

## PP10 TRANSFER OF STUDENTS BETWEEN PROVIDERS POLICY AND PROCEDURE

### PURPOSE

The purpose of this policy and procedure is to ensure compliance with Standard 7 of the National Code 2018 and the Education Services for Overseas Students (ESOS) Act 2000 for assessing and administering requests for a transfer between registered education providers.

### SCOPE

This policy and procedure applies to all staff of Southern Cross Education Institute who are involved in processing student requests for a transfer between registered education providers and to international students studying on a student visa, who request a transfer to another registered education provider.

### DEFINITIONS

SCEI	Southern Cross Education Institute
Student	Active, on-campus student with a current course of enrolment with Southern Cross Education Institute. Includes a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations
Compassionate	Family, medical or "well-being" reasons for supporting a transfer
Exceptional circumstances	Circumstances that are generally out of the control of the student, which affect their course progress or well-being
CoE	electronic Confirmation of Enrolment
ESOS	Education Services for Overseas Students (ESOS) Act 2000
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018
Principal course of study	As defined in the National Code, the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses and transfer requirements apply to all courses of study prior to the overseas student's principal course.
Registered education provider	An institution recommended by a designated authority for registration under the ESOS Act to provide a specified course in that state to overseas students; and the provider is registered by the Secretary of DEST on CRICOS.
Release letter	A letter authorising a student be released from one registered education provider so that they are able to enrol with another registered education provider

### POLICY

1. Southern Cross Education Institute will not knowingly enrol any transferring international student prior to the first six months of their principal course being completed unless:
  - 1.1. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS or
  - 1.2. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
  - 1.3. 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
  - 1.4. 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. International students requesting a transfer from SCEI to another registered education provider prior to completion of the first six months of their principal course of study must request approval to transfer by completing the student request form and provide a valid enrolment offer from another registered provider.

3. Application for transfer will be assessed and an outcome provided to the student within 10 working days of receipt of the application by Student Welfare.
4. As required by the National Code), before a Release Letter is approved and issued, the student must present a valid letter of offer of enrolment with the receiving registered education provider.
5. In accordance with the National Code), SCEI will grant the release because the transfer is in the overseas student's best interests, including but not limited to:
  - 5.1. The overseas student will be reported because they are unable to achieve satisfactory course progress at the current course of enrolment, even after the intervention strategy was implemented to assist the overseas student in accordance with Standard 8.
  - 5.2. there is evidence of compassionate or compelling circumstances
  - 5.3. SCEI fails to deliver the course as outlined in the written agreement
  - 5.4. there is evidence that the overseas student's reasonable expectations about their current course are not being met
  - 5.5. there is evidence that the overseas student was misled by the SCEI or an education or migration agent regarding the SCEI or its course and the course is therefore unsuitable to their needs and/or study objectives
  - 5.6. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
6. In cases where the release is granted, it will be at no cost to the overseas student (unless the student has not meet the financial obligations to SCEI for the current study period) and SCEI will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.
7. In cases where the release is refused, SCEI will inform the overseas student in writing of:
  - 7.5.1 the reasons for the refusal
  - 7.5.2 the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
8. The submission of a request to transfer to another registered education provider by an international student does not preclude the international student from maintaining adequate course attendance and satisfactory course progression and therefore meeting their student visa conditions.
9. SCEI will issue warning letters and/or report students to DIBP who do not maintain adequate attendance or course progression, which may have implications for visa status.
10. SCEI not finalise the student's refusal status in PRISMS until:
  - 10.1. the appeal finds in favour of the SCEI, or
  - 10.2. the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or
  - 10.3. the overseas student withdraws from the process.

## PROCEDURE

### 1. Students requesting a transfer to SCEI from another provider

- 1.1. Where a student contacts SCEI seeking to transfer prior to completion of the first six months of their principal course, SCEI will access PRISMS to:
  - 1.1.1. verify if the student has or has not completed six months of their principal course of study; and
  - 1.1.2. confirm the student's date of arrival in Australia; and
  - 1.1.3. confirm the code and title of the principal course of study.
- 1.2. A copy of the PRISMS record will be printed and attached to the students FOR24 Application to Study form.

- 1.3. If the student's principal course of study exceeds six months, the application will be processed as per PP04 Enrolment Policy and Procedure.
- 1.4. Where a student has not completed six months of their principal course of study, the student is required to provide a Release from their current education provider via PRISM.
- 1.5. SCEI may issue a LET01 Conditional Letter of Offer to Transfer, which will clearly state that an offer of a place of admission is subject to providing a Letter of Release from their current education 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 Letter of Release.*

- 1.6. If the student is unable to provide a Letter of Release as per the LET01 Conditional Letter of Offer to Transfer, then the Offer will be withdrawn and the student will be notified in writing.
- 1.7. If the student is under the age of 18:
  - 1.7.1. evidence must be provided by the student for parental or guardian consent to the transfer to SCEI; and
  - 1.7.2. SCEI must ensure arrangements are made for the student's accommodation, support, welfare where the student is not living with a parent or legal guardian.
- 1.8. If the student is unable to provide a Letter of Release from their current education provider, their FOR24 Application to Study will be declined and the student will be advised in writing as the reasons why.
- 1.9. If a student submits an FOR24 Application to Study form where their current education provider has ceased to be registered or sanctions have been placed on the education provider, then a Letter of Release is not required. Evidence of this situation must be obtained and attached to the students completed FOR24 Application to Study form

## **2. Students requesting a transfer from SCEI to another provider**

- 2.1. The student is required to complete FOR06 Application to defer, suspend or cancel enrolment form, which is available from reception.
- 2.2. The student must provide the following information and supporting documentation with the FOR06 Application to defer, suspend or cancel enrolment form:
  - 2.2.1. A copy of a valid Letter of Offer from the receiving registered education provider
  - 2.2.2. A statement describing the reasons for requesting a transfer
  - 2.2.3. Where extenuating circumstances or compassionate grounds are documented as reasons for the transfer the student is required to provide evidence to support the claims from qualified counsellors, psychologists or medical practitioners.
- 2.3. The completed FOR06 Application to defer, suspend or cancel enrolment form and supporting documentation is submitted to Student Welfare.
- 2.4. The Student Welfare Officer will assess the application as well as:
  - 2.4.1. Liaise with the Accounts Department to determine if the student has any outstanding tuition fees
  - 2.4.2. Meet with the student to discuss the application and reasons for the transfer
- 2.5. The Student Welfare Officer must consult with the Campus Manager before any request for a transfer within the first six months of course commencement in their principal course of study is approved or denied.
- 2.6. SCEI may issue the international student a Release Letter if a transfer within the first six months of commencing their principal course of study as outline above in the point 5.

- 2.7. An application to transfer to another registered education provider may be refused in the following circumstances:
- 2.7.1. The student has not provided a valid Letter of Offer from the receiving registered education provider; or
  - 2.7.2. The student does not provide adequate evidence to support their reasons for the transfer; or
  - 2.7.3. The student has not commenced their principal course of study for which they have a CoE; or
  - 2.7.4. The student has not accessed or engaged with Student Welfare to discuss their circumstances; or
  - 2.7.5. The student has outstanding fees owed to SCEI; or
  - 2.7.6. If the student is under 18 and there is no written evidence that his or her parent or legal guardian supports the transfer, or
  - 2.7.7. There is no written confirmation that the receiving provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements.
- 2.8. The Student Welfare Officer will document the outcome of the application on the FOR06 Application to defer, suspend or cancel enrolment form and the reasons for the decision.
- 2.9. If the request is granted, the Student Welfare Officer will within 48 hours of receiving a complete application:
- 2.9.1. issue a Release to the student via PRISM, at no cost to the student; and
  - 2.9.2. advise the student to contact DHM to seek advice if a new student visa is required; and
  - 2.9.3. cancel the student's enrolment via PRISMS.
- 2.10. If the request to transfer is denied, the Student Welfare Officer must inform the student via email noting the decision, the reasons for the decision, the factors taken into consideration and how the student's individual circumstances were considered. The student should be advised to make an appointment with the Student Welfare Officer to discuss the decision and study options.
- 2.11. The student must be advised they can access the PP11 Complaints and Appeals policy and procedure at anytime
- 2.12. All transfer requests, supporting documentation, decisions and a copy of the Letter of Release will be filed in the student administration file and uploaded into the logbook with a journal entry of the student management system.
- 2.13. The issuance of a Release does not indicate the agreement to provide a refund of fees and charges. The refund of any fees and charges is governed by PP05 Refund and Outstanding Tuition Fee Policy and Procedure.

### RELATED DOCUMENTS

FOR06 Application to defer, suspend or cancel enrolment form  
FOR24 Application to Study form  
LET01 Conditional Letter of Offer to Transfer  
LET02 Letter of Release  
PP05 Refund Policy and Procedure  
PP11 Complaints and Appeals Policy and Procedure

### LEGISLATIVE CONTEXT

National Code of Practice for Providers of Education and Training to Overseas Students 2018; Standard 7

### RESPONSIBILITIES

International Students are responsible for:

- reading and understanding this policy and procedure prior
- completing and submitting a valid the Transfer Request form and providing all necessary documentation in support of the Transfer Request, and

Student Welfare Officers are responsible for:

- reading and understanding this policy and procedure
- providing assistance and support the students requesting a transfer
- assessing and recording the outcome of the transfer request in a timely manner
- responding to the student in writing when a decision has been made
- recording and filing all information in relation to this policy and procedure

Campus Manager is responsible for:

- reading and understanding this policy and procedure
- providing assistance and support to Student Welfare Officers in assessing and reaching a decision on transfer requests

<b>Author</b>	Compliance Manager
<b>Approved by</b>	Chief Executive Officer
<b>Effective date</b>	3 January 2018
<b>Version</b>	6.2
<b>Review date</b>	January 2020