



IONA COLLEGE
TRINITY

TEQSA Provider ID PRV14376 • CRICOS Provider Code 04294D

Student Transfer Policy and Procedure

Endorsed by the Academic Board on 19 May 2022

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1. Purpose

This Policy and Procedure sets out the approach of Iona Trinity College of Higher Education (**the College**) to requests from overseas students to transfer into or from the College.

2. Scope

This Policy and Procedure applies to students studying in Australia on an international student visa and addresses their request for transfer into or from the College.

3. Policy

The College will not knowingly enrol international students seeking to transfer from another registered provider's course prior to the students completing six months of their principal course, unless certain limited circumstances, as outlined in this Policy and Procedure, apply.

The College will take all reasonable checks to ensure an international student is not enrolled with another registered provider before approving the student's enrolment.

Transfer requests from international students will be reviewed and responded to promptly and students will be updated on the progress of their transfer requests.

If an international student at the College applies for a transfer to another registered provider prior to completing six months of his/her principal course, the College will:

- Assess whether approving the transfer is in the student's best interest
- Release the student to another registered provider at no cost to the student if the College is satisfied that releasing the student is in their best interest.

4. Procedure

4.1 General Transfer Provisions

Unless certain circumstances apply to an international student, the College will not:

- Accept applications for transfer to the College from international students who have not completed at least six months of their principal course
- Approve requests from its international students, who have not completed at least six months of their principal course, to transfer to another registered provider.

These circumstances are outlined in Section 4.1.1, below.

International students at the College may transfer from the College to another registered provider at no cost and without seeking the College's permission only **after** completing six months of their principal course.

Before applying for a transfer from the College to another registered provider, the student should be aware that a transfer to another registered provider could impact the student's visa and advice from the Department of Home Affairs should be sought.

4.1.1 *Circumstances in which Transfer may be allowed during the Restriction Period*

Table 1, below, sets out the circumstances under which transfers into and out of the College is permissible.

Table 1. Circumstances Permitting Student Transfers within the Restriction Period

Requests from another registered providers' students to transfer <u>to the College</u> will be accepted	Requests from the College's students to transfer <u>to another registered provider</u>
The provider, or the course in which the student is enrolled, has ceased to be registered	The College, or the course in which the student is enrolled, has ceased to be registered
The provider has had a sanction imposed on its registration by an ESOS agency that prevents the student from continuing their course at the provider	A sanction has been imposed on the College's registration by TEQSA (the nominated ESOS agency for higher education) that prevents the student from continuing their course at the College
Any government sponsor of the student considers the transfer to be in the student's best interests and has provided written support for the transfer	Any government sponsor of the student considers the transfer to be in the student's best interests and has provided written support for the transfer
The releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS	The College grants the transfer request because it is in the student's best interests

4.1.2 Determining the Student's Best Interest

The College will grant the student's request to transfer to another registered provider if the College assesses that it is in the student's best interest, which includes the following:¹

- Unable to achieve satisfactory course progress
The student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy to assist the student in accordance with Standard 8 (Overseas student visa requirements) of the National Code
- Compassionate or compelling reasons
Some examples are provided below, but the College will assess other circumstances as long as supporting documentary evidence is provided: ²
 - Serious illness or injury, where a medical certificate states that the 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 student's studies
 - A traumatic experience, such as:

¹ Department of Education, Skills and Employment (now Department of Education), *Standard 7: Overseas Student Transfers*, 19 May 2021 (Link: <https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers>)

² Ibid, pp. 3-4

- involvement in, or witnessing a serious accident, or
- witnessing or being the victim of a serious crime, which has impacted the student, as supported by police or psychologists' reports
- Failings of the College

The College is unable to deliver the course as outlined in the Written Agreement or there is evidence that the student's reasonable expectations about the course are not being met.

There is evidence that the student has been misled by the College, or the College's education agents, regarding the College and/or its course, which has resulted in the course not meeting the student's needs and/or study objectives.
- Appeal

An internal or external appeal on another matter, which results in a decision or recommendation to release the student

4.1.3 *Circumstances for Refusing to Release Student*

The College will refuse to release a student under the following circumstances:

- False or misleading information in support of their transfer request was provided to the College
- A full letter of offer from another registered provider is not provided upon request by the College
- No evidence of compassionate or compelling circumstances have been provided or the evidence could not be substantiated
- The student is not genuinely engaging with the College's intervention strategy with the intention of failing and being released³
- Outstanding fees are owing to the College
- The student has simply changed their mind about studying at the College
- The student's enrolment is either deferred, or suspended for misconduct

4.2 *Intention to Refuse a Release*

After assessing a student transfer request⁴, the College decides to refuse the transfer, the student will be given the opportunity to access the College's internal and external appeals process before the decision is finalised and communicated to Australian government authorities via PRISMS.

4.3 *Initiating a Transfer after the Restriction Period*

For a transfer request to the College, the student should apply for admission in accordance with the College's *Admission Policy and Procedure*. Requests for credit for prior learning

³ Department of Education, Skills and Employment (now Department of Education), *Standard 7: Overseas Student Transfers*, 19 May 2021 (Link: <https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers>), p. 3

⁴ This applies to students from another registered provider or a student from the College requesting a transfer to another registered provider

should be made at the same time as applying for admission in accordance with the College's *Credit Policy and Procedure*.

For a transfer request to another registered provider, the student should discontinue their enrolment at the College in accordance with the *Student Enrolment Policy and Procedure*.

The discontinuation of enrolment will be recorded in PRISMS to allow another registered provider to issue a new Confirmation of Enrolment.

The student will be advised to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

4.4 Procedures applying to Transfer Requests during the Restriction Period

The procedures for a transfer requests initiated prior to completing the first six months of the principal course differ depending on whether the request is a transfer to the College or a transfer to another registered provider.

4.4.1 Transferring to the College

- ⇒ A student should apply for admission in accordance with the *Admission Policy and Procedure*. Requests for credit for prior learning should be made at the same time, in accordance with the *Credit Policy and Procedure*
- ⇒ The student's application should indicate the reasons for the transfer and include the following, as appropriate:
 - Evidence of release from the previous registered provider, e.g. a letter of release
 - Evidence that the other registered provider has been deregistered or its course accreditation not renewed
 - Evidence of sanction imposed by the relevant ESOS agency on the provider's registration preventing the student from continuing the course
 - Written support of a relevant government sponsor for the transfer
- ⇒ The Student Services Manager or their nominee will:
 - Assess the transfer request and reason for the request
 - Verify the evidence provided
 - Confirm the student meets one of the conditions for a transfer during the Restriction Period (refer to Table 1 of this Policy), including referring to PRISMS for current enrolment status
 - Assess and confirm the eligibility of the student for a place in the chosen course at the College
- ⇒ If the student is determined to be not eligible for a transfer during the Restriction Period, a response will be sent to the student, including reasons for refusing the transfer. The student will be advised to re-apply after the Restriction Period, as appropriate
- ⇒ If the student is eligible for a transfer, the Student Services Manager or their nominee will proceed with reviewing the student's application for admission in accordance with the *Admission Policy and Procedure*

4.4.2 Transferring to another registered provider

- ⇒ The student should check eligibility for a release prior to lodging a transfer request
- ⇒ The student should provide reasons for a transfer request to another registered provider and include supporting evidence (refer to Section 4.1.2), as appropriate.
 - A valid letter of offer from another registered provider must accompany a transfer request
- ⇒ Upon receipt of the student's transfer request, the Student Services Manager or their nominee will:
 - Acknowledge receipt of the request within 5 business days and
 - Inform the student that a response will be provided within 10 business days
- ⇒ The Student Services Manager or nominee will:
 - Assess the transfer request and verify the evidence provided
 - Consult with other staff members, as appropriate, to confirm that all conditions for a transfer are met. The relevant Course Coordinator will also be consulted regarding on any potential detriment to the student's educational goals
 - Consult applicable policies and/or legislation and precedents
- ⇒ The student may be asked to:
 - Provide additional information
 - Attend an interview, which may take place over the phone, the internet or in person. The student may request that a person attends the interview for support or advocacy
- ⇒ The student will receive written notification of the outcome of the review of the release request will be sent to the student
- ⇒ In the event of a release refusal, the student will be informed of:
 - The reason for refusing the release
 - The option to wait until the end of the Restriction Period before lodging another transfer request, and
 - The right to access the College's appeals process within 20 working days.

The Student Services Manager will not record the decision to refuse the release in PRISMS until there is an outcome from any appeals process.

- ⇒ In the event of a release:
 - The student's enrolment will be discontinued
 - A notification of release issued to the student
 - The release is recorded in PRISMS, and
 - The student is advised on processes relating to discontinuation of enrolment, such as fee refunds.

4.5 Appeals

A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.

4.6 Records and Reporting

Outcomes for all transfer requests will be recorded in PRISMS.

In relation to transfer requests lodged after the restriction period, the student's release will be promptly recorded in PRISMS.

In relation to transfer requests lodged during the restriction period, if the outcome is a refusal to release AND the student lodges an appeal of the College's decision within 20 days of notification of the decision:

- If the outcome of the appeals process is in favour of the College, or if the student withdraws from the appeals process before its conclusion, the decision not to release the student will be promptly recorded in PRISMS, or
- If the outcome of the appeals process is in favour of the student, the decision to release the student will be promptly recorded in PRISMS.

All transfer requests, supporting documentation, assessment and outcomes will be stored for a period of at least 2 years after the student ceases to become an enrolled student of the College.

5. Responsibilities

The Student Services Manager, or their nominee:

- Makes decision on transfer requests, based on supporting evidence provided by the student
- Informs student of their rights and obligations under this and related College policies, including the right to appeal a decision made under this Policy and Procedure

The Academic Board has a monitoring and oversight role in relation to the quality of teaching and learning at the College.

The Board of Directors is responsible for ensuring the provision of higher education is conducted in accordance with the College's policy framework and is accountable for any lapses in compliance.

6. Definitions

For the purposes of this Policy and Procedure, the following terms are defined as follows:

Confirmation of Enrolment (CoE)	An electronic document issued by the College to a prospective international student who must include it with their application for a student visa. The CoE confirms the international student's eligibility to enrol in the College's course
Credit for Prior Learning	Recognition of relevant and equivalent prior study or informal learning completed by students which may lead to a reduction in

	the number of academic units or credit points that are required to successfully complete a course at the College
ESOS agency	Is either the Tertiary Education Quality and Standards Agency (TEQSA) or the Australian Skills Quality Authority (ASQA), which have direct powers to regulate higher education and vocational education and training providers respectively under the <i>Education Services for Overseas Students Act 2000 (ESOS Act)</i>
International student	Any overseas student, including those who have student visas, temporary residency, bridging visas and provisional residency (as falling under the ESOS Act). Unless otherwise specified in this Policy, 'student' refers to an international student
Letter of Offer	A document issued by the College to offer a student a place in a course at the College
Principal course	The main course undertaken by an international student where a student visa has been issued. If the international student has been granted a student visa for multiple courses of study, the principal course is the course leading to the highest AQF qualification or, if there is more than one enrolment at the highest AQF qualification, the course with the earliest proposed start date or the longest duration ⁵
PRISMS	Is the Provider Registration International Student Management System, a database owned and maintained by the Department of Education, Skills and Employment for the purposes of administering the ESOS Act
Registered provider	An education institution providing courses to international students as listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
Release	Permission given by the College to an international student to transfer to another registered provider during the restriction period
Restriction period	The length of time during which international students may not transfer between registered providers except in specified circumstances
Student visa	An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary

⁵ Sources: Department of Education, Skills and Employment (now Department of Education), *How to Manage Student Transfers in PRISM*, 14 December 2020 (Link: <https://www.dese.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>); Department of Education, Skills and Employment (now Department of Education), *Standard 7: Overseas student transfers*, 19 May 2021; National Code 2018

	purpose of studying in Australia as defined by the <i>Migration Act 1958</i>
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7. Version history

Version #	Changes	Approval Body	Approval Date
1.0	Original version	Board of Directors	28/07/22

8. Additional Information

Policy Status	Approved
Policy Owner	Principal
Next Review Date	3 years from Approval Date
Associated Internal Documents	Admission Policy and Procedure Credit Policy and Procedure Student Enrolment Policy and Procedure Student Appeals Policy and Procedure
Higher Education Standards Framework (Threshold Standards) 2021	Standard 7.2.3
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standards 7.1 to 7.7
Other Applicable Legislation and Instruments	Education Services for Overseas Students Act 2000 Migration Act 1958 Tertiary Education Quality and Standards Agency Act 2011

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