

# Transfer Between Registered Providers Policy and Procedures

## Policy

1. This policy supports and aims to ensure that the College complies with Standard 7 (Overseas student transfers) of the ESOS National Code 2018.
2. The College will not actively recruit international/ overseas students where the recruitment would conflict with the requirements of this policy and/or Standard 7 of the ESOS National Code 2018.
3. 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.
4. For the purposes of Standard 7.1.3 of the National Code 2018, the College has and implements this policy and procedures 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 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 College 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 (Overseas student visa requirements) of the National Code 2018.
    - ii. there is evidence of compassionate or compelling circumstances
    - iii. the registered provider 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.
5. If a release is granted, it must be at no cost to the overseas student and the College will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.
6. 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 (Complaints and appeals) of the National Code 2018, within 20 working days.
7. The College must 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.
8. 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.
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 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 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 Procedures available on the following link : <https://www.einsteincollege.vic.edu.au/pdfs/Complaints-and-Appeals.pdf>
13. The College will keep appropriate copies of all documentation / records of all requests from students for a release and the assessment of, and decision regarding, the request in the student's file for two years after the overseas student ceases to be an accepted student.
14. Applying to Transfer between Registered Providers does not prevent students from the requirement to enrol on time.
15. 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.
16. 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 is required to be provided by the College.
17. This policy applies to all College staff 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 and international students are aware of its application and implement its requirements.

## Procedures

### Application for a Release

1. Students must apply for a Release using the Cancellation or Release Letter Application Form that is located at Student Services or on the College's website on <https://www.einsteincollege.vic.edu.au/useful-form>.
2. Applications for a Release 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 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 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 (Overseas student visa requirements) of the National Code 2018.
  - there is evidence of compassionate or compelling circumstances, such as serious illness or death of a close family member (independent evidence of the exceptional circumstances is required) and the exceptional compassionate circumstances has led to a permanent change in the student's circumstances that makes continued enrolment inappropriate.
  - 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
  - the current course of study is clearly not consistent with documented course requested for on their enrolment application
  - 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
  - the student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at the College and can demonstrate clearly how this will be alleviated through a transfer
  - any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
  - an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

**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 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/ EAL Coordinator/ Trainers
  - 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 is refused, reasons for the refusal will be documented in writing and the student will be informed of the refusal and their rights of appeal using the college's complaints and appeals procedures located at <https://www.einsteincollege.vic.edu.au/pdfs/Complaints-and-Appeals.pdf>. This is done by the Director of Studies.
6. 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.
7. 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.einsteincollege.vic.edu.au/pdfs/Fees-and-Refund-Policy-and-Procedures.pdf>

### **Procedure for assessing students wishing to transfer TO Einstein College of Australia:**

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 Enrolment Officer receives an application from an on-shore international student who has indicated they are currently studying at another provider.
4. The Enrolment Officer reviews PRISMS to determine if the student has completed 6 months of their principal course or has not completed 6 months of their principle course but has been granted a release from their current provider.
5. If the student has completed 6 months of their principle course, or if PRISMS indicates that the student has not completed 6 months of their principal course but has been granted a release from their current provider, then the Application and Enrolment Policy and Procedures will be implemented.
6. 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 indicated in PRISMS.
7. If the student has not completed 6 months of their principal course and PRISMS indicates that the student has not been granted 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.
8. 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 Einstein College of Australia:**

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, such as the College not being able to meet the student's needs, etc.
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 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. The date of effect and reason for release will be recorded in PRISMS,

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/ Department of Home Affairs through PRISMS.
7. If a release 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 student's refusal status will not be finalised 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.
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. This is done by the Student Administration.