

Transfer Between Registered Providers Policy and Procedures

Policy

1. This policy supports and aims to ensure that the College complies with Standard 7 of the ESOS National Code 2018 - Overseas student transfers
2. The College will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:
 - a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
 - b. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
 - c. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
 - d. any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
3. The College has and implements this documented policy and procedure for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy is to be made available to staff and overseas students, and outline:
 - a. the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider
 - b. circumstances in which the College will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:
 - i. the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy to assist the overseas student in accordance with Standard 8 of the National Code 2018 (Overseas student visa requirements)
 - ii. there is evidence of compassionate or compelling circumstances
 - iii. the College fails to deliver the course as outlined in the written agreement
 - iv. there is evidence that the overseas student's reasonable expectations about their current course are not being met
 - v. there is evidence that the overseas student was misled by the College or an education or migration agent regarding the College or its course and the course is therefore unsuitable to their needs and/or study objectives
 - vi. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
 - c. the circumstances which the College considers as reasonable grounds to refuse the transfer
 - d. a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

4. If a release is granted, it must be at no cost to the overseas student and the College must advise the overseas student to contact the Department of Home Affairs (DHA) to seek advice on whether a new student visa is required.
5. If the College intends to refuse the transfer request, the College will inform the overseas student in writing of:
 - a. the reasons for the refusal
 - b. the overseas student's right to access the College's complaints and appeals process, in accordance with Standard 10 of the National Code 2018 (Complaints and appeals), within 20 working days.
6. The College will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.
7. The College will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student in the student's file.
8. The College will assess a student's request for transfer to other providers using these Policy and Procedures.
9. No fees will be charged to the student by the College for granting a Release.
10. The College will provide a written response to the students' request for transfer, cancellation and Release Letter within 10 working days of the application being submitted.
11. The College will grant a Release Letter only where the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made.
12. If a Release Letter is refused by the College, the student will be provided with written reasons for refusing the request. The student will also be informed that the student may appeal the College's decision through the Complaints and Appeals Policy and Procedure available on the College's website on following link: <https://www.melbournecitycollege.edu.au/pdfs/complaints-and-appeals.pdf>
13. Applying to Transfer between Registered Providers does not prevent students from the requirement to enrol on time.
14. Non enrolment will not automatically result in a Transfer between Registered Providers; it may however result in the student being reported via PRISMS for failing to enrol.
15. International students that have studied longer than 6 months of their principal course will use the normal application process for a transfer to another provider, and no release will be recorded on PRISMS and no letters of release will be produced by the College.
16. The College's decision including the date of effect and reasons to grant or refuse the overseas student's transfer request will be documented on PRISMS.
17. This policy applies to all College staff, contractors and international students studying with the College or applying to study with the College.
18. The CEO is responsible for the implementation of the policy and procedures and to ensure that staff are aware of its application and implement its requirements.

Procedures

Release Request

1. To request for a transfer to another provider/ a release from the College, students must apply for a Release Letter using the Cancellation or Release Letter Application Form that is located at Student Services or on the College's website.
2. Applications for a Release Letter will be considered by the Director of Studies and responded to in writing within 10 working days of being received by the College.

3. A Release Letter will be granted in accordance with this Policy and Procedure and only if the student can provide written confirmation that a valid enrolment offer has been made by another registered CRICOS provider.
4. A Release Letter will normally be granted, within 10 working days of the application, in the following situations:
 - the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy to assist the overseas student in accordance with Standard 8 of the National Code 2018 (Overseas student visa requirements)
 - there is evidence of compassionate or compelling circumstances
 - the College fails to deliver the course as outlined in the written agreement
 - there is evidence that the overseas student's reasonable expectations about their current course are not being met
 - there is evidence that the overseas student was misled by the College or an education or migration agent regarding the College or its course and the course is therefore unsuitable to their needs and/or study objectives
 - an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
 - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

A Release Letter will not be granted in the following situations. The College deems the following circumstances as reasonable grounds to DECLINE a student request for transfer in the first six months of the principal course of study:

- The requirements of the students signed Written Agreement have not been met by the student
 - The student does not satisfy any of the situations which normally lead to a Release Letter being granted
 - The proposed transfer will jeopardise the student's progression through a package of courses
 - The proposed transfer would be detrimental to the student's future study and/or career objectives
 - The student cannot provide a letter from another registered CRICOS provider confirming that a valid enrolment offer has been made
 - If the student has recently started studying the course and the student has not accessed the College's student support or welfare services after having been requested to do so
 - The student has unpaid tuition fees owing to the College as per their Written Agreement
 - The student has a change of mind
 - The student expresses difficulty with course material but has not sought assistance from the Director of Studies or other academic staff
 - The course for which the student is intending to enrol in with the other provider is similar to or the same as the course in which the student is currently enrolled at the College
 - The student is experiencing course schedule conflict with personal, work, or other non-study commitments.
5. If a Release request is granted, the date of effect and reason for release will be recorded in PRISMS and the student will be provided with a Release Letter. This is done by the Director of Studies.

6. If a Release request is refused, reasons for the refusal will be documented in writing and the student will be informed of their rights of appeal using the college complaints and appeals procedure located at <https://www.melbournecitycollege.edu.au/pdfs/complaints-and-appeals.pdf>. The College will finalise the student's refusal status in PRISMS after the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process. This is done by the Director of Studies.
7. A copy of the student's Cancellation or Release Letter Application Form; notes recording the assessment of the application and a copy of the response letter sent to the student by the College must be placed in the student's file. This is done by Student Administration.
8. The approval of a transfer of a student to another provider does not indicate the agreement to provide any refund. Refunds are governed by the Fees and Refund Policy and Procedures located at: <https://www.melbournecitycollege.edu.au/pdfs/fees-and-refund.pdf>.

Procedure for assessing students wishing to transfer TO the College:

1. The College will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:
 - a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
 - b. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
 - c. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
 - d. any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
2. In the event that the College knowingly enrolls a student wishing to transfer from another registered provider's course prior to the student completing six months of their principal course of study, documentary evidence of at least one of the four conditions listed above must be obtained and placed in the transferring student's file.
3. The College will not seek to enrol a student who has not yet completed six months of their principal course of study with another registered provider unless the requirements of the ESOS National Code 2018 are met and then only in accordance with this procedure.
4. The Enrolment Officer receives a transfer of provider application from an on-shore international student who has indicated they are currently studying at another provider.
5. The Enrolment Officer reviews PRISMS to determine if the student has completed 6 months of their principal course.
6. If the student has completed 6 months of their principle course, then the Application and Enrolment Policy and Procedures will be implemented.
7. If the student has not completed 6 months of their principal course, the student will be asked to get a release recorded on PRISMS by their relevant provider(s) in support of the transfer application.
8. If the student is transferring due to receiving an Australian Government sponsorship, the student will then need to supply written support agreeing to the transfer which will be accepted in lieu of any Release record on PRISMS.
9. If the student cannot produce satisfactory evidence of a Release, the application process is denied and the student will be informed in writing that the College cannot accept their application at the time. The student will be advised that they are welcome to re-submit their application when the 6 month period of principal course has expired.

10. A copy of all relevant documents must be placed in the student's file by the Student Administration.

Procedure for assessing students wishing to transfer FROM the College:

1. The student wishing to transfer from the College needs to complete and submit a Cancellation or Release Letter Application Form to the Director of Studies. The Cancellation or Release Letter Application Form is available from Student Services or on the website.
2. The following documents (where applicable) must be attached to the Cancellation or Release Letter Application Form as part of the application:
 - a. a letter detailing the reasons for the request to transfer to another Institution and how the student will benefit from the transfer,
 - b. a copy of the offer letter from the other CRICOS registered provider the student wish to transfer to confirming that a valid enrolment offer has been made,
 - c. a copy of the documentary evidence referred to in the letter of application (may include but not limited to death certificates, funeral notices, medical certificates, statutory declarations and press reports of natural disasters and political unrest). Failure to present evidence may adversely affect the outcome of the Cancellation or Release Letter application and
 - d. written approval for the change from the scholarship body if a sponsor is paying the tuition fees.
3. Upon receipt of the Cancellation or Release Letter Application Form, the Director of Studies will consider the application.
4. The Director of Studies will assess all the evidence and application considering, among others:
 - a. If the student has any outstanding tuition fees, these will need to be paid before a Release Letter can be issued
 - b. If the reasons for the transfer are based on reasonable grounds stated in this policy.
5. Once the Director of Studies is satisfied the above reasons are satisfactory and in accordance with this policy, and the application is approved, the Director of Studies will cancel the student's COE, record the release decision including the date of effect and reasons for release in PRISMS and respond to the applicant within 10 working days of the Application Form being received with an official response. A Release Letter will be granted to the student at no charge. The student will also be advised of the need to contact the Department of Home Affairs to seek advice on whether a new student visa is required. This will be the responsibility of the students to action this requirement through the Department of Home Affairs.
6. The Director of Studies will follow the College's Deferral, Suspension or Cancellation Policy and Procedures and report the student's cancellation of studies to the ESOS Agency and the Department of Home Affairs through PRISMS.
7. If a Release Letter is refused by the Director of Studies, reasons for the refusal will be documented in writing and the student will be informed of the refusal using Student Release-Rejection Letter. The student will also be informed of their rights of appeal using the College's complaints and appeals procedures.
8. The College will finalise the student's refusal status in PRISMS after the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process. This is done by the Director of Studies.
9. A copy of the student's Cancellation or Release Letter Application Form; notes recording the assessment of the application and a copy of the response letter sent to the student by the College must be placed in the student's file. These records will be maintained for two years after the overseas student ceases to be an accepted student. This is done by the Student Administration.