



<b>Institution</b>	Mercury Institute of Victoria
<b>Policy Name</b>	Student Transfer Policy and Procedure
<b>Policy Governance</b>	Compliance Manager
<b>Reference to Standards</b>	National Code 2018 - Standard 7 Overseas student transfers
<b>Date of Approval</b>	April 2022
<b>Review Date</b>	April 2023

## PURPOSE

The purpose of this policy and procedure is to ensure Mercury Institute of Victoria effectively addresses 'Standard 7- Overseas Student Transfers' of the revised National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Mercury Institute of Victoria establishes this policy and procedure to:

- Comply with the requirements of the National Code 2018 – Standard 7 Overseas student transfers

## RESPONSIBILITY

The Compliance Manager is responsible for the implementation of this procedure and to ensure that staff and students are aware of its application.

## 1. REQUIREMENTS /PROCESS

Mercury Institute of Victoria must not actively recruit students where the recruitment would conflict with the requirements of this procedure and/or 'Standard 7- Overseas Student Transfers' of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.



Mercury Institute of Victoria will not knowingly enroll students currently enrolled at another RTO who have NOT completed at least six months of study of their principal course. This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.

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

Mercury Institute of Victoria will not allow the transfer of students enrolled with Mercury Institute of Victoria to another RTO who have not completed at least six months of study of their principal course; unless the student falls into one of the categories listed below and the requirements of the ESOS Act are complied with.

- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

When considering a request from an overseas student seeking to transfer, registered providers must:

- have and implement a documented policy and process for assessing overseas student transfer requests during the restriction period;
- outline in their policy the circumstances where transfers will be granted or refused;
- record all transfer request outcomes in the Provider Registration International Students Management System (PRISMS);
- not finalise a refusal to release the overseas student until the student has had an



opportunity to access the complaints and appeals process; and

- ensure where the request concerns an overseas student under the age of 18, the overseas student's parent or legal guardian has provided support for the transfer in writing.

## **2. LETTER OF RELEASE (TRANSFER OUT)**

- 1) Students must fill out the *Transfer of Provider Request Form*.
- 2) Student must seek approval from the Finance Department before lodging the application with the Administration Officer.
- 3) Applications for a letter of release will be considered by the Administration Manager and responded within 10 working days of being received by Mercury Institute of Victoria.
- 4) Transfer of Providers Request Form will be processed in accordance with this procedure and only if the student can provide written confirmation that a valid enrolment offer has been made by another registered provider.
- 5) The release will only be given when Mercury Institute of Victoria believes that a transfer at this time will not be considered detrimental to the student.
- 6) A copy of the student's letter of release application; notes recording the assessment of the application and the response sent to the student by Mercury Institute of Victoria must be placed in the student's file on the Student Management System.
- 7) Student must be informed within 10 working days from the date of lodgement of the application.
- 8) Transfer request outcomes will be recorded in PRISMS. The student will be referred to the Department of Home Affairs website at: <https://www.homeaffairs.gov.au/>.
- 9) Mercury Institute of Victoria is not taking applicants who are under 18 at this time.
- 10) If a transfer request is refused, reasons for the refusal will be documented in writing and the student will be informed of their rights to access Mercury Institute of Victoria *Complaint and Appeal Policy and Procedure*.

**Once a transfer request decision has been made**

If a registered provider intends to refuse a release, it must not finalise the overseas student's refusal status in PRISMS until:

- any appeal against the refusal lodged by the overseas student is finalised and upholds the registered provider's decision not to release the student;
- the overseas student did not access the registered provider's complaints and appeals processes within 20 working days of being notified of the refusal;
- the overseas student withdraws their appeal against the refusal. The registered provider must also notify the overseas student in writing the reason for refusing the transfer request and the overseas student's right to access the registered provider's internal complaints and appeals process (in accordance with Standard 10) within 20 working days. All registered providers must maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.

**A letter of release will normally be granted in the following situations shown below:**

- The student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at Mercury Institute of Victoria and can demonstrate clearly how this will be alleviated through a transfer;
- 'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could 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 close family members such as parents or grandparents (where possible 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; or
  - a traumatic experience, which could include:
    - o involvement in, or witnessing of a serious accident; or
    - o witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)



- There is evidence that the overseas student's reasonable expectations about their current course are not being met (such as correspondence between the overseas student and the registered provider or marketing materials given to the overseas student prior to enrolment, and setting particular expectations about the course);
- 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.;
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student;
- Where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol;
- Inability to begin studying on the course commencement date due to delay in receiving a student visa;
- The registered provider fails to deliver the course as outlined in the Enrolment Agreement.

**A letter of release will normally not be granted in the following situations shown below:**

- The requirements of the Enrolment Agreement have not been met by the student;
- The student has a change of mind;
- Not enough documented evidence to support reasons or claims in the application for letter of release is submitted;
- The student does not satisfy any of the situations which normally lead to a letter of release being granted;
- The proposed transfer will jeopardise the student's progression through a package of courses;
- The student has unsatisfactory academic progress and is in the intervention process;
- The student has unsatisfactory behaviour and has been or is about to have their enrolment suspended or cancelled and be reported to Department of Home Affairs;
- The student cannot provide a letter from another registered provider confirming that



a valid enrolment offer has been made; or

- The student has not cleared the tuition fee due.

### **3. ENROLLING A TRANSFERRING STUDENT (TRANSFER IN)**

1) Mercury Institute of Victoria will not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six 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 provided a written letter of release;
- 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 his or her principal course; 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.

2) All existing Credit Transfers and RPLs recognised by the previous RTO will be recognised by Mercury Institute of Victoria if the original evidence is provided (*Recognition of Prior Learning and Credit Transfer Policy and Procedure*).

3) In the event that Mercury Institute of Victoria knowingly enrolls a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study documentary evidence of at least one of the four conditions listed above must be obtained and placed in the transferring student's file.

4) Mercury Institute of Victoria will not seek to enrol a student who has not yet completed six months of their principal course of study with another registered provider unless the requirements of the National Code are met and then only in accordance with this procedure.

#### **Transfer requests and packaged courses**

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



students that changes to their preliminary courses may have ramifications for their admission to their principal course, for example if a preliminary course is a prerequisite entry requirement to the principle course.

Administration Manager will ensure all records are kept under the *Transfer Request Register*.

#### **4. TRANSFERRING TO ANOTHER COURSE OFFERED BY MERCURY INSTITUTE OF VICTORIA**

Students may transfer to another course offered by Mercury Institute of Victoria in the following circumstances:

- Where it is considered that the course that the student wishes to transfer to.
- better meets the study capabilities of the student; and/or
- better meets the long-term goals of the student, whether these relate to future work, education, or personal aspirations; and/or
- Or, where the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met.

A transfer to another course within Mercury Institute of Victoria will not be granted where:

- The transfer may jeopardise the student's progression through a package of courses.
- The student has recently started studying the course and the full range of support services are yet to be provided or offered to the student.
- The student is trying to avoid being reported to DET for failure to meet the provider's attendance or academic progress requirements.

The outcome of the student's application for course transfer will be provided in writing within 10 working days of receipt of the application.

The cost involved in transferring to another course plus any refund of course fees paid for the student's current course will be in accordance with Mercury Institute of Victoria's Fees, Charges and Refund Policy and Procedure.

### Other Aspects relating to course transfer:

#### 1. Visa advice

All students who are either considering a course transfer or have had their transfer request approved, will be advised that they must contact DHA to seek advice on whether a new visa is required. To find out more about visa requirements, students will be advised to contact DHA on 131881 or visit the following website: <https://www.homeaffairs.gov.au/trav/stud>

#### 2. Complaints and Appeals

Where the decision is made to refuse a course transfer or Mercury Institute of Victoria does not respond to the request in the timeframe set out in this Policy, the student may appeal against the decision by accessing Mercury Institute of Victoria's Complaints and Appeals process within 20 days. If the appeal finds in favour of a student wishing to transfer, a letter of release will be granted.

The refusal status will not be finalised in PRISM until the complaints and appeals process is finalised within the 20-working day period or the student withdraws from the course.

#### 3. Records

All records relating to course transfers will be kept for two years after the student ceases to be an enrolled student. This includes requests for release, the assessment of the request and the decision.

#### 4. Publication

This policy is provided to students in the International Student Handbook, which is provided to students before or upon commencement of a course, and via Mercury Institute of Victoria's website.