

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 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 Contempo College meets the requirements of the Education Services for Overseas Students (ESOS) Act 2000 and Standard 7 of the National Code of Practice 2018 (The National Code) 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 Contempo College.

3. Definitions

Student: Student means any person enrolled in an advanced diploma, diploma, or certificate or for any course of study offered by Contempo College.

International student: Refers to an overseas student who is studying onshore in Australia on a student study 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 Contempo College 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

Release: A statement issued from a registered provider which confirms approval of a student's request to be released from that provider to study with another provider

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 a nationally registered training organisation that is registered as a provider of education and training services to international students for CRICOS

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

4. Relevant documents

- Contempo College Student Transfer of Provider Request Form
- Contempo College Request for a Release Letter Form
- Contempo College International student Handbook
- Contempo College Student Complaints and Appeals Policy and Procedure
- Contempo College Letter of Offer/Student Agreement

5. Legislative Context

5.1 Relevant Standards

- SRTO 2015: 1.7, 5.2 (c)
- The National Code: Standard 1.5, 7
- Student Study Visa Conditions

5.2 Legislation

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

6. Policy

6.1 Student requests to transfer from Contempo College to another Registered Provider

6.1.1 An international student requesting a transfer from Contempo College to another registered provider prior to completing six (6) calendar months of their principal course of study, must seek approval from Contempo College to be released by submitting a completed Student Transfer of Provider Request Form. A release 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 Contempo College will approve the students request form to transfer and study with another registered provider without restriction; and
- The in circumstances where the course for which the student has received an eCOE from Contempo College is no longer offered by Contempo College, and/or has ceased to be registered on CRICOS.

6.1.2 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, Contempo College may grant a student's request to transfer to another provider, where it is in the student best interests where retaining the student (not granting the students request to transfer would be detrimental to the student.

With a focus on student welfare and support, Contempo College may grant a release in circumstances where:

- The student will likely be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after implementing the required intervention strategies to assist the student in accordance with Standard 8 (Overseas student visa requirements);
- There is evidence of compassionate or compelling circumstances;
- 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 the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives;
- Contempo College is not able to deliver the course as outlined in the written agreement; or
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

Contempo College 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;
- Where the student is transferring to the same or a similar course with another provider;
- The student has not started studying or has studied with Contempo College (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 Contempo College. In this situation Contempo College will re-visit the issue within a timeframe negotiated with the student,

Document Name: International Student Transfer Policy and Procedure	RTO Code: 45720	CRICOS Code: 03933H
Version: 2.0	Approved: Sep 23	Review Date: Sep 24
		Page 2 of 6

- The student has requested a transfer to a course with another registered provider that is considered by Contempo College 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., from a diploma level course to a certificate level course);
- 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;
- Contempo College forms the view that the student is trying to avoid being reported to the Department of Home Affairs (DoHA) for failure to meet the academic progress requirements; or
- The student is indebted to Contempo College (non-payment of fees or Contempo College dues) and/or has outstanding disciplinary issues.

Contempo College may agree to approve a request for a release if the student can demonstrate that the transfer would be in their best interests. If issued, there will be no cost to the student in obtaining approval for their release from Contempo College and a release if applicable. When finalised and accepted, changes to student enrolment will be updated in PRISMS.

6.1.3 Where appropriate Contempo College will counsel students, to consider their personal and/or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within Contempo College, 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.

6.1.4 As required by standard 7.2 of The National Code 2018, Contempo College will only grant a release where the student has provided a letter of offer and a COE from another registered provider confirming that a valid enrolment offer has been made. In addition to this Contempo College requires the student to outline in their written request form their reasons for requesting a transfer to another registered provider.

6.1.5 Where Contempo College grants a release, a release will be issued at no cost to the student, pursuant to standard 7.4 of The National Code 2018.

6.1.6 Where Contempo College does not grant a student's request to transfer, Contempo College 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. All appeals will be carried out in line with Contempo College's Complaints and Appeals Policy and Procedure.

6.2 Student Request to Contempo College to Transfer from another Registered Provider

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

- The original registered provider has provided a written release, 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 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 their principal course.

6.3 Education Agents

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

6.4 Fee Refunds

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

Document Name: International Student Transfer Policy and Procedure	RTO Code: 45720	CRICOS Code: 03933H
Version: 2.0	Approved: Sep 23	Review Date: Sep 24
		Page 3 of 6

6.5 Concurrent Enrolments

International students studying in Australia on a student study visa can no longer enrol into a concurrent course of study. The Australian Department of Education has announced that international students are no longer able to be enrolled in two courses at the same time with effect from August 2023.

Refer to: Concurrent enrolments are now closed to international student enrolments and <https://www.asqa.gov.au/news-events/news/asqa-update-september-2023>

In accordance with Standard 7 of The National Code 2018, students must complete 6 months of their principal course of study before they are enrolled with another provider. The principal course of study is the "highest" level of qualification.

7. Procedure

7.1 Procedure for assessing students wishing to enrol with Contempo College from another training provider

- The Student Admissions Officer receives an application to enrol from an applicant who is onshore and who has indicated that they are currently studying at another institution.
- The Student Admissions Officer uses PRISMS to determine if the applicant has completed the required 6 months of their principal course. They also use the copy of the student visa in the passport section in PRISMS to ascertain and note when the applicant arrived in Australia.
- If they have completed the above minimum requirement of 6 months, the application to enrol may proceed as for all applications to enrol with Contempo College.
- If they have not completed the above minimum requirement of 6 months, the student's admissions officer is to check PRISMS to see if the applicant has been released by their current/previous training provider (PRISMS indicator), they may also provide appropriate evidence of their release such as a letter of release from the current/previous provider. Contempo College may provide applicants with a "conditional" enrolment offer which clearly states that an offer of a place is contingent on the applicant obtaining a release from their current provider within the PRISMS system. Note, if they are in receipt of a government scholarship, they should also provide written support from the government agency agreeing to the change of provider/course.
- If evidence of the applicants' release is received in PRISMS, the application proceeds as for all offshore applications for enrolment at Contempo College.
- If NO evidence of the applicants' release is received in PRISMS, the application is not to proceed and the applicant is informed that they are unable to enrol with Contempo College at this time. They are welcome to re-submit an enrolment application at a later date once they have completed the required six (6) month of their enrolled principal course or once they have been released from their provider.
- Note, in circumstances where the applicants/student's current provider or course has ceased to be registered, or sanctions have been placed on the provider by the Australian government regulator which do not allow the student to continue with their current enrolled course, no release evidence is required.

7.2 Procedure for assessing Contempo College student applications to transfer to transfer to another training provider

- Contempo College students wishing to transfer to another provider are to complete the Contempo College Student Transfer of Provider Request Form and submit it to Admissions Officer via email or in person is acceptable.
- The student is to provide a valid and current Letter of Offer from the proposed new training provider with their application to transfer request form.
- Admissions Officer is to submit the students checked and complete transfer application request form to the Supervisor, Student Services to review the students transfer request form and supporting documents/evidence including consideration of the following criteria:
 - The student has not completed the minimum requirement of 6 months study in the principal course,
 - The student still owes Contempo College course fees or other fees,
 - It is suspected that the student is seeking transfer only to avoid being reported for failure to meet academic progress requirements (SAO checks the relevant notes on student records),

Document Name: International Student Transfer Policy and Procedure	RTO Code: 45720	CRICOS Code: 03933H
Version: 2.0	Approved: Sep 23	Review Date: Sep 24
		Page 4 of 6

- It is considered that this transfer request would be detrimental to the student’s interests,
 - The reasons stated for the request to transfer by the student are not sufficient or adequate in line with the requirements of the NC 2018,
 - The transfer does not appear to be for the purpose of an educational or career-oriented benefit,
 - The course requested by the student to be transferred into is the same as the course they are currently enrolled at Contempo College as their principal course,
 - The primary reason for their transfer request is to secure a different class schedule which is more suited to the student’s current or anticipated work commitments, or
 - It appears the primary reason for the transfer request is to achieve or avoid a migration outcome.
- If the answer to all of the above criteria is “No” and evidence/support documentation is provided with the student’s application to transfer is in accordance with this policy, **a release may be granted at no charge to the student.** The student will also be advised of the need to contact DoHA and obtain a new visa if the course they are transferring to is not a VET or higher educational course.
 - The Admissions Officer reports students’ termination of studies through PRISMS.
 - If any of the answers to the criteria statements is “Yes”, the student’s application to transfer request form is not to be approved and the student will not be provided a release (in PRISMS) as per this policy,
 - The Student Admissions Officer will send the student a written notice of their application for a transfer to another provider being not approved using the Contempo College template which is available on the Contempo College Student Services folder in the Contempo College document management system (Sharepoint),
 - If any of the answers to the criteria statements are unclear, they should be referred and discussed with the Student Support Supervisor by phone in person or via email. In such circumstances, the Student Admissions Officer or Student Support Supervisor is to seek further documented clarification from the student prior to finalising the process,
 - The Student Support Supervisor will make a recommendation to the PEO regarding the student’s application to transfer request.
 - The PEO will inform the student in writing of the application outcome and the PEO decision including explanation/justification for their decision,
 - The PEO will ensure the written outcome/response to the student includes information regarding the student’s option to access the student appeal process as per Contempo College’s Complaints and Appeals Policy.

8. Records

The above Contempo College procedure should not take more than 48 hours once the student has provided the necessary documentation.

All requests, considerations, decisions and copies applications and outcomes are to be placed on student’s file, and

The approval of a student’s application to transfer to another provider does not indicate that a refund has automatically been approved or considered. Refunds are to be applied for by the student separately in accordance with the Contempo College refund policy.

Contempo College will maintain records of all student transfer request forms the assessment process, and recommendations, decisions and outcomes on the relevant student’s file. All records will be kept for a minimum of two years from the date the student enrolment was finalised - *Refer to the Contempo College Student records Management Policy.*

9. Responsibility

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

Student Admissions Officer is responsible for reviewing and processing student transfer request forms submitted prior to onforwarding to the Student Support Supervisor and/or PEO.

The Student Support Supervisor is responsible for monitoring and supervising these procedures and to ensure the provision of regular staff meetings and information regarding reviewing and continuous improvement of these procedures and associated documentation,

Document Name: International Student Transfer Policy and Procedure	RTO Code: 45720	CRICOS Code: 03933H
Version: 2.0	Approved: Sep 23	Review Date: Sep 24
		Page 5 of 6

The PEO has overall responsibility for the implementation, management and review of this policy and procedures.

Administration and Data Requirement

Contempo College managers and staff each have a responsibility to ensure that all student records and data are fully maintained and are current, therefore you are to ensure all Contempo College documentation, applications and forms completed are duly signed, authorised and approved by relevant delegate regarding a Contempo College student, information must be entered correctly and in a timely manner spin to the Contempo College student management system and PRISMS.

Revision History

Version No	Review Date	Comment	Release approved by
1.0	06 Jul 23	Policy generated by External Consultancy in direct consultation with Contempo College Management and staff.	CEO
2.0	19 Sep 23	Policy and procedures were updated to reflect recent changed in relevant legislation and standards including Concurrent enrolments and Standard 7 of National Code 2018	CEO