



Subject: **TRANSFER BETWEEN REGISTERED PROVIDERS**

Covers: **ALL INTERNATIONAL STUDENTS**

Policy No: INT13 – Version 1

Effective: January 2021

Revised: June 2023

Review Date: June 2025

## Transfer Between Registered Providers

### Transfer of Students

St Michael's Collegiate School will ensure all staff and agents are aware of our Transfer Policy and Procedure. Further, this policy for assessing an overseas student transfer request is explained and made available to overseas students and outline:

- The steps for an overseas student to lodge a written request to transfer in accordance with the policy requirements outlined herein.

### Incoming Students

St Michael's Collegiate School will not enrol a student wishing to transfer from another institution unless the student can provide evidence they have completed six calendar months of their 'first registered school sector' course unless:

- a) the student has obtained and provided evidence of a release from their registered provider.
- b) the releasing registered provider, or the course in which the student is enrolled, has ceased to be registered.
- c) the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing their course with that registered provider.
- 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.

St Michael's Collegiate School further requires potential students to demonstrate:

- a commitment to studies in their previous course.
- a good attendance record for their previous course.
- fees have been paid for that course including any penalty in lieu of notice given.

St Michael's Collegiate School will not make an offer to a student until we are satisfied with the requirements above.

St Michael's Collegiate School will provide the student with a **Letter of Offer** to enable them to return to their current provider and obtain **evidence of release** from their registered course.



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### **Students under 18 years – Incoming**

St Michael's Collegiate School must be provided written confirmation by the overseas student's parent or legal guardian supports the transfer. Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, St Michael's Collegiate must confirm to the current education provider, that it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger Overseas Students).

St Michael's Collegiate School will liaise with the current provider to ensure there will be no gap in welfare provisions for the incoming student.

### **Outgoing Students**

St Michael's Collegiate School will not grant a release to a student who does not have a valid Letter of Offer, within the first six calendar months from the date of the commencement of their 'first registered school sector' course.

If the student has had a break in their studies due to a deferment or suspension, the break period will not be counted as part of their six months of completed study.

St Michael's Collegiate School will grant a release and provide a Letter of Release, unless we believe it is to the detriment of the student to transfer to another school.

Some examples of what may be considered to the student's detriment are:

- if the transfer may jeopardise the student's progression through a package of courses.
- If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student
- if the student is trying to avoid being reported to DIBP for failure to meet the provider's attendance or academic progress requirements and the School's intervention strategy is not being engaged in by the student. For example, the student's intention is to continue to fail so as they are granted a release.
  - o Should a transfer be granted under the above circumstances, Collegiate will report on the student prior to transfer.

St Michael's Collegiate School will grant a release and provide a Letter of Release, where there is evidence of compassionate or compelling circumstances (those incidents which are out-of-control of the overseas student). This could include:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes.
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided).



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- Major political upheaval or natural disaster in the home country requiring emergency travel by the student and impacting on studies.
- Traumatic experience:
  - Involvement in, or witnessing a serious accident.
  - Witnessing or being victim of a serious crime (i.e., cases supported by police or psychologists' reports).

Other circumstances whereby Collegiate would grant a transfer would include:

- Where Collegiate fails to deliver the course as outlined within the written agreement.
- There is evidence provided that the overseas student's reasonable expectations about their current course are not being met (such as: evidence based on correspondence / marketing materials given prior to enrolment setting particular expectations about the course).
- An appeal (internal or external) results in a decision or recommendation to release the student.

### **Students under 18 years – Outgoing**

St Michael's Collegiate School will seek from the new provider written confirmation that where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, that the new provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger Overseas Students) and coordinates dates of release by St Michael's Collegiate School to ensure there will be no gap in welfare provisions for the student being released by St Michael's Collegiate School.

### **Letter of Release**

No request for a release will be considered until the parent/legal guardian produces a signed Letter of Offer from another CRICOS registered provider.

St Michael's Collegiate School will not charge for a Letter of Release.

Our Letter of Release will state whether or not the student demonstrated a commitment to studies during the course, whether or not they had a good attendance record, and whether or not they paid all course fees owing.

The Letter of Release will also advise the parent/guardian/student to contact Department of Immigration and Border Protection (DIBP) urgently to seek advice on whether or not a new student visa is required.

No restrictions apply to students who have completed six calendar months of their 'first registered school sector' course.



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St Michael's Collegiate School WILL NOT grant a release if a student has unpaid course fees for the current study period. The current study period is determined as the study period in which the student applies for a release. If this falls during holiday break the release will be determined as being the previous study period.

St Michael's Collegiate School' Refund Policy will determine if any refunds are payable to the student.

Parent/guardian/student will be provided with written notice of a transfer refusal.

All records and processes which form part of the decision will be kept on the student's file.

NOTE: Evidence of Release is NOT REQUIRED if:

A student arrives in Australia in anticipation of commencing a course, and the course is conditional on their meeting certain entry requirements. The student fails to meet these requirements, and in the absence of evidence of release, the student is left without a provider. In this situation, where the student has not yet commenced their course, the provider cancelling the student's CoE is sufficient to permit a transfer under Standard 7.

OR

Where a student's enrolment may have been cancelled under Standard 13 of the National Code ("Deferring, suspending or cancelling the student's enrolment"), in this situation the cancellation would be sufficient.

First registered school sector course is defined by DoE/DIBP

The first registered school sector course is usually the first course of study covered under the student's visa. The restriction will apply to the first six calendar months of that course.

**ELICOS/Non AQF courses**

If the student has to complete a non-school sector course prior to the first registered school sector course, for example ELICOS, they are restricted from transferring during this course. This course and transfer restriction is additional to the transfer restriction imposed on the 'first registered school sector' course.

**Transfer Procedure - Incoming Students**

Steps to be followed:

- 1) Incoming students must provide evidence of release from their previous provider **or** evidence they have completed six months of their 'first registered school sector' course and that they are not currently enrolled in any course with another provider, or unless:
  - a) the registered provider has produced evidence of release.
  - b) the releasing registered provider, or the course in which the student is enrolled, has ceased to be registered.



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- c) the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing their course with that registered provider.
  - 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) Copies must be kept of all evidence.
  - 3) St Michael's Collegiate School will liaise with the new provider to ensure eCoE dates and Welfare provision dates are coordinated and provide to the current provider confirmation that welfare provisions will be continued by St Michael's Collegiate School, with no gap in welfare arrangements.
  - 4) If the transfer will affect the start dates of any subsequent courses covered by the visa, the student needs to obtain evidence of release for those courses or gain the providers' agreement to delay the start of those subsequent courses.
  - 5) Where applicable St Michael's Collegiate School' staff will advise parents/guardians/students that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).
  - 6) All documentation will be kept on the student's file.

## Outgoing Students

Steps to be followed:

- 1) Parents/Legal Guardians must first request for a release/transfer in writing. This written application must outline reasons for the release/transfer of their daughter from St Michael's Collegiate course. It should be noted that withdrawal of a student requires one term's notice in writing as per the terms written agreement and associated terms and conditions. Should one term's notice in writing of withdrawal or transfer not be provided to the School, as per the school's terms and conditions of enrolment, one term's fees in lieu may be charged.
- 2) Parents/Legal Guardians wanting their daughter to be released from St Michael's Collegiate School must request an appointment with the Enrolments Office. If residing offshore this meeting with parents may be held via a conference call. Should a parent's English not be sufficient to understand policy and procedures of a transfer or withdrawal request, this meeting should be held in the presence of either the family's nominated education agency or in the presence of a translator appointed by the family (which could be at the request of the School) to ensure all discussions regarding the transfer are understood between parties.



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- 3) St Michael's Collegiate School will provide written acknowledgement of the request and ensure a meeting is booked within 2 days of the request for release/transfer.
  - Staff to check if any outstanding fees are owed.
    - Provide advice to the family if there are any outstanding fees for the current study period, that a release will not be granted until they are paid, as per the transfer policy.
  - Academic progress / attendance reports will be reviewed.
  - Staff (faculty/pastoral care) will be included in discussions regarding the appropriateness for the student to be released/transfer.
  - Compelling or compassionate reasons will be reviewed.
- 4) St Michael's Collegiate School will assess the request, make a decision and inform parent/guardian/student within 10 working days of receipt of the application. This document will advise of the right to appeal the decision.
- 5) Provide Release or a Letter of Refusal with reasons for refusal, the factors taken into consideration for the individual student's circumstances in detail and attached to the original application. The refusal letter must also inform of the right to appeal the decision under St Michael's Collegiate School' Complaints and Appeals Policy.
- 6) Parents/Legal Guardians will be provided the St Michael's Collegiate School' Complaints and Appeals Policy in order to understand right of appeal and how to lodge a complaint should the school reject the transfer request.

## RELEASE GRANTED

- 1) St Michael's Collegiate School will liaise with the new provider to ensure dates are coordinated, and welfare provisions are confirmed, with no gap in welfare arrangements and provide to the new provider confirmation via this Letter of Release.
- 2) In accordance with agreed dates between Collegiate and new provider, eCoE and CAAWs will be cancelled by St Michael's Collegiate School and a copy of the new provider's eCOE and CAAW requested to place on the student's file at St Michael's Collegiate School.
- 3) Should the student's academic progress or attendance have not been met by the student during the St Michael's Collegiate School course, this will be reported by Collegiate within PRISMS. Should any intervention strategy have been offered to student, but student refused to participate, this will also be noted.
- 4) All documentation (including any appeal) to be kept on the student's file.



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## RELEASE REFUSED

- 1) As outlined above, St Michael's Collegiate will issue a letter with reasons for the refusal and advise Complaints and Appeals procedures.
- 2) Should family/student lodge a Complaints and Appeals process, this policy will then be activated. See *Standard 6: Student Support Services*
- 3) All documentation (including any appeal) to be kept on the student's file.

## IMPORTANT: STUDENT CONTINUED WELFARE PROVISIONS

Should a student's enrolment be terminated, suspended, deferred or cancelled, or should a student be transferring to or from another School, Collegiate must check that suitability of welfare arrangements and supervision for the student are continued until:

- The student is accepted by another provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements (Collegiate liaises to ensure continuity and the 'no-gap' policy);
- The student leaves Australia;
- Other suitable arrangements are made that satisfy the Immigration regulations (example: the student changes from student visa to permanent resident status – in which case evidence is required);
- Collegiate reports via PRISMS that it can no longer approve the arrangements for the student under Standard 5.3.6 or that the School is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student (examples: where a student or parent is refusing to comply to Collegiate's welfare and care policies, school or boarding house rules - or to provide 'working with children check clearance').

Collegiate will however ensure that the student remains under welfare provision until such time of confirmation that the student has left the school and returned home (flight details are checked) or the student changes to be under the welfare/care of another provider as per points above. Collegiate understands that in reporting under 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter, that Collegiate is in fact reporting a 'breach of student condition 8532' and the report is likely to result in cancellation of the student's visa.

- Collegiate will ensure that for any incoming or outgoing student that the student's welfare is a priority and that the School will ensure the student is not at risk of being unsupervised by a course provider, a parent or nominated relative as approved by Immigration.
- Supervision and welfare arrangements as above also apply during the transfer to or from another provider school.