

# Transfer Between Registered Providers Policy

## Purpose

This policy establishes the principles and processes by which Macleay College will assess international student requests to transfer between registered providers to ensure compliance with the Education Services for Overseas Students (ESOS) Act 2000 and the requirements of Standard 7 of the National Code of 2007.

## Scope

This policy applies to all requests from international students to transfer their enrolment to (or from) Macleay College prior to them having completed of six months of their principal course of study. This policy also applies to staff who assess transfer requests.

## Related Policies

This policy should be read in conjunction with the following college policies which can be accessed via [Forms & Policies](#):

- Admissions Policy for International Students
- Grievances & Appeals Policy for Academic Matters

## Definitions

<i>Appeal</i>	a formal written request by a student to have a matter heard and/or reconsidered in accordance with the college four-stage grievance resolution framework
<i>Enrolled</i>	where an international student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards completion of the course requirements
<i>External Appeal</i>	written request by a student to have a matter heard and/or reconsidered by the Overseas Student Ombudsman if they are not satisfied with the outcomes of their internal appeal
<i>Letter of Release</i>	a letter supplied by the Original Provider acknowledging their agreement to release an international student within (or prior) to the first six months of their principal course of study to transfer to another registered provider
<i>New Provider</i>	the registered provider to whom the student is seeking to transfer
<i>Original Provider</i>	the original provider from whom the student is seeking to transfer
<i>Principal Course of Study</i>	is the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study, where the overseas student arrives in Australia with a student visa that covers multiple courses

## Policy Statement

### 1 Transferring to Macleay College from Another Registered Provider

Macleay College will not enrol, nor seek to enrol, any international student wishing to transfer from another registered provider's course prior to that student having completed six months of their principal course of study. The following exceptions may apply, where:

- a) the original registered provider has ceased to be registered or the course in which the student was 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 their principal course of study or any prerequisite courses
- 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

### 2 Transferring from Macleay College to Another Registered Provider

An international student wishing to transfer from Macleay College to another CRICOS registered provider, prior to having completed six months of their principal course of study at Macleay College, must submit an 'Application for a Letter of Release' with the following supporting documentation:

- a) a certified copy of their student visa; and
- b) a copy of the letter of offer from the registered provider to which they wish to transfer

Macleay College will only consider an application complete if it has been signed and the above documentation is attached. Macleay College will assess and respond to all completed applications within ten working days.

A copy of the application, decisions and outcomes will be kept on the student file.

An *Application for a Letter of Release* form can be requested from the Office of the Registrar by sending an email to [registrar@macleay.edu.au](mailto:registrar@macleay.edu.au).

#### 2.1 Grounds for the Provision of a Letter of Release

Macleay College will assess an *Application for a Letter of Release* and provide a letter of release, at no cost to the international student, on one or more of the following grounds:

- Macleay College is no longer able to provide the course of student in which the student is due to commence or has enrolled
- the student is unable to complete the course of study due to compassionate circumstances i.e., emotional or financial hardship, welfare or personal safety
- the student has justifiable claims that their reasonable expectations of the course of study are not being met
- the course is academically unsuitable for the student and does not meet their educational or development needs
- the government sponsor of a student considers the change to be in the student's best interest and has provided written support for that change

The following are not normally considered grounds for the provision of a *Letter of Release* where the student:

- has changed their mind about the course and/or studying at Macleay College
- is downgrading to a qualification not offered at Macleay College for reasons other than academic ability
- wants to live somewhere else (unless there are compassionate grounds)

Where an *Application for a Letter of Release* is successful, the student will be notified in writing, attaching the *Letter of Release*. A student who is granted a *Letter of Release* should contact the Department of Immigration & Border Protection (DIBP) to seek advice on whether a new student visa is required.

## 2.2 Grounds for Denying a Letter of Release

Macleay College will assess an *Application for Letter of Release* and refuse the request for a *Letter of Release* on one or more of the following grounds where:

- the student has unpaid tuition fees (or other charges)
- the transfer would be detrimental to the student's ability to complete the requirements of the new course of study
- the Government sponsor of a student does not consider the change to be in the student's best interest and has not provided written support for the change

Where an *Application for a Letter of Release* is denied, Macleay College will not provide a *Letter of Release*. The student will be sent a *Refusal of Release Letter* outlining the reasons for the decision and their right to appeal the decision.

Where release is denied, the applicant has the right to appeal the decision within 20 working days in accordance with the college *Grievance & Appeals Policy*.

## Procedure

### 1 Submission (and Receipt) of an Application for a Letter of Release

The international student must submit a completed *Application for a Letter of Release* form with all supporting documentation attached. Applications will only be assessed if they are deemed complete and have all the necessary documentation attached at the time of submission.

The form can be requested by sending an email to [registrar@macleay.edu.au](mailto:registrar@macleay.edu.au). It must be completed and very clearly set out the basis for the request and attach one or more of the following documents in support of the application.

- a certified copy of the current student visa, and
- a copy of the Letter of Offer from the registered provider to which they wish to transfer

The *Application for a Letter of Release* form should be lodged with the Office of the Registrar. The application will not be accepted if it has not been completed in full, signed and attaches the required supporting documentation as outlined above.

## 2 Review and Assessment of Completed Application Form

### 2.1 Confirm necessary supporting documentation is attached to the application form

The completed *Application for a Letter of Release* form is reviewed by the Office of the Registrar for completeness. Application forms are not accepted nor deemed complete without the following supporting documentation:

- a certified copy of their student visa; and
- a copy of the Letter of Offer from the registered provider to which they wish to transfer

### 2.2 Review and Assess the Completed Application Against the Grounds for Approval

The completed *Application for Letter of Release* form is assessed by the Officer of the Registrar against the grounds for approval.

If the application is successful, a *Letter of Release* will be provided within ten working day of receipt of the completed application.

If the application is unsuccessful, the *Letter of Release* will be refused, and the applicant notified of the reasons for the decision and the available avenues for appeal.

## 3 Appeal

The student has the right to appeal the decision to refuse a *Letter of Release* within twenty working days. The college has a four-stage resolution process and students electing to appeal the decision should refer to the college *Grievance & Appeals Policy* for the procedure on how to deal with grievances.

If successful in appeal, a *Letter of Release* will be provided within ten working days of the decision.

If unsuccessful in appeal, the *Letter of Release* will be refused and the applicant notified of the reasons for the decision and the avenues available for further appeal. International students also have the right to contact the Commonwealth Ombudsman in relation to grievances under the ESOS Act.

## 4 Cancellation of Enrolment & Refunds

Students receiving a *Letter of Release* approving their transfer request to another provider must cancel their enrolment with Macleay College and apply for a refund of fees as per the process outlined in the Student Handbook. Any such applications are to be processed by the Office of the Registrar as per the normal process for cancelling enrolment and refunding fees.

## 5 Filing for the Student Record

As each task is completed in relation to the application and the outcomes, it should be marked off from the *Macleay College Office Use Only* section of the application form. These tasks include:

- Application Checked for Completeness
- Head of Faculty Advised
- Student Notification Sent (and Letter of Release if approved)
- PRISMS & Paradigm Updated
- Outcome and Documentation sent to Student File

## Approvals

*Next Policy Review Date: October 2019*

Approved by the Dean 30 August 2016.