

OVERSEAS STUDENT TRANSFER POLICY

INTRODUCTION

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 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 JMD Business Institute Pty Ltd trading as State Institute of Training (SIT) 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).

DEFINITION

The principal course is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.

POLICY

SIT must not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the overseas student completing six months of their principal course of study, except in certain circumstances (school sector).

As the principal course of study is generally the final course of study covered by the overseas student's visa, transfer requirements apply to all courses of study prior to the overseas student's principal course.

STUDENT REQUEST TO TRANSFER TO SIT FROM ANOTHER REGISTERED PROVIDER

As outlined under Standard 7 of the National Code, SIT will not actively recruit or enrol 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 releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
- 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. This usually

applies where the overseas student's study in Australia is sponsored by the government of another country.

After completing six calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

STUDENT REQUEST TO TRANSFER FROM SIT TO ANOTHER REGISTERED PROVIDER

An international student requesting a transfer from SIT to another registered provider prior to completing six (6) calendar months of their principal course of study, must obtain approval from SIT 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 SIT 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 SIT, and/or has been ceased to be registered on CRICOS.

Granting release for student transfer

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, SIT 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, SIT will 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;
- SIT 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.

Grounds for refusing a transfer request

SIT 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 SIT (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 SIT. In this situation
- SIT 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 SIT 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;
- SIT forms the view that the student is trying to avoid being reported to the Department of Immigration and Citizenship for failure to meet the academic progress requirements; or
- The student is indebted to SIT (non-payment of fees or college dues) and/or has outstanding disciplinary issues.

SIT 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.

Where appropriate SIT will counsel students, to consider their personal or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within SIT, 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.

As required by standard 7.2 of The National Code 2018, SIT 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 SIT requires the student to outline in writing their reasons for requesting a transfer to another registered provider.

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

Where SIT does not grant a student's request for a release, SIT 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 SIT's Complaints and Appeals Policy and Procedure

PROCEDURE

FOR STUDENTS WANTING TO TRANSFER INTO SIT

- If SIT 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 completed 6 months, the application process proceeds as for all offshore students.
- If they have not completed 6 months, 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.
- 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.

FOR STUDENTS WANTING TO TRANSFER FROM SIT TO ANOTHER PROVIDER

- A students wanting to transfer from SIT must make a written request using Request for a Release Form.
- The student must also provide a valid offer of enrolment from the new institution.
- Upon receiving the above documents, the Student Admin Manager will assess the transfer request considering the criteria for granting the release and grounds for refusing release.
- Based on the above, if a decision is made to grant release,
 - The student will be informed about the outcome of the release application
 - the release will be processed on Provider Registration International Student Management System (PRISMS), a ‘How To’ guide is available at <https://prisms.education.gov.au/Information/ShowContent.ashx?Doc=How To ManageStudent Transfers in PRISMS.pdf>;
 - The release will be granted at no charge to the student
 - The student will be advised to contact the Department of Home Affairs to check whether a change in enrolment breaches a visacondition.
 - The student can refer to the Department of Home Affairs website at: <https://www.border.gov.au/Trav/Stud/More/Changing-courses>.
- If SIT intends to refuse a release, it must notify the overseas student in writing the reason for refusing the transfer request and the overseas student’s right to access the registered provider’s internalcomplaints and appeals process (in accordance with Standard 10) within 20 working days.

- If SIT intends to refuse a release, it must not finalise the overseas student's refusal status in PRISMS until:
 - any appeal against the refusal lodged by the overseas student is finalised and upholds SIT's decision not to release the student; or
 - the overseas student did not access SIT's complaints and appeals processes within 20 working days of being notified of the refusal; or
 - the overseas student withdraws their appeal against the refusal.

Records

SIT must maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.