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1. Policy

This Policy supports Standard 7 - Overseas Student Transfers of the National Code 2018 and the ESOS Act 2000. This Policy outlines the circumstances in which Mars Institute (MARS) will assess Overseas Students Transfer of Provider requests in accordance with the National Code 2018. MARS will assess each request on an individual Student basis, taking into account all supporting documentation of the request.

This Policy and processes and their implementation uphold the intent of the National Code 2018 Standards by considering requests fairly and applying their best efforts.

MARS will not knowingly enrol an Overseas Student wishing to transfer from another Registered Provider's course prior to the overseas student completing six months of their principal course of study, except in certain circumstances.

For the purposes of this Policy, MARS does not enroll Overseas Students under the age of 18. There are no fees associated with a Letter of Release. Subject to clearing all the due fees.

This Policy is made available to all Staff and Students and is available on the website at <https://mars.edu.au/forms-and-policies/#>

2. Definitions

- Principal Course is the main course of study to be undertaken by an Overseas student where the Student Visa has been issued for multiple courses and is usually the final course of study. This means the transfer restriction applies to a Student during all courses they undertake prior to the principal course.
- The First Six (6) Months is calculated as six calendar months from the date an Overseas Student commences their Principal Course.
- Student's Best Interest - The range of factors may include:
 - To better meet the study capabilities of the Student
 - To better meet the long-term goals of the Student, whether these relate to future work, education or personal aspirations
 - A Students ' reasonable expectations about the current course are not being met.
 - Academic grounds that cannot be addressed by the Provider's resources.
 - Personal grounds of the Students circumstance i.e. changes to living arrangements and locations.
 - Whether the Student is likely to succeed in his or her present course.
- 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:
 - involvement in, or witnessing of a serious accident; or
 - 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)
- 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. These are only some examples of what may be considered compassionate or compelling circumstances.

3. Purpose

- To provide a documented policy and process for assessing requests for assessing Overseas Student transfer requests during the restriction period
- To outline in this Policy, the circumstances where transfers will be granted or refused
- To record all transfer request outcomes in the Provider Registration International Student Management System (PRISMS)
- To not finalise a refusal to release the Overseas Student until the Student has had an opportunity to access the MARS Complaints and Appeals process as per the Complaints and Appeal Policy on the website.

4. Policy Requirements

- 1) In accordance with the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, MARS will not knowingly enrol an Overseas Student transferring from another Education Provider prior to the Student completing six months of their principal course, except under certain conditions. And unless certain conditions are met.
- 2) MARS may allow Students to transfer to another Provider after the Students has completed six months of their principal course. If a Student is enrolled in a package of courses, they must complete any prerequisite courses, and then the first six months of the principal course. All applications will be assessed based on merits of each of the application. 6 months of principal course means completion of six calendar months of the principal course of study from the course commencement date.
- 3) MARS will assess and determine the circumstances in which it will provide or refuse to provide a Release Letter. Where a Student requests a transfer within the period of six months of commencement of their principal program, MARS will assess the request for transfer against this Transfer of Student between Provider Policy.
- 4) MARS will conduct interviews or other appointments for Students in respect of support services provided by MARS as necessary in assessing the request.
- 5) The principal course of study refers to the main course of study (highest course) to be undertaken by an Overseas Student where a Student Visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the Overseas Student arrives in Australia with a Student Visa that covers multiple courses.

5. Circumstances where a Student Transfer is Permitted within Six Months of the Principal Course of Study

Generally, Overseas Students cannot transfer between Registered Providers prior to completing six calendar months of their principal course.

For an Overseas Student to transfer before completing six months of their principal course, the Overseas Student must meet one of the following conditions:

- 1) The original Registered Provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered; or
- 2) The original Registered Provider has provided a written letter of release; or
- 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 his or her principal course; or
- 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.

After completing six calendar months of the principal course, an Overseas Student can transfer without needing to meet one of these conditions as listed above.



6. Procedures

The following procedures have been separated into 'Incoming Students' - transferring to MARS and 'Outgoing Students.' - transferring from MARS.

Any Transfer of Provider requests that are received shall be the responsibility of the Student Support Manager. The Student Support Manager shall assess the applications to transfer Education Providers and conclude an outcome based on the following procedure.

Incoming Students (Student Transferring to MARS)

The following procedure is relevant to any Student who applies for a course with MARS and is currently studying onshore with another Registered Provider and has not completed six months of their principal course.

For this procedure to be completed the Student must provide MARS with a copy of their Student Visa and appropriate Student Number (to look up on PRISMS). Once this information is obtained the following steps are taken:

- 1) The Student must lodge a written request to transfer to MARS with supporting evidence i.e.: Letter of Release, Student Number and Student Visa copy.
- 2) Students are issued with a receipt acknowledging that the request has been received.
- 3) The Student Support Manager accesses the Student's information via PRISMS to ascertain if the length of studies completed in their current Principal course of study is greater than 6 months. The Student Support Manager will also use a copy of the Student Visa in their Passport to ascertain what the principal course is and when they arrived in Australia. PRISMS will assist MARS to determine if a Student has not completed six months of the principal course. When providers attempt to create a new Confirmation of Enrolment (CoE), PRISMS will usually advise them if the Student has not completed six months of the principal course. PRISMS will alert that the Student is enrolled elsewhere.
- 4) In completing this process, the Student Support Manager would print a copy of the PRISMS record and attach to the Student application.
- 5) If the Student has completed more than 6 months of their principal course of study, the application process proceeds as for all offshore students.
- 6) Where a student has NOT completed 6 months of their principal course of study, Students are asked to provide an appropriate Letter of Release from their Registered Provider in support of their application.
- 7) Or alternatively advise in their application of one of the following reasons:
 - 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 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.
- 8) To support the student's application, they can be provided with an "Offer of Enrolment" which clearly states that an offer of a place is contingent on their being released by their current Provider.

Note: If the Student is in receipt of a Government Scholarship, they should provide written support from this Government agreeing to the change, which will stand in lieu of any Letter of Release.

- 9) If a Letter of Release is received, and the Student has no outstanding fees to be paid to the Registered Provider or other outstanding matters of concern, the application proceeds as does for all offshore applicants.
- 10) If a Letter of Release is not received from the Student, the application process is ceased, and the Student informed that they are unable to transfer providers at this time. The Student is advised that the transfer is refused. They are welcome to re-activate their application when the 6-month period has passed. MARS considers this to be reasonable grounds to refuse the transfer request.



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- 11) Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no Letter of Release is required. Evidence of this occurrence would need to be placed in the Students record on the Student Management System (SMS) - Wisenet.
- 12) All transfer requests will be processed by MARS within 10 working days of the application and written request being received.
- 13) Student will be advised in writing if their transfer request has been approved or denied. If a request for release is refused, the Student will be provided with written reasons for the refusal. The written reasons will note the decision, the reasons for the decision, the factors taken into consideration and reflect the Student's individual circumstances, to enable the Student to make an informed decision as to whether to appeal the decision. The Student will also be given advice in writing that it is possible to appeal the decision if they choose to do so.
- 14) All transfer outcomes are recorded in the Provider Registration International Student Management System (PRISMS).
- 15) Any refusals to release the Overseas Student are not finalised until the student has had an opportunity to access the MARS Complaints and Appeals process.
- 16) MARS maintains records of all requests from Students for a Letter of Release and the assessment of, and decision regarding, the request on the Student's Wisenet record.

Outgoing Students (Student transferring from MARS)

The following procedure is relevant to those Students wishing to transfer to another Education Provider prior to completing six (6) months of their principal course of study with MARS.

MARS will grant requests to transfer under the following circumstances, with a Letter of Release being provided:

- Compassionate or Compelling circumstances,
- The transfer Provider and the course better meets the Student's academic capabilities and requirements, or it is in the Student's best interests. Note Overseas Students cannot make a general claim that a transfer will be in their best interests. This request should be made with reference to the circumstances of what MARS has defined as Students 'best interest',
- MARS has ceased to be registered or the course in which the Student is enrolled has ceased to be registered,
- The Registered Provider fails to deliver the course as outlined in the written agreement,
- The Overseas Student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that MARS's intervention strategy to assist the Overseas Student in accordance with Standard 8 of the National Code 2018,
- 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, which constitutes a breach of the ESOS Act 2000,
- MARS 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,
- 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,



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- An Appeal (internal or external) on another matter results in a decision or recommendation to release the Overseas Student,
 - The Student is asked to provide a valid 'Offer of Enrolment/Letter of Offer' from the transfer Provider authenticating the transfer and the Student is able to provide a letter indicating the benefits of transferring from their current course of study.
- 1) The Student must lodge a written request to transfer from MARS with supporting evidence i.e.: Compassionate and Compelling evidence.
 - 2) Students are issued with a receipt acknowledging that the request has been received.
 - 3) In assessing the application to transfer, the Student Support Manager will check the following points:
 - a) Ensure any outstanding fees are paid
 - b) Ensure the student is fully aware of all issues relating to the transferring of providers.
 - c) Check student records to ensure the student is not trying to avoid being reported to the appropriate government agency(s) due to lack of course progress or poor attendance records.
 - 4) The Student is asked to provide a valid "Offer of Enrolment" from the new Provider. If a decision has been made to grant a transfer, appropriate annotation will be made in the PRISMS only when a valid Letter of Offer of enrolment from the receiving Provider is presented. If granted, a 'Letter of Release' will be approved at no charge to the Student.
 - 5) Information on the release of the Student is entered into PRISMS:
 - Where the request to transfer to another Provider is be refused, the Student is to be advised in writing of the reasons for the refusal, and the Student's right to appeal the decision within 20 working days of being advised of the decision
 - All requests, considerations, decisions and copies of Letters of Release are placed on the Student's Wisenet record.
 - The approval of transfer of a Student to another Provider does not indicate the agreement to provide any refund. Refunds are governed by the MARS Refund Policy independent of this Policy.
 - 6) Students are advised to contact the Department of Home Affairs (DHA) to confirm whether a new Student Visa is required. If the Overseas Student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new Student Visa.
 - 7) Where a Release Letter has been granted, the Admin team will submit a course variation through PRISMS, in accordance with Reporting Student Course Variations on PRISMS. A copy of the course variation is to be placed on the Students Wisenet record.
 - 8) A decision of the transfer will be made by the Student Support Manager and shall be given to the Student in writing. The Student will be advised in writing if their transfer request has been approved or denied. If a request for release is refused, the Student will be provided with written reasons for the refusal. The written reasons will note the decision, the reasons for the decision, the factors taken into consideration and reflect the Student's individual circumstances, to enable the Student to make an informed decision as to whether to appeal the decision. The Student will also be given advice in writing that it is possible to appeal the decision if they choose to do so.
 - 9) All transfer requests will be processed by MARS within 10 working days of the application and written request being received once the Student has provided the necessary documentation. All requests will be assessed individually, taking into account the circumstances of the student and if the transfer will be in the best interest of the Student.
 - 10) If the Students feel that they have reasonable grounds for transfer and wish to appeal the decision, they must contact MARS in writing within 20 days outlining the appeal circumstances. This process is outlined in the Complaints and Appeals Policy on the website.



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- 11) If no response is received within 20 working days, MARS will close the application and students are required to continue with their studies in line with the original enrolment conditions.
- 12) Any refusals to release the Overseas Student are not finalised until the Student has had an opportunity to access the MARS Complaints and Appeals process.
- 13) MARS maintains records of all requests from Students for a Letter of Release and the assessment of, and decision regarding, the request on the Student's Wisenet record.

Refusing the Transfer Request

Where the transfer is not in the best interest of the student, the request to transfer to another Provider will be refused. Reasons for refusal may include but are not limited to:

- The request is within six months of commencement of the Principal Course with MARS,
- Students who are not genuinely engaging with an intervention strategy with the intention of failing and being released,
- The Student is transferring to a similar program with another provider,
- MARS does not agree that the transfer is in the Students best interest or academic capabilities,
- The Student is applying to transfer to a program with a lower qualification without consultation with the MARS,
- The Student does not have a valid Letter of Offer from the receiving Provider,
- The Student has Financial difficulties or Outstanding Payments for MARS services,
- Where MARS believes the Student is avoiding being reported to DHA for not meeting the obligations of the Student contract or course requirements,
- The transfer to the new program may be detrimental to the Student's well being and/or career objectives as stated in the Student's original admissions application/Statement of purpose,
- The transferring Provider is not a CRICOS Registered Provider,
- The welfare of the Student may be compromised,
- Changing to a Provider with programs at a lower fee,
- Changing to a Provider to be with friends,
- MARS assesses that a Student's change of mind about their chosen course of study, is not considered a genuine reason for transfer,
- The Student has breached the terms of their written agreement, which was signed by the Student confirming that they completely understood MARS's Policies and Procedures,
- Representing Agent Error,
- When a transfer can be considered detrimental to the Student, this may include:
 - If the transfer may jeopardise the Student's progression through a package of courses
 - If 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 and
 - If the student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet the MARS's attendance or academic progress requirements.

Student Transfer Request Assessment Flowchart

