

Student Transfer Policy

Purpose

The ESOS Act 2000 and The National Code 2018 impose obligations on registered providers of education services to overseas students studying in Australia on a student visa (international students). Under Standard 7 of The National Code 2018, registered providers are restricted from enrolling a student on to a course of study, where that student is transferring from another provider and has not yet studied six months of their principal course of study.

The purpose of this policy is to ensure Melbourne Institute of Business and Commerce meets the requirements of the Education Services for Overseas Students (ESOS) Act 2000 and Standard 7 of the National Code of Practice 2018 (The National Code) in respect of managing requests from international students who seek to transfer between CRICOS registered providers of education and training services (registered providers).

Scope

This policy applies to all students and staff of Melbourne Institute of Business and Commerce.

Policy

All decisions made by Melbourne Institute of Business and Commerce concerning student transfer requests will be made in accordance with this policy and procedure, will be fair and consider the student's circumstances and any other relevant factors.

1. Transferring from another registered provider

Melbourne Institute of Business and Commerce will not knowingly enrol a student wishing to transfer from another registered provider's course before the overseas student completing six months of his or her principal course unless one or more of the following conditions apply:

- the releasing registered provider 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 student from continuing his or her principal course at that registered provider.
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.

- 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. Transferring to another registered provider

For Melbourne Institute of Business and Commerce students seeking to transfer to another registered provider's course of study before completing six months of their principal course, the transfer request will be assessed and granted in any of the following circumstances:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with Melbourne Institute of Business and Commerce's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements).
- there is evidence of compassionate or compelling circumstances.
- Melbourne Institute of Business and Commerce fails to deliver the course as outlined in the student agreement.
- there is evidence that the student's reasonable expectations about their current course are not being met.
- there is evidence that the student was misled by Melbourne Institute of Business and Commerce or an education or migration agent regarding Melbourne Institute of Business and Commerce, 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 student.

A transfer to another course 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. In this case, the student will be requested to wait a further 4 weeks before applying for a transfer to another registered provider during which time the full range of support services will be provided 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.
- There are no legitimate compassionate or compelling circumstances.

For a request for transfer to be considered and a letter of release provided, students must provide a valid offer of enrolment from another registered provider.

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

Where a student's application is refused, the reasons for this will be communicated plus the right to access the complaints and appeals process as outlined below.

There is no cost in releasing students. However, where a student transfers to another registered provider, any refund of course fees, where applicable, will be paid will be in accordance with Melbourne Institute of Business and Commerce's *Fees and Refunds Policy and Procedures*.

3. Transferring to another course offered by Melbourne Institute of Business and Commerce

Students may transfer to another course offered by Melbourne Institute of Business and Commerce 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 Melbourne Institute of Business and Commerce 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.
- For a request for transfer to be considered, students must complete an Internal Course Transfer Application Form.

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 Melbourne Institute of Business and Commerce's Fees and Refunds 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 Melbourne Institute of Business and Commerce does not respond to the request in the timeframe set out in this Policy, the student may appeal against the decision by accessing Melbourne Institute of Business and Commerce'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 Melbourne Institute of Business and Commerce's website

Management action & Responsibility

Refer to the RSA Matrix for details.

The policy must be approved by the CEO before it takes effect