

Policy Number & Name: RTOPRO037 Transfer of Provider Policy – International

Policy Area: Crown College International – International Students Only

Authorised by: Internationalisation Advisory Committee

CRICOS Provider No: 03582D

Organisation Definition:

Crown Melbourne Limited trades as Crown Melbourne Limited, Crown College and Crown College International. For the purpose of this policy, any reference to Crown College, or the ‘college’ should be considered a reference to any these respective trading names.

1.0 Policy

- 1.1 The policy delivers a formal, documented process for assessing such requests for Transfer of Provider as set out in the National Code Part D, Standard 7 “Transfer between Registered Providers”.
- 1.2 This policy is designed to ensure that Crown College International adheres to the provisions of the ESOS Act (The Education Services for Overseas Students Act 2000), with respect to international students transferring to another provider before having completed six (6) months of their principal course of study unless specific conditions are met.
- 1.3 Additionally, the policy sets out the requirements for international students wishing to transfer to Crown College International subsequent to the first six (6) months of attendance, provided a valid Letter of Offer from another CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students) registered provider has been received and verified.
- 1.4 The Policy also relates to Non-Acceptance, Acceptance of Release and the Decisions and Complaints and Appeals process.

2.0 Scope

- 2.1 The policy covers all compassionate or compelling circumstances under which Crown College International may be called upon to assess a Transfer of Provider request by an individual international student and ensures that each such request will be considered and dealt with in accordance with the National Code standard 7, having taken into account all relevant supporting documentation presented in the case.

3.0 Responsibility

- 3.1 The International Student Support Officer and the International Student Administrator is responsible for the implementation of this policy/procedure and to ensure that employees and students are aware of its application and requirements.

4.0 Procedures

- 4.1 International Student transferring from Crown College International to another CRICOS Registered Provider (Standard 7.1)
 - 4.1.1 In the first instance, international students wishing to transfer to another CRICOS Registered Provider prior to completing six (6) months of their principal course of study must complete and submit a written, signed and dated Transfer of Provider Request form and furnish any relevant supporting documentation to the International Student Support Officer. This request must clearly explain the reasons why the international student is seeking the transfer.
 - 4.1.2 Each Transfer of Provider Request form received by Crown College International will be treated on an individual basis and the specific circumstances considered in order to assess whether or not the transfer is in the best interests of the international student.
 - 4.1.3 When such a request is received it is the responsibility of the International Student Administrator to manage the process and they will arrange an interview with the international student at which they will discuss the reasons for the transfer request and will inform the international student of all issues that may arise as a result of such a transfer between providers.
 - 4.1.4 The international student may be required to attend more than one interview or related appointments. The international student will be advised of the requirement for them to contact DIBP to determine if there is, or is likely to be, any impact on their student visa status (Standard 7.4)
 - 4.1.5 Regardless of the decision made by Crown College International in any particular case, the international student making application is granted twenty (20) days to access the Complaint and Appeals process. (In accordance with Standard 8)

- 4.2 The following will be determined by the International Student Support Officer and International Student Administrator as a result of the interview:
- a) The exact circumstances surrounding the proposed release.
 - b) The benefits the international student will receive by transferring to a different provider.
 - c) Whether or not the transfer may be detrimental to the international student's further studies.
 - d) A review of any other options that may be available to the international student and whether or not these may be of assistance in that student achieving their academic goals.
 - e) A review of any support services that may be available to the international student (and where appropriate a referral of that student to these services) which may include –
 - Academic study support
 - Additional English language support
 - Additional tutoring or mentoring programme(s)
 - Consideration of reduction in course load if applicable
 - Implementation of an Intervention Strategy as suggested in the Early Intervention Strategy for International Students Policy.
- 4.2.1 If the international student has not already completed an International Student Letter of Release Application form, it should be provided to the international student at that time and the international student should complete the form, sign and date it and submit it to the International Student Administrator.
- 4.2.2 The International Student Administrator will then require the international student to:
- a) Provide proof of a valid enrolment offer from another Australian registered education provider which confirms that a valid offer of enrolment has been made by that institution, thereby authenticating the proposed international student transfer (this can be in the form of a copy of the other institution's Letter of Offer).
 - b) Explain why the transfer is in their best interests – this may be either on personal or academic grounds.
 - c) Demonstrate and provide evidence of the existence of exceptional circumstances which are beyond the control of the international student.
 - d) Provide documentary proof that they are, or will be, unable to meet the requirements of the relevant course but have made a concerted effort at either attempting or completing all related assignments or other training requirements.
- 4.2.3 When the International Student Administrator has received the International Student Letter of Release Application they will review the Application with the International Student Support Officer and any supporting evidence in order to confirm that:

- a) The international student is not attempting to avoid being reported to DIBP as a result of poor course progress or inadequate class attendance
- b) All student fees related to the international student have been paid.

4.2.4 The International Student Administrator must either approve or refuse the application within five (5) working days of their receipt of ALL the necessary documentation and must notify the international student of that decision without delay.

4.2.5 The International Student Administrator will process all such requests within ten (10) working days from the date of submission, and if approved a Letter of Release will be provided within that time frame.

4.2.6 The International Student Administrator will ensure all documentation received in relation to the international student's application for release is recorded in their international student file and the release, if granted, will be reported via the PRISMS system. (Standard 7.4)

4.2.7 Approval of transfer of an international student does not automatically indicate Crown College International agrees to provide any refund. All refunds must be approved under Crown College International's Refund Policy, which is a separate policy, independent of this policy.

4.2.8 In a case where Crown College International has either cancelled or ceased offering a particular programme a Letter of Release will be issued by Crown College International. (Standard 7.1a)

4.2.9 Crown College International will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file (Standard 7.6)

4.3 Circumstances in which a Transfer of Provider Request will be granted (Standard 7.1)

4.3.1 Crown College International will consider a Transfer of Provider Request from an international student and may grant a Letter of Release under the following circumstances:

- a) Compassionate and compelling circumstances.
- b) Where the other provider and the course they offer better meets that student's academic capabilities and requirements.
- c) Where Crown College International has ceased to be registered or the course for which that student is enrolled ceases to be registered.

- d) Where Crown College International has had a sanction imposed by the Australian Government or any state or territory government that would prevent the student from attending or continuing the principal course in which they are enrolled.
- e) Where any government sponsor of an international student considers a change of provider to be in the best interests of that student and has provided written support for such a change.

4.4 Crown College International will grant a Letter of Release only where the student has (Standard 7.3)

4.4.1 Crown College International will grant a letter of release only where the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made, and

4.4.2 The issuance of such a Letter of Release by Crown College International will be made at no cost to the international student. (Standard 7.4)

4.5 Circumstances in which a Transfer of Provider Request will NOT be granted (Standard 7.5)

4.5.1 A Letter of Release will not be issued by Crown College International when:

- a) The request is made within six (6) months of the commencement of the principal course with Crown College International unless exceptional circumstances have been granted approval.
- b) Crown College international has considered the application and does not agree that the transfer is in the best interests of the international student or their academic capabilities.
- c) The international student cannot produce a valid Letter of Offer from the provider to which they wish to transfer.
- d) The international student has not met their financial obligations to Crown College International or is experiencing other financial difficulties.
- e) Where Crown College International has reason to believe that the international student is attempting to avoid being reported to DIBP for breaching or not meeting their international student contract obligations, or failing to meet the requirements of the course in which they are enrolled.

4.5.2 In each case, Crown College International has the right to determine the circumstances under which it will provide, or refuse to provide, a Letter of Release in accordance with the National Code. All determinations will be made under the auspices of the Crown College International Student Support Officer and international students are required to cooperate with that office and must attend any related interviews or appointments made in respect of that consideration.

4.5.3 The reasons for the decision, the factors taken into consideration and the student's individual circumstances will be provided to the student. The Student will be informed of his or her right to appeal Crown College International's decision in accordance with (Standard 8) Complaints and Appeals.

4.6 Acceptance of Letter of Release Application of a Student by Crown College International

4.6.1 The circumstances justifying an International Student Transfer being granted by Crown College International (where the International Student Administrator has determined the transfer would not be detrimental to the international student or their future studies) will be based on the following considerations:

- a) Academic grounds.
- b) Being in the best interests of the international student.
- c) Compassionate grounds.
- d) Where the principal course (or where a prerequisite or enabling course forms part of a package with the principal course) does not adequately meet the student's needs, or may be inappropriate for the student.
- e) Where the international student provides written confirmation that the international student's parent or Legal Guardian supports the transfer.
- f) Where the international student provides a suitable Letter of Offer from another Australian Registered Provider which confirms that a valid offer of enrolment has been made and is current.
- g) Where none of the circumstances that would prevent a transfer exist and the international student has provided all relevant documentation.

4.7 Non Acceptance of a Letter of Release Application of an International Student by Crown College

4.7.1 Crown College International will not issue a Letter of Release if the international student has not satisfied the above requirements or have already cancelled their enrolment.

Circumstances that do NOT justify a transfer occur when:

- a) The international student has not completed the first four (4) weeks of the course for which they are enrolled.
- b) The international student has requested a release from a course provided by Crown College International in order to transfer to a course provided by another Registered Provider and Crown College International has determined the other course to be the same, similar, or equivalent to the course in which the international student is already enrolled.
- c) The transfer is likely to jeopardise the international student's progression through a package of courses.

- d) The transfer may be detrimental to the international student's future study, career objectives or general welfare.
- e) The documents provided by the international student in support of the application do not sufficiently make the case for granting a transfer.
- f) The international student has not accessed Crown College International's student support services after having been directed to do so.
- g) Crown College International believes that the international student is attempting to avoid being reported to DIBP for failing to meet the academic requirements related to their student visa.
- h) The international student has outstanding debts to Crown College International.

4.8 Decisions (Standard 7.5)

- 4.8.1 The International Student Administrator must either approve or refuse the application within five (5) working days of their receipt of ALL the necessary documentation and must notify the international student of that decision without delay.
- 4.8.2 The International Student Administrator will process all such requests within ten (10) working days from the date of submission, and if approved a Letter of Release will be provided within that time frame.
- 4.8.3 When Crown College International has decided to grant a Letter of Release, the International Student Administrator will write to the international student and enclose the following documentation:
 - a) A withdrawal form.
 - b) Notice to the effect that the international student's CoE will be cancelled and that they are to contact DIBP without delay to seek direction as to whether or not they will require a new student visa.
 - c) Notice that Crown College International will cancel the international student's CoE on PRISMS.
 - d) Advice that the international student may apply for a refund and that this would be considered in accordance with Crown College's International Student Refund Policy.
- 4.8.4 Should Crown College International decide not to grant a Letter of Release the International Student Administrator must advise the international student in writing within 10 days of the following matters:
 - a) The reasons for Crown College International's decision not to grant the release.
 - b) Information regarding the international student's right to appeal the decision in accordance with Crown College International's Complaints and Appeals processes and how to initiate the process.
 - c) That the international student may transfer to another registered provider after the completion of the six-month period of their principal course.

4.9 Complaints and Appeals (Standard 7.5)

4.9.1 Should the international student be dissatisfied with Crown College International's decision as to whether or not to grant a Letter of Release, the international student will be given the right to appeal the decision in accordance with Crown College International's Student Complaint and Appeals Policy. If the international student elects to do this, Crown College International will maintain the student's current enrolment status until the appeals process has been completed. The international student must provide all appeals documentation, in writing, within twenty (20) working days of receipt of the refusal letter. (In accordance with Standard 8 - Complaint and Appeals).

4.10 Transferring from another Provider to Crown College International

4.10.1 This procedure is designed to ensure that Crown College International does not knowingly enrol any international student wishing to transfer from another provider, prior to them having completed six (6) months of their principal course with that provider, unless that student can provide a valid Letter of Release agreeing to such a transfer and that the procedures of this policy have been fully adhered to.

4.10.2 Crown College International will accept an application for transfer from an international student enrolled with another provider after that student has completed six (6) months of their principal course with that provider, in which case the student would simply complete a standard enrolment and no Letter of Release would be required.

4.10.3 All requests made to Crown College International by international students currently enrolled with other providers will be assessed by the International Student Administrator who will decide on the outcome of each application based on the following:

- a) A copy of the current Confirmation of Enrolment (CoE) must be provided by the international student.
- b) A copy of the applicant's student visa (to confirm when the international student entered Australia).
- c) A review showing that the applicant's length of studies completed in their principal course of study is greater than six (6) months.
- d) Where the international student can prove they have completed more than six (6) months of their principal course of study, the application process will be the standard as undertaken for all international students.
- e) Where the applicant has not completed six (6) months of their principle course of study, the applicant must provide an appropriate Letter of Release from their current provider to support their application. (Standard 7.1b).

- f) Where the applicant has completed less than six (6) months of their principal course of study, to support the application, Crown College International may provide the applicant with a “conditional” Letter of Offer which clearly states that the offer of a place is contingent on the international student obtaining the appropriate Letter of Release from their current provider.
- g) Once such a Letter of Release has been received by Crown College International and it can be determined that the applicant has no outstanding fees due payable to the other institution, nor any other outstanding matters that might prejudice their application to Crown College International, the application may proceed as for all international students.
- h) If there has been no satisfactory Letter of Release received by Crown College International from the other registered provider, the application will be terminated and the international student advised that they are unable to be transferred at that time, however they will be advised that they may make a re-application once the six (6) month period with their existing provider has passed.

4.10.4 In the case where the applicant is in receipt of a government scholarship they should provide written confirmation from the government involved that they are supporting the change of provider and this evidence will take the place of a Letter of Release.

4.10.5 In a situation where it can be proven that the original provider or the course they were providing ceases to be registered, or that such sanctions have been placed against the institution providing the course so as to prevent the international student from continuing with that course and/or that provider, the international student is not required to produce a Letter of Release.

4.10.6 Crown College International will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student’s file (Standard 7.6)

5.0 Related Documents

Transfer of Provider Request form
 International Student Release form
 Conditional Letter of Offer
 Letter of Offer - Unsuccessful
 Letter of Offer – Successful
 Refund policy
 Compliant and Appeals policy
 Application form

6.0 Policy Publication

All policies and procedures that are applicable to prospective students and enrolled students (domestic or international) and all relevant organisation employees/contractors are made available on request at all times, and form part of the induction and orientation for employees/contractors and students and are made available via the website (where appropriate), student administration/management systems, learning management system and internal electronic systems.

7.0 Definitions

CoE – (Confirmation of Enrolment) is a document which is provided by registered providers to intending international or overseas students electronically which confirms their eligibility to enrol in a particular course of study offered by the registered provider. The CoE must accompany the student's application for visa.

Compassionate or Compelling Circumstances – are those which generally fall beyond the control of the student and which have an impact on the student's programme progress or well-being. These may include, but are not limited to:

- a) **Illness or injury** - If a student is ill, they must supply a medical certificate which must be from the registered health practitioner who is treating their condition, and include the dates of consultation, the medical condition, impact of the condition on the student's ability to study, any recommendation for a reduced study load or break from study, and treatment plan.
- b) If a student has a **close family member who is ill**, they must supply evidence of their relationship to them (e.g. birth certificate(s), passport, family record book, etc.) as well as evidence of the illness from a Doctor or hospital.
- c) **Bereavement (loss of close family members)** – The student is required to provide evidence of the bereavement in the form of a death certificate and must be able to show evidence of family relationship with the deceased.
- d) **Permanent or temporary disability** – Where a student experiences such a disability, evidence is required in the form of a letter from a medical practitioner or from Crown College medical liaison staff recommending a reduced study load or a break from study.
- e) **Incident or issue causing distress to student** – Where an incident or issue causes such distress to a student that it impacts on their capacity for study (e.g. political upheaval in home country, natural disaster in home country, involvement in a serious accident, witnessing or being the victim of a serious crime or critical incident). Evidence required (as appropriate): media reports of civil war/significant political unrest or natural disaster plus evidence of student's residency in the specific affected area; police report; letter from psychologist that includes the dates of consultation, the outcome of the assessment, the impact on the student's ability to study, the recommendation for a reduced study load or break from study, and treatment plan.

- f) **Delay in receiving a student visa requiring student to travel offshore** - Evidence required: correspondence from the Department of Immigration and Border Protection (DIBP).
- g) **Provider is unable to offer a pre-requisite course or unit** – In these circumstances a letter from the provider confirming the situation (including all relevant details and dates) is required.

5.1 **Course /Unit** – A component or formal part of an education or training programme.

CRICOS – (The Commonwealth Register of Institutions and Courses for Overseas Students) is a register of Australian education providers that recruit, enrol and teach overseas students. Registration on CRICOS allows providers to offer courses to overseas students studying in Australia on student visas.

DIBP – (The Department of Immigration and Border Protection) is a department of the Government of Australia that is responsible for immigration, citizenship and border control.

International Student – Is a person who holds a student visa as defined by the ESOS Act. Under the definition, an international student may reside in Australia or outside the country.

The National Code of Practice for Providers of Education and Training to Overseas Students (The National Code) provides nationally consistent standards for the conduct of registered providers and the registration of their courses. The standards set out requirements and procedures to ensure providers of education and training courses to international students can clearly understand and comply with their obligations under the National Code.

PRISMS – (The Provider Registration and International Student Management System) is a computer system developed by the Department of Education and Training in association with the Department of Immigration and Border Protection (DIBP) for the purpose of receiving and storing information about accepted students that is given to the Secretary under section 19 of the Education Services for Overseas Students Act 2000 (The ESOS Act).

8.0 Amendment Schedule

Table detailing any amendment made to the policy between review dates:

Date	Modification	Version	By

Document ID RTOPRO037	Version No 1.0	Controlled copy, uncontrolled when printed
Release Date Jan 2017	G:\HR\TRAINING\4. CROWN COLLEGE - INTERNATIONAL\POLICIES & PROCEDURES\Final\RTOPRO037 Transfer of Provider Policy.docx	