

International Learners Transfer of Provider Policy and Procedure

1. Purpose

The purpose of this policy is to ensure that overseas learners wishing to transfer between registered training providers do so in accordance with The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’ Standard 7

This policy and the related procedure provide a documented process for assessing requests for the Transfer of Provider. By following this policy and procedure, Envirotech Education safeguards against knowingly enrolling an overseas learner prior to them first completing at least six months of their principal course, with the exception of those meeting specified criteria and in certain circumstances as detailed herein

2. Scope

This policy outlines the circumstances in which Envirotech Education will assess Transfer of Provider requests in accordance with the National Code. Envirotech Education will assess each request on an individual learner basis, taking into account all supporting documentation of the request.

3. Definitions

Incoming Transfer: refers to a learner transferring from another institution to this one

Outgoing Transfer: a learner leaving this institution to go to another

4. Relevant links:

National Code:

<https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD7.aspx>

5. Associated policies and procedures

- Deferral, suspension and cancellation of course enrolment
- Complaints and Appeal Policy
- Refund policy
- Academic Progress Monitoring Policy and Procedures

6. Associated documents

- Letter of Offer (LOO) which constitute Envirotech written agreement and includes the transfer policy in its terms and conditions of enrolment
- Student Handbook
- Course cancellation form, available on Envirotech website (www.envirotech.edu.au)
- Letter of release approval letter
- Letter of release refusal letter

7. Outgoing transfer – learners seeking to transfer from Envirotech to another provider

International learners wishing to transfer from Envirotech to another Registered Training Provider prior to completing six (6) calendar months of their principal course must seek approval to transfer and obtain a letter of release. The principle course is the highest-level course in a set of courses or the latest course's enrolment date if all courses are at the same level.

7.1. Envirotech will consider an application to grant and issue a letter of release only if:

- An application is made on Envirotech approved Course Cancellation form available on Envirotech website
- The learners presented a valid letter of offer from the provider to which they transfer to
- A confirmation by the transferring learner that all relevant course fees have been paid or will be paid as a pre-requisite to the release letter and there will be no outstanding fees payable by the learner under the Envirotech Refund Policy at the time of the Release letter being issued
- Compelling or compassionate circumstances for the transfer exists, and there are reasonable grounds for the transfer that relate to pressing and important personal factors. These factors will mainly be related to health or change of career intentions OR
- When the learner will be reported because they are unable to achieve satisfactory course progress at the level they are studying and they have tried to engage in the intervention strategy Envirotech designed for them, however, couldn't achieve satisfactory outcome. In this case learners will be released to study a lower Australian Qualification Framework (AQF) level and will need to apply for a new student visa. Envirotech is obligated to report the learner's progress to the department even if the transfer has been granted

7.2. Envirotech will refuse to issue a letter of release in the following circumstances:

- When a new offer letter from a receiving provider has not been provided by the learner
- When the learner has unpaid course fees for the study period in which the request is received
- When there are outstanding fees payable under the Envirotech Refund Policy
- When the transfer would be considered detrimental to the learner's best interests, including but not limited to:
 - A transfer would jeopardise a learner's progress through a package of courses
 - A learner requires or has access to particular support services that will not be delivered by the receiving provider or accessible by the learner following the transfer
 - The learner's career goals or future studies outcomes might not be achieved as previously requested by the learner when applying to study with Envirotech, and a student visa has been granted on those grounds
 - If the learner is trying to avoid being reported to DIBP for failure to meet Envirotech attendance or academic progress requirements and did not engage in the intervention strategy that has been designed to support a satisfactory progress
- Envirotech will assess and respond to the transfer request within 10 working days
- When a letter of release request is being refused, the student will be advised in writing of the reasons for the refusal
- A letter of release will be issued by Envirotech at no additional cost

- Records of all release requests, its assessment and outcomes will be recorded and saved on Envirotech compliance register and will be monitored by Envirotech Student Registrar and Compliance Manager

8. Incoming transfer – learners seeking to transfer to Envirotech from another provider

8.1 International learners who seek to transfer to Envirotech, prior to the completion of the first 6 months of their principal course, will be issued with a Confirmation of Enrolment only if:

- The original registered provider has ceased to be registered or the course in which the learner 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 learner from continuing his or her principal course;
- Any government sponsor of the learner considers the change to be in the learner's best interest and has provided written support for that change
- The learner has no Active Confirmation of Enrolment with any provider and must maintain visa requirements and be enrolled into a registered course.

8.2 Envirotech will not knowingly accept a learner transferring from another provider, prior to the completion of the 6 first months of their principal course if:

- It is clear that the learner breached student visa conditions
- The learner cannot demonstrate sufficient evidence for not being related to a provider, and learner still has active Confirmation of Enrolments with a provider
- The original provider refused to grant a letter of release to the learner

9. Procedures

Envirotech staff and Envirotech's representatives, who directly interact with international learners, must be aware of the entire ESOS obligations and the potential implications for learners. Staff must also be aware of the limitations on transfer before completion of six months of a principal course and should advise overseas learners of these limitations.

Outgoing transfer:

- 9.1. Learners must lodge the request for letter of release in writing:
 - Using the Course Cancellation form. The form is available on Envirotech website (www.envirotech.edu.au) and will be automatically directed to the relevant Envirotech staff for assessment
 - Provide additional relevant supporting documents, including statement of reasons for the release request, evidence for the personal request of a student visa cancellation and new offer letter from a new provider
 - Pay the cancellation process fee and any outstanding fees
- 9.2. Application date and calculation of withdrawn/ cancellation will be calculated from the date the written request has been provided together with **all** required evidence. Only a completed application requests will be assessed
- 9.3. An email receipt acknowledging that the request has been received will be produced

- 9.4. Release requests will be saved together with all relevant documentation, communication and correspondence that might be relevant to the assessment and outcome by Envirotech staff on the internal Compliance site under 'Registers'. The record will be updated according to the request circumstances
- 9.5. Envirotech staff will assess the request and submit its recommendation to the Compliance Manager
- 9.6. Envirotech will give due consideration to the learner's best interests and educational objectives when assessing an application for release
The range of factors may include:
 - 9.6.1. The course which learner wishes to transfer to:
 - better meets the study capabilities of the learner
 - better meets the long- term goals of the learner, whether these relate to future work, education or personal aspirations
 - better meets the learner's social needs-in order to gain access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network)
 - 9.6.2. Learner claims or can provide evidence that his or her reasonable expectations about the current course are not being met or they have been misled by Envirotech or an education or migration agent regarding Envirotech services or its course. In this case Envirotech will make efforts to address the matter personally with the learner and apply any improvements to the pre-enrolment, marketing and learners' information before a release can be considered
 - 9.6.3. Explanation why transfer can be shown to be detrimental to the learner's best interests
 - 9.6.4. Learners' academic progress
 - 9.6.5. Review of learners' course paid fees and if any outstanding invoices exists
- 9.7. Decision making will be done within 10 working days from the learner full application request date and a relevant approval or refusal response letter will be issued
- 9.8. Response outcome letter will be sent as a response to the learner enquiry within 10 days from submitting the full application, and also be saved on the register record under the learner's document set.
 - 9.8.1. Approval letter must include the following:
 - Advice to the learner of the need to contact DIBP to seek advice on whether a new student visa is required.
 - Information regarding the learner's academic progress and meeting the academic program requirements or listing the evidence of compelling and compassionate circumstances for which occur and prevented the learners to meet satisfactorily progress
 - A statement that the learner paid all relevant fees
 - 9.8.2. Refusal letter must include the following:
 - Reasons for not granting the release
 - Advice regarding the learner's right to appeal the refusal decision within 20 working days from the outcome date received through the Envirotech complaints and appeal mechanism
- 9.9. If learner has been refused, and has decided to appeal the Envirotech decision, Envirotech will follow its complaints and appeal policy
- 9.10. When transfer is granted, Envirotech staff will communicate with the different departments for the following purposes:

- Finance - for the process of amending invoices, processing refunds and close any financial processes
- Administration- Student Registrar to cancel the Confirmation of Enrolment and update the systems including SMS, Envirotech DB lists, OSHC etc. Administration to Issue a Statement of Attainment as required.

Incoming transfer:

- 9.11. Learner will complete online application form available on Envirotech website
- 9.12. Confirm there is no breach with any student visa condition
- 9.13. The learner meets all entry requirements and English level to participate in the requested course.
- 9.14. If learners are downgrading in AQF level, they should be aware that a new student visa is required to be submitted
- 9.15. A proof of Release letter has been provided by the original provider prior to enrolment process and the issue of a Confirmation of Enrolment, OR
- 9.16. If no release letter is required, evidence of Confirmation of Enrolment cancellation and un-associate enrolment is demonstrated by the learner according to Envirotech enrolment policies and procedures
- 9.17. Once all evidence has been provided and online application has been successfully completed, Envirotech staff will issue the learner with the new Confirmation of Enrolment.

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