



## Student Transfer Policy and Procedure

<b>Institution</b>	Kingsway Institute
<b>Policy Name</b>	Student Transfer Policy and Procedure
<b>Policy Governance</b>	Principal Executive Officer
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### 1 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.

### 2 Scope

This policy applies to overseas students who have accepted an offer, or received an offer for a package of courses, to study at Kingsway Institute

### 3 Statement

The National Code 2018 prescribes the requirements Kingsway Institute must follow when assessing student requests for transfer between registered education providers (hereafter called "registered providers")

In accordance with the National Code, Kingsway Institute is restricted from enrolling a 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.

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.

### 4 Definition and Abbreviations

**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.

Compassionate and compelling circumstances include:

- 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:
  - Involvement in, or witnessing a serious accident; or
  - Witnessing or being the victim of a serious crime and this has impacted on the student (these cases should be supported by police or psychologists' reports)
- Where the Kingsway Institute was unable to offer a pre-requisite course

**Overseas Student** – A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

**Principal Course** – The main course of the student to be undertaken by an overseas student where a student visa has been issued for multiple courses of study, i.e. a “package” of courses. The Principal Course would generally be the final course of the 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.

**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.

## 5 Procedure

Kingsway Institute **will not enrol** international students transferring from their principal course (i.e. the main course of study or the highest qualification indicated on the student’s current visa) with another registered provider before they have completed 6 months of their principal course with that registered provider. This requirement must be applied unless:

- the original registered provider or course in which the student is enrolled has ceased to be registered
- the student has been released from the original registered and this has been recorded with the date of effect and reason for release in PRISMS
- the original registered provider has had a sanction imposed on its registration
- 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

Kingsway Institute **will release a current student** from their principal course before they have completed 6 months of that course where it can be demonstrated that the student:

- will be reported because they are unable to achieve satisfactory course progress at the level they are studying, after engaging with that registered provider’s intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
- there is evidence of compassionate or compelling circumstances
- Kingsway Institute fails to deliver the course as outlined in the written agreement



- there is evidence that the overseas student's reasonable expectations about their current course are not being met
- 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
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student

Kingsway Institute **will not release a current student** from their principal course before they have completed 6 months of that course where it can be demonstrated that the student:

- has not made satisfactory academic progress and is seeking a transfer to avoid being reported to DHA before engaging with Kingsway Institute in an intervention strategy aimed at improving the students' academic progress
- has not attended the course as required and is seeking a transfer to avoid being reported to the DHA before engaging with Kingsway Institute in an intervention strategy aimed at improving the students' course attendance
- has not paid all tuition fees

#### **Procedure for assessing applications for transfer to Kingsway Institute**

- Kingsway Institute receives an application from a student who is on-shore and who has indicated that they are currently studying at another institution.
- The student is requested to provide evidence of their release from their current institution either by a letter of release or an email notification and if the student has no outstanding fees to be paid or other remaining matters of concern, the application proceeds.
- Where the student states that their current registered provider has entered their release into PRISMS without providing the student any written notification Kingsway Institute will seek to create a new Confirmation of Enrolment in PRISMS. Where PRISMS notify that the student is still currently enrolled with another provider the transfer application will not proceed. The student is informed that the application for transfer cannot proceed at this time. They are welcome to re-submit their application when the 6-month period has passed.
- **Note:** In the very rare circumstances where Kingsway Institute has ceased to be registered, or sanctions have been placed on Kingsway Institute by the Australian government, which do not allow the student to continue with the course, no formal release is required.



- Applications for transfer to Kingsway Institute are to be assessed and replied to within ten (10) working days.

### **Procedure for assessing applications for transfer from Kingsway Institute**

- A student who wishes to transfer to another provider before they have completed six months in their principal course at Kingsway Institute must submit a written request to the Administration Manager. A valid letter of offer of enrolment from the new registered provider must be provided with the request
- The Administration Manager verifies if the student has completed 6 months of their principal course and when they arrived in Australia.
- With these documents sighted, Kingsway Institute will assess the transfer request using the following questions:
  - Has the student completed a minimum time of six months in their principal course?
    - Does the student have any outstanding fees payable to Kingsway Institute?
    - Is the student fully aware of the study issues involved in the transfer?
    - Is the student trying to avoid being reported to Department of Home Affairs (DHA) for lack of course progress and has not undertaken any intervention strategy?
  - Where the answers to these questions are satisfactory, the student will be advised by email that the request to transfer will be granted at no charge to the student. The student will also be advised of the need to contact Department of Home Affairs DHA and to check if they need obtain a new visa
  - The Administration Manager reports the student's termination of studies through PRISMS.
  - Applications for transfer from Kingsway Institute are to be assessed and replied to within ten (10) working days.

Once a transfer request decision has been made

- The Administration Manager will decide whether to refuse or grant the release and inform the student accordingly. If the Administration Manager decides to refuse the release, the student will be advised in writing providing the reasons for refusal and indicating that the student may access the student complaints and appeals process within twenty (20) working days if they want a review of the decision.



- Kingsway Institute must not finalise the student’s refusal status in PRISMS unless the appeal finds in favour of Kingsway Institute, or the overseas student has chosen not to access the complaints and appeals processes within the twenty (20) working day period, or the overseas student withdraws from the process.
- The Administration Manager will make the final decision concerning the release of any student.
- All requests, considerations, decisions and copies of letters/email notifications of release are placed on the student’s file and are to be retained and stored securely by Kingsway Institute for a period of no less than two years from the date the student’s enrolment with Kingsway Institute is terminated.
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by Kingsway Institute Fee and Refund policy as outlined in the written agreement.
- Kingsway Institute must also encourage the overseas student to consider whether a change in enrolment breaches a visa condition. The student can refer to the Department of Home Affairs’ (DHA) website at: <https://immi.homeaffairs.gov.au>