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Overseas student transfers

Transfer Between Registered Providers Policy & Procedure

Policy Statement

AMCA will not approve a release for any International Student where fees are owing to AMCA.

AMCA will ensure that they do not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six (6) months of his or her principal course of study except where:

- The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- The original registered provider has had a sanction imposed on its registration by the ESOS Agency that prevents the International Student from continuing their course with the registered provider;
- The original registered provider has provided a written letter of release and recorded the date of effect and reason for release in PRISMS; or
- 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.

AMCA has and implements its documented Student transfer request and assessment policy and procedure, which is available to staff and Students. The policy specifies:

- The steps for lodging a written request to transfer, including that they must provide a valid offer of enrolment from another registered provider;
- The circumstances in which a transfer will be granted because the transfer is in the International Student's best interests, including but not limited to where AMCA has assessed that:
 - The International Student will be reported because they are unable to achieve satisfactory course progress at the level that they are studying, even after engaging with AMCA's intervention strategy to assist the International Student to meet the requirements of National Code 2018, Part B, Standard 8 – Overseas Student Visa requirements;
 - There is evidence of compassionate and compelling circumstances;
 - AMCA fails to deliver the CRICOS registered course as outlined in the written agreement;
 - There is reasonable evidence that the International Student's reasonable expectations about their current course were not being met by AMCA;
 - There is evidence that the International Student was misled by AMCA or a representative of AMCA including its Education or Migration Agents regarding AMCA or the CRICOS registered course/s being offered by AMCA and it is / they are unsuitable to the International Student's needs and/or study objectives;
 - An appeal (internal or external) on another matter results in a decision or recommendation to release the International Student;



The circumstances AMCA considers as providing reasonable grounds for refusing the student's request; and

A reasonable timeframe for assessing and replying to the student's transfer request having regard to the restriction period.

Release, if granted by AMCA, must be provided at no cost to the International Student and AMCA must advise the International Student of the need to contact the Department of Home Affairs (DHA) to seek advice on whether a new Student Visa is required.

Where AMCA does not grant a release, the International Student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the AMCA's decision in accordance with Standard 10: Complaints and Appeals from the National Code 2018.

Where AMCA refuses to provide a release after an application has been made by an International Student and that application has been assessed by AMCA, AMCA must not finalise an International Student's refusal status in PRISMS until an appeal finds in favour of AMCA, or the International Student has chosen not to access the complaints and appeals processes within the twenty (20) working day period, or the International Student withdraws from the complaints and appeals process.

All release outcomes must be recorded in PRISMS. While a Letter of Release or other formal documentation is no longer required, it is best practice to notify the International Student of the outcome of their application in writing, as well as advice that if granted, it is strongly recommended that they contact DHA to confirm if their Student Visa is affected.

AMCA must maintain records of all requests from International Students for a release and the assessment of, and decision regarding, the request for two (2) years after the International Student has ceased to be an accepted Student of the course.

An International Student who has completed at least six (6) months of their principal course (except for the schools sector as previously documented) does not need to apply for release but they must apply for a cancellation of their enrolment.

Further information on managing Student transfers is available on PRISMS at the following URL <https://prisms.education.gov.au/Information/ShowContent.ashx?Doc=How%20To%20Manage%20Student%20Transfers%20in%20PRISMS.pdf>. Transfers will be completed by authorised AMCA officers who have been authorised access to PRISMS. These officers would have met the training requirements for accessing the government site.

AMCA's general policy in relation to approving requests to transfer enrolment is that:

1. Provided International Students meet the requirements of this policy and procedure, the release will be approved;
2. An International Student is expected to provide a fully and accurately completed application to transfer or other variation as relevant to their enrolment;
3. An International Student will not be approved for a release just because they have changed their mind. AMCA provides adequate pre-enrolment information to International Students as well as through their Education Agent network to enable International Students to make an informed decision about the course that they wish to study and AMCA itself. Where an International Student can provide evidence that they believe that they have been misled or the course or AMCA is not what they were led to believe, AMCA will assess the application on its merits and in accordance with any evidence provided to support the application for release on these grounds;
4. Where a course is removed from any skills occupation list that could lead to a migration outcome, this will not be considered as a compassionate and compelling circumstance for a release or cancellation of enrolment;
5. Where any of the following circumstances apply, AMCA is not likely to approve an application for release (each individual application will however be assessed on its individual merits):



- a. A transfer may impact the International Student's progression through a packaged pathway;
- b. The International Student owes fees to AMCA;
- c. The International Student's enrolment is linked to another person's Visa and the other person is the principal Visa holder and they are required to relocate;
- d. The International Student states that they can no longer continue their enrolment because for example, they cannot find work to pay their fees, live in Australia. International Students have, in order to apply for enrolment and their Student Visa, confirmed that they had sufficient financial capacity to undertake the course and maintain compliance with their Student Visa);
- e. The International Student has only recently commenced their enrolment or only recently come to the attention of AMCA as experiencing difficulty and AMCA has not yet had the opportunity to implement its intervention strategies.

Procedure

Student Transfer Request

Where AMCA is the Principal Course Provider

The International Student must submit an 'Application for Release Form' via email to Student Support Services Team, so that there is no dispute about when or how an application for release as submitted. Each page of the application and its supporting evidence must be numbered to ensure that there is no dispute about how many pages were submitted and 'a page has disappeared'.

The International Student must also attach a copy of a valid Letter of Offer from the proposed institution and any supportive documents such as a medical certificate, other compassionate and compelling circumstances or other evidence that meets the grounds for a release under this policy.

If a request for refund of fees also applies, the student must attach this to the application as well.

A copy of all documentation must be maintained on the International Student's file for at least two (2) years after the International Student ceases to be an accepted Student of the course.

Where AMCA is NOT the Principal Course Provider

Where AMCA is not the Principal Course Provider any transfers that the student wishes to do will need to be arranged through their Principal Provider and the new Provider they wish to enrol with.

If relevant to AMCA, a copy of all documentation must be maintained on the International Student's file for at least two (2) years after the International Student ceases to be an accepted Student of the course.

Student Transfer Request to Enrol with AMCA

Where six (6) months has not elapsed in the International Student's principal course, the student must be referred to the principal course provider and is subject to the other provider's release policy.

If the other provider indicates it will release the International Student, AMCA will assess the application and determine if it will issue a Letter of Offer in accordance with this policy.

Any Letter of Offer that is issued to an International Student in this scenario must be conditional upon the following circumstances which include the issue of a Student Visa that allows for the course to be completed within the expected duration.



Outcome of Student Transfer Request

International Students will be advised of the outcome of their request within ten (10) working days of the request in writing.

Where a transfer request has been approved:

- The International Student's enrolment at AMCA will be cancelled and notification will be provided to DET and DHA of the International Student's cessation of studies at AMCA. Where relevant, cancellation fees and penalties will be applied in accordance with AMCA's *Refund Policy*; and
- Where an International Student Transfer Request has been declined, the International Student's enrolment will remain current, and the International Student will be advised of the reason for the refusal of the request in writing and their ability to lodge a complaint or appeal regarding the decision in accordance with the Complaints and Appeals Policy and Procedure at AMCA.

A copy of all documentation must be maintained on the International Student's file for at least two (2) years after the International Student ceases to be an accepted Student of the course.

Appeal Against Student Transfer Request

Where a Student Transfer Request has not been supported, the International Student can lodge an appeal in accordance with AMCA's Complaints and Appeals Policy.