



VCEPP307 STUDENT TRANSFER BETWEEN REGISTERED PROVIDERS POLICY AND PROCEDURE

PURPOSE

This policy governs the situation where a student wants to transfer from another registered provider to NMGC within the first six months of the student's course. The objectives of this Policy are to:

- ensure compliance with Standard 7 of the National Code 2018, established by the Education Services for Overseas Students (ESOS) Act 2000.
- comply with the restrictions on enrolling transferring students prior to a student completing six months of their principal course of study at NMGC.
- outline the circumstances when a Transfer Request can be considered prior to an international student completing six months of study in their principal course of study at NMGC.

SCOPE

This policy applies to the following:

- International students studying on a student visa, who seek a Transfer Request to another registered provider prior to completing six months of their principal course of study at NMGC.
- NMGC Compliance Officers (i.e. the Principal and approved delegates) involved in assessing Transfer Requests.
- NMGC staff involved in the admission of international students to English Language courses and the VCE.
- NMGC staff involved with responsibility of international student recruitment.
- NMGC staff involved in a student advisory role with international students.

DEFINITIONS

DHA	Department of Home Affairs
NMGC or The College	North Melbourne Grammar College
SWO	Student Welfare Officer(s)

GENERAL INFORMATION

1. This policy ensures that the College's student recruitment processes conform with Standard 7 of the ESOS Framework, and other Regulatory requirements.
2. The College is committed to providing equal opportunity and promoting inclusive education services and a learning environment for its students that is free from discrimination, harassment and victimisation. This Policy helps to ensure prospective students are appropriately recruited into our courses and are not victimised by other providers because of inappropriate practices on our part.
3. Australian Federal and State Legislation make it unlawful to discriminate against people because of their age, gender, race, religious beliefs, marital status, sexuality, or physical or intellectual disability. This Policy ensures we act in the same manner for all international students applying for transfer from other registered providers.
4. All Staff and stakeholders of the College are made aware of access and equity for all through the enrolment process, induction and orientation.



POLICY

The following information is related to Standard 7 - Overseas Student Transfers

1. Students who wish to transfer to NMGC from another provider, must ensure all documentation is in place and they have completed the required six (6) months of their enrolled principal course or if any of the following apply:
 - 1.1 the provider where the student is currently enrolled is no longer registered
 - 1.2 the has a sanction on their registration, therefore the student can no longer continue their studies with this provider
 - 1.3 the student has received a release from their studies with their current registered provider
 - 1.4 where the change of provider is in the best interest of the student as deemed by any government sponsor and a supporting letter has been provided
2. NMGC has a written policy and procedure to assess the students requests for transfers which are prior to the students completing the six (6) months of their principal course
 - 2.1 The following are the steps for a student to undertake to apply for a transfer

Steps to undertake to apply for a transfer	
1	Meet with the Student Welfare Officer
2	Discuss option / reasons for transfer
3	Complete a VCEFOR30701 Student Transfer Request Form
4	Attach supporting evidence - <ul style="list-style-type: none">• a valid enrolment offers and appropriate welfare arrangements from another provider• written confirmation from the students parent or legal guardian supporting the request to transfer (7.3.1)
5	Submit request form to The Principal

2.2 For NMGC to approve a transfer request, the following information must be in place (but not be limited to):

- 2.2.1 the student is unable to achieve satisfactory progress at the current level of their studies and the intervention strategy to assist the student was unsuccessful and they will be reported
- 2.2.2 NMGC has received evidence for compelling or compassionate circumstances for the transfer
- 2.2.3 the outlined course as per the student's agreement is not being delivered
- 2.2.4 the student has provided sufficient evidence that the information on their current course being provided does not meet their expectations
- 2.2.5 the student has identified and provided relevant evidence that they were misled by the agent and / or NMGC in regards to the course and therefore the course is not suitable to meet their needs
- 2.2.6 the appropriate appeals process has been undertaken for a different situation and the result of the appeal allows for the student to be released

2.3 NMGC has documented evidence to refuse the request for transfer



2.4 Refer to the following time frame for assessing and replying to requests for transfers:

Timeframe for assessing and replying to a request to transfer	
1	Upon receiving a transfer request, the student will receive a written response from NMGC in 14 days. Provided the student has completed the 6 months of their first registered course.
2	Where the transfer request has been denied, the student will have 20 days to appeal this decision.
3	Where the transfer request has been approved, the student is informed to contact Immigration to seek advice on whether a new Visa is required (7.4)

3. For the student who is under 18 years of age, the following must apply:
 - 3.1 the student has provided confirmation from their parent / guardian that they are in support of the requested transfer
 - 3.2 In-line with Standard 5 (Younger Overseas Students), NMGC confirms they will accept the responsibility for all welfare arrangements for the student in the absence of a parent or nominated relative residing in Australia
4. If / when the student has been advised that the release has been granted (at no cost to the student), NMGC will advise the student they are required to contact Immigration to determine whether a new visa will be required to continue their studies in Australia with a new Provider.
5. The student is required to be informed in writing if / when NMGC is intending to refuse their transfer request. The refusal notification must include the following information:
 - 5.1 the reasons for the refusal of transfer request
 - 5.2 advising the student of their right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
6. The following must occur prior to NMGC updating the student's status on PRISMS:
 - 6.1 The appeal finds in favour of NMGC
 - 6.2 The student has decided not to access the complaints and appeals process within the required timeframe of 20 days
 - 6.3 The student has withdrawn from the transfer request process
7. It is the responsibility of NMGC to maintain the records for all requests for release, the subsequent assessment of the request and the resulting decision, for up to 2 years once the student ceases to be an accepted student of the College:



PROCEDURE

1.1 Statements

- 1.1.1 NMGC must not knowingly enrol international students who want to transfer from another registered provider's program within the first six months of the student completing their principal course of study except where the other provider has issued that student a release letter.
- 1.1.2 NMGC Curriculum Compliance Officers (i.e. the Principal and approved delegates) are the decision makers who are accountable for the assessment of all Transfer Requests from international students and determine the circumstances in which a transfer request will be denied or approved in line with regulatory guidelines and related policies.

1.2 Enrolling and Attendance

- 1.2.1 The submission of a Transfer Request by an international student does not preclude the international student from enrolling at the time specified by NMGC, and thus meeting visa conditions. NMGC will report students who do not enrol and this may have implications for a student's visa status.
- 1.2.2 The submission of a Transfer Request by an international student does not preclude the international student from maintaining adequate course attendance, and thus meeting visa conditions. NMGC will report students to DHA who do not maintain adequate attendance, which may have implications for visa status.

1.3 Situations when Transfer Requests/Letters of Release are not required

A Transfer Request and Letter of Release are not required for an international student to change registered providers in the following circumstances:

- 1.3.1 The international student has completed at least six calendar months in their principal course of study at NMGC, or
- 1.3.2 NMGC has ceased to be registered, or the course in which the student is enrolled has ceased to be registered, or
- 1.3.3 NMGC has had a sanction imposed on it by the Australian Government or State or Territory Government that prevents the student from continuing their principal course, or
- 1.3.4 The international student has a government sponsor and the government sponsor considers the change to be in the best interests of the student and the government sponsor has provided written support for that change.

1.4 When NMGC may provide a Release Letter

NMGC may provide the international student with a release letter if a transfer is requested in the first six months of the international student completing their principal course of study at NMGC in the following circumstances:

- 1.4.1 The international student provides evidence that they were misled by NMGC or an education agent or a migration agent regarding NMGC or the course the student is undertaking, or
- 1.4.2 The international student demonstrates that the transfer would be in the best interest of the student, and
- 1.4.3 Where NMGC Curriculum Compliance Officers (i.e. the Principal or an approved delegate) assess that there are compassionate and compelling circumstances that exist for the student, and
- 1.4.4 The international student has evidence that they have accessed NMGC support services available to them, and
- 1.4.5 The international student has shown evidence of a genuine effort to engage with these support services to seek resolution of any difficulties they are encountering.

1.5 Evidence to be provided with Transfer Requests

In all circumstances in 1.4 where a Transfer Request is submitted it must have the following attachments:

- 1.5.1 Evidence of a letter of a valid enrolment offer from a registered provider, and
- 1.5.2 Evidence to support claims made by the international student in the Transfer Request.

1.6 Types of acceptable evidence in support of claims

- 1.6.1 Evidence to support claims that the client was misled regarding NMGC or the course the student is undertaking that relate to section 1.4.1.
- 1.6.2 Evidence to support claims for Transfer Requests would include documents from qualified counsellors, psychologists or medical practitioners stating any compassionate and compelling circumstances why a transfer is required in relation to section 1.4.3.



PROCEDURE (Cont....)

1.7 NMGC will provide a letter of release in the following circumstance

- 1.7.1 The student has provided a letter from another registered provider that confirms a valid enrolment offer has been made, and
- 1.7.2 NMGC Curriculum Compliance Officers (i.e. the Principal and approved delegates) have assessed that compassionate and compelling circumstances exist as described in the regulatory guidelines, and
- 1.7.3 If the Student is under 18 years old they are required to provide written confirmation that the student's parent or legal guardian supports the transfer, and
- 1.7.4 If the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment must confirm that the registered provider will accept the responsibility for approving the international student's accommodation, support and general welfare.

1.8 Situations when NMGC may refuse a Transfer Request

- 1.8.1 An international student does not meet a requirement stated under 1.4, or
- 1.8.2 An international student does not provide adequate evidence as stated under 1.5, or
- 1.8.3 An international student has not commenced study in their enrolled course, or
- 1.8.4 An international student has not completed 12 weeks of study in their first 12 weeks of the principal course of study, or
- 1.8.5 An international student has not accessed, utilised or experienced the full range of NMGC support services available to them, or
- 1.8.6 An international student has applied for a course with another registered provider that has lower fees, or
- 1.8.7 An international student is attempting to avoid being reported to the DHA for failure to meet NMGC attendance or academic progress requirements, or
- 1.8.8 An international student is applying to transfer to a program or course with a lower level of qualification, or
- 1.8.9 An international student has outstanding debts owed to NMGC, or
- 1.8.10 An international student changes their mind about the course they want to study, or
- 1.8.11 An international student has made decisions post their enrolment regarding accommodation, travel and employment that are not aligned with the international student's course requirements.
- 1.8.12 An international student studying at NMGC as a result of Streamlined Visa Processing attempts to transfer to another registered provider that does not have Streamlined Visa Processing arrangements with the DHA.

1.9 Actions following Transfer Request decision

- 1.9.1 NMGC Curriculum Compliance Officers (i.e. the Principal and approved delegates) will document in a decision record the outcome of the Transfer Request. This decision record will outline the assessment and give reasons that substantiate the decision to the international student.
- 1.9.2 NMGC Curriculum Compliance Officers (i.e. the Principal and approved delegates) will provide the international student with written feedback if the Transfer Request is approved.
- 1.9.3 If feedback is provided it will advise the student of the need to contact the DHA to seek advice if a new student visa is required.
- 1.9.4 NMGC will cancel the NMGC Confirmation of Enrolment (COE) of the student if the Transfer Request is approved.
- 1.9.5 If a Transfer Request is rejected NMGC will inform the student by email and advise the student to contact an international student adviser to discuss their study options.
- 1.9.6 An international student can appeal the Transfer Request decision made by NMGC as outlined in **VCEPP308 STUDENT COMPLAINT AND GRIEVANCES POLICY AND PROCEDURE**. The appeal must be made 20 working days after the student has received notification of the Transfer Request decision.
- 1.9.7 The international student is deemed to have received the Transfer Request decision on the day the email was sent notifying the international student of the decision.
- 1.9.8 NMGC will not charge any monies to an international student to request a transfer, provide a Letter of Release or to appeal the decision.
- 1.9.9 Transfer Requests will be recorded on the international student's file by NMGC staff.
- 1.9.10 Decision records will be recorded on the international student's file by NMGC staff.
- 1.9.11 Letters of Release will be recorded on the international student's file by NMGC staff.



1.9.12 Where a Letter of Release is applied for prior to the start of a new Term, or at the start of a new Term, the student will be charged one Term's Tuition Fee.

RELATED DOCUMENTS

VCEDOC50101 NMGC Rules and Code of Conduct
VCEFOR30701 Student Transfer Request Form (Domestic)
VCEFOR30702 Student Transfer Request Form (International)
VCEFOR30801 Student Complaints, Appeals and Grievance Form
VCEPP303 Enrolment Policy and Procedure
VCEPP308 Student Complaints and Grievances Policy and Procedure

LEGISLATIVE CONTEXT

- This Policy relates to Standard 7 of the Education Services for Overseas Students (ESOS) Act 2000
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018, Standard 7
- Migration Act 1958 and its Regulations and various state and territory legislation relevant to the education and training of overseas students.
- Privacy Act 1988 (Cth)

RESPONSIBILITIES

Role within NMGC	Area of responsibility
Principal	Approval Authority
Principal	Development/Review
Compliance Manager	Monitoring and Evaluation
Compliance Manager	Compliance
Principal	Implementation

International Students are responsible for:

- reading and understanding this policy prior to lodging a Transfer Request,
- providing all necessary documentation in support of the Transfer Request, and
- submitting the documents to the Principal of NMGC.

Curriculum Compliance Officers (i.e. the Principal and approved delegates) are responsible for:

- reading and understanding this policy prior making a Transfer Request decision,
- acknowledging the receipt of the submission of the form by email or letter within 5 working days,
- assessing and recording the outcome of the Transfer Request,
- responding to the student when a Transfer Request decision has been made, and



- recording all information in relation to this policy in accordance with NMGC Records Management Policy and Guidelines.

Student Welfare Officers are responsible for:

- reading and understanding this policy and guidelines prior to advising international students on Transfer Requests,
- providing assistance and support to international students if they are required to do so by an international student.

Authorised by	NMGC Committee of Management
Effective date	October 2018
Version	V2.2
Review date	October 2020 The policy review should be scheduled 2 years from the approval date