

## Introduction

1. This policy documents Moore College's policy for assessing requests from an overseas student to transfer to another provider prior to the student completing at least six months of the course for which a student visa was granted and the student admitted to the College. It also sets out procedures to be followed in dealing with such requests. It is framed against a background of the College not having received any requests from an enrolled student for transfer to another provider since first being registered under the ESOS Act.

## Transfer to Moore College from Another Provider

2. In accordance with the requirements of Standard 7 of [The National Code 2007](#), Moore College will not enrol any international student visa holder who seeks to transfer from another provider prior to that student having completed at least six months of his/her principal course at that provider, except where:
  - 2.1. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
  - 2.2. the original registered provider has provided a written letter of release, agreeing to such a transfer;
  - 2.3. 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 in his or her principal course; or
  - 2.4. 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.
3. Students who have studied longer than this six month period within their principal course can apply as normal, and no letters of release need to be sighted or produced.

## Transfer from Moore College to Another Provider

4. Moore College will consider requests for transfer fairly, but such a request will be summarily refused unless:
  - 4.1. The student has a valid enrolment offer from the receiving provider;
  - 4.2. Moore College has had sanctions placed against its registration as a CRICOS Provider by the Australian Government or state or territory government or the registration of the course on CRICOS has been revoked and the student is prevented from continuing his/her principal course.
  - 4.3. A government sponsor (if any) deems that the transfer is in the best interest of the student and has provided written support for that change;
  - 4.4. Moore College believes there are reasonable grounds for the transfer; and
  - 4.5. An appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer, supports the student.
5. There are, however, certain mitigating factors that need to be taken into consideration during the Transfer Request Assessment Process. These factors are listed within the Student Transfer Request Assessment Procedure, Section 2.1 below

## Transfer Request Assessment Process

6. All requests for transfer from Moore College to another college are to be made in writing to the Registrar (email is acceptable).
7. Requests for transfer to another provider are to be assessed by the Registrar in consultation with the Dean of Students and the Advisor to Overseas Students. The result of each assessment is to be a written recommendation to the Principal. Whether or not it is recommended that the request be approved the grounds for the recommendation are to set out in the written recommendation to the Principal. A copy of that recommendation must be placed in the student's file.
8. Requests for transfer to another provider must be acknowledged in writing within two working

days and that acknowledgement must inform the students that a determination will be available in not more than 14 days from the date of receipt of the original request.

9. Requests for transfer to another provider prior to completion of at least six months of the course for which the student was granted a visa and admitted to the College may only be approved where:
  - 9.1. The student has provided a duly authorised letter from another registered provider confirming that a valid enrolment offer has been made;
  - 9.2. The request is accompanied by independent documentary evidence, provided by a competent person, which substantiates the claim that one of the following special circumstances exist or existed:
    - 9.2.1. medical circumstances; or
    - 9.2.2. family circumstances; or
    - 9.2.3. personal circumstances; or
    - 9.2.4. course related circumstances.
  - 9.3. The Registrar is satisfied that special circumstances (see par. 5,2, above) applied or apply to the applicant that are or were:
    - 9.3.1. beyond the applicant's control;
    - 9.3.2. did not make their full impact on the applicant until after the student commenced the course; and
    - 9.3.3. made it impractical for the applicant to complete the requirements of the course in which they are enrolled in the College.
  - 9.4. The Registrar will be satisfied that the applicant's circumstances were beyond the applicant's control if:
    - 9.4.1. a situation occurred which a reasonable person would consider is not due to the applicant's action or inaction, either direct or indirect, and for which the applicant is not responsible; and
    - 9.4.2. the situation was unusual, uncommon or abnormal; AND.
  - 9.5. The Registrar is convinced that it is in the students best interests to approve the request for transfer

#### **Approved Transfer**

10. If the circumstances involved in continued enrolment in the student's Moore College course are considered to be detrimental to the student and the application is in accordance with Moore College policy, the Letter of Release will be granted at no cost to the student.
11. The student will be provided with written notification of the outcome of his or her application for transfer between registered providers within 14 working days of the application being received by the Registrar. This notification will advise the student of the need to contact the Department of Immigration and Citizenship (DIAC) to ascertain whether a new visa will be required.
12. The Registrar will report the student's termination of studies to DIAC.
13. The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the [College Refund Policy \(Overseas Students\)](#), independent of this policy

#### **Non-Approved Transfer**

14. The Registrar will make a recommendation to the Principal if he/she believes the request should be refused. This will include the reasons for refusal, and supportive evidence to enable an informed decision to be made by the Principal.
15. The Principal will then make a decision as to whether or not to provide a letter of release for the student. Where this entails the making of judgments about the student's best interests or the nominated course or provider, the Principal will ensure the reasons are adequately supported by the evidence gathered and documented.

16. If the request for release is refused, the student will be informed that he/she is unable to transfer from Moore College at this time, but is welcome to re-activate the application when the 6 month period has passed.
17. The criteria used and the reasons for refusal are to be provided to the student in writing within 14 working days of the initial application, together with advice that it is possible to lodge an appeal if the student believes there are sufficient grounds.
18. A student can appeal against a refusal to release or, if Moore College does not respond during the timeframe set out in the policy, through its [External Dispute Resolution Policy \(Overseas Students only\)](#).

### **Implementation**

19. This updated policy was approved by the Board of Studies on 16<sup>th</sup> April 2010. It is available to students on the College web site under [Fairness Policies](#) and to faculty and staff on the College Intranet under [Fairness Policies](#). The policy is reviewed yearly at the time of self-assessment for compliance with the ESOS [National Code of Practice](#).

Rhonda Barry  
Registrar