

## TRANSFER BETWEEN REGISTERED PROVIDERS POLICY AND PROCEDURE

### 1. Purpose of policy

This policy ensures that SMART English Melbourne does not enrol any transferring international student prior to the completion of 6 months of their principal course unless that student has been released by their current provider with evidence of the date of effect and reason for release in PRISMS. In addition, this policy regulates assessments of overseas student's transfer requests prior to the overseas student completing six months of their principal course at SMART English Melbourne.

This policy supports Standard 7 of the ESOS National Code 2018.

### 2. Policy scope and application

This policy applies to current SMART English Melbourne ELICOS students and prospective students. SMART English Melbourne staff including enrolment, marketing, academics, student support and management.

### 3. Definitions

**Incoming student:** Any student who is currently enrolled with another education provider and is willing to transfer their studies to SMART English Melbourne.

**Outgoing students:** Any student who is currently studying with SMART English Melbourne and is willing to transfer his/her studies from SMART English Melbourne to another provider.

### 4. Policy Statement

4.1. SMART English Melbourne will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:

- a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- b. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- c. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- d. 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.

4.2. For the purposes of Standard 7.1.3 of the National Code 2018, SMART English Melbourne has and implements a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course. The policy is made available to staff and overseas students, and outline:

- a. the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider.
- b. circumstances in which SMART English Melbourne will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where SMART English Melbourne has assessed that:
  - i) 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 SMART English Melbourne's intervention strategy



to assist the overseas student in accordance with Standard 8 of the National Code 2018 (Overseas student visa requirements)

- ii) there is evidence of compassionate or compelling circumstances
  - iii) SMART English Melbourne fails to deliver the course as outlined in the written
  - iv) there is evidence that the overseas student's reasonable expectations about their current course are not being met
  - v) there is evidence that the overseas student was misled by SMART English Melbourne or an education or migration agent regarding SMART English Melbourne or its course and the course is therefore unsuitable to their needs and/or study objectives
  - vi) an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- c. the circumstances which SMART English Melbourne considers as reasonable grounds to refuse the transfer.
- d. a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

4.3. If a release is granted, it will be at no cost to the overseas student and SMART English Melbourne will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.

4.4. If SMART English Melbourne intends to refuse the transfer request, the college will inform the overseas student in writing of:

- a. the reasons for the refusal
- b. the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

4.5. SMART English Melbourne will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the college, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.

4.6. SMART English Melbourne will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

4.7. All applications from current SMART English Melbourne students to transfer providers will be assessed in a timely manner and as per procedure outlined below.

## 5. Procedure

### Incoming students

The following procedure is relevant to any student who applies for a course within the SMART English Melbourne 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 a copy of CoE (Confirmation of Enrolment) from their original registered provider. Once this information is obtained the following steps are taken:

- a. Using a student's COE from their original registered provider, the Enrolment Officer will ascertain if the length of studies completed in their current principal course of study is greater than 6 months. The Enrolment Officer may also request the copy of the student visa and the passport to ascertain the student's arrival date to Australia.
- b. If they have completed more than 6 months of their principal course of study, the application process will be finalised as per SMART English Melbourne's policy and procedures.



- c. Where a student has NOT completed 6 months of their principal course of study, the student will be advised to get a release recorded on PRISMS by their relevant provider(s) in support of the transfer application. They may also be advised to provide an appropriate notification of release from their current education provider unless any of the conditions (4.1.a-d) as listed under policy statement are applicable.
- d. To support the release application, students may be provided with a conditional letter of offer which must clearly state that an offer of a place is contingent on the applicant obtaining a release that will need to be recorded in PRISMS by the releasing provider.  
**Note:** Where a student is in receipt of a Government scholarship, he/she should provide written support from the government agreeing to the change which will stand in lieu of any notification of release/ PRISMS record.
- e. If satisfactory release notification is not obtained from the student, the application process will be halted and the student will be informed that they are unable to transfer at this time. They are welcome to reactivate their application when the six-month period into the principal course of study is passed.

## Outgoing Students

The National Code 2018 restricts the capacity of students to transfer to other providers prior to completing six months of their principal course. SMART English Melbourne will not allow students to transfer to another provider within six months of the commencement of their principal course of study in circumstances where the transfer would be detrimental to the study plan as detailed in their application.

Circumstances that are considered detrimental to a student's study plan could be but are not limited to:

- Change in Study Plan
- Increased tuition costs, particularly in cases where deposits paid in advance to SMART English Melbourne are non- refundable
- Increased duration of studies in Australia
- Within 6 months of a course beginning students may experience home-sickness and transfer to another registered provider is not likely to overcome this problem.

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

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

- a. Students complete an Application to Defer, Suspend and Cancel form, and submits to the General Manager indicating their wish of transferring the course to another provider along with the detailed reasons and supporting documents.
- b. Confirmation of release shall be issued only in situations as listed below:
  - Government sponsor considers the change to be in your best interest, if you are a sponsored student (written confirmation from sponsor required)
  - 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 SMART English Melbourne's intervention strategy to assist the overseas student in accordance with Standard 8 of the National Code 2018 (Overseas student visa requirements)
  - There is evidence of compassionate or compelling circumstances
  - SMART English Melbourne fails to deliver the course as outlined in the written agreement (letter from SMART English Melbourne supplied) - 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 SMART English Melbourne or an education or migration agent regarding SMART English Melbourne or its course and the course is therefore unsuitable to their needs and/or study objectives
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- c. The student is required 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.
- d. In assessing the application to transfer, General Manager 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
- e. Once the above points have been addressed by the General Manager, the SMART English Melbourne Enrolment staff will cancel the student's COE, record the release decision including the date of effect and reasons for release in PRISMS and respond to the applicant within 10 working days of the Application Form being received. The confirmation of release will be granted at no charge to the student. The student will also be advised of the need to contact the Department of Home Affairs to seek advice if a new visa will be required.
- f. SMART English Melbourne Enrolment staff must report the student's termination of studies via PRISMS.
- g. If a Release request is refused by the General Manager, reasons for the refusal will be documented in writing and the student will be informed of the refusal using the Refusal of the release letter. The student will also be informed of their rights of appeal using the College's complaints and appeals procedures.
- h. SMART English Melbourne will finalise the student's refusal status in PRISMS after the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process. This is done by the General Manager.
- i. A copy of the student's Application to Defer, Suspend or Cancel Enrolment Form; notes recording the assessment of the application and a copy of the response letter sent to the student by SMART English Melbourne must be placed in the student's file. These records will be maintained for two years after the overseas student ceases to be an accepted student. This is done by the SMART English Melbourne admission.

Note:

- The above process should not take more than 10 working days once the student has provided all the necessary documentation.
- All decisions regarding student transfer will be communicated to the student. - All requests, considerations, decisions and copies of letters of release shall 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 SMART English Melbourne's refund policy independent of this policy.
- A release will be granted and a confirmation of release will be issued at no extra cost to the student.
- Students will be advised that "Students need to contact the Department of Home Affairs offices to seek advice on whether a new Student visa is required.
- In the event of refusal to release the student, SMART English Melbourne will provide written reasons for refusal.
- Refusal of the release will be consistent with the SMART English Melbourne's policy and procedure and the other requirements of the Standard 7 of National Code 2018.
- SMART English Melbourne will inform the student of his or her right to appeal the SMART English Melbourne's decision in accordance with the SMART English Melbourne's complaints and appeals policy and procedure.

