

# International Student Release Policy

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## Scope

This policy applies to international students who are holders of student visas and who seek approval to transfer to another education provider during the first six months of their principal course at Nan Tien Institute (NTI).

## Definitions

Compassionate or compelling circumstances	Circumstances that are beyond the student’s control and have a direct impact on the student’s course progress and wellbeing
Commencement date	The start date of the student’s principal course as specified on the Confirmation of Enrolment (CoE)
Confirmation of Enrolment (CoE)	An electronic document which is issued by NTI to intending overseas students and which must accompany their application for a student visa
DHA	Department of Home Affairs
Illawarra	Region between Kiama and Helensburgh, NSW
International student	A student who is not a citizen of Australia and who is on a student visa for the duration of their studies
National Code	A document developed under the ESOS Act to set nationally consistent standards and procedures for registered education providers

Principal course	The main course of study to be undertaken by an international student where a student visa has been issued for multiple courses of study – this would normally be the final course of study where the international student arrives in Australia with a student visa that covers multiple courses
PRISMS	Provider Registration and International Student Management System – authorised Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the ESOS Act
Registered medical practitioner	A medically qualified person registered with the Australian Health Practitioner Registration Agency (AHPRA) as a medical practitioner or psychologist to practice in Australia
Release	An early discharge for an international student that enables them to enrol with another education provider
Student visa	Student visa refers to subclass 500, as outlined by DHA
Unconditional Letter of Offer	A valid letter of offer where a student has met all entry requirements of the course

## Policy Statement

This policy outlines the circumstances in which NTI will and will not grant permission for international students to transfer to another education provider.

In line with the National Code, international students are restricted from changing education providers during the first six months study with their principal provider unless the student can demonstrate compassionate or compelling circumstances.

## Systems and Procedures

### TRANSFERS FROM ANOTHER EDUCATION PROVIDER TO NTI

1. Prior to a student being admitted to NTI, the student will be required to be released by their previous education provider.
2. A student who has not yet completed six calendar months of study with their principal provider and has not been released, will not be admitted to NTI. A Letter of Offer may be issued, however, a Confirmation of Enrolment (CoE) will not be issued until a release is recorded in PRISMS by the previous education provider.

### TRANSFERS FROM NTI TO ANOTHER EDUCATION PROVIDER

3. A registered NTI student who wishes to transfer to another registered Australian education provider must apply for a release if they have not completed six (6) months study in their principal course at NTI.
4. The student must remain enrolled in subjects in their current course until the final decision in relation to their release application is determined. The final decision will be determined once a release outcome is provided to the student and any related appeal process is finalised.

5. To apply for a release the student must:
  - a) complete the Release Request Form; and
  - b) provide a letter describing their compassionate and/or compelling circumstances; and
  - c) submit supporting documentation for their claim; and
  - d) provide an unconditional Letter of Offer from another registered provider.
6. The above request and supporting documentation must be submitted to NTI Student Services Office.
7. All applications for release will be assessed, and the student will be given a written outcome notification, within ten (10) working days of the application lodgement.
8. A student does not require a release if:
  - a) the student has completed six (6) calendar months of study as per the commencement date of their principal course;
  - b) the student wishes to discontinue their studies at NTI because they intend to return to their home country;
  - c) the student is a holder of another type of temporary residence visa that is not governed by the National Code.

#### **GRANTING OF RELEASE**

9. NTI will only grant a release to a student if:
  - a) NTI is satisfied that compassionate or compelling circumstances exist that prevent the student from completing six months of study in their principal course at NTI. These circumstances need to be unexpected and beyond the student's control and have an impact on the student's course progress and/or wellbeing.
  - b) NTI has changed a course for which a CoE has been issued to the student or where the course is no longer offered by NTI.
  - c) There is evidence which clearly demonstrates that the student was misled by NTI or by an education agent registered with NTI, which results in the course being unsuitable to the student's needs or study objectives.
  - d) The student is unable to achieve satisfactory course progress at the level at which they are studying, even after engaging in NTI's available support services and intervention strategy. This must be supported in writing by the Dean of Studies.
  - e) The student is unable to meet the conditions set out by their NTI Letter of Offer. In this case, the release can only be approved once it has been confirmed that the student has made a reasonable attempt to satisfy these conditions. A reasonable attempt includes, but is not limited to, the completion of:
    - i. an English for Academic Purposes course at another provider, for which a Letter of Offer and CoE has been provided in agreement with NTI;
    - ii. an academic program at another provider that is specified in the NTI Letter of Offer;
    - iii. a Graduate Certificate leading to a Master's degree.
10. If the student's attendance in any of the programs listed in 9.e) is less than 80%, the student will be deemed not to have made a reasonable attempt.
11. The student will be advised of the approval of their release and their enrolment will be discontinued. The

Department of Home Affairs (DHA) will be notified of the student's withdrawal from the course, their CoE from NTI will be cancelled and the release will be recorded in PRISMS.

12. The grant of a release is at no additional cost to the student.
13. An approval of a student's release does not automatically indicate a decision to approve a refund. Refund requests require a separate application and will not be assessed until the student is notified of the release outcome. Refunds as a result of a release from NTI are assessed in accordance with NTI Fees, Charges and Refunds Policy.

### **REFUSAL OF RELEASE**

14. NTI may refuse a student's release if reasonable grounds exist for refusal. These may include, but are not limited to:
  - a) the student has failed to demonstrate compassionate or compelling circumstances for the transfer;
  - b) the student has not yet commenced or only recently started studying in their course;
  - c) the student has requested to change to a lower AQF level course but failed to demonstrate compassionate or compelling circumstances;
  - d) the student has changed their mind in regards to their choice of course;
  - e) the student claims financial hardship as a reason to transfer to another provider;
  - f) the student lives outside of the Illawarra – travelling to NTI's campus is not sufficient grounds for release, unless further evidence of compassionate or compelling circumstances exists;
  - g) the student claims work commitments or employment demands as the reason for transfer;
  - h) NTI determines the reason for the transfer can be resolved by accessing the appropriate support services, including nominated counselling service, academic support services or reasonable adjustment;
  - i) the student is avoiding being reported to DHA for breaching student obligations or student visa conditions;
  - j) the student has received warning notifications for unsatisfactory attendance from previous education provider (for example the English for Academic Purposes provider);
  - k) the student has been excluded from their course or has outstanding debts with NTI;
  - l) the student is not complying with an active intervention strategy, with the intention of failing and being released.
15. If a student's request for release is refused, the student will be provided with written reasons for NTI's decision and will be informed of their right to appeal such decision.

### **SUPPORTING DOCUMENTATION**

16. Detailed below are NTI's requirements in relation to supporting evidence and documentation relating to the existence of compassionate or compelling circumstances.
17. Circumstances considered to be compassionate or compelling include, but are not limited to:
  - a) medical illness or injury to the student or the student's immediate family member/s that requires hospitalisation and/or impairs the student's ability to engage with their studies – this includes episodes of mental illness or cognitive function impairment;

- b) the bereavement of an immediate family member, close friend, partner or classmate;
  - c) an adverse experience that has impacted on the student's physical or mental wellbeing, including but not limited to witnessing a serious accident or being the victim of a serious crime;
  - d) instances where the student is unable, through no fault of their own, to participate in the learning experience, and for which no additional learning opportunity can be provided to make up for the loss of learning;
  - e) situations where the student is unexpectedly required to care for a close relative;
  - f) major political upheaval or natural disaster in a student's home country that has impacted on the student's family, and that requires immediate emergency travel or consular support;
  - g) changes to family circumstances in the student's home country that have negatively impacted on a student's ability to pay tuition fees or reasonable personal living expenses.
18. Circumstances that will not be considered compassionate or compelling may include, but are not limited to:
- a) personal and professional circumstances or circumstances relating to the student's studies, within the student's control, or which can reasonably be expected to occur in the normal course of the student's study, work, family or social life;
  - b) instances where the student's personal travel has made them unable to attend classes or submit assessment tasks as required;
  - c) a failure by the student to understand, or seek clarification about their obligation in relation to NTI policy, legislation, or obligations reasonably expected of an NTI student;
  - d) increase in work obligations that have an impact on the student's ability to attend classes for which they are enrolled;
  - e) inability to pay tuition fees or living costs based on changes to the student's employment status while working in Australia – students on an international student visa must not rely on the proceeds of paid employment to support their studies or living costs.
19. Any requests for which students are citing the existence of compassionate or compelling circumstances may only be considered if that request is supported by the following documentation:
- a) medical documentation or a psychological report from a registered medical practitioner or psychologist that references the student's inability to engage with their studies, and the timeframe for which the student experienced medical issues impacting their studies;
  - b) death certificates, death notices or funeral pamphlets, and evidence of the relationship between the student and family member in question – evidence of the relationship may take the form of statements from independent, non-family members who were aware of the relationship;
  - c) police reports outlining the nature of the incident involving the student or to which the student was a witness;
  - d) statutory declarations from the student in instances where students are unexpectedly required to care for a close relative.
20. The submission of fraudulent documentation will be regarded as major misconduct and will be managed in accordance with NTI Student Misconduct Policy. The matter may also be referred to the State or Federal Police and/or the DHA.

#### **NOTIFICATION TO THE DEPARTMENT OF HOME AFFAIRS (DHA)**

21. NTI will advise DHA when an international student:

- a) has withdrawn from a course; or
- b) has their enrolment in a course cancelled; or
- c) has no current enrolment with NTI.

### **APPEAL OF A RELEASE DECISION**

22. A student may appeal a release decision to the Student Services and Academic Support Manager within twenty (20) working days of that decision. Grounds for consideration of an appeal include:

- a) lack of due process; or
- b) relevant new or additional information which may alter the outcome of the previous decision.

23. The Student Services and Academic Support Manager will conduct the assessment of the appeal within ten (10) working days of receipt and will advise the student of the outcome as soon as possible.

24. A student who is dissatisfied with the outcome of an appeal or NTI conduct may appeal to an external agency within ten (10) working days of the appeal outcome. Students have the right to make a complaint to the Commonwealth Ombudsman where they believe there is evidence of maladministration or misconduct by NTI.

### **RECORD KEEPING**

25. NTI will maintain records of all release requests from overseas students for seven (7) years after the overseas student will cease to be an NTI student. Records will be kept in regards to:

- a) release requests;
- b) assessment of release requests;
- c) decisions relating to release requests.

## **Legislation and Regulation**

Educational Services for Overseas Students Act 2000 (ESOS Act)

National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)

## **Attachments**

Release Request Form

## **Contacts**

Admissions / Student Services Office	enquiry@nantien.edu.au
	(02) 4258 0740

Student Services and Academic Support Manager	v.penberthygroves@nantien.edu.au
	(02) 4258 0741
Commonwealth Ombudsman	www.ombudsman.gov.au
	1300 362 072
TEQSA (Tertiary Education Quality and Standards Agency)	www.teqsa.gov.au
	1300 739 585