

099-PP-MGS **Transfer of international Students Between Registered Providers**

1. **Purpose and Scope**

This policy is concerned with the release of students who wish to move to other providers within the first six months of their enrolment at MGS, or during a course that has a pre-requisite for the principal course.

It deals with the requirements of:

- National Code 2018 Standard 7/NESA Guidelines, Requirement 3.10: Transfer between registered providers

This policy must be available to staff and students.

2. **Who this document covers: definition of 'six months of his or her principal course'**

The 'principal course' is the first mainstream course or qualification in a package of courses covered under a single student visa and after undertaking the High School Preparation Course. If the student's visa covers only one course, then that is the principal course.

This policy deals with international students on student visas who have yet to complete six months of their principal course at the date they wish to transfer to another provider. This includes students who are still enrolled in a course that is a pre-requisite of their principal course. Note that the six month date is the date of the transfer, not the date of the application. Further, it is six (6) calendar months from the start date of the course and includes holidays.

For example, take a student who is on a package involving nine months of HSP followed by two years of high school. If that student wishes to leave after completing seven months of HSP, they are covered by this policy because they have not yet started their principal course (high school) let alone completed six months of it.

Also, if the same student was to leave after completing their entire HSP course and seven months of high school, they would be covered by this document; there are no restrictions on their ability to transfer to another provider as long as, if under 18, their parent or legal guardian approves. The school also has a policy where a six (6) month notice period must be provided.

If a student has had a break from his or her studies due to a deferment or suspension, the break is not counted in the six month period.

3. **Policy: students transferring from MGS to another provider where a letter of release maybe needed**

Applications will only be accepted if signed by the student's parent or legal guardian (not agent or local, only-in-Australia guardian) if the student is under 18, otherwise by the student.

When determining whether to allow a transfer within the six month period, the needs of the student as a consumer able to exercise choice will be balanced against risks to the student (particularly if under the age of 18 and/or unfamiliar with the education system in Australia) and their potential need to receive support to transition to study in Australia.

Copies of the evidence used to support each decision will be retained.

Requests will be refused if:

- in the opinion of the PEO/Headmaster of MGS, the transfer will be detrimental to the student, e.g. by interrupting their educational progress (such as repeating part of a school year in which they were already progressing well) or reducing their chances of

reaching their educational goals (e.g. a course that does not lead to the goals they have expressed, or a course that would involve taking more time to reach the same level as their MGS course and their progress in their MGS course is not causing concern);

- the student is experiencing problems but has not yet accessed the full range of available support services (this decision may be reviewed after all relevant support services have been accessed); or
- the student appears to be trying to avoid being reported to the immigration department due to failing to meet attendance or course progress requirements – for example, they have been issued with a warning letter about their attendance and there are no welfare issues that explain their attendance problems.

Requests will be granted and release letters issued in the following circumstances:

- in the opinion of the PEO/Headmaster of MGS, the course that the student is transferring to better, meets the study capabilities or the long-term goals of the student than courses available to the student at MGS;
- the student has a genuine reason for wanting to study subjects or courses not available at MGS but available at the receiving institution, the application is received in time for the student to start the new course at or close to the beginning, and the new subject(s) better fit the educational and career goals of the student;
- there is evidence that the new provider is better located to provide support to the student, e.g. closer to family members or others from the student's own culture or home community;
- the new provider is better positioned than MGS to provide for the student's special needs, such as disability, welfare or disciplinary needs;
- the six month mark of the Principal Course has been completed;
- if the conditions of the Enrolment Policy have been met;
- the student has made substantiated claims that they were misled about the nature of the course, e.g. by being given misinformation by an agent (in which case the agent will be dealt with in accordance with 010-Agent Engagement P&P); or
- the student has made a complaint or appeal to or against MGS which has been upheld, and the student no longer feels they can continue with study at MGS.

In all cases, evidence to support the decision must be kept. In cases based on the opinion of the PEO/Headmaster, records of the evidence and process used to form an opinion must be retained.

Further, the following must be provided before a release letter is provided:

- an enrolment offer for the student from the institution the student is moving to;
- the receiving institution has confirmed to MGS that the enrolment offer is valid and is from a CRICOS-registered provider;
- if the student will be under the age of 18 at the proposed date of leaving MGS, written evidence from the receiving provider that they will accept responsibility for approving the student's accommodation, support and general welfare arrangements as required by National Code Standard 5.

Final approval is the responsibility of the PEO/Headmaster.

There is no charge for the application or for the release letter.

The release letter must not contain any conditions. For example, it must not be conditional on the student attending a particular campus of the receiving institution.

The release letter advises the student (or their parent/legal guardian) of the need to contact the immigration department about whether a new student visa is required.

If a release letter is not provided, then a letter explaining the reasons for not providing it should be issued instead. This letter should note the decision, the reasons for the decision, the factors taken into consideration when making the decision and should reflect the student's individual circumstances – it should not be a generic letter worded the same for everyone. It should include sufficient detail for the student (or parent/legal guardian) to decide whether to appeal, and should also notify the student that they may appeal this decision under MGS's Complaints and Appeals Policy.

All applications should be processed within ten working days of the date the written transfer application was first received.

Students and their parents/legal guardians are informed of these restrictions prior to enrolment – see 015-Marketing, Promotional and Advertising Material Policy and Procedure.

MGS will retain in the student's file records of all requests for release letters, the process and evidence used in reaching the decision, and all letters between MGS and the student.

Any refunds are governed by 009-Refund policy and procedure.

In the unlikely event of provider default (by MGS), i.e. for any reason, including sanctions imposed by government agencies, MGS doesn't offer or stops providing the course that the student has enrolled in at the agreed location, a letter of release is not necessary. See xxx-Tuition Protection and Student Default for details of what happens.

4. Procedure: Students Transferring from MGS to Another Provider

- Students wishing to leave MGS should speak with the PEO/Headmaster or Student Services Officer. After counselling about the process and implications, they may formally apply using 235-FM-MGS Student Request for Release Form if the intended date of leaving is before the Principal Course has been completed or met the conditions of the Enrolment Policy. All applications must be signed by the student's parent or legal guardian (not agent or local, only-in-Australia guardian) if the student is under 18, otherwise by the student.
- A receipt is provided to the student when the request is submitted in writing.
- The Admissions Officer (AO) will then assess whether this policy applies (see section above). If it does apply, then move to the next step.
- The AO then assesses the application against the criteria in the policy above, liaising with the PEO/Headmaster as appropriate.
- At this point, advice or counselling might need to be provided to the student, if not already provided. For example, the student might need to be advised that transferring might affect the start date of another course, or that the course they wish to transfer to might not progress to further courses in the same way as their current course. The exact advice will vary according to circumstances.
- If the criteria are met and the student still wishes to proceed after receiving the advice, the AO then checks with the receiving institution that the enrolment offer provided by the student is valid and, if the student is under 18, requests written evidence that the

receiving provider will take responsibility for the student's accommodation, support and general welfare arrangements from the date of the transfer.

- The AO then passes the information, evidence and draft letter (either a release letter using 278-Letter of Release as a template, or letter explaining the reasons for not releasing the student) to the PEO/Headmaster, who will make the final decision within ten working days of the application being received.
- The AO then either provides the applicant with the release letter or a letter explaining the reasons for not providing it.
- The application form and either a copy of the release letter or a copy of a letter explaining why a release letter was not provided will be kept in the student's file. Evidence of the process used to reach the decision will also be retained, including minutes of any meetings and emails discussing the matter. If the student appeals, records of the appeal will also be kept – see Complaints and appeals policy.

5. **Policy: Students Transferring to MGS from Another Provider**

For all on-shore applications, checks will be made to see whether the applicant is already enrolled with another Australian provider. One check is by asking the applying student and/or their guardian or parent directly, and another check is carried out in PRISMS.

No student will be admitted when they have not yet completed six months of their principal course (see 'who this document covers' section, above) unless they meet one of these criteria:

- they can provide a written release letter from their current provider;
- their current provider or the course in which they are enrolled has ceased to be registered or provided (e.g. due to a sanction imposed by the government); or
- any government sponsor (including overseas governments) of the student considers the change of provider to be in the student's best interest and provides written evidence of that opinion.

6. **Procedure: Students Transferring to MGS from Another Provider**

See 070-Application/Admissions Procedure, 'Assess the application' section.

7. **Recruitment of students who are currently studying at other providers**

MGS will not, under any circumstances, actively recruit students from other providers who have not yet completed six months of their principal course, or any courses taken before the principal course. The exception is where a provider has ceased to provide a course, in which case MGS may decide to participate in the student placement programme, to allow students to continue their studies. Please see 025-Enrolment Policy.

8. **Revision history**

Review date: 22 Mar 2023

Version	Date	Description of modifications
6.0	30 Oct 2015	Complete review
6.1	28 Feb 2016	Improvements in clarity; typo corrections.
6.2	28 Mar 2016	Roles and Procedures.
6.3	18 Mar 2018	Updated Terminology, Roles and Procedures.
7	22 Mar 2023	Reviewed and Updated Terminology, Roles and Procedures.

