NEW ERA INSTITUTE

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

# Standard 7_Overseas student transfers

2026 V1.0

# Purpose

NEI must not knowingly enrol (issue a CoE to) an overseas student seeking to transfer from another registered provider within the first six (6) calendar months of the student's principal course of study (including any prerequisite courses in a packaged arrangement), unless an exception under National Code Standard 7.1 applies. This Policy and Procedure sets out how NEI assesses and responds to incoming and outgoing transfer (release) requests, protects visa integrity, and ensures decisions are fair, timely, documented and subject to complaints and appeals.

Principal course of study: the course nominated as the principal course in PRISMS (including packaged course arrangements where prerequisite courses are undertaken before the principal course).

Restricted period: the first six (6) calendar months of the student's principal course of study (including any prerequisite courses undertaken before the principal course).

Release (letter of release): written release from the current provider confirming the student may transfer within the restricted period; release must be recorded/verified in PRISMS.

Compassionate or compelling circumstances: circumstances beyond the student's control impacting wellbeing or course progress (e.g., serious illness/injury, bereavement, major disaster, traumatic experience, prerequisite unit availability issues).

Definitions (for this policy):

NEI will not actively recruit an overseas student during the restricted period in a way that would undermine the intent of National Code Standard 7 (including through education agents).

# Scope

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:

If the overseas student is under 18 years of age and not being cared for in Australia by a parent or suitable nominated relative, NEI will ensure welfare arrangements are managed in accordance with National Code Standard 5, including the receiving provider's acceptance of welfare responsibility (where applicable).

Roles: CEO/Compliance Manager (oversight); CEO/Admission/Student Services Team (decision quality assurance and PRISMS actions); Admissions Officer (incoming transfer assessment); Student Support Officer (student communications and file evidence); Trainers/Assessors (course

progress evidence where relevant); Marketing/Agents team (ensures no active recruitment during restricted period).

- National Code Standard 8, Monitoring course progress and attendance (where an ESOS agency requires attendance reporting)
- National Code Standard 9, Deferring, suspending or cancelling the overseas student's enrolment
- National Code Standard 10, Complaints and appeals

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.

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.

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

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.

Refunds are managed separately under the Fees and Refunds Policy (Overseas Students) and the Written Agreement; granting a release does not automatically mean a refund is payable.

Mandatory controls: NEI will not charge a student a fee for processing a transfer/release request; NEI will assess and respond within 10 working days; decisions (grant/refuse) will be provided in

writing with reasons; students will be advised of the right to appeal (Standard 10); and enrolment will be maintained during any internal/external appeal where required.

Students who have studied longer than this period of 6 months can apply as normal and no letters of release need to be sighted.

The following procedures have been separated into 'Incoming students' and 'Outgoing students.'

NEI will not charge a fee for issuing a release letter. NEI will respond within 10 working days. If NEI refuses or does not respond within timeframe, the student may appeal under NEI's Complaints and Appeals process (Standard 10).

Student must submit a written transfer (release) request and provide a valid Letter of Offer from the receiving registered provider for the request to be assessed.

NEI must not issue a CoE (enrol) for a student within the restricted period without having sighted/verified a valid release or another Standard 7.1 exception. Issuing a CoE for the purpose of a new visa application is not a valid reason to bypass Standard 7.

Incoming transfer assessment must be documented in the applicant file, including PRISMS evidence of principal course and commencement date, calculation of six (6) calendar months, and evidence supporting any Standard 7.1 exception.

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

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.

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:

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.

In completing this process, documentation must be saved in the student's file.

If the student has completed more than 6 months of their principal course of study, the application proceeds through NEI's standard admissions process.

- 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

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.

Important note: NEI does not provide immigration advice. A transfer to another provider may have visa implications. NEI will advise the student to consult the Department of Home Affairs or a registered migration agent for independent advice. NEI will assess release requests strictly in accordance with National Code Standard 7 and will not issue a release or facilitate a transfer for the purpose of circumventing the standard.

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:

Reasonable grounds to refuse (examples) must be consistent with the intent of Standard 7 and include, for example, where the student has not provided a Letter of Offer; where the transfer would put the student in breach of visa conditions; where the student is attempting to avoid a lawful reporting decision (course progress and/or attendance where reporting is required); where the student has outstanding fees owed under the written agreement; or where the student is not genuinely engaging with an intervention strategy with the intention of failing to obtain release.

- Student applies to transfer into a course that they do not have the credentials to enter
- The transfer would jeopardise their progression through a package of courses
- The transfer would put their 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

NEI will grant a transfer (release) request where it is in the overseas student's best interests, including (but not limited to) the circumstances below (National Code Standard 7.2.2):

• NEI is unable to deliver the course as outlined in the written agreement.

• NEI has ceased to be registered or the student's course has ceased to be registered, or sanctions prevent the student continuing the course.

• There is evidence the student's reasonable expectations about the course are not being met.

• There is evidence the student was misled by NEI or an education/migration agent regarding NEI or its course, and the course is unsuitable to the student's needs/study objectives.

• The student will be reported for unsatisfactory course progress even after engaging with NEI's intervention strategy under Standard 8 (noting reporting obligations still apply where triggered).

• There is evidence of compassionate or compelling circumstances impacting wellbeing or course progress.

• An internal/external appeal on another matter results in a decision or recommendation to release the student.

• Government-sponsored students: written support from the sponsor considers the change in the student's best interests.

- 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.

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

In assessing the application to transfer, the Student Adminission offier 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.

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.

If the student accesses internal or external appeals (where applicable), NEI will maintain the student's enrolment status in PRISMS as required until the appeal is concluded, or the student withdraws/does not lodge within the allowed timeframe.

- All requests, considerations, evidence, decisions and copies of release/refusal letters must be retained on the student file for at least two (2) years after the student ceases to be an overseas student with NEI, and in accordance with NEI's Records Management controls.
- 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.

**APPENDIX – REGULATORY MAPPING MATRIX**

| Transfer requirement / control | National Code 2018 | RTO Standards 2025 | Evidence retained (audit-ready) | Responsible role | Review cycle |
|---|---|---|---|---|---|
| NEI does not issue CoE within restricted period without valid release/exception | Std 7 | Compliance/integrity | PRISMS evidence | Admissions / PRISMS | Each case |
| Incoming transfer checks documented | Std 7 | Records | PRISMS and student file notes | Admissions | Each case |
| Outgoing release assessed fairly; reasons provided if refused | Std 7 | Procedural fairness | Written outcome; reasons; file note | Student Services | Each case |
| No fee charged; decision in 10 working days; appeal rights | Std 7 + Std 10 | Learner protection | Transfer request; outcome letter; appeal record | Student Services | Each case |
| Enrolment maintained during appeal where required | Std 10 | Fairness | Appeal register; status maintenance evidence | Compliance | Each case |