

## 706-PP-MEGA International Student Transfer Policy and Procedure

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| <b>Relevant Standards</b><br>SRTOs 2015: 1.7, 5.2 (c)<br>The National Code 2018: Standard 1.5, 7<br>Student Visa Conditions | <b>Linked Documents</b><br>Student Handbook<br>Student Complaints and Appeals Policy and Procedure<br>Student Agreement<br>Request for a Letter of Release Form |
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### 1. Purpose

The ESOS Act 2000 and The National Code 2018 impose obligations on registered providers of education services to overseas students studying in Australia on a student visa (international students). Under Standard 7 of The National Code 2018, registered providers are restricted from enrolling a student on to a course of study, where that student is transferring from another provider and has not yet studied six months of their principal course of study.

The purpose of this policy is to ensure MEGA meets the requirements of the Education Services for Overseas Students (ESOS) Act 2000 and Standard 7 of The National Code of Practice 2018 in respect of managing requests from international students who seek to transfer between CRICOS registered providers of education and training services (registered providers).

### 2. Scope

This policy applies to all current, prospective and future students of MEGA.

### 3. Definitions

**Student:** Student means any person enrolled as a candidate for a degree, diploma, or certificate or for any course of study offered by MEGA including non-award students

**International student:** Refers to an overseas student who is studying onshore in Australia on a student visa

**eCOE:** Refers to an electronic Confirmation of Enrolment. Defined in The National Code 2018 as a document, provided electronically to students, which is issued by MEGA to international students who intend to study onshore

**CRICOS:** The Commonwealth Register of Institutions and Courses for Overseas Students. Education providers who wish to provide education services to international students must be formally registered on CRICOS

**ESOS Act:** The Education Services for Overseas Students Act 2000

**Principal Course of Study:** Is defined in The National Code 2018 as the “main course of study” that is or is due to be undertaken by an international student. This is generally the final program or highest qualification in a package of courses

**Registered Provider:** An organisation that is registered as a provider of education and training services to international students on CRICOS

**Transfer between Registered Providers:** A request from a student to transfer from or to another CRICOS registered provider

## 4. Legislative Context

- National Vocational Education and Training Regulator Act 2011 (Cth)
- The ESOS Act 2000
- The National Code 2018
- ESOS Regulations 2001
- Privacy Act 1988 (Cth)
- Equal Opportunity Act 1995

## 5. Policy

### 5.1 Student Request to Transfer from MEGA to another Registered Provider

5.1.1 An international student requesting a transfer from MEGA to another registered provider prior to completing six (6) calendar months of their principal course of study, must obtain approval from MEGA in the form of release confirmation in PRISMS. A release confirmation in PRISMS will not be required where:

- An international student has completed six months or more of their principal course of study. Where this is the case MEGA will approve the request to study with another registered provider without restriction
- The course for which the student has received an eCOE will not be offered by MEGA, and/or has been ceased to be registered on CRICOS.

5.1.2 In accordance with Standard 7 of The National Code 2018, and recognising student's right to exercise freedom of choice as consumers, as a principle, MEGA will grant a student's request to transfer to another provider, where it will not be of detriment to the student.

MEGA considers the following factors as detrimental to the student, and therefore, as reasonable grounds for refusing a transfer request:

- The request is considered detrimental to the student's wellbeing
- The student has not started studying or has studied with MEGA (attending and participating in the classes) for less than four (4) weeks and has not had an opportunity to experience the program of study, and/or the range of support services available at MEGA. In this situation MEGA will re-visit the issue within a timeframe negotiated with the student
- The student has requested a transfer to a course with another registered provider that is considered by MEGA to be unsuited to student's academic capabilities, study plans or career aspirations. This includes where a student wishes to transfer from a higher-level qualification to a lower level qualification e.g. Diploma to Cert IV
- The transfer may jeopardise the student's progression through a package of courses
- The intended course will not provide adequate preparation for further study, and/or is not recognised by higher education or VET providers as meeting their entry requirements
- MEGA forms the view that the student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet the academic progress requirements
- The student is indebted to MEGA and/or has outstanding disciplinary issues.

MEGA may agree to approve a request for a release if the student can demonstrate that the transfer would be in their best interests. If release is granted, there will be no cost to the student.

5.1.3 Where appropriate MEGA will counsel students, to consider their personal or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within MEGA, and/or the recommendation of appropriate student support or study skills support as an alternative to the transfer. Where the student is eligible for a release, this will not affect their right to transfer.

5.1.4 As required by standard 7.2 of The National Code 2018, subject to Clause 5.1.2 above, MEGA will only grant a release where the student has provided a letter of offer from another registered provider confirming that a valid enrolment offer has been made i.e. a letter of offer. In addition to this MEGA requires the student to outline in writing their reasons for requesting a transfer to another registered provider.

5.1.5 Where MEGA grants a release, this will be granted at no cost to the student, pursuant to Standard 7.4 of The National Code 2018.

5.1.6 Where MEGA does not grant a student's request for release, MEGA will provide written reasons for refusing the request. In accordance with Standard 10 of the National Code, the student will be informed of their rights of appeal against the decision within 20 plus 3 working days from the date of the letter. All appeals will be carried out in line with MEGA's *Complaints and Appeals Policy and Procedure*.

## 5.2 Student Request to MEGA from another Registered Provider

As outlined under Standard 7 of The National Code 2018, MEGA will not actively recruit or enrol a student wishing to transfer from another registered provider's course prior to the student completing six (6) months of their principal course of study, except in limited circumstances. These are as follows:

- The principal registered provider has confirmed the release in PRISMS, or
- The course in which the student is enrolled has ceased to be registered by another registered provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), or
- The principal 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 their principal course.

## 5.3 Education Agents

In accordance with Standard 4.6 of The National Code 2018, MEGA will not accept students from, or enter in to an agreement with an education agent, where it knows or suspects that the education agent has attempted to recruit students where this conflicts with the obligations under Standard 7.

## 5.4 Fee Refunds

Where a student is granted a release, their entitlement to a refund of course fees will be assessed in accordance with MEGA's *Fee Refund Policy*.

# 6. Procedure

## 6.1 Procedure for assessing students wishing to Transfer IN to MEGA

- The Admissions Officer receives an application from a student who is on-shore and who has indicated that they are currently studying at another institution
- The Admissions Officer uses PRISMS to decide if the student has completed 6 months of their principal course. They also use the copy of the student visa in the passport to ascertain when they arrived in Australia
- If they have, the application process proceeds
- If they have not, they are asked to provide an appropriate proof of release in support of their application. They can be provided with a "conditional" offer which clearly states that an offer of a place is contingent on their obtaining a confirmation of release updated in PRISMS by the current provider  
Note: If they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any confirmation of release in PRISMS
- If a release is granted and PRISMS is updated, the application proceeds

- If no confirmation of release in PRISMS is obtained from such students, 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 six (6) month period has passed
- Note that in the very rare circumstances where the principal 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 confirmation of release is required.

## 6.2 Procedure for assessing transfer applications from students wishing to transfer OUT of MEGA

- Students make a written request (e-mail is satisfactory) using *713-FM-MEGA Withdrawal from Course and Cancellation Form* to the Admissions Officer to transfer to another provider.
- The student is asked to provide a valid offer of enrolment from the new institution.
- With these documents sighted, the Admissions Officer shall assess the transfer request considering the following criteria:
  - The student requesting a transfer has an inaccurate understanding of what the transfer represents to their study options
  - The student still owes MEGA course fees or other fees
  - It is suspected that the student is seeking transfer only to avoid being reported to DET for failure to meet academic progress requirements (Admissions Officer checks the relevant notes on student records).
  - To consider if this transfer will be detrimental to the student's interests
  - The reasons stated for the request to transfer have not been adequate
  - The transfer does not appear to be for the purpose of an educational or career-oriented benefit
  - The course the student has requested transfer to is the same as the student's currently enrolled principal course
  - The primary reason for a transfer request is for a different class schedule which is more suited to the student's current or anticipated work commitments
  - It appears the primary reason for a transfer request is to achieve or avoid a migration outcome
- If the answers to all of the above statements is "No" and are satisfactory and in accordance with this policy, the student will be granted a release subject to the payment of course cancellation fee as stated in the Student Agreement. The student will also be advised of the need to contact DHA and follow the direction and advice from DHA. A new visa may be required if the course they transfer to is not a Higher Education/VET course.
- The Admissions Officer reports students' termination of studies through PRISMS.
- If any of the answers to the criteria statements is "Yes", the release is not granted according to this policy and the Admissions Officer sends the student a *Release Denied letter*, the template for which is contained in MEGA document management system.
- If any of the answers to the criteria statements are unclear, they should be referred to the Campus Director by phone or email so the Campus Director can interview the student and gain a fuller understanding of the circumstances.
- The Campus Director will make a recommendation to the CEO if they believe the request should be refused or alternatively grant the confirmation of release. The Campus Director will inform the student in writing of a negative outcome with reasons and indicate that the student may access the student appeal process as per MEGA's *Student Complaints and Appeals Policy*.

## 7. Records

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions and copies of confirmation of release should be placed on student's file, and
- 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 of MEGA.

MEGA will maintain records of all requests from students for a confirmation of release and the assessment of, and decision regarding, the request on the student's file in our cloud based Student Management System – aXcelerate. All records will be kept for a minimum of two years from the date student has ceased to be an enrolled student (*Ref: Documents and Records Management Policy*).

## 8. Responsibility

Admissions Officer is responsible for verifying and maintaining a student's enrolment status on PRISMS.

Admissions Officer is responsible for reviewing and approving all the requests and appropriate delegations for due diligence.

The Campus Director is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.

The Chief Executive Officer (CEO) has overall responsibility for the implementation and review of this policy, including the approval of release

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: [ceo@mega.edu.au](mailto:ceo@mega.edu.au)

### **Revision History:**

| Version No: | Date          | Description of modifications  | Staff responsible |
|-------------|---------------|---|-------------------|
| 1           | Dec 2017      | First Review and alignment of PP to new National Code 2018 and SRTOs 2015.          | CEO               |
| 2           | Jan 2018      | New PP approved   | CEO               |
| 3           | Oct 2018      | Review of Policy and Procedures and change Academic Coordinator to Academic Manager | CEO               |
| 4           | November 2023 | Review of PP  | CEO               |
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