

DELFT UNIVERSITY OF TECHNOLOGY¹

Procedure and reporting of Student Progress for international students at TU Delft

Introduction: Modern Migration Policy Act, changes to legislation concerning foreigners

The Modern Migration Policy Act (*Wet Modern Migratiebeleid - Momi*) came into effect on 1 June 2013. The Act strengthens the position of the referee in government policy concerning foreigners: accredited referees can use the accelerated admission procedure to apply for a residence permit and the permit can be granted for the duration of the study programme plus an additional three months (with the option for annual renewal). TU Delft is an accredited referee. In the event of unsatisfactory student progress, the residence permit can be withdrawn. One of the tasks of the referee is to report unsatisfactory student progress to the Dutch Immigration and Naturalisation Service (IND). The standard for determining satisfactory student progress has been set by ministerial order (Government Gazette 2013, 15622) and is based on the Code of Conduct international student higher education: 50% (or more) of the proportional nominal study load for a full or partial academic year is considered satisfactory student progress. In other words, obtaining 30 ECTS or more per year is satisfactory for a full-time study programme. Where appropriate, any references below to 30 ECTS should be taken to mean '30 ECTS or a proportional part thereof'. This procedure regulates how TU Delft implements the process of identifying and reporting unsatisfactory student progress.

1. Standard for student progress

Dutch legislation on foreigners makes it compulsory for institutions to determine the annual student progress of international students with a study visa.

In order to be able to continue with their course, every international student with a study visa must obtain at least 30 ECTS of the relevant BSc or MSc study programme in each academic year. If this standard is not achieved, TU Delft will notify the IND of the student's lack of progress at the latest by 1 October of the subsequent academic year. The student must then terminate his/her registration at TU Delft.

This standard does not apply to a preparatory year: international students must successfully complete this year.

2. Applying the student progress standard

The student progress standard applies to all students who are resident in the Netherlands on a student visa and enrolled in and from the academic year 2013/2014.

For students enrolled for just part of the year, for example starting from 1 February, the standard of 30 ECTS is applied pro rata in proportion to the enrolment period. For major programme components that straddle more than one academic year (internship, graduation project), the student progress achieved is estimated. In that case, the faculty submits a proposal.

¹ This is a translation of the Dutch version of the Regulations. In case of a conflict between the English and Dutch version of the Regulations, the Dutch version will prevail and will be binding.

Students may also invoke personal circumstances which led to them not meeting the standard for satisfactory progress; see Section 7 for details.

3. Responsibility for student progress standard

The Education & Student Affairs Directorate carries out the check on student progress. The Head of the International Office decides on action to be taken, on behalf of the Executive Board and based on the advice of the central student counsellor. The central student counsellor is advised by the academic counsellor and – where necessary – the university psychologist or university-contracted doctor.

4. Student supervision plan

Every department has a student supervision plan for international students on BSc as well as MSc programmes. This plan contains the following:

- The way in which international students are introduced to the study programme
- Further information about mentorship for international students
- The contact details of academic counsellors
- The moments at which formal recommendations are issued
- The criteria for these recommendations
- What a student should do if he or she believes that there are personal circumstances that influence his or her student progress
- Further student support and guidance provided by the department

5. Recommendations on study

There are three formal occasions in the academic year when study recommendations are issued:

March: Based on the results from the first semester. This recommendation contains a warning for the group at risk and a call for a progress interview with the academic counsellor/Master's programme coordinator.

August: Based on the results of the first and second semesters. This recommendation comprises a recommendation on whether or not to continue the study programme. The student's attention is drawn to the procedure in September (and its short deadlines) as well as the option for deferral on the grounds of personal circumstances if appropriate.

September: Intention of whether or not to notify the IND based on student progress during the complete previous academic year, including the August examinations (start of September). Students are given *one* week to submit objections, including personal circumstances, to the academic counsellor. The Head of the International Office then has until 30 September to determine the definitive recommendation, having taken advice from the student counsellor. At the same time, ES&A will submit any necessary report to the IND.²

The following situations and actions are possible:

- * SP \geq 50%: No notification to the IND
- * SP < 50% and no response from the student: letter to student and notification to IND
- * SP < 50%, student has objections concerning the number of credits or invokes personal circumstances

² If a programme does not include examinations in August, the August recommendation is omitted.

- Objections upheld: letter to student. No notification to the IND
- Rejected: letter to student and notification to IND

The notification to the IND is purely a recommendation, the IND makes its own decision concerning the residence permit. Even if a request for deferral based on personal circumstances is rejected, it is still up to the IND to decide whether or not to withdraw the residence permit.

All recommendations are issued in writing. The department offers students with unsatisfactory student progress a support interview; the letters also include an indication of what facilities are available for support and guidance.

6. Binding Recommendation on the Continuation of Studies (BSA)

If an international student starts a Bachelor's programme, the BSA standard of 45 ECTS also applies to the first year. If a student obtains between 30 and 44 ECTS, he or she cannot continue the course, but the IND does not need to be notified. The student could transfer to an alternative study programme and will be responsible to personally take the necessary steps in liaising with the new institution and the IND.

7. Personal circumstances

Carrying out the check of student progress must take account of personal circumstances, as described in the Higher Education and Research Act (WHW). These personal circumstances are upheld if it can reasonably be assumed that the student in question would have achieved the standard had the circumstances not been present. Personal circumstances do not however automatically lead to the student progress standard being disregarded. The same personal circumstances can only serve as grounds for deferral once per referee period (this is the period of enrolment at a single institute of education or the duration of the study programme).

Procedure for personal circumstances

1. Within one week of the intention to deregister being issued, the student reports to the academic counsellor in his or her department that there were personal circumstances in the previous academic year and that these may have negatively affected their study.
2. The WHW defines the following as personal circumstances:
 - a. Illness
 - b. Physical, sensory or other disability
 - c. Exceptional family circumstances
 - d. Pregnancy and childbirth
 - e. The way in which the institution actually provides the programme
 - f. Committee membership, on the grounds of which Graduate Support Scheme (RAS) months have been allocated.
3. The student must submit any relevant documentary evidence to the academic counsellor.
4. The academic counsellor records the fact that there are personal circumstances.
5. Personal circumstances must be reported as soon as possible after the circumstances arise.
6. At the end of the academic year, the academic counsellor submits all cases of students with personal circumstances who have obtained fewer than 30 ECTS to the student counsellor.
7. If the student counsellor judges that the personal circumstances have affected student progress to such an extent that the standard of 30 ECTS was not feasible, he or she can

advise the Head of the International Office to grant the student deferral from meeting the standard. This means that the student will not be deregistered. According to the regulations, each personal circumstance may only serve as grounds for deferring the obtaining of the standard once per referee period.

8. If the student's progress is delayed as a result of personal circumstances he or she can, under certain conditions, make a claim under the RAS. If a student's RAS claim is honoured, this will be taken into account in the considerations of the academic counsellor and student counsellor. However, entitlement to RAS does not automatically constitute a deferral of the obligation to achieve the student progress standard.

8. Final provision

The Modern Migration Policy Act took effect on 1 June 2013 and applies for the first time to the academic year 2013-2014. Actual implementation will take place for the first time in 2014 (March-September).