



International  
College

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# Transfer of Students between Providers Policy & Procedure

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HIC Policy Number  
STUD022

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CRICOS Number 02790D  
Provider Number 21838

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# Hays International College

CRICOS Number 02790D

Provider 21838



## 1. Purpose of policy

This policy ensures that Hays International College adheres to the ESOS National Code Standard 7 restricting students from transferring to another provider before completing 6 months of their principal course of study unless certain conditions are met.

A cancellation of a Confirmation of Enrolment (CoE) does not mean that the student has been release from the previous registered provider.

## 2. Responsibility

The PEO is responsible for the implementation of this Policy and procedure and to ensure that all staff are aware of its application and implementation requirements. Students are also informed of this policy and procedure at their pre-enrolment, enrolment and orientation.

## 3. Key Features

### Letter of release

As of 1 January 2018, releases under Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 must be recorded in PRISMS by the releasing provider. Providers have the ability to record releases and the refusal of releases in PRISMS for any of their transfer restricted enrolments in a student's visa transfer restriction period. When a provider releases a student from their transfer restricted enrolment, it allows a new provider to enrol the student without breaching Standard 7.

The release must be recorded in PRISMS before a provider allows a student to transfer. This change allows the relevant parties to know which students have been released by their providers, and conversely the providers who are transferring students without the required releases. Previously the receiving provider is responsible for correctly identifying the provider they need a release from, or even if a letter release is required at all when attempting to transfer a student within their restricted transfer period. PRISMS will no longer rely on receiving providers correctly identifying whether they need releases from the releasing (original) providers, and from whom they need releases. Where a receiving provider attempts to approve a CoE for a student within their restriction period, and the new enrolment 'clashes' with one or more 'transfer restricted' enrolments, the provider will be warned that the required releases have not been obtained and dates of the clashes will be shown. In this scenario, the student will be required to request releases from their visa pathway providers as necessary to allow their next enrolment to be approved

### When an overseas student requires a release to transfer

Generally, overseas students cannot transfer between registered providers prior to completing six calendar months of their **principal** course.

The principal course is the main course of study to be undertaken by an overseas

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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.

This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.

For an overseas student to transfer before completing six months of their principal course, the overseas student must either obtain a release from their registered provider, or meet one of the following conditions:

- 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.

According to National Code 2018-7.2.2 circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:

- 7.2.2.1 the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
- 7.2.2.2 there is evidence of compassionate or compelling circumstances
- 7.2.2.3 the registered provider fails to deliver the course as outlined in the written agreement
- 7.2.2.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met
- 7.2.2.5 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
- 7.2.2.6 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

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The HIC Transfer of Student Policy and Procedure is divided into two sections.

**Section A** addresses students wanting to transfer from another Australian education provider to Hays International College, and

**Section B** deals with students wanting to transfer to another Australian education provider.

## **Section A:-Students Transferring to HIC from another Australian Education Provider**

- This section of the policy is to ensure that HIC does not knowingly enroll any transferring international student prior to completing six months of his/her principal course, unless that student has a valid release from the previous provider agreeing to such a transfer; and that the procedures of this document are implemented.
- Hays International College is willing to accept an application from students wanting to transfer to another Australian education provider after six months of study in their principal course. The student applies as normal and no release need to be sighted or produced.
- HIC is committed to the welfare of its students and to ensure that appropriate support is available to all students and to ease the transition into life and study in Australia. Where students encounter hindrances or difficulties in achieving their learning goals HIC aims to provide the support the students require to overcome any problems they are experiencing.

### **A1. Procedure for students applying to Hays International College who are currently studying on-shore with another Australian education provider**

- i. Any requests that are received in relation to a student wanting to transfer education providers shall be the responsibility of the HIC PEO.
- ii. The PEO will assess the applications to transfer education providers and conclude an outcome based on the following procedure.
- iii. The applicant must provide a copy of their current Confirmation of Enrolment (CoE) to Hays International College (HIC).
- iv. HIC Student Administration will ascertain if the applicant's length of studies completed in their current principle course of study is greater than six months.
- v. HIC will request a copy of the applicant's visa to confirm what the principal course is, and when the applicant arrived in Australia.
- vi. If the applicant has completed more than six months of their principle course of study, the application process proceeds as for all off-shore applicants.
- vii. Where an applicant has not completed six months of their principle course of study, the applicant is asked to provide an appropriate evidence of release in support of their application. Note: If the applicant is 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 evidence of release.

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- viii. To support the application, the applicant can be provided with a 'conditional' Letter of Offer (Appendix A) from the HIC PEO which clearly states that an offer of a place is contingent on their obtaining a release.
- ix. If the evidence of release is received and the applicant 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.
- x. The evidence of release is placed in the student file.
- xi. If no satisfactory evidence of release is obtained from such students, and the PRISMS system indicates that the required releases have not been obtained, then 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 month period has passed.
- xii. 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 is required. Evidence of this occurrence would need to be placed in the student file.

## **Section B: - Students Transferring from HIC to another Australian Education Provider**

This section of the policy is relevant to students wanting to **transfer to another Australian education provider prior to completing six months of their principle course of study.**

Hays International College encourages all students to read the policy carefully if considering making an application to Transfer to another Australian educational provider. If a student does want to apply prior to completing the first six months of the principal course then they are required to apply in writing to the PEO and completing the **Student Letter of Release Application:**

### **Applying for a release letter (student transfer)**

Release letters are provided at no cost to the student. HIC is entitled to determine the circumstances in which it will provide or refuse to provide a Release Letter. Where a student requests a transfer within the period of six months of commencement of their principal course, HIC will assess the request for transfer against this policy.

Students are asked to co-operate with the HIC Staff and attend any interviews or other appointments scheduled for them including in respect of support services provided by HIC.

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## B. Procedure for changing providers within the first six months

A student wanting to Transfer will be required to make a signed and dated written request, using the Student Letter of Release Application that is available from the HIC PEO or HIC Student Administration or from the HIC website, to the HIC PEO to transfer to another Australian education provider, explaining why he/she wants to transfer.

- i. The HIC PEO arranges an interview with the student to discuss the Transfer request and to ensure the student is fully aware of all issues relating to Transfer between providers. In particular, the student is advised of the need to contact the Department of Home Affairs (DHA) for advice on the transfer's impact on visa arrangements.
- ii. The HIC PEO will also interview the student to determine:
  - a. The circumstances surrounding the release
  - b. How the student may benefit from a transfer to another education provider
  - c. Whether the transfer would be detrimental for the student or his or her future studies; and to
  - d. Consider the options available to the student to achieve his or her learning goals, including any support services offered by HIC to assist students to adjust to study and life in Australia ; and
  - e. Where it is in the student's interests, refer the student to appropriate support services for:
    - Academic skill support
    - Additional English support
    - Additional tutoring & study group support
    - Increased monitoring
    - A mentor program
    - Referral to personal counseling
    - Discussing the suitability of the course
    - Consideration of reduction in course load
    - Implementation of an intervention strategy for the student in compliance with HIC's documented Intervention Strategy Policies and Procedures
- iii. If the student has not already completed the application, the student is given the Student Letter of Release Application.
- iv. The student must complete the **Student Letter of Release Application**, sign and date it. The student will be requested by HIC PEO to:
  - a. Provide a valid Enrolment Offer from another Australian education provider authenticating the proposed transfer. i.e. A copy of the offer letter from the other Institution confirming that a valid enrolment offer has been made at that Institution;
  - b. Show that the transfer is in his/her best interest, which can include academic or personal grounds.
  - c. Demonstrate exceptional circumstances and supplies evidence supporting the

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- exceptional circumstances. Exceptional circumstances are circumstance beyond the control of the student.
- d. Provide documents if he/she is unable to meet course requirements and have made a concerted effort at attempting and completing all assignments, presentations, tests and exams.
  - v. On receipt of the **Student Letter of Release Application**, the HIC PEO will review the letter and the supporting evidence.
  - vi. The HIC PEO will check the student records to ensure the student is not trying to avoid being reported to DHA due to lack of course progress or poor attendance records.
  - vii. HIC Student Administration will ensure any outstanding fees are paid
  - viii. The HIC PEO approves / refuses the Application for Release
  - ix. Within five working days of providing all the necessary documentation the student is notified of the decision and a letter/email/emails of release is granted at no charge to the student.
  - x. All requests, considerations, decisions and copies of letters/emails of release are placed in the student file.
  - xi. Student administration will report the student's termination of studies and release via PRISMS.
  - xii. The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by HIC's refund policy independent of this policy.

A release letter/email will be issued in circumstances where HIC has cancelled/ ceased to offer a particular program.

## Non acceptance of release

Where a student has not satisfied the requirements above or has already cancelled their enrolment, HIC will not issue a letter of release.

Circumstances justifying a transfer do not exist where:

1. The student has not completed the first four weeks of the course in which he / she is enrolled; or
2. HIC forms the view that the student is trying to avoid being reported to DHA for failure to meet HIC's academic progress requirements; or
3. The transfer may jeopardise the student's progression through a package of courses; or
4. The transfer would be detrimental to the student's future study, welfare, and/or career objectives; or
5. The student applies for a release from a course provided by HIC in order to transfer to a course provided by another Registered Provider and HIC considers the other course to be the same, similar or equivalent; or
6. The student has not accessed HIC's student support services after having been



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- requested to do so; or
7. The documents provided by the student do not, in HICs view, adequately support grounds upon which the transfer is requested; or
  8. The student has outstanding debts to HIC.

## Acceptance of release

Circumstances justifying a transfer exist where the HIC PEO considers that the transfer would not be detrimental to the student or his or her future studies and has approved that the student's request for a transfer be granted on the basis of:

1. Compassionate grounds or compelling circumstances; or
2. HIC is not able to deliver the course; or
3. There is evidence that the international student was misled by the provider or an education agent; or
4. An appeal (internal or external) on another matter results in a decision or recommendation to release international student: or
5. The principal course (or a prerequisite or enabling course that forms part of a package with the principal course) is inappropriate for, and does not adequately meet the student's needs; or
6. Academic grounds, unable to achieve satisfactory course progress; or
7. Written confirmation that the student's parent or legal guardian supports the transfer; or
8. Being in the best interests of the student; and
9. The student has provided a letter from another registered provider confirming that a valid enrolment offer has been made; and the student has provided:

A signed and dated **Student Letter of Release Application** and  
None of the 'circumstances justifying a transfer do not exist' apply.

## Decisions

Students will be advised in writing of the outcome of the application within five working days of the lodgement of a complete Release Application.

If the HIC PEO decides to grant a Release, administration staff will record this release in PRISMS and write to, or verbally inform, the student enclosing:

- The Release Letter
- A withdrawal form
- Advice that the student's Electronic Confirmation of Enrolment will be cancelled and he or she must contact DHA to seek advice on whether a new student visa is



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required;

- Advice that HIC will cancel the student's Confirmation of Enrolment on PRISMS; and
- Advice that the student may apply for a refund in accordance with HIC's Refund Policy

If the HIC PEO decides not to grant a Release Letter, office staff will write to the student enclosing:

- The reasons for the decision not to grant a Release Letter
- Advice that he or she may freely transfer after completion of six months of his or her principal course; and
- Information on the student's right to appeal the decision in accordance with HIC's appeals processes.

HIC will not finalise the refusal in PRISMS until the international student has been given an opportunity to access the complaints and appeals process, the international student withdraws from the process, or if the process finds in favour of HIC.

## Appeals

If the student is not satisfied with the decision as to whether or not to grant a Release, the student has the right to appeal the decision in accordance with HIC's Student Complaints & Appeals Process. In this event HIC will maintain the student's enrolment in the course or courses in which he or she is enrolled to study until the appeals process is completed. All Appeals documentation must be sent in writing within 20 working days from receipt of refusal letter.

## Record Keeping

A log of all letters/emails of release will be kept in Student Administration. Copies of the letters/emails of release issued to students will be kept in the Students file.

## 4. Definitions

**Coe:** Confirmation of Enrolment - A document provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular program of the registered provider.

**International Student:** 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.

**Compulsory study period:** A *compulsory study period* is one in which the student must enrol (as part of a normal course load) unless granted a deferment or suspension from enrolment or leave of absence. A compulsory study period does not include periods in

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which the student can elect to undertake additional studies. A study period means one term of study.

## **Compassionate or Compelling Circumstances:**

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's program progress or wellbeing. These could include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- Bereavement of close family members such as parents or grandparents;
- Major political upheaval or natural disaster in the home country requiring emergency travel when this has impacted on the student's studies; or
- A traumatic experience which could include: Involvement in, or witnessing of a serious accident; Witnessing or being the victim of a serious crime - When this has impacted on the student. (Note these cases should be supported by police or psychologists' reports); where the registered provider was unable to offer a pre-requisite course/unit; or inability to begin studying on the program commencement date due to delay in receiving a student visa.

**Course / Unit:** Component of a program of education or training.

**CRICOS:** The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under Section 10 of the ESOS Act.

**PRISMS:** The Provider Registration and International Student Management System (PRISMS).

**Program:** Program of education or training defined as Course in the ESOS Act.

RELATED DOCUMENTS			
<b>ESOS</b>	National Code Standard 7		
<b>POLICIES</b>	Complaints and Appeals; Course Progress Policy and Procedure ; DHA Notification Policy and procedure; Deferral, suspension and cancellation policy and procedure		
<b>Last Updated</b>	Jan 2018	<b>Updated by</b>	JW