

Transfer Between Registered Providers Policy and Procedures

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Policy

1. This policy supports and aims to ensure that Australian Centre of Further Education complies with Standard 7 (Overseas student transfers) of the ESOS National Code 2018.
2. Australian Centre of Further Education 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. Australian Centre of Further Education 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, 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, Australian Centre of Further Education 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. 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 Australian Centre of Further Education will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where Australian Centre of Further Education has assessed that:
 - 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 Australian Centre of Further Education'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
 - the registered provider 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 Australian Centre of Further Education or an education or migration agent regarding Australian Centre of Further Education 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.
- c. the circumstances which Australian Centre of Further Education considers as reasonable grounds to refuse the transfer
 - d. a reasonable time frame 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 Australian Centre of Further Education will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.
 6. If Australian Centre of Further Education intends to refuse the transfer request, Australian Centre of Further Education will inform the overseas student in writing of:
 - a. the reasons for the refusal
 - b. the overseas student's right to access Australian Centre of Further Education's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) of the National Code 2018, within 20 working days.
 7. Australian Centre of Further Education must not finalise the student's refusal status in PRISMS until the appeal finds in favour of the Australian Centre of Further Education, 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. Australian Centre of Further Education 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 Australian Centre of Further Education for granting a release.
 10. Australian Centre of Further Education will provide a written response to the students' request for transfer, cancellation and Release within 10 working days of the application being submitted.
 11. Australian Centre of Further Education 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 Australian Centre of Further Education, the student will be provided with written reasons for refusing the request. The student will also be informed that the student may appeal Australian Centre of Further Education's decision through the Complaints and Appeals Policy and Procedures.
 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 who 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 Australian Centre of Further Education.
 16. This policy applies to all staff and international students studying with Australian Centre of Further Education or applying to study with Australian Centre of Further Education.
 17. 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 Application for Withdrawal Form that is located at Student Services or on Australian Centre of Further Education website.
2. Applications for a Release will be considered by the Compliance Manager and responded to in writing within 10 working days of being received by Australian Centre of Further Education.

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 Australian Centre of Further Education'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
 - Australian Centre of Further Education 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 Australian Centre of Further Education or an education or migration agent regarding Australian Centre of Further Education 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 Australian Centre of Further Education 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 will not be granted in the following situations. Australian Centre of Further Education 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 Australian Centre of Further Education's student support or welfare services after having been requested to do so
 - The student has unpaid tuition fees owing to Australian Centre of Further Education 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 VET Academic Manager/ ELICOS Academic Manager/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 Australian Centre of Further Education's complaints and appeals procedures.
 6. 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.

Procedure for assessing students wishing to transfer to Australian Centre of Further Education:

1. Australian Centre of Further Education 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 Australian Centre of Further Education 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 Marketing Manager receives an application from an on-shore international student who has indicated they are currently studying at another provider.
4. The Marketing Manager reviews PRISMS to determine if the student has completed 6 months of their principal course or has not completed 6 months of their principal course but has been granted a release from their current provider.
5. If the student has completed 6 months of their principal 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 Australian Centre of Further Education 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.

Procedure for assessing students wishing to transfer from Australian Centre of Further Education:

1. The student wishing to transfer from Australian Centre of Further Education needs to complete and submit an Application for Withdrawal Form. The Application for Withdrawal Form is available from Student Services or on the website.
2. The following documents (where applicable) must be attached to the Application for Withdrawal 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 wishes 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 Application for Withdrawal Form, the Compliance Manager will consider the application.
4. The Compliance Manager 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 Australian Centre of Further Education not being able to meet the student's needs, etc.
5. Once the Compliance Manager is satisfied the above reasons are satisfactory and in accordance with this policy, and the application is approved, the Compliance Manager will ask the Student Support Officer to 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 student to action this requirement through the Department of Home Affairs. The date of effect and reason for release will be recorded in PRISMS as soon as practicable.
 6. The Compliance Manager will follow Australian Centre of Further Education'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 Compliance Manager, reasons for the refusal will be documented in writing and the student will be informed of the refusal using Student Transfer Refusal Letter. The student will also be informed of their rights of appeal using the Australian Centre of Further Education's complaints and appeals procedures.
 8. The student's refusal status will not be finalised in PRISMS until the appeal finds in favour of Australian Centre of Further Education, 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.

Document Control

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