

Transfer between Registered Providers Procedure

1. PURPOSE

JMC Academy guidelines and procedures for:

- assessing a request to transfer to another provider where the student has not studied their principal course for more than six calendar months (outgoing), and
- assessing an enrolment application where the student has not studied their principal course for more than six calendar months (incoming).

Where a request is denied, the student may appeal internally and to the Overseas Student Ombudsman.

2. SCOPE

This policy applies to all international students.

3. DEFINITIONS

Please refer to *JMC Academy Glossary*.

4. PROCEDURE

4.1 PROCEDURE (OUTGOING)

4.1.1 A Formal Release Is Not Required If:

- The original registered provider has ceased to be registered,
- The original registered provider recorded in PRISMS that a release has been granted,
- 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 student's best interest and has provided written support of that charge,
- The student holds another visa type that is not subject to the ESOS Act and the National Code 2018,
- The student wishes to return to their home country and does not wish to continue studying in Australia,
- The student is offshore and unable to commence their studies in Australia.

4.1.2 A Formal Release may be Granted if:

- The student requests a transfer to study a course at an academic level considered similar to, or higher than, the level of their current Course, in a discipline area not available at JMC Academy, evidenced with a valid offer of admission from another registered provider, and they can demonstrate compassionate or special circumstances which necessitate transfer to another provider, including, but not limited to, those listed in Standard 7 of the National Code: Overseas Student Transfers, or
- They can demonstrate exceptional personal circumstances which have not been successfully resolved after accessing JMC Academy's support services,
- The student does not meet the conditions on their Offer Letter and therefore, cannot commence their JMC Academy course, such as not satisfying English language requirements during study with a package course provider, and an alternative course at JMC Academy is not available. For students enrolled in a package of courses, JMC Academy reserves the right to

differ with the recommendation from a package provider and the decision of JMC Academy will be final.

4.1.3 A Formal Release Will Not Be Granted If:

- The student has outstanding debts or fines,
- The student has academic and/or non-academic sanctions,
- The student changes their mind about the intended course, claims financial hardship, or wishes to transfer to another provider with lower tuition fees,
- The student requests a transfer to study a course at an academic level that is considered lower than the current principal course of study,
- The student requests a transfer to a course with another provider, and that course is available at JMC Academy,
- The student's actions have caused JMC Academy to form the view that they are not a Genuine Student or Genuine Temporary Entrant (e.g. absence from orientation events, low attendance rate, failure to access support services, significant change in academic direction),
- The student has been excluded or suspended from their course,
- The student has not exhausted access to either JMC Academy's support services for assistance with study or personal issues, or for students enrolled in a package of courses, the services offered by the package provider,
- The student has already accepted and paid for a course with another registered provider,
- The student cites work commitments or demands of employment as a reason for transfer,
- JMC Academy believes that the student is attempting to avoid being reported to the Department of Home Affairs (DoHA) for not meeting course requirements,
- JMC Academy does not agree that the transfer is in the best interests of the student's academic progress or future study plans,
- JMC Academy believes that the student has made decisions post-enrolment regarding accommodation, employment or travel that are not aligned with the requirements of their principal course,
- The student is under 18 and there is no written evidence that their parent or legal custodian supports the transfer,
- The student is under 18 and does not have suitable approved arrangements for accommodation, support and general welfare.

4.1.4 How to Apply for a Release

The student must submit a formal request for a release letter to international@jmc.edu.au along with:

- A copy of the offer letter from the new provider,
- A written statement outlining the reasons for transfer, or any other documentation supporting the application. Please note that additional documentation is required for a student under 18 years of age.

The request will be received by the International Student Support Officer who will ensure all necessary documentation has been provided by the student. The request will be proposed to the Director of International Services who will review and make the final decision.

JMC Academy will grant or refuse a request for a Release in accordance with the Department of Home Affairs (DoHA) requirements and Standard 7 of the ESOS National Code.

The request to transfer will be considered by the Director of International Services and measured against:

- The details of the request,
- Any supporting documentation submitted by the student,
- Sections 4.2 and 4.3 above,
- Any other compassionate or extenuating circumstances.

Where the application for a release is approved:

- The Director of International Services will advise the student in writing within ten (10) working days, by letter or email, and the outcome of this decision will be recorded in the student management database,
- The electronic Confirmation of Enrolment (eCoE) for student visa purposes will be cancelled, and the DoHA will be informed via PRISMS.

The student should contact the DoHA to seek advice on whether a new student visa is required. For more information on how the transfer and release affects the student visa, please visit the DoHA website.

Where the application for a release is not successful:

- The Director of International Services will advise the student in writing within ten (10) working days,
- The student may transfer to another provider after six months of study in their principal course. In advance of that, they may access the appeals processes below,
- Once all appeals processes have been exhausted, and if the provider's decision has been upheld, the outcome will be recorded in PRISMS.

4.2 PROCEDURE (INCOMING)

4.2.1 Assessment of student status

During the application process, students must identify previous or current study. Onshore applicants must provide a copy of their visa and, if on a student visa, a copy of all relevant CoEs. Further information and clarification are sought during the interview.

4.2.2 Transferring from another provider

Where a student is identified as being currently enrolled in an Australian provider and they have not completed at least six months of their principal course, applicants are advised to request a release from their current studies before they may be enrolled to JMC Academy. The student must produce a copy of a cancelled CoE from their principal course before a new CoE can be issued by JMC Academy.

5. COMPLAINTS and APPEALS

Students are entitled to appeal against a refusal to permit a release by submitting a formal appeal within twenty (20) working days to:

The Director, International Services, JMC Academy
(email: international@jmc.edu.au)

In the event that the internal appeal is unsuccessful, an appeal can be made within ten (10) working days to the International Student Ombudsman:

Overseas Students Ombudsman

GPO Box 442
Canberra ACT 2601
AUSTRALIA

No outcome will be recorded in PRISMS until all accessed appeals processes have been decided upon.

Students may access the Student Complaints and Appeals Policy and its associated procedures to appeal against any decisions made under this procedure.

6. POSITIONS RESPONSIBLE FOR IMPLEMENTING PROCEDURE

- Campus Managers
- Director of Education
- Director of International Services
- Chief Executive Officer
- International Services Division staff

7. RELATED DOCUMENTS

- Transfer between Registered Providers Policy
- Diversity, Equity and Inclusion Policy
- JMC Academy Glossary

8. RELATED LEGISLATION

This Procedure supports JMC Academy's compliance with the following legislation:

- Education Services for Overseas Students (ESOS) Act 2000 (Cth),
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
 - ESOS National Code 2018, Part B, Standard 7

9. PROCEDURE REVIEW DATE

16th October, 2021

10. VERSION CONTROL TABLE

Title	<i>Transfer between Registered Providers Procedure</i>			
Maintained By	International Division			
Approving Authority	Academic Board			
Approved Date	16/10/2018			
Version Number	Modified By	Modifications Made	Date Modified	Status
3.1	P. Gainey			Superseded
3.2	S. Stanford	Positions and responsibilities updated; new format. Comments made by Director, International Service incorporated.	05/12/2017	Approved by the Academic Board on 22/03/2018 Superseded
3.3	G. Jedlinska	Reformatted, added related documents and related legislation sections, names updated	10/09/2018	Superseded
3.4	L. Te	Procedure for incoming students included	15/10/2018	Approved by G. Markakis as a Health Check on 16/10/2018 Current