

Policy Name:	International Student Release Protocol to another Provider
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Approved by:	CEO
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Audience:	Charlton Brown Staff, Students and Community
Contact Officer:	Academic Director
Related Documents:	
Legislation:	Standard 7 in the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under s33(1) of the Education Services for Overseas Students (ESOS) Act 2000 (Cth).

1. Background

The Charlton Brown Release Protocol is aligned with the legislative requirements of Standard 7 in the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under s33(1) of the Education Services for Overseas Students (ESOS) Act 2000 (Cth).

The Protocol also addresses Charlton Brown’s obligations under the Simplified Student Visa Framework (SSVF).

2. Purpose of Protocol

The purpose of this Protocol is to set out the guidelines and procedures that govern how Charlton Brown will assess requests by international students for a transfer to another CRICOS Registered Provider prior to the completion of the Restricted Period and the appeal procedure that applies if a student request is refused.

The Protocol applies to all Charlton Brown international students and packaged pathway students where Charlton Brown is the principal provider of their course. The Student must remain enrolled in his or her course until the release request is determined. A release application is determined once a release outcome is provided and any related appeals process is completed.

3. Definitions

For the purposes of this Protocol, the following definitions apply:

AQF means Australian Qualifications Framework.

CoE means a confirmation of enrolment.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students.

GS means a person who satisfies the genuine student criteria and intends to obtain a successful

educational outcome and has the language, educational and material background to have a reasonable chance of achieving this educational outcome.

GTE means a person who satisfies the genuine temporary entrant criterion for a student visa application as administered by the Department of Home Affairs. For further information, visit the [Department of Home Affairs website](#) (opens an external site).

Guardian means a person who has responsibility for the long-term welfare of the child and has all the powers, rights and duties that are vested by law or custom in the guardian of the child. (see: Reg 1.03 of the Migration Regulations 1994)

National Code means the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under s33(1) of the Education Services for Overseas Students Act 2000 (Cth).

Principal Course means the main course of study undertaken by a student where the student has received a CoE from Charlton Brown to undertake multiple courses. The Principal Course is the final course in a package of courses.

Registered Provider means a provider approved to deliver a course to overseas students under the Education Services for Overseas Students Act 2000 (Cth).

Restricted Period means the first six (6) calendar months from the date a student commences their Principal Course of study.

SSVF means the simplified student visa processing framework established by the Department of Home Affairs and designed to make the process of applying for a student visa simpler to navigate for Genuine Students. For further information, visit the [Department of Home Affairs website](#) (opens an external site).

TEQSA means Tertiary Education Quality and Standards Agency.

Valid Letter of Offer means the following criteria are met:

- a) Unconditional offer (i.e. no pending/restricted entry requirements).
- b) Issued by a CRICOS registered provider for a CRICOS registered course.
- c) Is of the same AQF level as the student's original principal course. For a package of courses, the final course in that package must be of the same or higher AQF level.
- d) Current and valid from the date of issue.
- e) The gap of the new commencing program must meet requirements.

4. Transfer to Another Provider

In accordance with the National Code, an international student who has not completed six calendar months of his or her Principal Course at Charlton Brown and who wishes to transfer to another CRICOS provider in Australia must be approved for release by Charlton Brown, unless:

- a) the student is government sponsored and the government sponsor provides written support for the transfer as it considers the change to be in the student's best interests; or
- b) the course for which the student received a CoE is no longer registered on CRICOS or Charlton Brown ceases to be a Registered Provider; or

c) Charlton Brown has had a sanction imposed on its registration by TEQSA that prevents the student from continuing his or her course at Charlton Brown.

Students under the age of 18 who wish to transfer providers must apply to Charlton Brown for the release and provide written permission from their parent/ guardian. Where Charlton Brown approves the release and is the nominated welfare and accommodation provider, Charlton Brown will negotiate the transfer date for welfare arrangements with the new registered provider to ensure there is no gap.

In addition, Charlton Brown will inform students under 18 of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved by the new provider or the Department of Home Affairs or return to their home country until the new approved welfare arrangements take effect.

5. Assessing a Release Request

5.1. Charlton Brown will not automatically grant a release. Charlton Brown will consider applications for transfer in the context that students may have been assessed as a GS and GTE for the purposes of obtaining a student visa under SSVF arrangements and that they have made an informed decision to undertake a course at Charlton Brown and any preliminary courses packaged with it.

5.2. Charlton Brown assumes that a student's decision was based on the availability of extensive course and general information and that students have taken into account relevant factors including family circumstances, study and career goals, other course options within Australia, location and costs.

6. Applying for a Release

6.1. An application for a release must be made to Charlton Brown Student Services. The application must:

a) be made in writing on the approved form: [Application for Release - International Students](#) (PDF, 55kB)

b) provide a statement of reasons (satisfactory to Charlton Brown) for the release request,

c) provide documentation (satisfactory to Charlton Brown) supporting the reasons for the release request;

d) if packaged with accredited pathway providers (for example, Charlton Brown or Ta University):

i. Where a student's study is incomplete at the pathway provider, confirm that the pathway provider has granted release.

ii. Where part of a package of courses is completed, provide a course completion letter and official academic transcript issued by the pathway provider.

e) provide a valid Letter of Offer;

f) if under the age of 18, include a copy of written approval from a parent or guardian supporting the transfer;

g) If under the age of 18 and not cared for in Australia by a parent or suitable nominated relative, provide evidence that another CRICOS Registered Provider confirms they accept responsibility for approving accommodation, support and welfare arrangements.

Charlton Brown will not commence assessment of a release application until all appropriate information, as listed above, is provided.

6.2. Charlton Brown will assess and reply to the request for a release within ten (10) working days.

6.3. There is no cost associated with applying for a release from Charlton Brown.

6.4. The student must remain enrolled in his or her course until the final decision is determined. A final decision is determined once a release outcome is provided to the student and any related appeals process is completed.

7. Grounds for approval

Charlton Brown may grant a release where it is satisfied, in its absolute discretion that continuing the course at Charlton Brown is not in the student's best academic interest or there are special circumstances in favour of the student moving to another provider including but not limited to:

- a) the student had a conditional offer from Charlton Brown and in spite of the student's best endeavours the student did not meet its conditions; or
- b) misadventure, or other compelling or compassionate grounds (e.g. events beyond the student's control which would have an adverse impact on their ability to continue); or
- c) protracted political or civil events or a natural catastrophe in their home country, the effects of which prevent full payment of fees; or
- d) the student will be reported to the Department of Home Affairs because they are unable to achieve satisfactory course progress at the AQF level they are studying, even after engaging with the Charlton Brown intervention strategy; or
- e) Charlton Brown is unable to deliver the course as outlined in the offer letter and acceptance form; or
- f) there is evidence that the student's reasonable expectations about their current course are not being met; or
- g) there is documented evidence that the student was misled by Charlton Brown or an Charlton Brown authorised agent regarding Charlton Brown or its course and therefore the course is unsuitable to their needs and/or study objectives; or
- h) an appeal (internal or external) on another matter results in a decision or recommendation to release the student.

8. Grounds for Refusal

Charlton Brown may, in its absolute discretion, refuse a student's transfer request. Reasonable grounds for refusal include but are not limited to:

- a) the request for transfer is made where a student has not commenced study; or
- b) if under the age of 18, the student has not provided a copy of written approval from a parent or guardian supporting the transfer; or
- c) if under the age of 18 and not cared for in Australia by a parent or suitable nominated relative, has not provided evidence that another CRICOS Registered Provider confirms they accept responsibility for approving accommodation, support and welfare arrangements; or
- d) the student has a packaged conditional offer and the request is not supported by the pathway provider; or
- e) if government sponsored, the government sponsor has not provided written support for the transfer; or
- f) failure to provide a complete application as required under clause 6.1 of this Protocol; or
- g) the student's actions have caused Charlton Brown to form the view that the student is not a GS or GTE (e.g. absence from orientation events, low attendance rate, failure to access support services, radical change in academic direction); or
- h) the student has been excluded or suspended from their course or has outstanding debts or fines with Charlton Brown or
- i) Charlton Brown has formed the view that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet Charlton Brown's attendance or academic progress requirements; or
- j) the student applies to transfer from a Charlton Brown course/package to a course/package that is at a lower AQF level for which the original visa was issued; or
- k) there are reasonable grounds for Charlton Brown forming the view that the student is trying to manipulate the SSVF system; or
- l) there are reasonable grounds for Charlton Brown forming the view that the transfer will be detrimental to the student's welfare or future studies (e.g. transfer may jeopardise the student's progression through a package of courses); or
- m) the student has not utilised the full range of support services available at Charlton Brown and/ or a Charlton Brown pathway provider to assist with academic and personal issues; or
- n) change of mind, claims of financial hardship, transferring to another provider with lower tuition

fees; or

o) the student is not genuinely engaging with an intervention strategy with the intention of failing and being released.

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

9. Charlton Brown Response to Request

9.1. If Charlton Brown refuses a student's request for a release, it will provide the student with a written explanation setting out the reasons why the request was refused and the process to appeal the decision.

9.2. If Charlton Brown grants a release, the student will be advised to contact the Department of Home Affairs to ascertain whether a new student visa is required.

9.3. If Charlton Brown grants a release, the student's Charlton Brown CoE will be cancelled and the student must withdraw from their Charlton Brown course.

9.4. If the student is applying for a refund, the student must do so in accordance with Charlton Brown's International Student Refund Policy and Procedure.

10. Appeal against Refusal

10.1. If Charlton Brown refuses a request for release, the student has a right of appeal against Charlton Brown's decision in accordance with Standard 10 of the National Code. An appeal must be made within twenty (20) working days in the first instance in writing to the Academic Director, Charlton Brown.

10.2. A student must remain enrolled until the full internal appeal process is finalised.

10.3. If an appeal to the Academic Director, Charlton Brown is unsuccessful then students may access the internal Charlton Brown Complaints Handling and Appeals Procedure by referring their case to the Charlton Brown Compliance Manager.

Contact Details:

(Compliance Manager)

Level 2, 102 Adelaide Street, Brisbane Q 4000

P: +617 3216 0288

10.4. Students may refer their case to an external appeal body such as the QLD State Ombudsman for review if the internal Charlton Brown appeals process is exhausted and the student remains dissatisfied.

10.5 Charlton Brown will not finalise a student's refusal status in PRISMS until the appeal finds in favour of Charlton Brown or the student has not appealed within the twenty (20) working day period, or the student withdraws their appeal.

11. PRISMS

Once the final release outcome is determined, the release request will be recorded in PRISMS; including the outcome of the release request, reasons for the outcome and date of effect.

12. Student Support Services

Prior to applying for a release, students should contact Charlton Brown Student Services for assistance with accessing appropriate support services.

Charlton Brown
 Level 4, 102 Adelaide Street,
 Brisbane Q 4000
 P: +617 3216 0288

13. Record Keeping

Charlton Brown will maintain records of all request from students for a release, the assessment of the request, and the decision regarding the request for a minimum of two (2) years after the overseas student ceases to be an accepted student.

Version History				
Review Period:		2 years from date of last approval		
Version Number:	Approved by:	Approval Date:	Effective Date:	Sections Modified:
D1				New Policy/Protocol developed
1.0	CEO	May 2022	May 2022	Approval of new policy