

**International Students**

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**Purpose**

The purpose of this policy is to ensure that Everest Institute of Education (Ei) does not enrol transferring students prior to the student completing six months of their principal course of study except for the circumstances outlined in this Policy.

This policy also ensures that when a student wishes to transfer from Ei before completing six months of their principal course, Ei assesses this request according to this Course Transfer Policy and Procedure. This ensures compliance with Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

**Definitions**

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

**Course** means Program of Education or Training, defined as Course in the ESOS Act.

**DET** means Department of Education and Training

**Department of Home Affairs** is a central policy agency, providing coordinated strategy and policy leadership for Australia's national and transport security, federal law enforcement, criminal justice, cyber security, border, immigration, multicultural affairs, emergency management and trade related functions.

**ESOS Act** means Education Services for Overseas Students Act 2000

**National Code** means National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018

**PRISMS** means Provider Registration and International Students Management System

**PRINCIPAL COURSE** means Principal course of study is generally the final course of study covered by the overseas student’s visa. If the visa is granted for a package of more than one enrolment, the principal course of study is the highest AQF qualification. If there is more than one enrolment at the highest AQF level, then the principal course of study is the enrolment with the earliest proposed start date.

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework

**Six months** means completion of six calendar months of the principal course of study from the date that the student commences the course.

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### Policy

Everest Institute (Ei) will provide students prior to enrolling all information regarding transfer between providers. Everest Institute (Ei) will provide students in print (through its prospectus) or referral to its website, current and accurate information regarding the following:

1. Everest Institute of Education (Ei) will not knowingly enrol a student wishing to transfer from another registered provider's course of study except where:
  - ◆ the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
  - ◆ the original registered provider has provided a written letter of release and recorded release transfer request outcomes in the Provider Registration International Student Management System (PRISMS)
  - ◆ 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
  - ◆ 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.
2. If any of the above conditions apply, Everest Institute of Education (Ei) can enroll a student before they have completed six months of their principal course.
3. Everest Institute of Education (Ei) will not actively recruit a student before the student has completed six months of their principal course.
4. The restriction to not enroll transferring students also applies to any prerequisite courses in a package of courses.
5. Everest Institute of Education (Ei) will not finalise a refusal to release the overseas student until the student has had an opportunity to access the complaints and appeals process;.
6. The circumstances in which a transfer will be granted include:
  - ◆ Where it is considered that the course that the student wishes to transfer to:
    - Better meets the study capabilities of the student; and/or
    - Better meets the long term goals of the student, whether these relate to future work, education or personal aspirations; and/or
    - Offers the student access to greater support either through services offered by another registered provider, commercial or non-profit services or through access to family, friends or a cultural support network.
  - ◆ The student claims or can provide evidence that his or her reasonable expectations about the current course are not being met.
  - ◆ 'Compassionate or compelling' circumstances are 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:
    - 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

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- 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)
  - when Everest Institute was unable to offer a pre-requisite unit.
7. A transfer to another course will usually not be granted where:
- ◆ The transfer may jeopardise the student's progression through a package of courses.
  - ◆ 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. In this case, the student will be requested to wait a further 4 weeks before applying for a transfer to another registered during which time the full range of support services will be provided to the student
  - ◆ The student is trying to avoid being reported to Department of Home Affairs for failure to meet the provider's attendance or academic progress requirements.
8. All decisions made by Everest Institute of Education (Ei) with regard to a student's requests to transfer to another provider will be fair and take into account the student's individual circumstances and any other relevant factors.
9. In order for a request for transfer to be considered and a letter of release provided, students must provide a letter of offer from another registered provider confirming that a valid offer of enrolment has been made.
10. A letter of release will always be granted where a student has provided evidence that he or she was misled by Everest Institute of Education (Ei) or migration agent regarding the provider or its course which is in breach of the ESOS Act and released through PRISMS.
11. There is no cost in providing students with a letter of release. However, where a student transfers to another registered provider, any refund of course fees paid will be in accordance with Everest Institute of Education (Ei)'s Fees and Refunds Policy and Procedure
12. Students who are granted a letter of release must contact Department of Home Affairs to seek advice on whether a new visa is required. To find out more about visa requirements, student should call Department of Home Affairs on 131881 or visit their web site at <http://www.homeaffairs.gov.au/>.
13. Information about relevant course transfer is provided to students in the International Student Handbook and Course Guides which are provided to students prior to or upon commencement of a course. These are also available on Everest Institute of Education (Ei)'s website at [www.everest.edu.au](http://www.everest.edu.au)
14. Everest Insitiute of Education (Ei) will ensure that their staff who interact directly with students are aware of all the provider's ESOS obligations and the potential implications for students. Marketing and recruitment staff and agents will be aware of the limitations on transfer before completion of six months of a principal course. They will advise overseas students (or parent or guardian if the overseas student is under 18) of these limitations.
15. Everest Insitiute of Education (Ei) will issue a student who lodges a request for a letter of release with an acknowledgment that the request has been received.
16. Where the decision is made to refuse a student or Everest Institute of Education (Ei) does not respond to the request in the timeframe set out in this Policy, the student may appeal against the decision by accessing Ei's Complaints and Appeals process within 20 days. Where Everest Institute of Education (Ei) does not grant a letter of release, the student will be provided with written reasons for refusing the request and will be informed of his or her right to appeal the Ei's decision in accordance with Standard 8 (Complaints and appeals).If the appeal finds in favour of a student wishing to transfer, a letter of release will be granted and student released on PRISMS.

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17. Everest Institute will use its discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, Everest Institute will inform them that they will need to apply for a new student visa.
18. All records relating to course transfers will be kept on a student’s file. Everest Institute will maintain records of overseas student transfer requests for two years after the student ceases to an accepted student.

**Procedure**

**1. Students transferring from another provider**

| Procedure   | Responsibility                                       |
|---|--|
| <p><b>A. Process application from student</b></p> <ul style="list-style-type: none"> <li>• Where an application from a student indicates that they are already enrolled with another provider, check that a Letter of Release has been provided or that any of the circumstances that apply to transferring students who have not completed six months of their principal course of study apply.</li> <li>• If required, contact the student or student’s agent to confirm the student’s status with the previous registered provider.</li> <li>• Check on PRISMS if a release is required and inform student or student’s agent if PRISMS prompts with the release requirements.</li> <li>• Where a Letter of Release or any of the circumstances applying to release, or any of these conditions apply and the student meets other standard enrolment requirements, forward the student’s application to the CEO for approval.</li> <li>• Where the application is approved by the CEO, inform the student in writing via the <i>Letter of Confirmation (Student Transfer) Template</i>.</li> <li>• Where the student is not eligible to transfer because they have not provided a letter of release and none of the circumstances that apply to transferring students who have not completed six months of their principal course of study apply, inform the student in writing that their application has been refused, stating the reasons why via the <i>Letter of Rejection (Student Transfer) Template</i>.</li> <li>• Include all documentation on the student’s file for student transfer requests for two years after the student ceases to an accepted student.</li> <li>• Everest Instiute will inform the student of the outcome for their application within 10 working days.</li> </ul> | <p>Administration Department</p> <p>Director/CEO</p> |

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**2. Students seeking to transfer to another provider**

| Procedure   | Responsibility                                       |
|---|--|
| <p><b>A. Process application for transfer</b></p> <ul style="list-style-type: none"> <li>◆ Where a student requests to transfer to another provider, provide the student with an <i>Application for Withdrawal Form</i> for completion.</li> <li>◆ Documentation required is stated on this form, including the requirement for a valid letter of offer from another provider and the reasons for the transfer from Everest Institute.</li> <li>◆ Acknowledge receipt of <i>Application for Withdrawal Form</i> by email to the student.</li> <li>◆ Review the application and supporting evidence provided within 10 working days of receipt of application.</li> </ul>  | <p>Administration Department</p> <p>Director/CEO</p> |
| <p><b>B. Review application</b></p> <ul style="list-style-type: none"> <li>◆ Make a decision based on the circumstances in which a transfer will be granted as set out in the Policy.</li> </ul> <p><b><u>Release a student from transfer restricted enrolment</u></b></p> <p>1. Search for CoE/Student and locate the transfer restricted CoE that you wish to release the student from</p> <p>2. Record the release –</p> <ul style="list-style-type: none"> <li>• Once the CoE has been located proceed to the ‘Course Variation/Defaults’ tab</li> <li>• Select ‘Student Release’ button which will navigate you to the Student Release screen.</li> <li>• Select ‘Grant Student Release’ when asked to ‘Select if you are granting or refusing a student release’</li> <li>• Select the appropriate release type <ul style="list-style-type: none"> <li>○ Provider agreed to student’s release (Standard 7.1.3)</li> <li>○ Government sponsor has provided written support of the change (Standard 7.1.4)</li> </ul> </li> <li>• Enter the Date of Effect</li> <li>• Enter Provider Name or Provider Code (optional)</li> <li>• If Release Type is ‘Provider agreed to the student’s release (Standard 7.1.3)’, you will be provided to record the reason you are releasing the student from their enrolment <ul style="list-style-type: none"> <li>○ There is evidence of compassionate or compelling circumstances</li> <li>○ An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student</li> <li>○ There is evidence that the overseas student’s reasonable expectations about their current course are not being met</li> <li>○ The overseas student will be reported because they are unable to achieve the satisfactory course progress at the level they are studying, even after engaging with that registered provider’s</li> </ul> </li> </ul> | <p>Administration Department</p> <p>Director/CEO</p> |

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| Procedure   | Responsibility |
|---|----------------|
| <p>intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)</p> <ul style="list-style-type: none"> <li>○ The registered provider fails to deliver the course as outlined in the written agreement</li> <li>○ 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</li> <li>○ Other, comments will be required</li> <li>○ Click 'Save'. This will complete the release process</li> </ul> <p>◆ Where the application is approved, inform the student in writing, including a letter of release, information on any refund of course fees in accordance with Ei's Fees and Charges Policy and Procedures and Refund Policy and Procedure advising the student to contact Department of Home Affairs to confirm whether they will need a new visa.</p> <p><b><u>Refuse a student's transfer request</u></b></p> <p>◆ Where the application is refused, Ei will inform the student in writing, including the reasons for the decision and advising the student of their right to access Ei's Complaints and Appeals process and that they have 20 working days in which to do this from the date specified on the letter.</p> <ol style="list-style-type: none"> <li>1. Search for CoE/Student and locate the transfer restricted CoE that you wish to release the student from</li> <li>2. Record the release refusal – <ul style="list-style-type: none"> <li>● Once the CoE has been located proceed to the 'Course Variation/Defaults' tab</li> <li>● Select 'Student Release' button which will navigate you to the Student Release screen</li> <li>● Select 'Refuse Student Release' when asked to 'Select if you are granting or refusing a student release'</li> <li>● Enter the Date of Effect</li> <li>● Provide comments on why you are refusing the release</li> <li>● Check that you have issued the student with the required written notice of intention of intention to refuse the release, and that appeals process has found in in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student has withdrawn from the process</li> <li>● Click 'Save'. This will complete the refusal to release</li> </ul> </li> </ol> |                |

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**Document Control**

|                                 |   |
|---------------------------------|---|
| <b>Document No. &amp; Name:</b> | SC32 Course Transfer Policy & Procedure |
| <b>Quality Area:</b>            | Students and Clients                    |
| <b>Author:</b>                  | Everest Institute                       |
| <b>Status:</b>                  | Active                                  |
| <b>Approved By:</b>             | Director of Operations                  |
| <b>Approval Date:</b>           | Sept 2019                               |
| <b>Standards:</b>               | ESOS Act National Code 2018 Standard 7  |