

FOUNTAIN College

Student Transfer Policy

Students' transfer between registered providers information in compliance with the National Code 2018 and the ESOS Framework.

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Policy Title: Student Transfer Policy

Purpose and scope

- Under the provisions of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018), a registered provider must not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study unless the original provider
 - has ceased to be registered or the course in which the student is enrolled has ceased to be registered
 - the releasing registered provider has agreed to provide a letter of release.
 - 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
 - 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.
- The objective of this policy is to set out the College's policy and procedure in relation to requests from an overseas student for letters of release so that the student may transfer to another registered provider.

Definitions

- For the purpose of this policy:
 - **Overseas student** means a student studying in Australia on a student visa and does not include a study tour participant in Australia on a visitor or tourist visa.
 - **Registered provider** means a provider approved to deliver a course to overseas students under the Education Services for Overseas Students Act 2000 and Education Services for Overseas Students Regulations 2001.

Transfer Policy

- I. A student enrolled into another CRICOS registered provider wishing to transfer to Fountain College may only do so if they comply by National Code, Standard 7.1:

The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:

- a. *the original registered provider has ceased to be registered or the course in which*

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- 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.*
- II. An overseas student who has not completed six months of his or her principal course of study may request a letter of release so as to transfer from the College to another registered provider.
- III. The College will grant an overseas student's request for a letter of release only in exceptional circumstances relating to the welfare of the student.
- IV. The College will not grant an overseas student's request for a letter of release in circumstances where the College is of the opinion that transfer to another registered provider would be detrimental to the student. The College may form that opinion for reasons including the following:
- a) The student has not commenced his or her principal course at the College or the request is made less than 4 weeks after the student commenced his or her principal course at the College.
 - b) The College believes that transfer may jeopardize the student's progression through a package of courses.
 - c) The College believes that the student is trying to avoid being reported to Department of Home Affairs for failure to meet attendance or academic progress requirements.
 - d) The College believes that the provider and/or course to which the student wishes to transfer are not of the same standard as the College and/or its course.
- v. The College will not grant an overseas student's request for a letter of release if any course monies or other amounts owed by the student to the College are unpaid.
- vi. A request for a letter of release must:
- be in writing,
 - include all relevant information concerning the reasons for the request,
 - include documentary evidence acceptable to the College that supports the reasons for the request,
 - be signed by the overseas student (or the student's parent or legal guardian if the student is under 18 years of age), and
 - must identify the registered provider and course to which the overseas student wishes to transfer, such identification to include full particulars of name, address and CRICOS codes for the provider and course.
- vii. The college will grant the transfer request in the best interest of the overseas students:

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- 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 that registered provider's intervention strategy to assist overseas students.
- b) there is evidence of compassionate or compelling circumstances:
 1. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
 2. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 3. major political upheaval or natural disaster in the home country requiring emergency travel
 4. and this has impacted on the overseas student's studies; or
 5. a traumatic experience(Serious accidents, victim of serious crime)
- c) the college fails deliver the course as outlined in the written agreement
- d) there is evidence that the overseas student's reasonable expectations about their current course are not being met (such as correspondence between the overseas student and the registered provider or marketing materials given to the overseas student prior to enrolment, and setting particular expectations about the course)
- e) 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; or
- f) an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- g)
- h)

viii. If the College grants an overseas student's request for a letter of release, the

College will provide the letter of release but only if the student has:

- provided a letter from another registered provider confirming that a valid enrolment offer has been made; and
- where the student is under 18:
 - a) the College has written confirmation that the student's parent or legal guardian supports the transfer; and
 - b) where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for

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approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).

- ix. If the College decides not to grant a letter of release, the College will, within 20 working days of receipt of the written request for a letter of release, provide the overseas student with written reasons for refusing the request and will inform the student of his or her right to appeal the College's decision in accordance with the College's complaints and appeals policy.
- x. The College will keep records of requests for letters of release, corresponding decision and the process used to make a decision in relation to requests for 2 years.
- xi. The College will not finalise a student's refusal status in PRISMS until an appeal finds in favour of the College, 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.
- xii. Refunds arising from the transfer of an overseas student to another registered provider shall be determined in accordance with the College's Refund Policy.

Procedure

1. Where an overseas student requests a letter of release, that request will be assessed against this policy and related procedures instituted from time to time.
2. A request for a letter of release will be considered by the International Student Officer, or by any other College official nominated by the Principal of the College.
3. Any appeal against a decision not to grant an overseas student's request for a letter of release will be considered by the Coordinating Principal. Refer to the Student's Complaints and Appeals Policy.
4. If granted, a letter of release will be provided at no cost to the overseas student.
5. If granted, letter of release will advise the overseas student of the need to contact Department of Home Affairs to seek advice on whether a new student visa is required at no cost.

Guidelines and References

- Education Services to Overseas Students Act 2000.
- Education Services to Overseas Students Regulations 2001.
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018).

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