expectations about their current course are not being met;
h. the student can demonstrate that they were misled by CDU or an education agent regarding CDU or the course of enrolment; or
i. an appeal (external or internal) on another matter results in a decision or recommendation to release the student.

(11) This list is not exhaustive and applications for release will be considered on their merits.

Refusals

(12) Release will normally be refused if:

a. the student has not supplied an official letter of offer from another registered provider;
b. the scheduled date for commencing classes at the other registered provider has passed at the date of lodging the application for release;
c. the student has not provided sufficient supporting documentation or reasons for granting release;
d. the transfer may jeopardise the student's progression through a package of courses;

e. the student is applying to transfer to another sector or lower level of study and CDU support services have not yet been exhausted;
f. the student is applying to transfer to another sector or lower level of study for reasons other than academic considerations;
g. the student is downgrading their qualification, which will be detrimental to future planned studies;
h. CDU reasonably forms the view that the student is deliberately trying to manipulate the Australian Student visa system, including by seeking to avoid being reported for failing to meet attendance or academic progress requirements, or applying to be released to an institution where increased documentation would have been requested at the Student Visa application stage;
i. the student has made decisions, after receiving a Confirmation of Enrolment (CoE) from CDU, regarding accommodation, employment or travel, that are not aligned with the requirements of the course;
j. the student has not accessed CDU's support services for assistance with study or personal issues, such as living distance from campus, travel difficulties, difficulties adjusting to campus life, and demands of academic work;
k. there are reasonable grounds for believing the student has been deliberately recruited by another registered education provider or education agent;
l. the student has outstanding fees owing to CDU; or
m. the student is under the age of 18, and there is no written confirmation from the student's parent or legal guardian supporting the transfer; nor, if required, no written confirmation from the receiving registered provider that it will accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with the National Code.

(13) As with approvals, this list is not exhaustive and applications for release will be considered on their merits.

Notification of Outcomes

(14) Where an application for release is approved:

a. the student will be notified in writing and the release approved on the Provider Registration and International Student Management System (PRISMS) without charge within ten working days of a complete application having been received by CDU Global;
b. the student will be advised of the process for cancelling their enrolment at CDU;
c. the student will be directed to the International Students - Refund of Fees Procedure;
d. the student will be advised to contact the Department of Home Affairs to seek advice on whether a new student visa is required; and
e. all documentation pertaining to the application for release will be placed on the student's file and retained for two years after the student ceases to be enrolled at CDU.

(15) Where an application for release is to be refused the student will be informed in writing within ten working days of a complete application having been received by CDU Global:

a. of the reasons for the decision, including the factors taken into consideration reflecting the student's individual circumstances;
b. that they may freely transfer between registered providers after they have completed six calendar months of their principal course,
c. that they may appeal the decision, within 20 working days, in accordance with the Complaints Policy - Students.

(16) The reasons for refusal provided to the student will be sufficiently detailed to enable the student to make an informed decision as to whether to appeal the decision.

(17) CDU will not finalise the student's refusal status in PRISMS until the student has had the opportunity to appeal or, if the student has submitted an appeal, the appeal finds in favour of CDU.

Applying to Transfer from Another Registered Provider

(18) International students on a student visa seeking to transfer to CDU from another registered provider prior to completing six months of their principal course must:

a. complete and submit an application for the relevant CDU course;
b. obtain release from their principal registered provider and from any other provider from which they have a CoE as part of a package of course unless clause 4.16 (below) applies;
c. provide evidence of release as part of the application process;
d. provide, if the student is under the age of 18 years of age, written confirmation from their parent or legal guardian of support for the transfer;
e. provide, if the student is under the age of 18 years of age, evidence that they are being cared for in Australia by a parent or legal guardian;
f. contact the Department of Home Affairs to seek advice on whether a new student visa is required; and
g. receive and accept an official letter of offer from CDU for the relevant CDU course.

(19) If CDU Global attempts to create a CoE for the student in PRISMS and finds that the student appears to have a transfer restricted enrolment with another registered provider, then the student will be advised that they must provide evidence of their eligibility to transfer to CDU by either:

a. demonstrating that the source provider has ceased to be registered or the course in which the student has enrolled has ceased to be registered;
b. demonstrating that the registered provider has had a sanction imposed on its registration by the Education Services for Overseas Students (ESOS) agency that prevents the student from continuing his or her principal course; or
c. demonstrating that a government sponsor of the student considers the change to be in the student's best interests and has provided written support for the change.

(20) Once satisfied of the student's eligibility to transfer, the CDU Global will:

a. finalise enrolment and issue a CoE in accordance with CDU's admissions policies and procedures; and
b. ensure all documentation related to this matter, including any evidence of release, is added to the student's file.

(21) If the student is under the age of 18 and is not cared for by a parent or legal guardian CDU Global will also:

a. negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap; and
b. inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternative welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

Section 5 - Non-Compliance

(22) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin

University and Union Enterprise Agreement 2022 and the Code of Conduct – Students.

(23) Complaints may be raised in accordance with the Code of Conduct – Staff and Code of Conduct - Students.

(24) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

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Responsible Executive	Adam Lam Director CDU Global
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