



## EXPLANATORY NOTES ON REQUESTING RELEASE FROM WAIFS BEFORE THE END OF SIX (6) CALENDAR MONTHS OF YOUR PRINCIPAL COURSE PROCEDURE

**POLICY NUMBER:** NC18-PP014

**RESPONSIBILITY:** Head of Administration

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### 1. Why do I need to complete an EVF and provide supporting Documents – Why can't I just leave if I want to?

The ESOS Act sets out the purpose of the National Code 2018 is to set nationally consistent standards and procedures for registered providers (this includes all ELICOS providers, universities and registered training organisations).

The National Code 2018 sets standards for WAIFS to follow in its interactions with international students on student visas. The National Code 2018 governs how a training provider and student must act when an international student requests to be released from a training provider without having completed 6 calendar months of their principal course. The specific guidance is contained in the National Code 2018, standard 7.



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When a student requests a release from their provider before completing 6 calendar months of their principal course, WAIFS is required by the ESOS Act and National Code 2018 to assess the request against our “Transfer Between Registered Providers Policy and Procedure”.

### 2. What is a Principal Course?

The National Code 2018 defines a principal course as: “... the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study. *This means the transfer restriction applies to a student during all courses they undertake prior to completing 6 calendar months of their principal course*”.

### 3. Where do I have access to the Transfer Between Registered Providers Policy?

The policy and procedure has been made available to you before and during your enrolment and is available at:

- <http://waifs.wa.edu.au/policies-procedures/>
- “MYWISENET” - if you log in you will see all relevant policies and procedures
- From WAIFS’ reception
- By emailing [admissions@waifs.wa.edu.au](mailto:admissions@waifs.wa.edu.au) and requesting a copy be emailed to you.

### 4. Why can’t I just send you an email/write a note/phone you? Why do I have to fill in an EVF?

WAIFS’ policy and procedure meets the requirements of the ESOS Act and National Code 2018. An essential part of this policy and procedure is the EVF. If a student does not fill in an EVF, provides adequate supporting documentation to WAIFS to assess the request and attend a meeting with WAIFS (if requested), the transfer request cannot be approved. Where a policy and procedure exists, all parties have clarity over the requirements.

### 5. What kind of supporting information should I provide with my EVF?

Apart from a letter of offer (see below) the other information will depend on the circumstances of your request.

As a guide, you should provide any and all information a reasonable person would need to be able to make the correct decision based on the reasons you have stated for your release request. *This will not necessarily be the same as the information you may consider to be adequate.*

What you need to remember is:

- You enrolled at WAIFS, in some cases for multiple courses.
- Your visa may well have been granted for several years in Australia based on your course selection at WAIFS. (Your visa may not have been granted based on a different course selection.)
- If something happens that you could not reasonably have foreseen which changes your study plans, you need to explain that to WAIFS. You also need to provide adequate supporting information to prove this to WAIFS. This is because WAIFS needs to be able to provide the Department of Home Affairs (DOHA), on request, the reason for an approved transfer (with the supporting information).
- Be sensible and reasonable and provide proof.
- WAIFS will generally not approve a transfer where you have not provided all appropriate evidence or none at all.
- WAIFS will generally not support transfers because an occupation you thought your qualification would lead to for permanent residency has dropped off some list or other with DOHA. You are on a student visa and you entered Australia to study your specific course selection at WAIFS on a temporary basis and then to return to your home country. WAIFS will not release a student for perceived migration purposes.

You must always provide a valid Letter of Offer from another provider if you are looking to study another course at another provider.

### 6. How much time to do I have to supply additional information to WAIFS if they ask for it?

WAIFS requests that you supply all information requested as soon as possible and (wherever possible) within 20 working days.

If you are not able to provide information to WAIFS within that timeframe please ensure you notify WAIFS of this within the 20 working day period stating the reason why (with proof of delay if possible).



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WAIFS will then inform you whether we will wait to receive your additional information before making a decision on your EVF.

### 7. Will WAIFS approve a time extension request for more than 20 working days to submit additional documents?

WAIFS will not necessarily agree to extend the 20 working day period. This decision will depend on the reason for your request.

For example:

- (i) If a student cannot supply the information because they are overseas on holiday and they should be in class at WAIFS, they will generally not receive approval for an extension beyond 20 working days as this is not considered reasonable.
- (i) If a student cannot supply the information because they have moved interstate without informing WAIFS and they should be in class at WAIFS, they will generally not receive approval for an extension beyond 20 working days as this is not considered reasonable.
- (ii) If a student needs to get documents translated and sent from overseas and the relative who would do this is sick, WAIFS will generally agree to extend the period. This would be subject to obtaining information from the student confirming the relative's illness and its expected duration.

### 8. What happens if I do not supply the additional documents requested by WAIFS?

If WAIFS does not receive any additional information from the student within 20 working days (or an approved extended period) WAIFS will inform the student stating that:

- (i) The student submitted an incomplete EVF on (insert date);
- (ii) WAIFS requested the EVF be corrected and/or additional information be submitted on (insert date)
- (iii) The student has not submitted the corrected EVF and/or any additional information (as applicable) and the student has not requested an extension to the 20 working day period; **OR (delete as appropriate)**
- (iv) The student requested an extension to the 20 working day period which was approved. The student has not submitted the corrected EVF and/or any additional information (as applicable) within the agreed period; **OR (delete as appropriate)**
- (v) The student has requested an extension to the 20 working day period which was declined for the reasons stated in WAIFS' email of (insert date). The student has not submitted the corrected EVF and/or any additional information (as applicable) within the 20 working day period; **OR (delete as appropriate).**

WAIFS has therefore made a decision on the EVF based on the EVF form provided and any supporting documentation the student did supply (if applicable).

We will then state our decision (with reasons - for refusals only) and what happens next. This includes access to the complaints and appeals process.

**Note: If the student has not supplied any of the additional information requested, your EVF may be declined.**

### 9. From what date does WAIFS calculate Cancellation Fees?

WAIFS will not consider an EVF as received for cancellation fee calculation purposes until all documents required have been provided and a fully completed form has been received.

Once WAIFS has approved your request, cancellation fees are calculated from the date the information that enabled WAIFS to make that decision was received.

WAIFS will tell a student the documented date and reason, when WAIFS emails the student the cancellation fees calculation.

### 10. What if I do not agree with the information WAIFS is asking for?

WAIFS aims to ask for reasonable and independent evidence to verify and support your claims for a transfer release. There may be times when we disagree on what that should be. WAIFS recommends you email the Head of Administration or Head of Compliance before submitting your EVF and ask for specific guidance on what you should provide. If the disagreement cannot be resolved, what WAIFS asks for is what will be required.



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For WAIFS to be able to provide you with a complete list of supporting information that will be required with your EVF, you must fully and accurately explain the reason for the transfer request that you will provide on your EVF.

If the reason changes or was incomplete or inaccurate, WAIFS may need to ask you for further additional information. This will be your responsibility. Your EVF will not be considered complete until the additional information is provided.

Please note that if you do not provide all information required with your EVF (and you did not contact WAIFS for clarification on the supporting documentation requirements before lodging your EVF/you provided inaccurate or incomplete reason/your reason changes), WAIFS will not make any adjustment to the date that cancellation fees are calculated from:

- (1) For disagreements in what should or should not be provided to WAIFS
- (2) For the time it reasonably takes WAIFS to contact you with a full list of requirements to support your submitted EVF and for you to then provide them.

### 11. Can I ask for Cancellation Fees to be waived and when would that be successful?

Yes you can. You would then have to prove financial hardship that could not have been foreseen and/or compassionate and compelling circumstances.

#### What is financial hardship?

Financial hardship is when a student cannot afford the daily expenses of life such as food and basic shelter. When a student applies for a student visa, they state they have enough money to live and study in Australia without having to work in Australia. Losing a part time job in Australia would therefore not normally be a reason for financial hardship.

#### What does compassionate/compelling mean?

'Compassionate or compelling' circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing.

These could include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes – WAIFS confirms the validity of medical certificates with the 3<sup>rd</sup> party provider named on the certificate;
  - Bereavement of close family members such as parents or grandparents – a death certificate and proof of relationship should be provided;
  - Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
  - A traumatic experience, which could include:
    - involvement in, or witnessing of a serious accident, or;
    - witnessing or being the victim of a serious crime, and this has impacted on the overseas student;
- Third party evidence will be required for both of the above and WAIFS will verify independent evidence with the provider of such evidence as named.*
- Where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol;
  - Inability to begin studying on the course commencement date due to delay in receiving a student visa.

#### How does a student prove financial hardship or compassionate or compelling circumstances?

Paperwork from 3<sup>rd</sup> parties would act as proof. For example:

- Bank statements from visa application date and now
- Medical letter from hospital confirming in-patient treatment and duration
- Proof of medical bill payment

Simply put: Information WAIFS can independently verify. If a student cannot give WAIFS permission to contact the 3<sup>rd</sup> parties to confirm the document/s WAIFS may not be able to grant a compelling/compassionate waiver or financial hardship waiver.

#### Can cancellation fees be calculated from the date we submitted the EVF only or EVF with partial documents?

No.

Students should note the wording prominently displayed on the EVF form they sign and submit. This confirms the student has read, understood and agreed to these terms by signing and on submission of the EVF to WAIFS:



**NOTICE – TO BE READ AND UNDERSTOOD BY ALL APPLICANTS:**

The Enrolment Variation request will only be deemed received from the date the completed Enrolment Variation Form (EVF) and ALL required and/or requested supporting documentation have been submitted.

If you are not sure what documents you are required to submit with your EVF please email [admissions@waifs.wa.edu.au](mailto:admissions@waifs.wa.edu.au)

**Students requesting release from/or cancellation of their enrolment will be required to attend a meeting with a WAIFS' staff member before a decision can be finalised.**

Where cancellation fees are payable by a student at withdrawal/cancellation, fees will be calculated from the date the enrolment variation request is received in full by WAIFS (and not from the date an incomplete enrolment variation request was submitted or the date of the arranged meeting).

A fee of \$50 is applicable for Enrolment Variation Requests, unless it is an internal course change within WAIFS.

*Note: Payment of the Enrolment Variation Fee does not guarantee that your request will be approved.*

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**Can I say that my education/migration agent/ someone else with my approval submitted the EVF on my behalf and forgot to submit supporting documents to reduce my cancellation fee (if cancellation fees apply)?**

No. A student (or their parent/guardian) is over 18 years of age and, as an adult, is responsible for ensuring the completeness and accuracy of documents given/sent to WAIFS on their behalf. A student (or their parent/guardian) cannot submit what is needed (through any means/channel) and then expect the fault to lie with WAIFS.

**What if my education/migration agent/someone else with my approval does not tell me that they have not submitted the documents WAIFS needs, including if I did/did not supply the documents to them.**

A student (or their parent/guardian) is over 18 and personally responsible for the information they provide to WAIFS and the means in which they choose to provide it. A student (or their parent/guardian) is over 18 and must accept that the choice they made is one they are/were responsible for overseeing and ensuring the effectiveness of it. Again, a student (or their parent/guardian) is responsible for ensuring the completeness and accuracy of information given to WAIFS.

If a student (or their parent/guardian) approves an education agent/migration agent/someone else you approve to deal with WAIFS on your behalf in relation to your EVF, WAIFS will do so. If a student's (or their parent/guardian) education agent/migration agent/someone else they approve sends an EVF and supporting documents (or later submits supporting documents only to WAIFS), this is taken, reasonably, as a student (or their parent/guardian) giving WAIFS the student's (or their parent/guardian) permission to deal with that person in relation to the student's withdrawal.

If a student (or their parent/guardian) subsequently considers that an education agent/migration agent/someone else with their approval has not dealt with things in a timely manner or has not provided what should have been provided when it should have been provided (whether WAIFS asked for it or not) the cancellation fees calculated by WAIFS will not be amended.