

Overseas Student Transfer Policy & Procedure -Standard 7

Purpose

All student visas are granted with the 'No Change of Provider' condition. This means that Overseas students must stay with Gen Institute for the first 6 months of their principal course. In addition, Gen Institute will not knowingly enrol a transferring student from another education provider prior to 6 months of their principal course being completed. This policy does not apply to students who have already completed 6 months of their principal course.

Scope

This policy applies to all staff of Gen Institute who are involved in processing of students 3.1 Application form wishing to transfer from another RTO to Gen Institute and 7.1 **Application form for Transfer between Registered Providers** students wishing to transfer to another RTO from Gen Institute.

Policy

This policy/procedure supports 'Standard 7 – Overseas student transfer policy and procedure' of the 'National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018'.

Providers are restricted from enrolling transferring students prior to the student completing 6 months of their principal course. This policy details the procedures for assessing applications to transfer within this period. Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

The policy of Gen Institute is to ensure that it does not enrol any transferring Overseas student prior to the 6 months of their principal course being completed unless that student has a valid letter of release agreeing to such a transfer and the below procedures will be implemented.

The following procedures have been separated into 'Incoming students' and 'Outgoing students'

Definitions

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| Application for Transfer Between Registered Providers | An application by a Student for Transfer Between Registered Providers (release). |
| DIBP | Department of Immigration and Border Protection now called as Department of Home Affairs |
| ESOS Act: | The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time. |
| National Code: | The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, established pursuant to Part 4 of the ESOS Act, as amended from time to time. |
| Principal Course: | The Final course that you will undertake as part of your package of courses is your main or principal course of study |

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| <p>Student Counsellor or equivalent:</p> | <p>Includes a student counsellor/student support officer/advisor or welfare officer appointed by the Institute and working at the Institute or, in the case of Students</p> |
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Actions

Statement

- Under Standard 7 of the National Code 2018, Registered Providers must not knowingly enrol a Student wishing to transfer from another Registered Provider's course prior to the Student completing six calendar months of his/her Principal Course of study, except in limited circumstances as outlined in this policy.
- Institute 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, Institute or its nominated officer will assess the request for transfer against this policy.
- Students must co-operate with the Institutes Staff or its nominated officers and attend any interviews or other appointments scheduled for them including in respect of support services provided by the Gen Institute.

4. No Release is required where:

- the Student has completed at least 6 calendar months' study in his or her Principal Course; or
- the Student is government sponsored and that government sponsor provides written support for the change as it considers the change to be in the Student's best interests; or
- Gen Institute has ceased to be registered or the course in which the Student is enrolled has ceased to be registered; or
- Gen Institute has a sanction imposed on it that prevents the Student from continuing his or her Principal Course.
- To apply to transfer to another provider within the first 6 months of the Student's Principal Course, the Student must demonstrate 'exceptional circumstances' justifying the transfer.

5. Exceptional Circumstances include:

- Medical reasons *eg. Recent hospital admission; serious injury; debilitating illness; severe anxiety or depression.*
- Loss or bereavement *eg. Death of a close family member, or close friend; family or relationship breakdown.*
- Hardship/trauma *eg. Recent victim of crime; sudden loss of income or employment; severe disruption to domestic arrangements.*
- Educational progression *problems* that cannot be addressed by the provider's resources.

Subject to Item 5 above, an Application for Transfer on the grounds of Exceptional Circumstances may be demonstrated by providing sufficient specific detailed information with relevant supporting documentation to support the Application, such as: a medical certification stating in reasonable detail:

- The dates of any relevant consultations or attendances;
- If relevant, the nature of the complaint and the treatment; and
- A specific statement that in the health care professional's opinion (not the student's opinion) that, as a result of the complaint or treatment, the student should be transferred.
- Police report or statutory declaration.
- Other relevant supporting documentation.

All documentation will be held in confidence and will be stored to ensure privacy.

No transfer will be granted where:

- The Student has not completed the first four weeks of the principal course in which he or she is enrolled; or
- Gen Institute or its nominated officer forms the view that the Student is trying to avoid being reported to appropriate government agency(s) for failure to meet the Gen Institute's attendance or academic progress requirements; or
- The transfer may jeopardize the Student's progression through a package of courses; or
- The transfer would be detrimental to the Student's future study and/or career objectives; or

- e) The Student has not accessed the Gen Institute's student support or welfare services after having been requested to do so; or
- f) The documents provided by the Student do not, in the Gen Institute's or its nominated officer's view, provide adequate grounds to justify the transfer; or
- g) The Student has outstanding debts to Gen Institute.

Procedure

Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of the Student Support Officer. The Student Support Officer shall assess the applications to transfer education providers and conclude an outcome based on the following procedure.

Incoming students

The following procedure is relevant to any student who applies for a course within Gen Institute and is currently studying on-shore with another registered provider.

For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student details (to look up PRISMS). Once this information is obtained the following steps are taken:

- i. Student Support officer accesses the student information via PRISMS. They are to ascertain if the length of studies completed in their current Principle course of study is greater than 6 months. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.
- ii. If they have completed more than 6 months of their principle course of study, the application process proceeds as for all Off-shore students.
- iii. Where a student has **NOT** completed 6 months of their principle course of study, PRISMS is to be checked to determine if the student has been released from their current provider.
- iv. To support the application, they can be provided with a (7.3 Conditional Letter of Offer) which clearly states that an offer of a place is contingent on their obtaining a release. *Note: if they are in receipt of a Government scholarship, they should provide written support from this government department agreeing to the change which will stand in lieu of the release.*
- v. If a Release has been processed and recorded in PRISMS, the application proceeds as for all Off-shore applicants.
- vi. If the current provider has not recorded the release on PRISMS, 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 6 month period has passed.
- vii. 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 letter of release is required. Evidence of this occurrence would need to be placed in the student file.

Outgoing students

The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principle course of study.

- i. Students make a written request (7.1 Application Form for Transfer between Registered Providers) to Student Support Officer to transfer to another provider. The only reason a 'release letter' shall be issued if:
 - Gen Institute has cancelled/ceased to offer your Course (letter from Gen Institute supplied)
 - Government sponsor considers the change to be in your best interest, if you are a sponsored student (written confirmation from sponsor required)
 - Exceptional circumstances (documentation required to support circumstances and a letter of offer from another provider is required.)
 - there is evidence of compassionate or compelling circumstances
 - Gen Institute has failed to deliver the course as outlined in the written agreement
 - there is evidence that the overseas student's reasonable expectations about their current course are not being met

- there is evidence that the overseas student was misled by Gen Institute or an education or migration agent, regarding Gen Institute or its course, and the course is therefore unsuitable to their needs and/or study objectives
- ii. The student is asked to provide a valid 'offer of enrolment' from the new provider authenticating the transfer and the student is able to provide a letter indicating the benefits of transferring from their current course of study.
- iii. In assessing the application to transfer, the Student Support Officer will check the following points:
 - Ensure any outstanding fees are paid
 - Ensure the student is fully aware of all issues relating the transferring of providers.
 - Check student records to ensure the student is not trying to avoid being reported to Department of Home Affairs due to lack of course progress or poor attendance records.
 - GEN institute will review the documents and endeavour to revert back to the student and inform the outcome along with the reason of the transfer request within 10 working days of receiving the complete documentation.
- iv. Once the above points have been addressed by the Administration Manager, information on the release of the student is Recorded in PRISMS and the student is notified via email.
- v. Students will also be advised of the need to contact Department of Home Affairs to confirm whether change in their enrolment breaches the Visa Condition.
- vi. Where the request to transfer to another RTO is to be refused, the refusal is not finalised on PRISMS until –
 - any appeal against the refusal lodged by the overseas student is finalised and upholds the registered provider's decision not to release the student; or
 - the overseas student did not access the registered provider's complaints and appeals processes within 20 working days of being notified of the refusal; or
 - the overseas student withdraws their appeal against the refusal.
- vii. The registered provider must also notify the overseas student in writing the reason for refusing the transfer request and the overseas student's right to access the registered provider's internal complaints and appeals process (in accordance with Standard 10) within 20 working days.
- viii. All registered providers must maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.
- ix. The Student Support Officer must report the student's termination of studies via PRISMS
 - The above process 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 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.
 - The release of student from PRISMS will be provided at no cost to student.

Student studying concurrently with another provider

Overseas students have the option to enroll in multiple qualifications with different education providers after completing six months of study in their primary course. This flexibility allows them to pursue additional qualifications, provided they comply with visa conditions and requirements.

Gen Institute enrolls Overseas students for concurrent courses with other providers. Gen Institute will ensure the following aspects before enrolling such students.

- Collect and check the Student's timetable with other provider to ensure the timetable at Gen Institute does not fall on the same time and day of the student's current qualification.
- Student is advised of the load of study and measures are taken to ensure effective and proactive monitoring of course progress is conducted from the commencement.
- The training plan of the student is created or updated after the timetable of the first course is provided to Gen Institute by the student.

Responsibility

Operations Manager

Admin Manager

Student Support Officers

Forms

- 7.1 Application Form for Transfer Between Registered Providers
- 7.3 Letter of Refusal to transfer within 6 months

