

Policy Number & Name: RTOPRO037 Transfer of Provider Policy

Policy Area: Crown College International – International Students Only

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. Policy

1.1 This policy covers two (2) types of request for transfer by international students studying on a student visa which occur before the student completes the first six (6) months of study in their principal course;

- i. Transfer from Crown College International to another education provider.
- ii. Transfer from another education provider into Crown College International.

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), and the National Code 2018 with respect to international students transfers prior to completing six (6) months of their principal course of study unless specific conditions are met.

2. Scope

2.1 The policy covers all international students studying at Crown College International on a student visa.

3. Responsibility

3.1 The International Student Support Officer with support from the International Student Administration team are responsible for the implementation of this policy and procedure and to ensure that employees and students are aware of its application and requirements.

4. Procedures

4.1 Transfer from Crown College International to another education provider.

- 4.1.1 In the first instance, international students wishing to transfer to another CRICOS education provider prior to completing six (6) months of their principal course of study must complete and submit a written, signed and dated Request for Release form and supply any relevant supporting documentation to the International Student Support Officer. This request must clearly explain the reasons why the international student is seeking to transfer to another provider.
- 4.1.2 Each Request for Release will be treated on an individual basis and the specific circumstances considered in order to assess whether or not the release is in the best interests of the international student.
- 4.1.3 The International Student Support Officer will contact the student and organise a time for an interview to discuss the student's request.
- 4.1.4 The International Student is required to include the following information in their release request;
- i. Provide proof of a valid enrolment offer from another education provider which confirms that a valid offer of enrolment has been made by that institution. This can be in the form of a copy of the other education providers Letter of Offer;
 - ii. Demonstrate and provide evidence of the existence of exceptional circumstances which are beyond the control of the international student;
 - iii. 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.
- 4.1.5 The International Student Support Officer will take into consideration the following points and document the findings in the Release Request Progress form:
- i. The exact circumstances surrounding the proposed release;
 - ii. The benefits the international student will receive by transferring to a different provider;
 - iii. Whether or not the transfer may be detrimental to the international student's further studies;
 - iv. 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;
 - v. 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.
- vi. If the international student is attempting to avoid being reported to the Department of Home Affairs as a result of poor course progress or inadequate class attendance;
- vii. If student fees related to the international student have been paid.

4.1.6 Crown College International will consider a Request for Release under the following circumstances:

- i. Compassionate and compelling circumstances;
- ii. Where the other provider and the course they offer better meets that student's academic capabilities and requirements;
- iii. If the international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging in an intervention strategy;
- iv. There is evidence that the student's reasonable expectations are not being met;
- v. There is evidence that the student was misled by the education agent or Crown College International about the course outcomes and therefore it is unsuitable to the student's needs or study objectives;
- vi. An appeal on another matter results in a decision or recommendation to release the international student;
- vii. Where Crown College International has ceased to be registered or the course for which that student is enrolled ceases to be registered;
- viii. 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; or
- ix. 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.

4.1.7 The International Student Support Officer will either approve or refuse the request for release within ten (10) working days of receipt of ALL the necessary documentation and must notify the international student of that decision without delay.

4.1.8 Approval of release 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. The approval of a release will be made at no cost to the international student.

- 4.1.9 When Crown College International has approved a Request for Release, the International Student Support Officer will notify the international student in writing;
- i. Notice to the effect that the international student's CoE will be cancelled and that they are to contact the Department of Home Affairs without delay to seek direction as to whether or not they will require a new student visa.
 - ii. Notice that Crown College International will cancel the international student's CoE on PRISMS.

- 4.1.10 When Crown College International has refused a Request for Release, the International Student Support Officer will notify the student in writing of:
- i. The reason/s for the refusal
 - ii. The student's right to access the Complaints and Appeals policy within twenty 20 working days.

4.1.10 Regardless of the decision made by Crown College International in any particular case, the international student making application is granted twenty (20) working days to access the Complaint and Appeals process.

4.1.11 The International Student Administrator will ensure all documentation received in relation to the international student's request is retained in their student file and the outcome will be reported via the PRISMS system, after the 20 day period for accessing the Complaints and Appeals policy has concluded.

4.1.12 In a case where Crown College International has either cancelled or ceased offering a particular course, a Release will be issued by Crown College International within ten (10) working days of the decision.

4.2 Transfer from another education provider to Crown College International.

4.2.1 Crown College International will not knowingly enrol any international student wishing to transfer from another provider, prior to them having completed six (6) months of their principal course.

- 4.2.2 Applications may be considered within the first six (6) months of study in the principal course if any of the following apply:
- i. The releasing registered provider, or the course in which the international student is enrolled, has ceased to be registered;
 - ii. The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing his or her course at that provider;
 - iii. The releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS;
 - iv. Any government sponsor of the international student considers the change to be in the student's best interests and has provided written support for the change.

- 4.2.3 All Applications made to Crown College International by international students currently enrolled with other providers will be assessed by the Group Manager Operations who will decide on the outcome of each application based on the following:
- i. A copy of the current Confirmation of Enrolment (CoE) must be provided by the international student;
 - ii. A copy of the applicant's student visa (to confirm when the international student entered Australia);
 - iii. 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;
 - iv. 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;
 - v. Where the applicant cannot provide a Letter of Release, 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;
 - vi. 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;
 - vii. 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.
- 4.2.4 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.
- 4.2.5 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.

4.3 Complaints and Appeals

- 4.3.1 Should the international student be dissatisfied with Crown College International's decision as to whether or not to grant a Request for Release, the international student will be given the right to appeal the decision in accordance with the Complaints and Appeals Policy.

- 4.3.2 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.
- 4.3.3 The international student must provide all appeals documentation, in writing, within twenty (20) working days of receipt of the refusal letter.

5. Related Documents

Request for Release form
Conditional Letter of Offer
Release Request Progress form
RTOPRO034 Refund policy
RTOPRO061 Complainants and Appeals policy

6. 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. 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.

4.1 **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.

DHA – (The Department of Home Affairs) 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.

The National Code of Practice for Providers of Education and Training to Overseas Students (The National Code 2018) 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. Amendment Schedule

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

Date	Modification	Version	By
22.5.2017	Updated formatting and numbering system	2.0	Vanessa Hoppe
21.12.2017	Major update of all procedures	3.0	Vanessa Hoppe
7.11.2019	Updated 5. Related Documents	4.0	Vanessa Hoppe

Document ID	RTOPRO037	Version No 4.0	Controlled copy, uncontrolled when printed
Release Date	Nov 2019	G:\HR\TRAINING\8. POLICIES, PROCEDURES & FORMS\International Only\RTOPRO037 Transfer of Provider Policy V4.0.docx	