

International Student Transfer Policy and Procedure

1. Purpose

The ESOS Act 2000 and The National Code 2018 impose obligations on registered providers of education services to overseas students studying in Australia on a student visa (international students). Under Standard 7 of the The National Code 2018, registered providers are restricted from enrolling a student on to a course of study, where that student is transferring from another provider and has not yet studied six months of their principal course of study.

The purpose of this policy is to ensure States College meets the requirements of the Education Services for Overseas Students (ESOS) Act 2000 and Standard 7 of the National Code of Practice 2018 (The National Code) in respect of managing requests from international students who seek to transfer between CRICOS registered providers of education and training services (registered providers).

2. Scope

This policy applies to all current, prospective and future students of States College.

3. Definitions

Student: Student means any person enrolled as a candidate for a degree, diploma, or certificate or for any course of study offered by States College including non-award students

International student: Refers to an overseas student who is studying onshore in Australia on a student visa

eCOE: Refers to an electronic Confirmation of Enrolment. Defined in The National Code 2018 as a document, provided electronically to students, which is issued by States College to international students who intend to study onshore

CRICOS: The Commonwealth Register of Institutions and Courses for Overseas Students. Education providers who wish to provide education services to international students must be formally registered on CRICOS

ESOS Act: The Education Services for Overseas Students Act 2000

Statement of Release: A statement issued from a registered provider which confirms approval of a student's request to be released from that provider to study with another provider

Principal Course of Study: Is defined in The National Code 2018 as the "main course of study" that is, or is due to be undertaken by an international student. This is generally the final program or highest qualification in a package of courses

Registered Provider: An organisation that is registered as a provider of education and training services to international students on CRICOS

Transfer between Registered Providers: A request from a student to transfer from or to another CRICOS registered provider

4. Legislative Context

- National Vocational Education and Training Regulator Act 2011 (Cth)
- The ESOS Act 2000, ESOS Regulations 2001
- The National Code 2018
- Privacy Act 1988 (Cth)
- Equal Opportunity Act 1995

5. Policy

5.1 Student Request to Transfer from States College to another Registered Provider

5.1.1 An international student requesting a transfer from States College to another registered provider prior to completing six (6) calendar months of their principal course of study, must obtain approval from States College in the form of a request for a release. A release will not be required where:

- An international student has completed six months or more of their principal course of study. Where this is the case States College will approve the request to study with another registered provider without restriction; and
- The course for which the student has received an eCOE will not be offered by States College, and/or has been ceased to be registered on CRICOS.

5.1.2 In accordance with Standard 7 of The National Code 2018, and recognising student's right to exercise freedom of choice as consumers, as a principle, States College will grant a student's request to transfer to another provider, where it will not be of detriment to the student.

With a focus on student welfare and support, States College shall grant a release where;

- The student will likely be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after implementing the required intervention strategies to assist the student in accordance with Standard 8 (Overseas student visa requirements);
- There is evidence of compassionate or compelling circumstances;
- 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 registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives;
- States College is not able to deliver the course as outlined in the written agreement; or
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

States College considers the following factors as detrimental to the student, and therefore, as reasonable grounds for refusing a transfer request:

- The request is considered detrimental to the student's wellbeing;
- Where the student is transferring to the same or a similar course with another provider;
- The student has not started studying, or has studied with States College (attending and participating in the classes) for less than four (4) weeks and has not had an opportunity to experience the program of study, and/or the range of support services available at States College. In this situation States College will re-visit the issue within a timeframe negotiated with the student;

- The student has requested a transfer to a course with another registered provider that is considered by States College to be unsuited to student's academic capabilities, study plans or career aspirations. This includes where a student wishes to transfer from a higher-level qualification to a lower level qualification (e.g. from a diploma level courses to a certificate level course);
- The transfer may jeopardise the student's progression through a package of courses;
- The intended course will not provide adequate preparation for further study, and/or is not recognised by higher education or VET providers as meeting their entry requirements;
- States College forms the view that the student is trying to avoid being reported to the Department of Immigration and Citizenship (DIBP (Formally DIBP)) for failure to meet the academic progress requirements; or
- The student is indebted to States College (non-payment of fees or college dues) and/or has outstanding disciplinary issues.

States College may agree to approve a request for a release if the student can demonstrate that the transfer would be in their best interests. If issued, there will be no cost to the student in obtaining the letter. When finalised and accepted, changes to student enrolment will be updated in PRISMS.

5.1.3 Where appropriate States College will counsel students, to consider their personal or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within States College, and/or the recommendation of appropriate student support or study skills support as an alternative to the transfer. Where the student is eligible for a release, this will not affect their right to transfer.

5.1.4 As required by standard 7.2 of The National Code 2018, States College will only grant a release where the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made (i.e. a letter of offer). In addition to this States College requires the student to outline in writing their reasons for requesting a transfer to another registered provider.

5.1.5 Where States College grants a release, a release will be processed at no cost to the student, pursuant to standard 7.4 of The National Code 2018.

5.1.6 Where States College does not grant a student's request for a release, States College will provide written reasons for refusing the request. In accordance with Standard 10 of the National Code, the student will be informed of their rights of appeal against the decision. All appeals will be carried out in line with States College's *Complaints and Appeals Policy and Procedure*.

5.2 Student Request to States College from another Registered Provider

As outlined under Standard 7 of the National Code, States College will not actively recruit or enroll a student wishing to transfer from another registered provider's course prior to the student completing six (6) months of their principal course of study, except in limited circumstances. These are as follows;

- The original registered provider has provided an evidence of release, or
- The course in which the student is enrolled has ceased to be registered by another registered provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), or
- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course.

5.3 Education Agents

In accordance with Standard 4.6 of The National Code 2018, States College will not accept students from, or enter in to an agreement with an education agent, where it knows or suspects that the education agent has attempted to recruit a student where this conflicts with the obligations under Standard 7.

5.4 Fee Refunds

Where a student is granted a release, their entitlement to a refund of course fees will be assessed in accordance with States College's *Fee Refund Policy*.

6. Procedure

6.1 Procedure for assessing students wishing to Transfer IN to States College

- The Student Admissions Officer receives an application from a student who is onshore and who has indicated that they are currently studying at another institution.
- The Student Admissions Officer uses PRISMS to decide if the student has completed 6 months of their principal course. They also use the copy of the student visa in the passport to ascertain when they arrived in Australia.
- If they have, the application process proceeds as for all offshore students.
- If they have not, they are asked to provide an appropriate evidence of release as an evidence in support of their application. They can be provided with a "conditional" offer which clearly states that an offer of a place is contingent on their obtaining a release from their current provider. Note, if they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any release request.
- If such an evidence of release is received, it is verified by contacting the relevant institution, if satisfactory, the application proceeds as for all offshore applicants.
- If no satisfactory evidence of release is obtained from such students, the application process is halted, and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the six (6) month period has passed.
- Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no release evidence is required.

6.2 Procedure for assessing transfer applications from students wishing to transfer OUT of States College

- Students make a written request (e-mail is satisfactory) using *Request for a Release Form* to Student Support to transfer to another provider.
- The student is asked to provide a valid offer of enrolment from the new institution.
- With these documents sighted, the Student Admin Manager shall delegate Student Admissions Officer to assess the transfer request considering the following criteria:
 - The student requesting a transfer has an inaccurate understanding of what the transfer represents to their study options;
 - The student still owes States College course fees or other fees;
 - It is suspected that the student is seeking transfer only to avoid being reported to DE (Formally DET, DEEWR) for failure to meet academic progress requirements (SAO checks the relevant notes on student records);
 - The RTO considers this transfer to be detrimental to the student's interests;
 - The reasons stated for the request to transfer have not been adequate (Ref 5.1.2 above);
 - The transfer does not appear to be for the purpose of an educational or career-oriented benefit;
 - The course you have requested transfer to is the same as your currently enrolled principal course;

- The primary reason for a transfer request is for a different class schedule which is more suited to the student's current or anticipated work commitments; or
 - It appears the primary reason for a transfer request is to achieve or avoid a migration outcome.
- If the answers to all of the above statements is "No" and are satisfactory and in accordance with this policy, **the release will be granted at no charge to the student**. The student will also be advised of the need to contact DIBP (Formally DIBP) and obtain a new visa if the course they transfer to is not a Higher Education/VET course.
 - The Admissions Officer reports students' termination of studies through PRISMS.
 - If any of the answers to the criteria statements is "Yes", the release is not granted according to this policy and the Student Admissions Officer sends the student a *Release Denied*, the template for which is contained in States College document management system
 - If any of the answers to the criteria statements are unclear, they should be referred to the Campus Director by phone or email so the Campus Director can interview the student and gain a fuller understanding of the circumstances.
 - The Campus Director will make a recommendation to the CEO if they believe the request should be refused or alternatively grant the letter of release. The Executive Director will inform the student in writing of a negative outcome with reasons and indicate that the student may access the student appeal process as per college's *Student Complaints and Appeals Policy*.

7. Records

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions and copies of the release should be placed on student's file, and
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy of States College

States College will maintain records of all requests from students for a release and the assessment of, and decision regarding, the request on the student's file. All records will be kept for a minimum of two years from the date student has ceased to be an enrolled student (*Ref: Documents and Records Management Policy*).

8. Responsibility

Student Admissions Officer is responsible for verifying and maintaining a student's enrolment status on PRISMS.

Student Admin Manager is responsible for reviewing and approving all the requests and appropriate delegations for due diligence.

The Campus Director is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.

The CEO has overall responsibility for the implementation and review of this policy, including issuance of the release letters.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: ceo@states.edu.au

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