

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		
Version	Change description	Approved	Effective Date
3.0	Reviewed and updated	Principal Executive Officer 11/11/2020	11/11/2020
3.1	Reviewed and updated to ensure alignment with the National Code 2018	Principal Executive Officer 14/05/2021	21/05/2021

1. Definitions

Definitions	Meaning
Course	A full-time registered program of education or training registered on CRICOS for the attainment of a testamur or certificate. Defined as course in the ESOS Act.
DHA	The Department of Home Affairs
Expected Duration	The duration of the course as registered on The Australian Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The expected duration for overseas students should not differ from the expected duration for domestic students.
International Student	A person who holds an Australian Student Visa, and is an 'overseas student' as defined by the ESOS Act.
Intervention Strategy	Any documented action targeted at addressing the needs of an 'at risk' student.

Program	A full-time registered program of education or training registered on CRICOS for the attainment of a testamur or certificate. Defined as course in the ESOS Act.
Principal Course	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.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to DIBP and the Secretary of DE by registered providers.
SCV	Student Course Variation Report Options.
Student	A person who holds an Australian Student Visa and is an 'overseas student' as defined by the ESOS Act.
SVP	Streamlined Visa Processing arrangements.

2. 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.

3. Scope

This Policy applies to ELSIS staff and students enrolled in and studying at ELSIS 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.

4. Policy

4.1. Principal Course of Study

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.

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.

Where a number of associated registered providers offer the sequenced package of courses, the Principal Course is defined as the course leading to the highest AQF qualification in the sequence and not as the course leading to the highest provided by each of the providers in the visa-related sequenced package.

4.2 Students Applying for Entry to ELSIS

EL SIS 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.

If an international student enrolled in a packaged sequence of courses with another provider (other providers) applies for a position in ELSIS course/s, that student 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.

4.3 Students Applying for Transfer from ELSIS

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

- they have completed six calendar months or more of their Principal Course; or
- the student is government-sponsored, and the sponsor has provided written approval for the transfer as being in the student's best interests; or
- the registered provider will not offer the course for which the student has received an eCoE.

The start date for calculating the six calendar months of a student's Principal Course is the enrolment date stated on the eCoE for that course with that registered provider.

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.

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.

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

If an international student enrolled in a packaged sequence of courses with ELSIS applies for a release to transfer to another registered provider before completing six calendar months or more of their Principal Course, a Release Letter will be provided 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, and for which
- leads to an AQF qualification equivalent to that provided by the student's current Principal Course;
- the student has a Release Letter from the provider of their Principal Course if that provider is not ELSIS; and
- the student has demonstrated a genuine reason for the need to transfer, and the requested transfer is determined to be in the student's best interests; or
- the course in which the student is currently enrolled, or the principal course has ceased to be registered on CRICOS; or
- a sanction has been imposed on the registration of the provider of the principal course by the Australian Government or state or territory government that prevents the student from progressing to 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; or
- the overseas student will be reported as they are not able to achieve satisfactory course progress despite ELSIS intervention strategy to assist the student in accordance with Standard 8 (Overseas student visa requirements); or
- there is evidence that the student's reasonable expectations about their current course are not being met; or

- ELSIS or its' agents have misled an overseas student about their current course, which does not suit their needs or objectives; or
- an appeal (either internal or external) has recommended releasing an ELSIS student on a different matter.

In considering whether or not a 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 the ELSIS Student Welfare Coordinator verifies this;
- 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 listed in Appendix 1.

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 the student is seeking a transfer from is one of a sequenced package 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 jeopardise 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.

Where appropriate, ELSIS will offer counselling to students experiencing academic, financial, and/or personal difficulties and assist students experiencing adjustment problems. Such counselling may identify appropriate student support or study skills support as an alternative to a transfer.

ELSIS will assess and respond to all written requests to transfer in accordance with these policies and procedures within ten working days from the date that Student Services receives the application.

4.4 Letter of Release

When a Letter of Release is provided, this will be issued at no cost to the student. The student is also asked to contact the Department of Home Affairs to inform them of their transfer of provider and seek advice on whether a new Student Visa is required. It is the student's responsibility to ensure that they comply with the conditions of their Student Visa.

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.

In the event of a Letter of Release not being granted, ELSIS will provide written reasons for the refusal to the student and inform the student of their right to lodge an Internal Appeal against the decision in accordance with ELSIS' Complaint and Appeals Policy & Standard 10 (Complaints and Appeals), within 20 working days.

EL SIS will not record the student's refusal status in PRISMS until one of the following conditions are met:

- The appeal is decided in favour of ELSIS stance on the release refusal,
- The overseas student has decided not to go through complaints and appeal processes within the 20 working days given period,
- The overseas student notifies the provider of withdrawal from the process.

Records of all requests from students for a transfer and Letter of Release and the assessment of, and decision regarding, the request is placed in the student's profile electronically. The data will be saved for at least 2 years from the day the student's active status has ceased.

4.5 Procedures for Processing Student Applications

EL SIS procedures for processing student applications for release from their ELSIS course to transfer to another registered provider before they have completed six months or more of study in their principal course are designed to ensure compliance with the above policies.

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, to ensure the student is fully aware of ELSIS courses, options and policies, and procedures relating to student transfers; and to providing support for the student to fulfill his/her CoE commitments.

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 to the ELSIS Sales Manager to identify any unresolved problems and issues and strategies to address and resolve those problems and issues. The Sales Manager will provide the student with a full understanding of their options and ELSIS policies and procedures relating to transfer applications and the refund of pre-paid fees.

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.

Upon receipt of the Application and documentation, the Student Services Officer will assess the Application against the established criteria presented in Table 1 below.

Table 1: Criteria Checklist for Transfer Applications

Criteria	Assessment	Action
Are Letter/s of Offer from the new provider/s attached?	YES / NO	If NO Refuse
Is the Letter of Offer principal course AQF equivalent to the current principal course qualification?	YES / NO	If NO Refuse
If the current course is part of a Package, has a Release Letter from the principal course been issued & attached?	YES / NO	If NO Refuse
Is the Letter of Offer for courses in a different occupational area than the present CoE?	YES / NO	If NO Refuse
Is the Letter of Offer for courses more relevant to the student's career path?	YES / NO	If NO Refuse
Has the student paid all Fees and Charges?	YES / NO	If NO Refuse
Are the students Attendance and Academic Progress Satisfactory?	YES / NO	If NO Refuse
Are there other Compassionate and Compelling circumstances?	YES / NO	If NO Refuse

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.

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

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

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.

If an Internal Appeal is submitted, it will be processed in accordance with ELSIS's Complaints and Appeals Policy and Procedures.

The student will be sent the outcome, and reasons for that outcome, of their Appeal. Should the Internal Appeal be rejected, they will be informed of their right to submit an External Appeal to the International Students' Ombudsman, with information on how to submit such an Appeal.

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

All records relating to student applications for Transfer and Refunds and possible Internal and External Appeals will be placed in the student's file.

4.6 Compelling and Compassionate Circumstances

Building on definitions in *The National Code*, ELSIS defines **Compassionate and/or Compelling Circumstances** as those which are generally beyond the control of the student and which have an adverse impact on the student's capacity and/or ability to:

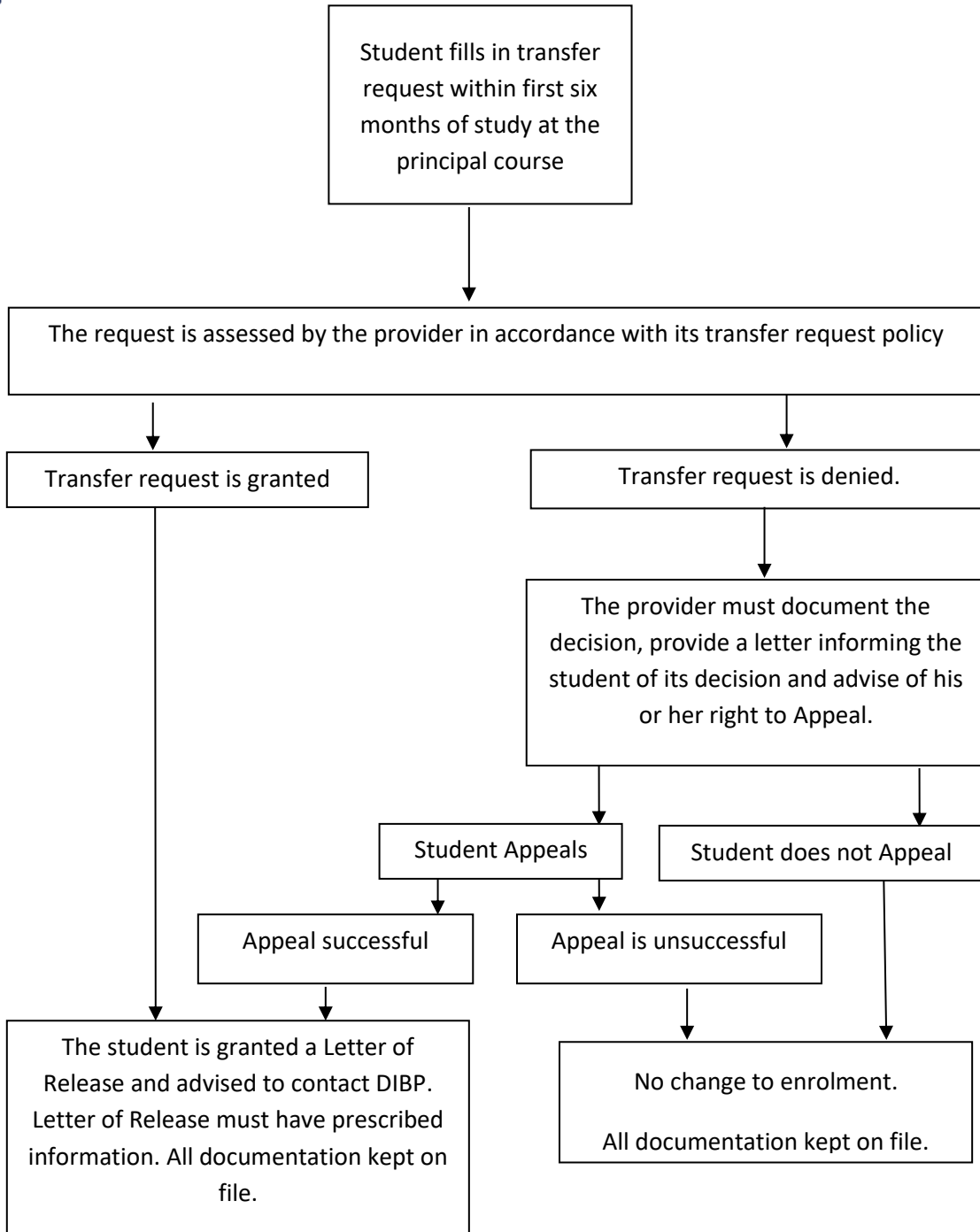
- commence their course on the scheduled start date, but within two weeks of that date, or to
- attend scheduled classes for a significant period of time during the Term.

Such circumstances include:

- the late issue of a student's visa and consequent delay in travel to Australia
- serious illness or injury, where a medical certificate states that the student was unable to attend classes before the day of arrival
- bereavement of close family members such as parents or grandparents (where possible, a death certificate should be provided)

- the student recently giving birth or a student's partner recently giving birth, thus preventing commencement on the published start date (supported by the birth or doctor's certificate)
- major political upheaval or natural disaster in the home country preventing their departure for Australia or requiring their emergency travel to their home country for the time of their absence
- a traumatic experience which could include but is not limited to:
 - witnessing or involvement in an accident; or
 - witnessing or being the victim of a crime

and which has impacted on the student's ability to commence classes on the start date and/or attend scheduled classes (police or psychologists' reports must support these cases).



APPENDIX 1: Transfer Between Registered Providers Flowchart: