

## **OVERSEAS STUDENT TRANSFER BETWEEN REGISTERED PROVIDERS POLICY**

### **1.0 PURPOSE**

The purpose of this policy is:

- a) to ensure that international students wishing to transfer between registered training providers do so in accordance with the guidelines of the National Code of Practice for Providers of Education and Training to Overseas Students 2007 (National Code 2007);
- b) to set out The JMC Academy's policy and procedure with regard to requests from overseas students for a letter of release in order to transfer to another registered provider.

### **2.0 BACKGROUND**

In accordance with the National Code 2007, registered providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except for the circumstances outlined below. Registered providers from whom the student is seeking to transfer are responsible for assessing the student request to transfer within this restricted period. It is expected that the student request will be granted where the transfer will not be to the detriment of the student.

### **3.0 DEFINITIONS**

For the purposes of this policy:

- a) An overseas student is 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.
- b) DIAC means the Department of Immigration and Citizenship
- c) 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.

### **4.0 POLICY**

The JMC Academy is committed to abide by and implement a transfer policy in accordance with the National Code 2007. The National Code restricts the movement of students to an alternative provider up to and including the first six months of the student's principal course, except in exceptional circumstances as listed below:

- the original registered provider has ceased to be registered;
- the original registered provider has provided a written 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 students best interest and has provided written support of that change.

## **5.0 PROCEDURE**

All current students of The JMC Academy requesting a transfer to another registered provider prior to the expiry of the required 6 months must be referred to the Campus Manager or, in his/her absence a senior member of staff.

### **5.1 Requests for transfers within the first 6 months of the principal course**

Students wishing to transfer to another provider:

- Must have a valid enrolment offer from another provider, and
- Must submit a request in writing to The JMC Academy.

The JMC Academy will consider each request and provide a written response to the student within 5 working days.

### **5.2 Grounds for declining requests for transfers**

Requests for transfers may be refused for the following reasons:

- The transfer may jeopardize the student progression through a package of courses.
- The student is intending to avoid being reported to DIAC for failing to meet The JMC Academy's attendance or academic progress requirements.
- Valid letter of offer has not been received by the student.
- The student has outstanding fees to be paid to The JMC Academy.
- Reasons for requesting transfer primarily relate to enhancing permanent resident opportunities, reduction in attendance requirements at the new institute or current timetable interferes with work arrangements.
- Transfer perceived as detrimental to student's welfare and wellbeing eg new institute
  - has restricted hour days of study,
  - requires considerable extra travel,
  - requires attendance at hours outside of 0800-1000 in locations remote from built up areas or public transport.

### **5.3 Processing requests for transfers**

- Generally subject to 5.2 above all requests for release will be approved where it is considered in the best interests of the student academically or personally.
- The Campus Manager will interview all students applying for transfer within the first six months of their principal course and assess the request and respond in writing within 5 working days.
- If the request is refused the student has 20 working days to appeal via The JMC Academy's *Complaints and Appeals process*.

### **5.4 Students transferring from other registered providers**

A letter of offer may be provided to a student who is requesting to transfer to The JMC Academy from another registered provider. In discussion with the student, staff should ascertain if the student has a valid visa and the commencement date of the principal course in order to determine if the student is subject to a no transfer clause. If applicable, staff must inform the student of the requirement to obtain a letter of release from their current provider before a valid enrolment can commence. Exceptions to this requirement are where

- 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 best interest and has provided written support for the change.

## **6.0 RESPONSIBILITIES**

- It is the responsibility of the Campus Manager to receive and process requests for transfer.
- Requests for transfer may only be granted with the approval of the CEO.
- It is the responsibility of the Marketing Officer to advise students wishing to transfer to The JMC Academy from other registered providers, on the requirements of obtaining a letter of release where necessary.