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|----------------|-----------------------------------------------------------|
| Policy area    | ESOS Compliance Framework                                 |
| Standards      | ESOS Act 2000, ESOS Regulations 2019, National Code 2018, |
| Responsibility | CEO, CRICOS Manager                                       |

## 1. Purpose and Key Definitions

### Purpose of the Policy

This policy explains how Heaton Institute of Technology manages:

- International student transfers between providers.
- Concurrent enrolment (studying more than one course at the same time).
- Compliance with the ESOS Act, National Code 2018, and PRISMS.
- Protection of student welfare and visa integrity.
- Fair and consistent decision-making.
- Record keeping and continuous improvement.

### Important Definitions

#### Concurrent Enrolment

Studying two or more courses simultaneously without transferring from the main course.

#### Principal Course

The main course linked to the student visa.

For packaged courses, this is usually:

- The final course in the package.
- The highest AQF qualification.

#### Restricted Transfer Period

The first six calendar months of the principal course.

#### Release

Permission from the current provider allowing a student to transfer during the restricted period.

#### Transfer

Changing from one registered provider to another.

#### Valid Offer of Enrolment

A genuine offer from another CRICOS provider supporting a transfer request.

## PRISMS

The Provider Registration and International Student Management System used to manage:

- Enrolments.
- Releases.
- Reporting requirements.

## 2. General Principles and Six-Month Transfer Restriction

### Policy Principles

Heaton Institute of Technology supports lawful student mobility and:

- Makes decisions fairly and consistently.
- Does not use inducements or pressure.
- Prioritises compliance over business considerations.
- Protects students from visa breaches.
- Focuses on student welfare and academic success.

### Six-Month Protected Period

Students generally cannot transfer to another provider during the first six months of their principal course.

The six months are calculated from:

#### Principal Course Start Date

**Not from the visa grant date.**

Transfer restrictions also apply to:

- Packaged courses.
- Pathway arrangements.
- Multiple enrolments.

### Provider Responsibilities

#### When HIT is the Current Provider

HIT assesses requests from students wanting to leave.

#### When HIT is the Receiving Provider

HIT must verify through PRISMS that:

- The restricted period has ended; or
- A valid release has already been granted.

Students cannot be enrolled in breach of Standard 7.

## 3. Transfer Request Process

### How Students Apply

Students must submit:

### International Student Application for Course Transfer

The application must include:

- Reasons for transferring.
- A valid offer from another CRICOS provider.

Verbal requests or requests from agents are not considered formal applications.

### Assessment Considerations

Staff assess:

1. Whether the student is still within the restricted period.
2. Whether valid grounds exist.
3. Whether evidence supports the request.
4. Whether the transfer could affect visa compliance.

### Evidence Requirements

Claims must be supported with evidence.

Examples may include:

- Medical documents.
- Emails.
- Supporting statements.
- Course-related evidence.

Decisions cannot be based on assumptions or unverified information.

### Principles of Assessment

Transfer requests must be:

- Fair.

- Evidence-based.
- Free from financial or recruitment pressures.
- Independent and transparent.

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## 4. When a Release May Be Approved

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A release during the restricted period may only be granted when supported by evidence.

### 1. Unsatisfactory Course Progress

Where:

- Intervention strategies have been used.
- The student is unlikely to succeed.
- Another course is more suitable.

### 2. Compassionate or Compelling Circumstances

Examples include:

- Serious illness.
- Family emergencies.
- Circumstances beyond the student's control.

Sensitive matters should be handled reasonably and compassionately.

### 3. Failure to Deliver the Course as Promised

Where the course differs significantly from the written agreement.

### 4. Student Expectations Not Being Met

Based on:

- Published information.
- Advice given at enrolment.
- The written agreement.

### 5. Misleading Information

Where inaccurate information from:

- HIT; or
- Education or migration agents

affected the student's decision.

## 6. Appeal Outcomes

A release may be required following an internal or external appeal.

## 7. Government Sponsor Support

Where a sponsor confirms that transfer is in the student's best interests.

All approved reasons must be accurately recorded in PRISMS.

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## 5. When a Release Will Be Refused

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Release requests will normally be refused if:

**The student has not engaged with intervention strategies.**

**Outstanding fees exist.**

Non-payment of fees is not a valid reason for transfer.

**There are no valid grounds.**

Requests based only on:

- Personal preference.
- Convenience.
- Employment opportunities.
- Dissatisfaction without evidence

will generally be refused.

### Right to Appeal

Students may challenge the decision through:

- Internal appeals.
- External review processes.
- Administrative Review Tribunal (ART).

HIT should consider any new evidence provided and apply flexibility where appropriate.

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## 6. Notification, Appeals and PRISMS Reporting

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Students must receive written advice regarding:

- Approval; or
- Refusal.

Verbal communication alone is insufficient.

## Appeal Rights

If refused, students must be informed about:

- **PP2.9 – Complaints Handling**
- **PP2.10 – Appeals Handling**

Students have:

### **20 working days**

to access the appeals process.

## PRISMS Reporting

Transfer decisions must be recorded in PRISMS.

Staff must:

- Use the correct PRISMS pathway.
- Enter accurate release reasons.
- Follow system warnings.
- Ensure decisions are evidence-based.

## Issuing a New CoE

A new Confirmation of Enrolment can only be issued when:

- The restricted period has ended; or
- A valid release exists.

Issuing a CoE incorrectly creates a serious compliance risk.

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## **7. Concurrent Enrolment, Record Keeping and Monitoring**

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### **Concurrent Enrolment Rules**

Concurrent study means studying multiple courses simultaneously.

#### **During the First Six Months**

Concurrent enrolment is prohibited.

No new CoE can be issued for additional courses during this period.

#### **After Six Months**

Requests may be considered, but approval is discretionary and based on:

- Academic capacity.
- Attendance requirements.
- Workload.
- Visa compliance.
- Student welfare.

Approval is **not automatic**.

## Record Keeping

For transfer requests, HIT keeps:

- Applications.
- Evidence.
- Assessments.
- Decisions.
- Appeal records.
- PRISMS records.

For concurrent enrolment requests, records include:

- Application forms.
- Academic load assessments.
- Risk assessments.
- Approval or refusal decisions.
- Supporting reasons.

## Retention Period

Records must be kept for:

### At least two years

after the student ceases studying with HIT.

## Self-Assurance and Monitoring

Heaton Institute of Technology maintains ongoing monitoring and review processes to ensure:

- Compliance with the ESOS framework.
- Continuous improvement.
- Accurate decision-making.
- Readiness for regulatory audits.

## Key Points to Remember

- ✓ Transfers are restricted during the first six months of the principal course.
- ✓ A valid release is required before transferring during this period.
- ✓ Transfer decisions must be evidence-based and recorded in PRISMS.
- ✓ Students have 20 working days to appeal a refusal.
- ✓ Concurrent enrolment is not permitted during the restricted period.
- ✓ Student welfare and visa compliance are always the highest priorities.
- ✓ All records must be retained for a minimum of two years.