

## Transfer Between Registered Providers Policy and Procedures

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References and Legislation	Education Services for Overseas Students Act 2000 (Cth); The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code) The Privacy Act 1988 (Cth)		
Related Documents	Monitoring Student Course Progress and Course Duration Policy and Procedures Attendance Policy and Procedures. Complaints and Appeals Policy and Procedures Overseas Student Support Policy and Procedure		
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### 1. Purpose

The purpose of this policy and procedure is to assist English Language School in Sydney (EL SIS) staff and students with the legislative requirements for overseas students transferring between registered providers as they relate to Overseas Student Visas in Australia.

### 2. Scope

This Policy applies to EL SIS staff, and students enrolled in, and studying at EL SIS under Student Visa Conditions. This Policy articulates the procedures, monitoring, recording and reporting, via PRISMS, of overseas students' transfers between registered providers as they apply to international students in compliance with the ESOS ACT, ESOS Regulations, National Code, Migration Act and Migration Regulations.

### 3. Policy

#### 3.1 Student Transfer Between Registered Providers

The Policy and Procedures relating to the grounds for, the assessment, approval/rejection and recording of applications for transfer of international students to and from another registered

provider, ensure the overall integrity of the management of students in relation to Overseas Student Visa requirements.

#### **4. Transfer of Students Enrolled in ELSIS**

4.1 An international student enrolled in a packaged sequence of courses with ELSIS and its associated providers can freely transfer to another provider and does not need to apply for a Letter of Release:

- if they have completed six calendar months or more of their Principal Course.
- or if the student is a government sponsored student and the sponsor has provided written approval for the transfer as being in the student's best interests.
- or if the course for which the student has received a COE will not be offered by the registered provider.

**NOTE:** The start date for calculating the six calendar months of an ELSIS student's Principal Course is the enrolment date stated on the COE for that course.

4.2 An international student enrolled in a packaged sequence of courses with ELSIS wishing to transfer to another registered provider before completing six calendar months or more of their Principal Course can do so only if they apply for and receive a Letter of Release.

4.2.1 An international student enrolled in a packaged sequence of courses with ELSIS who applies for a release to transfer to another registered provider before completing six calendar months or more of their Principal Course, will be provided with a Release Letter if the student has presented genuine Letters of Offer for an equivalent package of CRICOS registered courses from a CRICOS registered provider/s which:

- stipulates an enrolment date and/or commencement date which falls after the date upon which the application is made and the letter received.
- leads to an AQF qualification equivalent to that provided by the student's current Principal Course.

**NOTE:** The start date for calculating the six calendar months of an ELSIS student's Principal Course is the enrolment date stated on the COE for that course.

4.2.2 Where a student has taken a break from their studies due to a deferment or leave of absence, the break period is not counted when determining whether or not the student has completed six calendar months of their Principal Course.

#### **5. Principal Course of Study**

5.1 The Principal Course of Study: is the course in which a student is enrolled if that course is a stand-alone enrolment or the final course of study providing the highest Australian Qualifications Framework (AQF) qualification in a sequenced package of courses for which an international student visa has been granted, including Streamlined Visa Processing (SVP) packages.

5.2. Where the sequenced package of courses is offered by a number of associated registered providers the Principal Course is defined as the course leading to the highest AQF qualification in the

sequence, not as the course leading to highest provided by each of the providers in the visa related sequenced package.

5.1.2 Progression from each course to the next of the sequenced package is generally dependent on the successful completion of that course as a prerequisite for the next, through to the final or Principal Course.

## **6. Applications for a transfer to another registered provider and Letter of Release will be assessed on a case by case basis.**

6.1 ELSIS will assess and respond to all written requests to transfer within ten working days from the date that the application is received by Student Services and at no cost to the student.

6.1.1 Where a student is granted a Letter of Release, their entitlement to a refund of course fees will be assessed in accordance with ELSIS's International Student Refund Policy, published in each student's Letter of Offer, in the ELSIS Student Handbook, and on the ELSIS Website.

### **6.2 A Letter of Release may not be granted to international students in the following circumstances:**

- The transfer is considered detrimental to the student's safety or their study or personal goals.
- The course from which the student is seeking a transfer is one of sequenced packages with a principal course for which the student has not been provided a Letter of Release.
- The student has not commenced any program of study with ELSIS or has studied for less than four weeks and has not taken the opportunity to experience the program of study or the range of support services available.
- The student wishes to transfer to a lower-level qualification in the same disciplinary area as their present course, or to a principal course with a lower level of qualification.
- The transfer may jeopardies the student's progression through a package of courses to their principal course if a Letter of Release has not been provided for that principal course.
- The student has unpaid tuition fees owing to ELSIS.
- **and/or** the student is attempting to avoid being reported to the Department of Immigration and Border Protection for failure to meet a condition of their student visa.

6.2.1 In the event of a Letter of Release not being granted, ELSIS will:

- provide written reasons for the refusal to the student.
- inform the student of their right to lodge an Internal Appeal against the decision.

**7. ELSIS will seek to provide assistance for students experiencing difficulties.** Such counselling may identify appropriate student support or study skills support as an alternative to a transfer.

7.1 Where appropriate, ELSIS will offer counselling and seek to provide assistance for students experiencing:

- Academic problems.
- Financial difficulties.
- Personal difficulties.
- Adjustment problems.

7.2 In considering whether or not an ELSIS student transfer to an identified registered provider would be in the student's best interests, genuine reasons may include, but are not limited to:

- A demonstrated inability to find suitable accommodation close to their main study campus.
- The course is not suited to the student's study or personal goals, and this is verified by the ELSIS Student Welfare Coordinator.
- The transfer represents clear educational progression.
- The student demonstrates academic difficulties in their current course.
- Medical, including psychological, reasons verified by a registered medical practitioner, psychologist or qualified counsellor/social worker
- Other compassionate or compelling reason/s.

## 8. Transfer to ELSIS of Students Enrolled with Another Registered Provider

8.1 ELSIS will not seek to recruit international students enrolled with another registered provider if they have not completed at least six calendar months of study of their Principal Course.

8.2 An international student enrolled in a packaged sequence of courses with another provider who applies for a position in ELSIS course/s, will not be issued with a Letter of Offer unless the application is for enrolment in a packaged sequence with an equivalent Principal Course AQF qualification:

- **and** the student has completed at least six calendar months of their Principal Course with the registered provider of that course,
- **or** where the student has not completed at least six months' study in their Principal Course, the registered provider of the course in which they are enrolled has issued a Letter of Release to the student,
- **or** the course in which the student is currently enrolled has ceased to be registered on CRICOS,
- **or** the registered provider of the course in which they are enrolled 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
- **or** a government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

## 9. Procedures

9.1 When a student indicates, to a teacher or to Student Services, a desire to transfer to another registered provider they will be referred to the ELSIS DOS or ADOS for initial counselling and academic advice, with a view to:

- ensuring the student is fully aware of ELSIS courses, options and policies and procedures relating to student transfers.
- providing support for the student to fulfil his/her COE commitments.

9.2 If the student is not satisfied and intends to proceed with an application for transfer to another registered provider the DOS or ADOS will refer the student to the the ELSIS Sales Manager. This procedure is undertaken to:

- identify any unresolved problems and issues
- provide strategies to address and resolve those problems and issues.

- provide the student with a full understanding of their options, ELSIS policies and procedures relating to applications for transfer, and refund of pre-paid fees.

9.3 If the student intends to proceed with their Application for transfer they will be referred to the Student Services Officer to submit a formal Application and the related documentation.

9.3.1 Upon receipt of the Application and documentation the Student Services Officer will assess the Application against the ESOS 7 transfer requirements.

9.3.2 If a transfer is approved the Student Services Officer will prepare a Release Letter and send it to the applicant at no cost to the student within 10 working days.

9.3.3 The Release Letter will invite the student to make an application for an International Student Refund of Tuition Fees by submitting a completed International Student Refund Application Form to Student Services.

9.3.4 Upon receipt of a completed International Student Refund Application Form, the student's entitlement to a refund of course fees will be assessed by the ECA Accounts department in accordance with ELSIS's International Student Refund Policy, published in each student's Letter of Offer and on the ELSIS Website.

9.3.5 If an application for Transfer is rejected, Student Services will send the student a letter of rejection providing the reasons for the rejection and informing the student of their right to lodge, and the means of lodging, an Internal Appeal against the decision.

## **9.5 Student Appeal**

9.5.1 Should an Internal Appeal be submitted; it will be processed in accordance with established ELSIS Policies and Procedures for Complaints and Appeals (see ELSIS Complaints and Appeals Policy and Procedures). The student will be sent the outcome of their Appeal, and reasons for that outcome.

9.5.2 Should the Internal Appeal be rejected the student will be informed of their right to submit an External Appeal to the International Students' Ombudsman and be given information on how to submit such an Appeal.

9.5.3 The outcome of any External Appeal will be conveyed to the student and ELSIS will comply with such findings.

## **10. Documentation**

10.1 Records of all requests from students for a transfer and Letter of Release plus the assessment of, and decision regarding, the request are placed in the student's file and RTO Diary.

10.2 All records relating to student applications for transfer and refunds, and any related Internal and External Appeals will be placed in the student's file and RTO Diary