

<b>Version:</b>	<b>4.0</b>	<b>Approval Authority</b>	<b>CEO</b>
<b>Approval Date:</b>	<b>22 May 2019</b>	<b>Effective Date:</b>	<b>22 May 2019</b>

## Statutory and regulatory compliance

National Code of Practice for Providers of Education and Training to Overseas Students 2018

- Standard 7 Overseas Student Transfers

## Related Policies/Documents

- Pre-enrolment Information Kit
- Marketing and pre-enrolment policies
- Student Application Form
- Letter of Offer and Acceptance Agreement
- Student support policies
- Fees and Charges Policy
- Complaints and Appeals Policy
- Student Handbook
- AHMI Release Letter
- Formal Notification Class Cancellation (Provider Default – customised per qualification where required)

## Related Forms

- AHMI Application for Withdrawal/Discontinuation Form
- AHMI Refund Request Form
- AHMI Complaint or Appeal Lodgement Form
- AHMI Complaint or Appeal Resolution Form

## Purpose

Australian Health and Management Institute will not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course except as stated in this policy.

Australian Health and Management Institute adheres to 'Standard 7 Overseas Student Transfers' National Code of Practice 2018 to consider student requests for transfer to another registered provider based on the following:

- The principal course of study is the final course of study covered by the Student Visa
- Transfer requirements apply to all course of study prior to the overseas student's principal course

When considering a request from an overseas seeking to transfer to another registered provider, Australian Health and Management Institute adheres to the following:

- A published process for assessing student transfer requests during the restriction period
- Clearly identify the conditions where a student transfer request will be granted or rejected

- Record all transfer requests in PRISMS (Provider Registration International Student Management System) as per the 'How To' Guide available at [https://prisms.education.gov.au/Information/ShowContent.ashx?Doc+How\\_To\\_Manage\\_Student\\_Transfers\\_in\\_PRISMS.pdf](https://prisms.education.gov.au/Information/ShowContent.ashx?Doc+How_To_Manage_Student_Transfers_in_PRISMS.pdf)
- Not finalise a refusal to release the overseas student until the student has had an opportunity to access the complaints and appeals process

### Applications/Scope

This policy applies to:

- All students (student request)
- Affected students in the case of provider default
- All staff

### National Code of Practice 2018 Conditions for a Transfer of Registered Provider

Generally, overseas students cannot transfer between registered providers prior to completing 6 calendar months of their **principal course**.

The **principal course** is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the **final course of study**. The first six months is calculated as "six calendar months from the date an overseas student commences their principal course". This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.

For an overseas student to transfer before completing **six months of their principal course**, the overseas student must **either** obtain a release from their registered provider **or** **meet one of the following conditions**:

- The releasing registered provider, or the course in which the overseas students is enrolled has ceased to be registered,
- The releasing registered provider has had a sanction imposed on its registration by ASQA that prevents the overseas student from continuing his/her course with that registered provider
- The releasing registered provider has agreed to the overseas student release and recorded the date of effect and reason for release on PRISMS
- Any government sponsor of the overseas student considers the change to be in the overseas student's best interest and had provided written support for the change

After completing 6 calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

### Circumstances in which Transfer of Provider Request will be Granted

Australian Health and Management Institute assesses the reasons provided by overseas students to request a transfer of provider and grant a release letter where the reason and supporting evidence demonstrates that the transfer is in the best interest of the student including but not limited to the following:

- The overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging in formal intervention in accordance with Standard 8 National Code of Practice. Australian Health and Management Institute will still report on the overseas

student's unsatisfactory course progress on PRISMS when transfer of provider is granted

- The student can provide evidence of compassionate and/or compelling circumstances that are beyond the control of the overseas student and which have an impact upon the overseas student's course progress and/or wellbeing. These include but are not limited to:
  - Serious illness or injury where a medical certificate states that the overseas student was unable to attend classes
  - Bereavement of a close family member such as parents, grandparents and a death certificate should be provided
  - Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies
  - A traumatic experience which could include:
    - ✓ Involvement in, or witnessing a serious accident, or
    - ✓ Witnessing or being the victim of a serious crime and this has impacted on the overseas student and must provide evidence of police and/or psychologist reports
  - Where Australian health and Management institute is unable to offer a pre-requisite unit or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol
  - When determining whether compassionate and compelling circumstances exist, Australian Health and Management institute considers documentary evidence provide by the student to support the claim and maintains copies on the student's file
- Australian Health and Management Institute fails to deliver the course as outlined in the Letter of offer and Acceptance Agreement
- There is valid evidence that the overseas students' reasonable expectations about their current course are not being met
- There is evidence that the overseas student was misled by Australian Health and Management Institute or the education or migration agent regarding Australian Health and Management Institute or its course(s) and therefore unsuitable to meet the overseas student's needs and/or study objectives
- A formal appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student

Where a student has been granted a transfer of provider and a release letter, this will be at no cost to the overseas student. The overseas student will be advised to contact Immigration to seek advice on whether a new student visa is required.

### **Circumstances in which Transfer of Provider Request will Not be Granted**

Australian Health and Management Institute has the discretion to refuse requests to transfer to another provider from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa.

In the event that Australian Health and Management Institute intends to refuse the transfer of provider request, the overseas student will be informed in writing of the following:

- The reason for refusal
- The overseas student's right to access Australian Health and Management Institute's complaints and appeals process within 20 working days

In the event an overseas student requests to transfer to another provider based on a

complaint about an Australian Health and Management Institute course or service, consideration will be given to whether or not the overseas student has undertaken the complaints and internal appeals process first to address the concern and identify the internal steps to rectify the complaint.

In the event that Australian Health and Management Institute receives requests to transfer to another provider based on relocation including but not limited to transfer to regional areas for migration purposes, the request will not be approved. Students select the provider knowing the location of the campus prior to enrolment.

In the event that Australian Health and Management Institute receives multiple requests to transfer to another provider and it is identified that there is one agent involved and the course(s) being requested as part of the transfer request is clearly niche and its applicability across the student's applying does not evidence that the request is bona-fide, Australian Health and Management Institute reserves the right to investigate the genuineness of any release request that looks like it may not be in the student's best interest. This may take up to 5 working days in addition to the published timeframe to assess. However, the student's best interest will be the basis for making a decision as students will be required to evidence that the release results in a positive career choice.

## **Transfer Requests and Packaged Courses**

If a transfer will affect the start dates of any subsequent courses covered by the student visa, the overseas student must be released from those courses, or gain the subsequent registered provider's agreement to delay the start of those courses.

Australian Health and Management Institute will advise overseas students that changes to their preliminary courses may have ramifications for their admission to their principal course. In particular if the preliminary course is a published pre-requisite entry requirement into the principal course.

## **Procedure**

Overseas students requesting to transfer to another provider must adhere to the following process which is designed to be completed within a weekly review cycle:

1. Students must get an Application for Withdrawal/Discontinuation Form from reception
2. Students must complete and sign the Application for Withdrawal/Discontinuation Form and attach the relevant evidence as outlined in this policy
3. In the event that a student is also requesting a refund, the student must complete and sign the Refund Request Form which will be assessed against the AHMI Fees and Refund Policy
4. Appointments with the Student Support Officer are available from Monday to Thursday
5. Students must make an appointment at reception to meet with the Student Support Officer who will undertake the initial meeting and assessment of the withdrawal and/or refund request including but not limited to:
  - Assessment of the reasons for withdrawal and transfer to another provider as per the conditions stated in this policy
  - Submission of appropriate evidence such as Letter of Offer from another institution, medical certificates, etc.

- Where the student has stated compassionate and compelling reasons, there is appropriate and sufficient documentary evidence
  - Check the financial status of the student to see if there are any outstanding fees
  - Check the students' academic progress for the issuance of a Statement of Attainment
  - In the case where a student is transferring to another provider to avoid PRISMS reporting for unsatisfactory progress, the student will be informed that this information will still be provided on PRISMS
  - In the case where a student is not satisfied with their course or the services provided and have requested a transfer of provider without accessing the complaints and appeals process, the student will be requested to commence the complaints and appeals process to first to enable Australian Health and Management Institute the opportunity to address and rectify any issue of concern and educate the students to utilise the complaints and appeals process and allow AHMI to provide a positive learning pathway.
  - Students are advised that a transfer of provider request is at no cost to the student and if the application is successful, the student must contact Immigration to seek advice on whether a new student visa is required
  - In the case there is evidence that an education agent is sending a number of students to a niche course/provider that appears that the request may be based on agent network and not student best interest, the student is advised that Australian Health and management Institute will require up to an additional 5 working days to assess the genuineness of the transfer request.
  - Students must consider whether a change in enrolment breaches a visa condition as per Department of Home Affairs website at: <https://www.border.gov.au/Trav/Stud/More/Changing-courses>
6. A review committee consisting of the Student Support Officer, Academic Manager and Chief executive Officer will meet on the Friday morning as follows:
    - Student Support officer will make a recommendation to the review committee for approval or rejection including the reasons
    - All applications received that week will be finalised so that students can be informed of the outcome
  7. Student Support officer will email the students by the following Monday morning to provide them with the written outcome of their request.
  8. In the case where AHMI is required to investigate the legitimacy of multiple niche provider/course release requests, AHMI may take an additional 5 working days and the outcome will be formally provided to the students by the following Monday
  9. In the case a student has an urgent request based on evidence, the Student Support officer will directly request the Chief Executive Officer to immediately assess the transfer of provider request and co-sign the withdrawal/discontinuation request.

### **Complaint or appeal process**

Australian Health and Management Institute notifies students in writing the reasons to refusing the transfer request and the student's right to access Australian Health and Management Institute's complaints and appeals process within 20 working days.

In the event that Australian Health and Management Institute intends to refuse a release, it will not finalise the overseas students refusal status in PRISMS until:

- Any appeal against the refusal lodged by the student is finalised and upholds Australian Health and Management Institute's decision not to release the student; or
- The overseas student did not access Australian Health and Management Institute's complaints and appeals processes within 20 working days of being notified of the refusal, or
- The overseas student withdraws their appeal against the refusal

### Transfer Decision Finalised

Transfer request outcomes are recorded in PRISMS as per the 'How to Guide' available at [https://prisms.education.gov.au/Information/ShowContent.ashx?Doc+How\\_To\\_Manage\\_Student\\_Transfers\\_in\\_PRISMS.pdf](https://prisms.education.gov.au/Information/ShowContent.ashx?Doc+How_To_Manage_Student_Transfers_in_PRISMS.pdf) As such, a hard copy release letter is not required from the releasing provider.

Australian Health and Management Institute advises students of the outcome of the transfer request via email.

### Recording Complaints

Australian Health and Management Institute maintains records of all requests from overseas students for a release and assessment of, and decision regarding the request for two (2) years after the overseas student ceases to be an accepted student.

### Version control

Review Date	Approval Authority	Reviewed Sections/Items	Version
10/12/2016	CEO	Policy Created and Approved	1.0
16/04/2018	CEO	Related Policies/Documents, Procedures	2.0
27/09/2018	CEO	Related Forms, Purpose, Procedure	3.0
22/05/2019	CEO	Revised against National Code of Practice 2018	4.0