



# AUSTRALIAN NATIONAL COLLEGE

## TRANSFER BETWEEN REGISTER PROVIDER POLICY AND PROCEDURES

Level 1, 58 Franklin Street, Melbourne, Victoria 3000 | AUSTRALIA

CRICOS PROVIDER CODE: 03009M | TOID: 22134

Web: - [www.anc.vic.edu.au](http://www.anc.vic.edu.au) Tel (+61 3) 9662 3300

Email:- [info@anc.vic.edu.au](mailto:info@anc.vic.edu.au)

# TRANSFER BETWEEN REGISTER PROVIDER POLICY AND PROCEDURES

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## PURPOSE:

International students who are currently enrolled with another Provider across Australia and are requesting to enrol to another Provider are generally categorised as 'Transfer Students'. For this purpose, these students need to be released by their current Provider by means of providing a 'Release letter' unless the student has finished six (6) months in their Principal Course of Study.

This policy ensures that **ANC** does not enrol any transferring international student prior to the completion of 6 months of their principal course unless that student has a valid letter of release agreeing to such a transfer.

## REQUIREMENTS (NATIONAL CODE 2018)

### STANDARD 7 OVERSEAS STUDENT TRANSFERS

- 7.1 *Registered providers must 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:*
- 7.1.1 *The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered*
  - 7.1.2 *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*
  - 7.1.3 *The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS*
  - 7.1.4 *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.*
- 7.2 *For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy must be made available to staff and overseas students, and outline:*
- 7.2.1 *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*
  - 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*

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- 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.*
- 7.2.3 *The circumstances which the registered provider considers as reasonable grounds to refuse the transfer*
- 7.2.4 *A reasonable timeframe for assessing and replying to the overseas student transfer request having regard to the restriction period.*
- 7.3 *If the overseas student is under 18 years of age:*
- 7.3.1 *The registered provider must have written confirmation the overseas student's parent or legal guardian supports the transfer*
  - 7.3.2 *Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).*
- 7.4 *If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.*
- 7.5 *If the registered provider intends to refuse the transfer request, they must inform the overseas student in writing of:*
- 7.5.1 *the reasons for the refusal*
  - 7.5.2 *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.*
- 7.6 *The registered provider must not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, 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.*

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7.7 *The registered provider must 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.*

[https://www.legislation.gov.au/Details/F2017L01182/Html/Text#\\_Toc487026955](https://www.legislation.gov.au/Details/F2017L01182/Html/Text#_Toc487026955)

## POLICY STATEMENT:

The **ANC** will not knowingly enrol the student wishing to transfer from another registered provider's course prior to the completion of six months principal course of study 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; or
- 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.

All application from current **ANC** students to transfer provider will be assessed in a timely manner and as per procedure outlined below.

## SCOPE:

This policy applies to:

- International students enrolled at **ANC**
- **ANC** Marketing, Admissions, Academic, Student Services and Administrative staff.

All staff are made aware of the requirements of this policy through regular meetings, staff updates and continuous improvement practices. Students are made aware of the transfer requirements through Student Handbook, during the enrolment and orientation processes and also throughout the course.

## DEFINITIONS:

- **Incoming student:** Any student who is currently enrolled with another education provider and is willing to transfer their studies at **ANC**.
- **Outgoing students:** Any student who is currently studying with **ANC** and is willing to transfer his/her studies from **ANC** to another provider.

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

## PROCEDURES:

### 2.1 INCOMING STUDENTS

The following procedure is relevant to any student who applies for a course within the **ANC** 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 COE number from previous provider to search for student's personal details into PRISMS. Once this information is obtained the following steps are taken:

- I. Director of Studies accesses the student personal details via PRISMS.

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- II. Using the copies for COE / Offer letter from student's current education provider, Director of Studies will ascertain if the length of studies completed in their current principal course of study is greater than 6 months. They may also request the copy of the student visa & the passport to ascertain student's arrival date to Australia.
- III. In completing this process a copy of the PRISMS record will be printed and will be attached to the student's application.
- IV. If they have completed more than 6 months of their principal course of study, the application process will be finalised as per **ANC's** policies.
- V. Where a student has **NOT** completed 6 months of their principal course of study, The Student will be advised to provide an appropriate letter of release from their current education provider unless any of the conditions (I - IV) as listed under policy statement are applicable.
- VI. To support with the release letter application, student will be provided with a ' Letter of Offer'
- VII. Student will be advised to contact the Original(Principal) Course Provider to get a Letter of Release.
- VIII. The Principle course provider, Records the release in the PRISMS.
- IX. Student Bring back the release ;letter and Director of Studies access the applicant release status in PRISMS and Issue the eCoE accordingly as per the offer letter and Agreement.
- X.

**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 letter of release.

- X. If such a letter of release is received and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application will be finalised as per **ANC's** policies and procedures.
- XI. If satisfactory letter of release is not obtained from such students, 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 re-activate their application when the six month period into the principal course of study is passed.

**2.2** The National Code 2018 restricts the capacity of students to transfer to other providers prior to completing six months of their principal course. **ANC** 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.



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

- Change in Study Plan
- Transfer to a lower level of studies
- Increased tuition costs, particularly in cases where deposits paid in advance to **ANC** are non-refundable
- Increased duration of studies in Australia
- Insufficient preparation for further studies
- Qualifications not recognised by Higher Education Providers as satisfying their entry requirements
- Level of support services at new provider are not equivalent to **ANC's** support services
- Transfer would jeopardise student's progression through a package of courses
- 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
- Where **ANC** is of the view that the student is avoiding being reported to [Department of Education and Training](#) and [Department of Home Affairs \(DHA\)](#) via PRISMS as a result of failure to meet academic progress requirements
- *the transfer would put you (The Student) in breach of his/her visa conditions*
- *You (The Student) owe money to the provider.*

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



## 2.3 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 principal course of study at **ANC**.

- I. Students may send a written request (email is satisfactory) to CEO / Director of Studies indicating their wish of transferring the course to another provider along with the detailed reasons.
- II. Release letter shall be issued only in situations as listed below:
  - **ANC** has cancelled/ceased to offer your program (letter from **ANC** supplied)
  - *there is evidence of compassionate or compelling circumstances (Supporting Documents need to be submitted to **ANC** to support your application for transfer)*
  - *the **ANC** fails 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 the **ANC** or an education or migration agent regarding the **ANC** 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.*
  - 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)
- III. 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.
- IV. In assessing the application to transfer, Student Support team will check the following points:
  - Ensure any outstanding tuition 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 Education and Training and Department of Home Affairs via PRISMS due to the breach in course progress requirements/Course Attendance Requirements.

- V. Once the above points have been addressed by the Administration officer, a 'Letter of Release' (Appendix 1) will be granted at no charge to the student. The student will also be advised of the need to contact Department of Home Affairs and obtain a new visa if the course they transfer to is not a Higher Education / VET course. Any relating issues will be reported to the CEO / Director of studies.
- VI. Director of Studies/ANC Delegate must report the student's termination/Release of studies via PRISMS

**Note:**

- The above process should not take more than **5 Working Days** once the student has provided all the necessary documentation.
- All requests, considerations, decisions and copies of letters of release shall 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 **ANC's** refund policy independent of this policy.
- The letter of release will be issued at **no extra cost to the student.**
- Student will be advised that "Student need to contact the Department of Home Affaire (DHA) offices to seek advice on whether a new Student visa is required.
- If the **ANC** refuse the transfer request, **ANC** must inform the overseas student in writing of:
  - the reasons for the refusal of Release letter
  - 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.
- Refusal of the release will be consistent with the **ANC's** policy and procedure as set out in point 2.2 of this procedure and the other requirements of the standards, especially Standard 7.5 of National Code 2018.
- **ANC** will inform the student of his or her right to appeal the **ANC's** decision in accordance with the **ANC's** complaints and appeals policy and procedure.



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## REFERENCE:

This policy/procedure supports 'Standard 7' of the 'National Code of Practice for Providers of Education & Training to Overseas Students 2018'.

## DOCUMENTS/FORMS:

1. Application to Defer, Suspend or Cancel Enrolment Form
2. Letter of Release of student within first six (6) months of study
3. Letter of Refusal of Release of student within first six (6) months of study
4. Complaint and Appeal Policy and Procedures
5. Sample- Letter of Offer

## APPENDIX 1

### **Letter of Release of student within first six (6) months of study**

To whom it may concern,

This letter is to confirm that **ANC** is releasing the following student although they have not completed the first six (6) months of study in their principal course of study:

**Student Name:** (Insert Details)

**Student Visa number:** (Insert Details)

**Student Address:** (Insert Details)

The above mentioned student has been enrolled in the qualification (*insert qualification title and code*) and has requested a transfer to another education provider. The education provider that the release is being granted for has been evidenced with a 'conditional' letter of offer from the following provider:

**Provider name:** (Insert Details)

**Provider CRICOS number:** (Insert Details)

**Qualification code:** (Insert Details)

The **ANC** acknowledges that it has informed the student that from the date of this 'Release letter' **ANC** is no longer the provider of the principal course of study for the student.

The **ANC** will be notifying the Department of Education and the Department of Home Affairs (DHA) of this change by terminating the student's CoE via PRISMS.

The student needs to contact DHA to seek advice on whether a new visa is required.

Regards,

**Student Administration**

Date: ...../...../.....

## APPENDIX 2

### Letter of Refusal of Release of student within first six (6) months of study

To whom it may concern,

This letter is to confirm that **ANC** is refusing to release the following student within the first six (6) months of study in their principal course of study:

**Student Name:** (Insert Details)

**Student Visa number:** (Insert Details)

**Student Address:** (Insert Details)

The above mentioned student has been enrolled in the qualification (*insert qualification title and code*) and requested a transfer to another education provider.

After careful considerations, your application to grant a Release within the first Six months of the study period has been refused on the following grounds:

(INSERT DETAILS)

**ANC** undertakes to revisit Students (Insert Details) situation within 4 weeks to ascertain if he still wanted to transfer after accessing the **ANC's** support services.

**ANC** has made the assessment, consistent with its release policy that it was not in Student's best interest to grant a release.

If you do not agree with the decision you have the right to appeal in accordance with the **ANC's** Complaints and Appeals policy and procedures available on **ANC** Website or at the campus reception.



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Regards,

**Student Administration.**

Date: ...../...../.....