

## 1. Purpose:

International students who are currently enrolled with another Provider in 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 **YES College** 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.

### Policy Statement:

The **YES College** will not knowingly enrol a student wishing to transfer from another registered provider's course prior to the completion of six months of their principal course of study except where:

- a. The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- b. The original registered provider has provided a written letter of release;
- c. The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
- d. Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

After completing six calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

All applications from current **YES College** students to transfer provider will be assessed in a timely manner and as per the procedure outlined below.

### Scope:

This policy applies to:

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

All staff are made aware of the requirements of this policy through regular meetings, Staff induction, 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:

Overseas Student Transfers Policy and Procedures

Version: 3.0

Implemented: 30<sup>th</sup> August 2019

To be reviewed: 30<sup>th</sup> August 2021

Responsibility: Operations Manager

RTO Code: 0249, CRICOS Provider Code: 03282E

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

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

## 2. PROCEDURES:

### 2.1 Incoming students

The following procedure is relevant to any student who applies for a course within the **YES College** scope of registration 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. Operations Manager accesses the student personal details via PRISMS.
- II. Using the copies for COE / Offer letter from student's current education provider, Operations Manager 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 **YES College's** policies.
- V. Where a student has **NOT** completed 6 months of their principal course of study, they will be advised to provide an appropriate letter of release from their current education provider unless any of the conditions (a-d) as listed under policy statement are applicable.
- VI. To support with the release letter application, student may be provided with a 'Conditional' Letter of Offer (Appendix A) which clearly states that an offer of a place is contingent on applicant obtaining a letter of release.

**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.

- VII. 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 **YES College's** policies.
- VIII. 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. **YES College** 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
- Transfer to a lower level of studies
- Increased tuition costs, particularly in cases where deposits paid in advance to **YES College** 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 **YES College's** support services
- Transfer would jeopardise student's progression through a package of courses
- Within 6 months of a course beginning students may experience homesickness and transfer to another registered provider is not likely to overcome this problem
- Where **YES College** 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

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

YES College will approve a Release request when the transfer is in the student's best interests if:

1. A course is academically unsuitable for a student, e.g. where a student is better suited to a different learning environment or the course does not meet his or her educational or developmental needs or the student is unable to achieve satisfactory course progress at the level they are studying;
2. The course as outlined in the written agreement has not been delivered;
3. The student provides evidence that his or her reasonable expectations about the course are not being met;
4. The student provides evidence of being misled by YES College or YES College education or migration agent regarding the provider or the course and the course is therefore unsuitable;
5. An appeal on another matter results in a recommendation or decision to release the student; or
6. Compassionate or compelling reasons for the transfer exist.

As required by ESOS National Code 2018, Standard 7, before the Release approval is given:

1. The student must present a valid letter of offer of enrolment with the receiving provider; and
2. If the student is under the age of 18, written evidence is required that:
  - ✓ The student's parent or legal guardian supports the transfer; and
  - ✓ The receiving provider must confirm it accepts responsibility for approving a student's accommodation, support and general welfare.

## Refusal of release approval

In accordance with ESOS Act and National Code 2018, YES College will refuse Release approval and inform the student in writing of the reasons for the refusal when the transfer does not satisfy the student's best interests as set out in this policy.

In addition, grounds for refusal also include when:

- ✓ A student has unpaid course fees for the current study period;
- ✓ A transfer would jeopardize a student's progress through a package of courses; or
- ✓ A student requires or has access to particular support services that will not be delivered by the receiving provider or accessible by the student following the transfer.

The YES College will assess and respond to the application within 10 working days. For students refused a Release, they will be advised of their right to appeal the refusal in accordance with the YES College Student Complaints and Grievance Procedures within 20 working days.

## 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 **YES College**.

- I. Students may send a written request (e-mail is satisfactory) to CEO / Operations Manager 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:
  - **YES College** has cancelled/ceased to offer your program (letter from **YES College** 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)
- 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, administration 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 Education and Training and Department of Home Affairs (DHA) via PRISMS due to the breach in course progress requirements.
- V. Once the above points have been addressed by the Administration officer, a 'Letter of Release' (Appendix B) will be granted at no charge to the student. The student will also be advised of the need to contact DHA 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 / Operations Manager.
- VI. Operations Manager must report the student's termination of studies via PRISMS

**Note:**

- 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 **YES College'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 DHA offices to seek advice on whether a new Student visa is required.
- In the event of refusal to release the student, **YES College** will provide written reasons for refusal.
- Refusal of the release will be consistent with the **YES College's** policy and procedure as set out in point 2.2 of this procedure and the other requirements of the standards, especially Standard 7 of National Code 2018.
- **YES College** will inform the student of his or her right to appeal the **YES College's** decision in accordance with the **YES College's** complaints and appeals policy and procedure.

## APPENDIX A

### 'Conditional' Letter of Offer to Transfer

To *(Insert Student name)*,

I am writing to acknowledge your application to enrol in course *(insert Course name & Code)*.

As you **have not** completed the first six (6) months of your principal course of study at your current education provider, we are only able to offer you a 'conditional' offer of enrolment at this stage.

This condition of enrolment is based on you attaining a 'Letter of Release' from your current education provider in your principal course of study.

This 'conditional' offer is valid for a period of 10 working days from the date of this letter and your 'Letter of release' must be presented before any further action will be taken in respect to this application.

Please do not hesitate to contact Student Administration if you have any questions.

Regards

Student Administration

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## **APPENDIX B**

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

To whom it may concern,

This letter is to confirm that **YES College** 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 **YES College** acknowledges that it has informed the student that from the date of this 'Release letter' **YES College** is no longer the provider of the principal course of study for the student.

The **YES College** will be notifying the Department of Education and Training and 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: ...../...../.....

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## **APPENDIX C**

### **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 **YES College** 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)

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

**YES College** 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 **YES College's** Complaints and Appeals policy and procedures available on **YES College** Website or at the campus reception.

Regards,

**Student Administration**

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



**Reference:**

This Policy/Procedures supports:  
Standards for Registered Training Organisations (RTOs) 2015, Standard 7: Overseas Student Transfer 'Standard 7.2.2.1 to 7.2.2.6 of the National Code 2018

**Documents/Forms:**

1. Application to Defer, Suspend or Cancel Enrolment Form

**Revision History**

Version	Date	Revision Description
2.0	30 May 2018	Original