

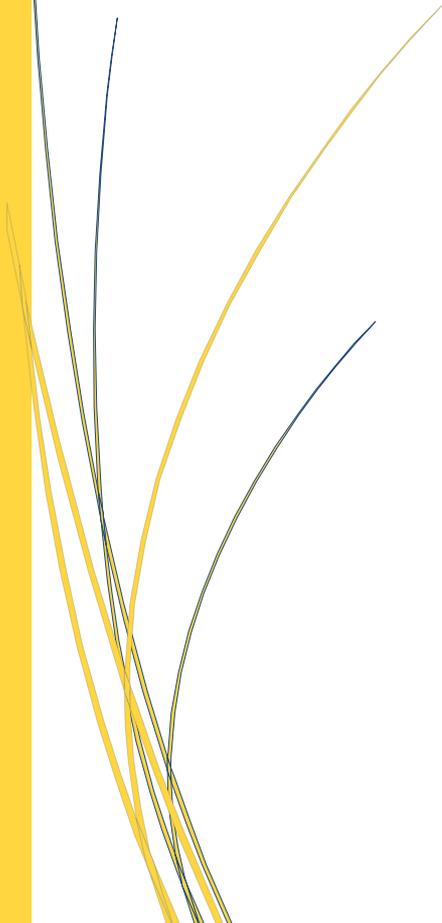


# NEW ERA INSTITUTE

CRICOS No.: 03509B • National Provider no.: 41543

## Standard 7\_Overseas student transfers

2022 V 2.0





## Purpose

New Era Institute (NEI) is restricted from enrolling transferring students prior to a student completing 6 months of their principal course of study. This means NEI is unable to knowingly enrol a student transferring to NEI, who has not completed at least 6 months of their initial principal course without meeting specified criteria outlined in the ESOS National Code 2018.

## Scope

1. The specific requirements are summarised under Standard 7: Overseas student transfers, of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, should be read in relation to policies and procedures relating to:
  - National Code Standard 8, Overseas student visa requirements
  - National Code Standard 9, Deferring, suspending or cancelling the overseas student's enrolment
  - National Code Standard 10, Complaints and appeals.
2. These policies and procedures are designed to assist NEI staff:
  - Assess, approve (or disallow) and record applications from international students for a transfer to another provider; and/or
  - Assess applications for study with NEI by international students enrolled with another registered provider, and to issue (or refuse to issue) a Letter of Offer to that applicant, and the reporting of the decisions via PRISMS.
3. It is recognised that there exists a potential for tension between:
  - the obligations arising from the ESOS desire to guarantee international students freedom of choice in selecting a suitable registered provider; and
  - the obligations to the Department of Home Affairs (DHA) to act to preserve the integrity of the issuing and administration of student visas.
4. These policies and procedures are therefore designed to ensure compliance with the ESOS National Code and to preserve the integrity of the international student visa.



## **Policy and Procedure**

1. This policy details the procedures for assessing applications to transfer within this period. The procedures outlined below will ensure that it does not enrol any transferring international student prior to the 6 months of their principal course being completed unless that student has a valid letter of release agreeing to such a transfer and the below procedures will be implemented.
2. Students who have studied longer than this period of 6 months can apply as normal and no letters of release need to be sighted.
3. The following procedures have been separated into 'Incoming students' and 'Outgoing students.'
4. Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of Student Admission officer. Student Admission officer shall assess the applications to transfer education providers and conclude an outcome based on the following procedure at no cost to the student.

### **Incoming students**

1. The following procedure is relevant to any student who applies for a course within NEI and is currently studying on-shore with another registered provider.
2. For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student number (to look up PRISMS). Once this information is obtained the following steps are taken:
3. Student Admission Officer accesses the student information via PRISMS. They are to ascertain if the length of studies completed in their current Principal course of study is greater than 6 months. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.
4. In completing this process, documentation must be saved in the student's file.
5. If they have completed more than 6 months of their principal course of study, the application process proceeds as for all off-shore students.



- Where a student has NOT completed 6 months of their principal course of study, PRISMS is to be checked to ascertain if the student has been released from their current provider.
- To support the application, they can be provided with an “Offer of Enrolment” which clearly states that an offer of a place is contingent on their being released by their current provider.
- If the current provider provides a Release on PRISMS, the application proceeds as for all off-shore applicants.
- If the current provider has not advised on PRISMS that the student has been released, the application process is halted and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6 month period has passed.
- Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no letter of release is required. Evidence of this occurrence would need to be placed in the student file.
- If the student is in receipt of a Government scholarship, they should provide written support from the government agreeing to the change which will stand in lieu of any letter of release.

### **Outgoing students**

1. The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principal course of study.
2. **IMPORTANT NOTE:** If the student is requesting for course cancellation/withdrawal prior to completing six (6) months of the principal course and the Student Visa was granted under NEI’s COE, the student must request for a visa cancellation from the Department of Home Affairs (DHA) and re-apply for a new student visa using the COE issued by the new education provider. Otherwise, release may not be granted.
3. Students make a written request to Student Services/Admission Department to transfer to another provider.
  - In some situations, NEI may refuse a transfer application. Reasons a transfer may be refused include:



- Student applies to transfer into a course that he/she does not have the credentials to enter
- The transfer would jeopardise his/her progression through a package of courses
- The transfer would put him/her in breach of their visa conditions
- Student is trying to avoid being reported to the Department of Home Affairs for failure to meet attendance or course progress requirements
- Student owes money to NEI

4. The only reasons under which a student will be granted a transfer are if:

- NEI has cancelled/ceased to offer the students program (letter from NEI supplied)
- 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 the overseas student in accordance with Standard 8
- there is evidence of compassionate or compelling circumstances
- NEI has failed to deliver the course as outlined in the written agreement
- there is evidence that the overseas student's reasonable expectations about their current course are not being met
- there is evidence that the overseas student was misled by NEI or an education or migration agent, regarding NEI or its course, and the course is therefore unsuitable to their needs and/or study objectives
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

5. The student is asked to provide a valid "Offer of Enrolment" from the new provider.

6. In assessing the application to transfer, the Student Admission officer will check the following points:

- Ensure any outstanding fees are paid
- Ensure the student is fully aware of all issues relating the transferring of providers.



- Check student records to ensure the student is not trying to avoid being reported to the appropriate government agency(s) due to lack of course progress or poor attendance records.
7. Once the above points have been addressed by the Admission department, information on the release of the student is entered into PRISMS
- Where the request to transfer to another RTO is be refused, the student is to be advised in writing of the reasons for the refusal, and the student’s right to appeal the decision within 20 working days of being advised of the decision and the institute will keep the student enrolment until the complaints and appeals process is finalised.
  - All requests, considerations, decisions and copies of letters of release should be placed on student’s file for a period of two years after student ceased to be a student.
  - The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.

The institute will assess and reply to the overseas student’s transfer request within 10 working days.

Other charges apply. Refer to fees and charges on the website.

## **Responsibility**

- CEO
- Marketing team
- Admissions officers
- Student Support Officers
- All teaching staff

## **Related Documents**

- Student Handbook
- NEI’s Website
- NEI’s Completion within Expected Duration



- Progress Policies & Procedures
- Monitoring Course Progress Policies & Procedures
- Formalisation of Enrolment Policies and Procedures
- Complaints and Appeals Policies and Procedures

## **Related Standards**

- Standard 7 from the National Code 2018
- ESOS Act 2000
- Migration Act