



TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

POLICY NUMBER: GCA-S7-P2

DATE OF APPROVAL: 01/02/15

PURPOSE

This policy describes the requirements for International Students transferring from one provider to another in accordance with Standard 7 National Code.

Definitions:

Principal course of study is the student's main course of study leading to the highest qualification on the student's current visa. If the student is on a packaged course, the course leading to the highest qualification will be the student's principal course and the restriction will apply to the first 6 months of that course and any packaged course before it.

Guidelines and references:

- National Code Standard 7
- National Code 5 and 8

POLICY

Under this policy Group Colleges Australia will not knowingly enrol any transferring international student prior to completion of 6 months of their principal course unless:

- the original provider has ceased to be registered, or the course in which the student is enrolled in ceases to be registered.
- the student has a valid letter of release from the other provider agreeing to such a transfer.
- the original provider has had a sanction imposed on its registration by the Australian and/or State Governments that prevents the student from continuing their principal course.
- the government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

Group Colleges Australia will support the intent of Standard 7 of the National Code 2007 which recognises overseas students as consumers and supports their option to exercise choice, whilst acknowledging that as a group that requires support in transition to study in Australia individual circumstances may need to be considered.

Where a decision has been made to release the student, Group Colleges Australia will provide a letter of release at no cost to the student and advise the student of the need to contact DIBP to seek advice on whether a new student visa is required.

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Group Colleges Australia will ensure this policy is available to both staff and students on GCA's Student Information System (MyGCA).

Group Colleges Australia will not enrol an overseas student who has already been enrolled in the same course unless the student has not completed the relevant course and the registered provider has given a letter of release to the student for the relevant course.

Group Colleges Australia may enrol a student if they have documentation that approximates the letter of release (e.g. the student has evidence their CoE was conditional on meeting certain entry requirements and they did not meet the requirements or a CoE cancellation is provided). Group Colleges Australia will note this in myGCA and keep the documentation on the student's file. A student wanting a CoE for the purposes of applying for a new visa is not considered to be a circumstance that would constitute an approximation of a letter of release.

Provider obligations under Standard 1.3 and 4.3.a National Code

Under Standards 1.3 National Code, Group Colleges Australia will not actively recruit a student where this clearly conflicts with its obligations under Standard 7 National Code. Furthermore, under Standard 4.3.a National Code Group Colleges Australia will not accept students from or enter into an agreement with an education agent where it knows or suspects that the education agent has deliberately attempted to recruit a student where this clearly conflicts with the obligations of providers under Standard 7 National Code.

Transferring away from Group Colleges Australia

If a student wishes to transfer away from Group Colleges Australia, Group Colleges Australia assess the application and if decided will provide a letter of release unless the students has failed to provide a letter from another registered provider confirming that a valid enrolment offer has been made.

In situations where students are eligible for a Letter of Release, Group Colleges Australia will provide such a letter within 5 working days of receiving a written request.

Circumstances in determining release

The policy will ensure students' individual circumstances are considered in order to determine if the transfer will be to the detriment of the student.

Circumstances for which transfer may be may considered include:

- If the course the student wishes to transfer to:
 - *f*better meets the study capabilities of the student
 - *f*better meets the long term goals of the student, whether these relate to future work, education or personal aspirations,
 - a different provider in another state
- If the student wishes to change course in order to get access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network)

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- If the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met.

Factors that may be considered to the student's detriment, but which should be considered in light of the student's individual circumstances and a broader range of factors, such as those outlined above, include:

- If the transfer may jeopardise the student's progression through a package of courses,
- If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student (it is good practice to revisit the issue within a timeframe negotiated with the student), and
- If the student is trying to avoid being reported to DIBP for failure to meet the provider's attendance or academic progress requirements.

Refusing to provide a letter of release

Group Colleges Australia will not give a student a letter of release unless the student shows them a valid letter of offer of enrolment from another provider.

When a request for release is refused, the student will be provided with a written response stating the reason for the refusal.

The student will be given advice in writing that it is possible to appeal the decision if the student so chooses (Standard 8 National Code).

Students withdrawing from a course

If a student withdraws from a course the ESOS Act requires that the provider advise the Department of Education, Employment and Workplace Relations (DEEWR) through PRISMS within 14 days. This information is transmitted to the Department of Immigration and Border Protection (DIBP) and has implications for the student's visa.

Refund of Fees

If a student transfers to another provider, any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.

This policy details the procedures for assessing applications to transfer within this period.

PROCEDURE FOR ASSESSING STUDENTS WISHING TO TRANSFER TO GROUP COLLEGES AUSTRALIA

1. Group Colleges Australia receives an application from a student who is "on-shore" and who has indicated that they are currently studying at another institution.
2. Group Colleges Australia will assess the individual situation and will not enrol any transferring international student prior to completion of 6 months of their principal course unless:

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- the original provider has ceased to be registered or the course in which the student is enrolled in ceases to be registered.
 - that student has a valid letter of release agreeing to such a transfer or an approximation to a letter of release (coe cancellation)
 - the original provider has had a sanction imposed on its registration by the Australian and/or State Governments that prevents the student from continuing their principal course.
 - Any government sponsor of the student considers the change to the student to be in the student's best interest and has provided written support for that change.
3. Group Colleges Australia will use PRISMS to decide if the student has completed 6 months of their principal course. It will also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.

If valid criteria have been met the application process will proceed as for all off-shore students. If it hasn't been met the student must be asked to provide an appropriate "letter of release" in support of their application.

Students can be provided with a "conditional" offer which clearly states that an offer of a place is contingent on their obtaining a letter of release. If students 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.

If a letter of release is received as per above and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all off-shore applicants.

If no satisfactory letter of release is obtained from such students, the application process is halted and the student is informed that they are unable to transfer at this time. A student is able to re-activate their application when the 6 month period has passed.

Note: 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 letter of release is required.

PROCEDURE FOR ASSESSING TRANSFER APPLICATIONS FROM STUDENTS WISHING TO TRANSFER AWAY FROM GROUP COLLEGES AUSTRALIA

1. Students make a written request (e-mail is satisfactory) to Group Colleges Australia to transfer to another provider.
2. The student is asked to provide a valid offer of enrolment from the new institution.
3. With the valid offer of enrolment, Group Colleges Australia will assess the transfer request considering the following questions:
 - Does the student have any outstanding fees payable? (if they do, these must be paid before a letter of release can be provided)
 - Is the student fully aware of the study issues involved in the transfer?
 - Is the student simply trying to avoid being reported to DIBP lack of course progress or poor attendance?

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4. If the answers to the above are satisfactory and in accordance with policy, the letter of release will be granted at no charge to the student. The student will also be advised of the need to contact DIBP to determine if they need to obtain a new visa or CoE.
5. Group Colleges Australia report students' termination of studies through PRISMS.

If any of the answers are unclear, the Student Services Manager will interview the student to gain greater understanding of the circumstances.

The Student Services Manager will make a recommendation if they believe the request should be refused. Alternatively they will recommend the letter of release.

Group Colleges Australia will inform the student in writing of a negative outcome with reasons and indicate that the student may access the student appeal process as detailed in the Student Handbook if they seek a review.

Notes:

- 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 letters of release should be placed on the student's file.
- 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 independent of this policy.

This policy is reviewed every year at the beginning of the calendar year by the Marketing Director.

ACKNOWLEDGEMENTS

National Code

<https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ESOSNationalcode-PartD.aspx>

ESOS Act The Education Services for Overseas Students Act 2000

<https://www.aei.gov.au/regulatory-information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOS-Act/Pages/default.aspx>

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