



OVERSEAS STUDENT TRANSFER BETWEEN REGISTERED PROVIDERS POLICY AND PROCEDURE

Purpose

This policy and procedure outline's handling overseas students requesting transfers to ACE or from ACE to another registered provider, with the aim of ensuring compliance with the Standard 7 - National Code of Practice for Providers of Education and Training for Overseas Students 2018 (National Code 2018) which states:

“Registered providers must not knowingly enrol an overseas student wishing to transfer from another registered provider’s course prior to the overseas student completing six months of their principal course of study, except in certain circumstances”

Scope

This policy and procedure applies to all Overseas Students who are:

- Currently studying with ACE; **or**
- Currently studying in Australia with another registered education; and

wish to transfer from one registered education provider to ACE **or** from ACE to another registered education provider.

Definitions

Compassionate or compelling circumstances	<p>Generally those beyond the control of the overseas student and which have an impact upon the overseas student’s course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> • serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes • bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided) • major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student’s studies; or • a traumatic experience, which could include: <ul style="list-style-type: none"> ○ involvement in, or witnessing of a serious accident; or ○ witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists’ reports) • where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students. This is the official Australian Government website that lists all Australian education providers that offer courses to people studying in Australia on student visas and the courses offered.
DHA	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 is a legislative instrument made under the Education Services for Overseas students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to Overseas students.



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Overseas student	An overseas student who is enrolled at ACE or a prospective overseas student and who is defined as an 'Overseas student' in the National Code, holding an overseas student visa as defined by the ESOS Act.
Principal Course	Main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.
Restriction Period	The first six calendar months from the date an overseas student commences their principal course.

Policy

1.0 General

- 1.1 ACE shall systematically and fairly assess overseas student transfer requests for:
 - a. Students seeking to transfer from another registered education provider to ACE within the six (6) month restriction period after commencing their principal course
 - b. Students seeking to be released from ACE to transfer to another registered education provide within the six (6) month restriction period after commencing their principal course
- 1.2 ACE shall not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of their principal 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 their 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
- 1.3 ACE shall grant the transfer request of an overseas student if it is in the overseas student's best interests but not limited to, the following circumstances:
 - a. 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 ACE's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
 - b. there is evidence of compassionate or compelling circumstances
 - c. ACE fails to deliver the course as outlined in the written agreement

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- d. there is evidence that the overseas student's reasonable expectations about their current course are not being met
 - e. there is evidence that the overseas student was misled by ACE or its education or migration agent regarding ACE or its course and the course is therefore unsuitable to their needs and/or study objectives
 - f. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- 1.4 Where a student requests transfer for compassionate or compelling reasons, ACE shall assess each case on its individual merits and shall consider documentary evidence provided to support the claim. Copies of these documents shall be kept in the overseas student's file. Compassionate or compelling reasons may include, but will not be limited to:
- a. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
 - b. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - c. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
 - d. a traumatic experience, which could include:
 - involvement in, or witnessing of a serious accident; or
 - witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)
 - e. where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- 1.5 ACE shall refuse the transfer request of an overseas student under reasonable grounds such as, but not limited to, the following circumstances:
- a. If the student is not genuinely engaging with an intervention strategy with the intention of failing and being released
 - b. If the transfer may jeopardise the student's progression through a package of courses
 - c. If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student (agree to revisit the issue within the timeframe negotiated with the student)
 - d. If the welfare of the student may be compromised (e.g., new course location or new course outcome is not suitable to student's situation)
 - e. If the provider is not CRICOS registered
- 1.6 If ACE refuses a transfer request, it shall inform the overseas student in writing of:
- a. the reasons for the refusal
 - b. the overseas student's right to access ACE's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 1.7 ACE shall not finalise the student's refusal status in PRISMS until:

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- a. Any appeal against the refusal lodged by the overseas student is finalised and uphold ACE's decision not to release the student; or
 - b. the overseas student has chosen not to access the complaints and appeals process within the 20 working day period of being notified of the refusal; or
 - c. the overseas student withdraws from their appeal against the refusal.
- 1.8 ACE shall assess and respond to overseas student's transfer request within a reasonable timeframe, in consideration of the restriction period. This shall be done via email; a formal letter will not be required.
- 1.9 If the transfer will affect the overseas student's subsequent courses covered by the visa:
- a. As releasing provider, ACE shall release the student from the subsequent courses
 - b. As receiving provider, ACE shall agree with the student on the start dates of the subsequent courses.
- 1.10 ACE shall process a student's release to another provider at no cost to the overseas student. ACE shall advise the overseas student to contact DHA to seek advice on whether a new student visa is required or whether a change in enrolment breaches a visa condition. Refer to <https://immi.homeaffairs.gov.au/change-in-situation/study-situation>.
- 1.11 While the student's application to transfer from ACE to another provider is still in process, or while the student is still appealing ACE's decision on their application, the student shall remain enrolled with ACE and must perform his or her responsibilities as an enrolled student and continue to meet academic/course requirements and enrolment conditions in accordance with relevant policies and procedures.
- 1.12 ACE shall record all transfer requests from overseas students and its outcomes in PRISMS. As such, a hard copy release letter shall not be required. ACE shall maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.
- 1.13 The approval of transfer of an overseas student to another provider does not indicate an agreement or guarantee refund. Please refer to the Refund Policy and Procedure for refunds applicable.

Overseas Students who have studied six (6) months of the principal course study or longer may apply for transfer to ACE or from ACE to another provider without an application for release from the original provider.

ACE does not accept enrolments from overseas student under the age of 18 years.

Procedures

- 1.0 **Requesting for Release from ACE and transfer to another registered education provider prior to completing the six-month period (Student)**
- 1.1 Lodge a written request for release from ACE using the ***Application for Transfer between Registered Providers*** form.
 - 1.2 The Admissions Officer will grant release after approval from CEO under the following circumstances:

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- The student can provide an 'Offer Letter' from another registered provider confirming that a valid enrolment offer has been made.
 - ACE fails to deliver the course as outlined in the written agreement and has cancelled /ceased to offer the student's currently enrolled course (ACE to provide a letter as supporting evidence)
 - Government sponsor considers the change to be in the best interest of the student (Written confirmation from the sponsor is required)
 - Exceptional circumstances (Documentary evidence that the transfer to another provider is in the student's best interest is required)
- 1.3 Other circumstances under which a student may be granted release are:
- The overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging in intervention strategies to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
 - Compassionate or compelling circumstances
 - The student will meet their long-term goals better, whether these relate to future work, education or personal aspirations
 - The student wishes to change course in order to get access to greater support (maybe through the services offered by another provider, commercial or not-for-profit services or through access to family, friends or cultural support network)
 - If the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met
 - If the student can provide evidence that he or she was misled by ACE or an education agent of ACE regarding ACE or its education programs and services, which constitute a breach of the ESOS Act
 - If an appeal (internal or external) has been made on a matter that may reasonably result in the student wishing to seek to transfer to another provider
- 1.4 In assessing the application, the Admissions Officer will ensure the following:
- Any outstanding fees are paid
 - Student is fully aware of all issues relating to the transfer between providers including their obligation to meet the student visa conditions.
 - If it is in the best interest of the overseas student to transfer because they may be reported for unsatisfactory course progress at the level they are studying, even after engaging with ACE's intervention strategy to assist the overseas student.
- 1.5 The student will be advised to contact DHA to seek advice on whether a new student visa is required or whether a change in enrolment breaches a visa condition.
- 1.6 The Admissions Officer will assess the application and conclude an outcome, with the approval of the CEO, based on required and supporting documentary evidence within 10 working days from the date the application was received.
- 1.7 If the release is granted, the Admissions Officer will process the student's release at no cost to the student. Subsequently, the Admissions Officer will report the student's termination of studies to the Department of Education, Skills, and Employment by cancelling the student's CoE in PRISMS. A copy of the cancelled CoE will be provided to the student, if requested, and another copy will be kept in the student's file.

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- 1.8 The Admission officer will input the name of the CRICOS provider the student is transferring to and the date of this change from ACE.
- 1.9 If the request for release is refused based on the Policy above, within 10 working days, the Admissions Officer will provide a detailed 'Refusal letter/e-mail' indicating this decision, the reasons for the decision, the factors taken into consideration that reflect the student's individual circumstances, and the chance to appeal the decision.
- 1.10 Based on the information provided in the 'Refusal letter/e-mail', the student may decide to appeal the decision if they wish to do so.

2.0 Requesting for Transfer to ACE from another registered education provider prior to completing the six-month period (Student)

- 2.1 The Admissions Officer will access PRISMS for student information to ascertain if the student has completed six months of the principal course of study or not. A copy of the PRISMS record will be printed and attached to the student application.
- 2.2 The Admissions Officer will complete the enrolment process as outlined in the *Formalisation of Enrolment Policy and Procedure*.
- 2.3 The student will be required to submit all required documents including a copy of Student Visa or Visa Grant. ACE will access VEVO to ascertain visa subclass, duration of current visa and other details of student visa.
- 2.4 The Admissions Officer will process the enrolment and ensure that the terms and conditions of enrolment are met.
- 2.5 If a student has completed 6 months of the principal course of study, the application will be processed as for all offshore students.
- 2.6 If a student has not completed 6 months of the principal course of study, ACE may process the application if the following conditions are met:
 - If the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.
 - If a student is in receipt of a Government scholarship, and a written support from this government agreeing to the change is provided, which will stand in lieu of a letter of release.
 - If the original provider has ceased to be registered, or sanction has been imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that original provider, and evidence of this occurrence can be provided.
 - If the overseas has no principal course and a proof (e.g. VEVO etc.) can be provided.
- 2.7 If a student has not completed 6 months of the principal course of study and the following conditions in Item 2.6 above are not met, the application process is halted and the student is informed that they are unable to transfer at this time and student may need to re-apply their application after the 6-month period.
- 2.8 The Admissions Officer may issue a student with a Conditional Offer Letter if a student can provide a copy of his or her current CoE and Visa, pending their her release from the original provider in PRISMS.
- 2.9 The Admissions Officer may issue a student with a CoE prior to the completion of six months of the principal course of study; however, the CoE will commence after the six month period.

3.0 Overseas Students Enrolled in Course Packages

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- 3.1 If a student is enrolled in a package of courses, the student is advised that changes to their preliminary course may have ramifications for their admission to their principal course (e.g., if a preliminary course is a prerequisite).
- 3.2 ACE will issue Statement of Attainment for the Unit/s of Competency completed by the student up to the last date of study when the request for release is received. Procedure for *Requesting for Release from ACE and transfer to another registered education provider prior to completing the six-month period* above applies.

4.0 Appealing a Decision on Transfer Request

- 4.1 A student may appeal ACE's decision to refuse or not to grant release if a student believes that there are reasonable grounds for their transfer. The student may initiate the Complaints and Appeals process by informing ACE in writing of his/her intention to appeal the decision within 20 working days. Please refer to the *Complaints and Appeals Policy and Procedure* for more details.
- 4.2 If the student does not respond to ACE in writing within 20 working days, ACE will close the application and the student is required to continue with their studies in line with the original enrolment conditions.

5.0 Calculation of the six months restriction period

- 5.1 ACE will calculate the six months restriction period from the date the student starts the course.
- 5.2 Where a student has had a break from their studies due to a deferment or suspension, ACE will not count the break for the purpose of determining if the student has completed six months of their principal course of study.

6.0 Escalation

- 6.1 The Admissions Officer will inform the CEO of any issues that may arise in relation to the student's application.
- 6.2 The Admissions Officer will inform the student of an outcome, with the approval of the CEO, based on required and supporting documentary evidence within 10 working days from the date the application was received.

7.0 Dissemination of this Policy

- 7.1 All staff and students will have access to current versions of this policy via:
 - **Staff** – ACE website www.ace.vic.edu.au or public drive;
 - **Students and Education Agents** - ACE website www.ace.vic.edu.au or hardcopy or email where requested.

8.0 Records Management

- 8.1 All documentation relating to an overseas student's transfer request will be maintained in the student's file for 2 years, such as:
 - Application for Transfer between Providers form.
 - Copy of Refusal letter/e-mail

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- Copy of the student's Appeal if applicable
- Cancelled CoE

Legislative Context

- National Code 2018, Standard 7 – Overseas Student Transfers

Related Forms

- Application for Transfer between Providers form
- Refusal letter/e-mail (non-approval of application for transfer)
- Statement of Attainment
- Cancelled CoE

Related Policies and Procedures

This policy is to be read in conjunction with the following policies and procedures:

- Formalisation of Enrolment Policy and Procedure
- Complaints and Appeals Policy and Procedure
- Recognition of Prior Learning and Course Credit Policy and Procedure
- Refunds Policy and Procedure
- Assessment Policy and Procedure

Responsible Parties

The CEO, Compliance Manager and Admission Officer involved in the Overseas Student Transfers process are responsible for the control and implementation of this policy

Version History

Version	Date	Description of changes
6.0	18.03.2022	Updated document to add Version History section
5.0	01.02.2021	Currently released version

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