



POLICY

International Student Transfer Policy

PURPOSE	This document sets out Kingsway Institute’s Policy and procedure for assessing student requests to transfer from another registered education provider to Kingsway Institute or transfer from Kingsway Institute to another registered education provider.
SCOPE	This policy applies to overseas students who have accepted an offer, or accepted an offer for a package of courses, to study at Kingsway Institute.
STATEMENT	<p>The National Code Standard 2018 prescribes the requirements Kingsway Institute must follow when assessing student requests for transfer between registered education providers (hereafter called “registered providers”)</p> <p>Under the National Code Standard 2018, Kingsway Institute is restricted from enrolling transferring student who has not completed six months of their principal course (that is, the highest level of the course for which the student visa was granted), except in limited circumstances. These circumstances are set out in this document. No restrictions apply after the student has completed six months of their principal course.</p> <p>The procedure below describes the processes for submitting, assessing, processing, and deciding on a student requests to Kingsway Institute from another registered provider, and Kingsway Institute student requests to transfer elsewhere.</p>
DEFINITIONS AND ABBREVIATIONS	<p>Compassionate and compelling circumstances means circumstances that are generally beyond the student’s control which a reasonable person would consider is not due to the student’s action or inaction either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal, and which have a significant impact on a student’s course progress or well-being.</p> <p>Compassionate and compelling circumstances include:</p> <ul style="list-style-type: none"> • Serious illness or injury, where a medical certificate states that the student is 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 (evidence may be required) • A traumatic experience which could include: <ul style="list-style-type: none"> - Involvement in, or witnessing a severe accident; or - Observing or being the victim of a serious crime and this has impacted on the student (police or psychologists’ reports should support these cases) • Where the Kingsway Institute was unable to offer a pre-requisite course • Inability to begin studying on the course commencement date to due to delay in receiving a student visa <p>Overseas Student – A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act 2018.</p> <p>Principal Course – The main course of student to be undertaken by an overseas</p>

	<p>student where a student visa has been issued for multiple courses of study, i.e a “package” of courses. The Principal Course would normally be the final course of student and that leads to the highest qualification in the “package”. Where a student visa has been issued for only one course, that course is the student’s principal course of study.</p> <p>Six months of study - refers to six calendar months from the commencement of the principal course and is not directly relative to Kingsway Institute teaching terms.</p>
<p>PROCEDURE</p>	<p>Students are strongly encouraged to read this entire document before submitting a request for release to ensure all appropriate documentation is provided to assess the request.</p> <p>The Student must submit a request for release to another registered provider on the approved Student Request for Release – Change of Provider Form and provide all required documentation no later than census date of the study period in which they are enrolled. Requests submitted after census date will not be considered.</p> <p>All students who have arrived in Australia but not yet enrolled and commenced their studies and students who have already enrolled and commenced their studies, who submit a request for release will be asked to meet with the Student Services Support Coordinator (or the nominee/s) to discuss their reasons for requesting a transfer. Student must meet with staff when requested as this will help to identify any support services that may be relevant to the student’s academic progression.</p> <p>Students who have not enrolled and commenced their studies and have not yet entered Australia will need to submit a request to defer their commencement to the Admissions.</p> <p>All student requests for release will be assessed in accordance with this policy and procedure, the Education Services for Overseas Student Act 2000 (ESOS Act) and the National Code 2018.</p> <p>All student requests for release will be assessed following this policy and procedure, the Education Services for Overseas Student Act 2000 (ESOS Act) and the National Code 2018.</p> <p>Student Administration Team will notify students of the outcome of their request within 14 working days after receiving a complete and fully documented request for release application</p> <p>Documentation/information required includes:</p> <ul style="list-style-type: none"> • A Kingsway Institute Student Request for Release – Change of Provider form • A statement of the reasons for their request (including how the transfer would be in the student’s best interests) and giving Kingsway Institute permission to contact the relevant course provider to confirm they have assessed the request for release. • Recent and appropriate documentary evidence to support and substantiate claims of medical circumstances (that is, a medical certificate or letter that includes the medical practitioner’s name and contact details on official certificate or letterhead, including the date of the consultation), or appropriate documentary evidence to support and substantiate claims of compassionate and compelling circumstances) • A valid offer letter (demonstrating/confirming all entry criteria have been satisfied) from a new registered provider

	<ul style="list-style-type: none"> • Written evidence of support from Kingsway Institute academic faculty of the student’s inability to cope academically and that support services have been accessed if applicable <p>If the request is approved, the student will be advised of the requirement to contact the Department of Home Affairs to seek advice on whether a new visa is required. The release approval will be recorded in the Provider Registration and International Students Management System (PRISMS).</p> <p>Students who submit a request for release that does not meet eligibility requirements (including undocumented applications) will be advised why their application cannot be accepted.</p> <p>If the request is denied, the student will be advised in writing the information/circumstances have been taken into accounts, the reasons for the decision in writing, and their right to appeal the decision accordance with the Compliments and Complaints Policy and Procedure.</p> <p>A request for release will be assessed by the Institute Management Board or the nominee.</p> <p>All requests for release to another provider and copies of all responses must be kept in the student’s file in the Kingsway Institute record keeping Systems (eBecas).</p> <p>Student is not permitted to transfer to a level of student that is lower than the highest level of the registered course/s for which the student visa was granted. For details, refer to the Department of Home Affairs.</p> <p>If the request is denied or the student subsequently submits an appeal that is unsuccessful, and the student does not intend to continue studies at Kingsway Institute, their Confirmation of Enrolment (CoE) will be cancelled These details will be reported via PRISMS to the Department of Home Affairs. Students must seek the Department of Home Affairs’ advice and be aware of the potential impact on their student visa. To avoid visa cancellation, students may return to their home country and request voluntary cancellation of their current student visa.</p> <p>Student transferring to Kingsway Institute from another registered provider</p> <p>Kingsway Institute may enrol a student transferring from their principal course of study from another registered provider if:</p> <ul style="list-style-type: none"> • 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 recorded their release decision in PRISMS. • The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government preventing the student from continuing their 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 (in this case, a provider letter of release is not required). <p>Documentary evidence supporting a student’s request for transfer to Kingsway Institute must be kept on the student’s file in the eBecas system. Information to be recorded includes confirmation that the release decision has been recorded in</p>
--	--

	<p>PRISMS and a copy of the Kingsway Institute offers.</p> <p>Kingsway Institute student transferring to another registered provider</p> <p>Subject to the timelines stated in the refund policy and procedure, student may request a release (transfer) to another registered provider within their first six months of study only if the following apply:</p> <ol style="list-style-type: none"> 1) Any of the circumstances stated in Kingsway Institute enrol a student transferring from their principal course of study from another registered provider or 2) Kingsway Institute determines that the transfer is warranted if any of the following circumstances apply: <ol style="list-style-type: none"> A) the student requests a transfer to study a course of an academic level considered higher than the level of their current course, in a discipline are not available in Kingsway Institute B) evidence of and documented compassionate or compelling circumstances beyond the student's control, e.g. personal or educational problems that cannot be addressed by Kingsway Institute supporting services. C) Evidence that the student's reasonable expectations about their course have not been met, the student was misled by their agent/migration agent, and the course is therefore unsuitable to the student's needs and objectives D) The student has no outstanding debt and has paid all tuition fees/monies owing to Kingsway Institute (applicable to all fees). <p>Cancelling enrolment and requesting refunds</p> <p>Kingsway Institute will cancel the enrolment of students whose request for release (transfer) to another provider is approved and will record the decision in PRISMS.</p> <p>Students with credit in their student fees account will be required to apply for a refund of fees in accordance with the student refund policy and procedure.</p> <p>Student who withdraw from studies without requesting a release or before receiving a release decision, or they may be subject to visa cancellation by the Department of Home Affairs.</p> <p>Denying student request to transfer to another registered provider</p> <p>The following circumstances are considered to have a detrimental impact on the student's educational outcome for which their student visa was granted and may result in a request for release is denied:</p> <ul style="list-style-type: none"> • The student has not completed the first six months of their studies in their principal course and is requesting a transfer to the different course provider • Kingsway Institute considers that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet Kingsway Institute attendance requirements, and has already been identified for unsatisfactory attendance and has received a Notice of Intention to Report • The student has already been reported to the Department of Home Affairs for unsatisfactory attendance or study progression. • The student has an outstanding tuition fee, other debts or fines. • No written confirmation from another registered provider has been provided that a valid unconditional enrolment offer has been made.
--	---

	<ul style="list-style-type: none"> • The student requests a release (transfer) to study a course at another registered provider in a discipline area available at Kingsway Institute or the pathway/package provider in the relevant state. • The student has not arrived in Australia and started studying. • The student has only recently started studying and has completed less than four months of their principal course and has not accessed the full range of academic and support services available at Kingsway Institute • The transfer would put the student in breach of their mandatory or discretionary student visa conditions. • The transfer would jeopardise the student’s progression through a package of courses, for example, where it is clear the student cannot meet the conditions attached to the offer of enrolment made by a new provider • The student has changed their mind about the course, including the student enrolled in a pathway course and had not provided evidence to demonstrate that their course expectations have not been met • The student wants to live somewhere else (unless documented evidence of compassionate or compelling circumstances is provided that demonstrates that student must move away from their current location) • The student wants to transfer to a provider with lower tuition fees, or • The student has provided fraudulent supporting documentation to support the claims/reason for the release.
REFUNDS	All student requests for refunds are the decider following the Kingsway Institute Refund Policy and Procedure.
APPEAL	<p>Right to Appeal</p> <p>Internal appeal</p> <p>The student who can demonstrate that this policy and procedure has not been followed regarding decisions affecting the student may appeal. Students may request by writing a letter to the School Board (or nominee) within 20 working days of receipt of the outcome letter.</p> <p>A student must submit sufficient details or relevant documentation to support their appeal, which indicates a breach of this policy and procedure explicitly. The Admission Team will notify the student of the appeal outcome within 14 working days after receiving a complete documented request for appeal.</p> <p>Appeal requests submitted via email or that do not relate to the adherence of this policy and procedure will not be considered.</p> <p>During the internal appeal process, the student’s enrolment will be maintained unless the student notifies Kingsway Institute of cancellation of studies or fails to re-enrol. The student must attend all classes and continue with their course of study during the appeal process.</p> <p>If the appeal is successful, the student will be advised in writing. The release approval will be recorded in PRISMS within five working days.</p> <p>External appeal</p> <p>If the internal appeal to is unsuccessful, students will be advised in writing of the outcome and reasons for the decision Student may follow a further avenue of appeal through the Commonwealth Ombudsman. The internal appeal process must be completed before lodging an external appeal.</p> <p>If students are enrolled, their enrolment will be maintained until the external</p>

	<p>appeal process is completed. Students are required to continue class attendance and academic progression until the Commonwealth Ombudsman has finalised the outcome. The student intending to lodge an external appeal must do within 20 working days of the result of the internal appeal by notifying the Kingsway Institute Management Board in writing. Proof of lodgement of the external appeal must be submitted within five working days to the Admission Team (or nominee).</p> <p>If the external appeal is successful, the Operations Manager must be notified immediately. The decision of the Commonwealth Ombudsman will be entered into PRISMS within five working days of the official notification of a successful external appeal.</p> <p>In all cases, the decision of the Commonwealth Ombudsman is final, and no further appeals can be made.</p>
<p>RESPONSIBILITIES</p>	<p>Compliance, monitoring and review</p> <p>Kingsway Institute Management Board is the process owner for all student transfers between registered providers.</p> <p>The Operations Manager is responsible for implementing this policy and procedure across Kingsway Institute.</p> <p>Student Services Coordinator (or nominee) is responsible for assessing all requests for release (transfer) to another provider following this policy and procedure, and the National Code Standard 2018.</p> <p>This policy and procedure is regularly reviewed to ensure its alignment with the ESOS Act and the National Code 2018 and continues to be practical and relevant.</p> <p>Reporting</p> <p>Student Admission Coordinator (or nominee) is responsible for ensuring all reporting is completed in PRISMS as required.</p> <p>Records management</p> <p>All records relevant to these procedures must be maintained in Kingsway Institute recognised the recordkeeping system, i.e. eBecas</p> <p>All requests for transfer, including documentation, assessment details, decisions and letters must be retained for at least five years after the student ceases to be an accepted student.</p>