

Transfer between Registered Providers

Policy and Procedure

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1. PURPOSE

The purpose of the Transfer between Registered Providers Policy and Procedure is to provide framework and guidelines for international students wishing to transfer between registered providers.

2. SCOPE

The Transfer between Registered Providers Policy and Procedure applies to all international students.

3. DEFINITIONS

All definitions are located in the *JMC Academy Glossary*.

4. POLICY

- 4.1. JMC Academy will not seek to recruit an international student within the first six (6) months of their principal course unless:
 - 4.1.1. The original registered provider has ceased to be registered, or the course in which the student is enrolled has ceased to be registered,
 - 4.1.2. The original registered provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS, or
 - 4.1.3. The original registered provider has had a sanction imposed on its registration by the Australian Federal, State or Territory Government that prevents the student from continuing their course with the original registered provider, 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.

- 4.2. JMC Academy may conditionally offer an enrolment to a student who is currently enrolled in another provider's course, subject to the current provider's grant of the student's transfer request. A Confirmation of Enrolment (e-CoE) cannot be issued to the student unless the current provider approves the student's transfer request and record the student's release in the Provider Registration and International Student Management System (PRISMS).

- 4.3. All current international students who are within six (6) months of the commencement of their principal course and who wish to transfer to another provider must seek the approval of JMC Academy.

- 4.4. A Formal Release **Is Not Required** if:
 - 4.4.1. JMC Academy has ceased to be registered,
 - 4.4.2. JMC Academy recorded in PRISMS that a release has been granted,
 - 4.4.3. JMC Academy 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,
 - 4.4.4. Any government sponsor of the student has considered the change to be in the student's best interest and has provided written support of that charge,
 - 4.4.5. The student holds another visa type that is not subject to the ESOS Act and the National Code 2018,
 - 4.4.6. The student wishes to return to their home country and does not wish to continue studying in Australia,
 - 4.4.7. The student is offshore and unable to commence their studies in Australia.

- 4.5. JMC Academy will only approve transfer requests to another registered provider if the transfer is determined to be in the student's best interest on the following grounds:
- 4.5.1. There is evidence of compassionate or compelling circumstances,
 - 4.5.2. The student, after engaging with the JMC Academy's intervention strategy, is unable to achieve satisfactory course progress because the level they are studying is deemed to be inappropriate,
 - 4.5.3. JMC Academy fails to deliver the course as outlined in the written agreement,
 - 4.5.4. There is evidence that the student's reasonable expectations about their current course are not being met,
 - 4.5.5. There is evidence that the student misinterpreted the information provided by JMC Academy or an education or migration agent regarding JMC Academy, or its course and the course is therefore unsuitable to the student's needs and/or study objectives,
 - 4.5.6. An appeal (internal or external) results in a decision or recommendation to release the student.
- 4.6. JMC Academy **will unconditionally approve** transfer requests to another registered provider where:
- 4.6.1. JMC Academy no longer offers the course,
 - 4.6.2. The Australian government has imposed sanctions on JMC Academy preventing the student from continuing in the course,
 - 4.6.3. A government sponsor deems that the transfer is in the best interest of the student.
- 4.7. JMC Academy **may approve** transfer requests to another registered provider where the student has:
- 4.7.1. Requested a transfer to study a course at an academic level considered similar to, or higher than, the level of their current course, in a discipline area not available at JMC Academy, evidenced with a valid offer of admission from another registered provider, and they could demonstrate compassionate or compelling circumstances which necessitate transfer to another provider, or
 - 4.7.2. Demonstrated exceptional personal circumstances which have not been successfully resolved after accessing JMC Academy's support services,
 - 4.7.3. Not met the conditions on their Offer Letter and therefore, cannot commence their JMC Academy course, such as not satisfying English language requirements during study with a package course provider, and an alternative course at JMC Academy is not available. For students enrolled in a package of courses, JMC Academy reserves the right to differ with the recommendation from a package provider and the decision of JMC Academy will be final.
- 4.8. JMC Academy **will not approve** transfer requests to another registered provider where:
- 4.8.1. The student has accrued outstanding debts or fines,
 - 4.8.2. The student has had academic and/or non-academic sanctions,
 - 4.8.3. The student has changed their mind about the intended course, claimed financial hardship, or expressed their wishes to transfer to another provider with lower tuition fees,
 - 4.8.4. The student has requested a transfer to study a course at an academic level that is considered lower than the current principal course of study,
 - 4.8.5. The student has requested a transfer to a course with another provider, and that course is available at JMC Academy,

- 4.8.6. The student's actions have caused JMC Academy to form the view that they are not a Genuine Student or Genuine Temporary Entrant (e.g., absence from orientation events, low attendance rate, failure to access support services, significant change in academic direction),
 - 4.8.7. The student has been excluded or suspended from their course,
 - 4.8.8. The student has not exhausted access to either JMC Academy's support services for assistance with study or personal issues, or for students enrolled in a package of courses, the services offered by the package provider,
 - 4.8.9. The student has already accepted and paid for a course with another registered provider,
 - 4.8.10. The student has cited work commitments or demands of employment as a reason for transfer,
 - 4.8.11. JMC Academy believes that the student is attempting to avoid being reported to the Department of Home Affairs (DoHA) for not meeting course requirements,
 - 4.8.12. JMC Academy does not agree that the transfer is in the best interests of the student's academic progress or future study plans,
 - 4.8.13. JMC Academy believes that the student has made decisions post-enrolment regarding accommodation, employment or travel that are not aligned with the requirements of their principal course,
- 4.9. The Director of International Services or delegate will determine outcome of the transfer request for any international student.
- 4.9.1. 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 as specified in the student's Acceptance Agreement, independent of this policy.
- 4.10. JMC Academy will retain all records of student transfer requests for two (2) years after the student ceases to be an accepted student.
- 4.11. Student may appeal any decision within 20 business days in accordance with the *Students Complaints and Appeals Policy and Procedure*.

5. PROCEDURE – OUTGOING STUDENTS

- 5.1. How to Apply for a Release
 - 5.1.1. The student must submit a formal request for a release to the International Services Office along with:
 - 5.1.1.1. A copy of the offer letter from the new provider,
 - 5.1.1.2. A written statement outlining the reasons for transfer, or any other documentation supporting the application.
- 5.2. The International Programs and Student Support Officer will assess and respond to a student's request to transfer within 10 business days of the request being submitted and:
 - 5.2.1. Ensure all necessary documentation has been provided by the student, and
 - 5.2.2. Forward it to the Director of International Services.
- 5.3. The Director of International Services will:
 - 5.3.1. Consider the request to transfer against:
 - 5.3.1.1. The details of the request,
 - 5.3.1.2. Any supporting documentation submitted by the student,

- 5.3.1.3. Sections 4.3 and 4.5 above,
- 5.3.1.4. Any other compassionate or compelling circumstances, and
- 5.3.2. Determine the final outcome.

5.4. Where the application for a release is approved:

- 5.4.1. The Director of International Services will advise the student in writing within 10 business days, by letter or email, and the outcome of this decision will be recorded in the student management database,
- 5.4.2. The electronic Confirmation of Enrolment (e-CoE) for student visa purposes will be cancelled, and the Department of Home Affairs (DoHA) will be informed via PRISMS.

5.5. The student should contact the Department of Home Affairs (DoHA) to seek advice on whether a new student visa is required. For more information on how the transfer and release affects the student visa, please visit the Department of Home Affairs (DoHA) website¹.

5.6. Where the application for a release is not approved:

- 5.6.1. The Director of International Services will advise the student in writing within 10 business days if the application for release is not approved,
- 5.6.2. If a student's request to transfer within six (6) months of study in their principal course is not approved, they may access the appeal process,
- 5.6.3. Once all appeals processes have been exhausted, and if the provider's decision has been upheld, the outcome will be recorded in PRISMS.

5.7. If transfer requests are refused, the response to students will provide the reason for refusing the transfer requests and student's right to access the appeal process. The students' refusal status in PRISMS will not be finalised until:

- 5.7.1. Any appeal against the refusal lodged by the student is finalised and upholds the JMC Academy's decision not to release the students, or
- 5.7.2. The student did not access the JMC Academy's appeal processes within 20 business days of being notified of the refusal, or
- 5.7.3. The student withdraws their appeal against the refusal.

6. PROCEDURE – INCOMING STUDENTS

6.1. Assessment of student status

- 6.1.1. During the application process, students must identify previous or current study.
- 6.1.2. Onshore applicants must provide a copy of their visa and, if on a student visa, a copy of all relevant e-CoEs. Further information and clarification will be sought during the interview stage.

6.2. Transferring from another provider

- 6.2.1. Where a student is identified as being currently enrolled in an Australian provider and they have not completed at least six (6) months of their principal course, applicants are advised to request a release from their current studies before they may be enrolled in any course offered by JMC Academy. The student must produce a copy of a cancelled e-CoE from their principal course before a new e-CoE can be issued by JMC Academy.

¹ <https://www.homeaffairs.gov.au/>

7. RELATED DOCUMENTS

- 7.1. JMC Academy Glossary
- 7.2. Deferring Suspending and Cancelling Student's Enrolment Policy and Procedure
- 7.3. Academic Progress Policy and Procedure
- 7.4. Student Complaints Policy and Procedure

8. RELEVANT LEGISLATION

- 8.1. Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- 8.2. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018

9. POSITIONS RESPONSIBLE

- 9.1. Chief Executive Officer
- 9.2. Campus Directors
- 9.3. Director of International Services
- 9.4. International Services Office

10. APPROVAL INFORMATION

Approval Authority	Governing Council
Health Check approval authority	JMC Academy CEO
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1.0	JMC Academy CEO	05/08/2021	15/11/2021	<p>The following documents have been merged and transferred to the new template:</p> <ul style="list-style-type: none"> • Transfer between Registered Providers Policy • Transfer between Registered Providers Procedure <p>References to underage students have been removed. This document has been reviewed by the Director of International Services on 10/08/2021</p>	Current

Version control tables from previous Policies and Procedures reside in the original documents.