

## **TRANSFER POLICY AND PROCEDURE – INTERNATIONAL STUDENTS**

### **PURPOSE**

The purpose of this procedure is to outline the process for an international student either transferring into enrolment in a course with Equinim College Pty Ltd (RTO 41035; CRICOS Provider 03952E) (“**Transfer In**”) or transferring out of enrolment in a course with Equinim College to another provider (“**Transfer Out**”).

### **1. POLICY**

The following applies:

- a) (**CRICOS provider**) Equinim College is listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS Provider No. 03952E) and must comply with the Education Services for Overseas Students Act 2000 (“**ESOS Act**”) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (“**National Code**”).
- b) (**Transfer In / Out**) Equinim College recognises that, in applicable circumstances, a student enrolled in a CRICOS registered course with another CRICOS registered provider, may wish to Transfer In to a CRICOS course with Equinim College, and circumstances may also arise where a student enrolled at Equinim College may have reasons for wanting to Transfer Out to commence a course of study with another CRICOS registered provider.
- c) (**Order of sections in this policy**)
  - a. Section 2 relates to the scope of policy.
  - b. Sections 3, 4 and 5 relate to **Transfers In**.
  - c. Sections 6 and 7 relate to **Transfers Out**.
  - d. Section 8 relates to **compassionate and compelling reasons** for transfer.
  - e. Section 9 relates to **student visa** ramifications. (Other requirements in relation to student visas are contained throughout the policy and procedure.)
- d) (**Restrictions on transfer**) Under the National Code, registered CRICOS providers are restricted from enrolling transferring international students prior to the student completing 6 months of their principal course of study, unless the student has met an exception under Standard 7. The first 6 months is calculated as 6 calendar months from the date the international student commences their principal course.
- e) (**Read with other policies**) This policy and procedure is to be read in conjunction with the Enrolment Policy and Procedure-International Students (for Transfers In) and the Deferral, Cancellation and Suspension Policy and Procedure (for Transfers Out).

### **2. SCOPE**

This policy and procedure applies to all current and future international students of Equinim College.

### 3. TRANSFER IN: GENERAL PRINCIPLES

The following applies:

- a) **(What is a Transfer In)** A Transfer In applies to a student enrolled with another CRICOS registered provider who wishes to transfer out of that course and into a CRICOS registered course with Equinim College.
- b) **(When a Transfer In can be applied for)** As detailed in sections 4 and 5, below, a Transfer In may be applied for:
  - a. within the first 6 months of the student's current study (with another provider) – *available in certain circumstances only*; or
  - b. after the first 6 months of such study.

### 4. TRANSFER IN – WITHIN 6 MONTHS

#### 4.1 Conditions for Transfer In within 6 months

Equinim College must not knowingly enrol an international student seeking to Transfer In, if the student is enrolled with another CRICOS registered provider and has not completed a minimum of 6 months' study with that provider, unless one of the following exceptions apply:

- a) The releasing CRICOS provider has agreed to the student's release, has issued written confirmation of that release to Equinim College and has recorded the effective date of that release and reason for the release, in PRISMS; or
- b) Any of the following applies:
  - a. The releasing CRICOS provider, or the course in which the student is enrolled, has ceased to be registered;
  - b. The releasing CRICOS provider has had a sanction imposed on its registration by the ESOS Agency, ASQA, that prevents or prohibits the student from continuing that study with that provider; or
  - c. Any government sponsor of the international student considers the change to be in the student's best interests and has provided written support for the change. (This is usually where the international student's study in Australia is sponsored by the government of another country).

#### 4.2 Process to avoid prohibited transfers

The following applies:

- a) **(Avoid unknowingly enrolling transfers)** To avoid unknowingly enrolling a transferring international student, the International Enrolment Team is trained in identifying unusual enrolments including, but not limited to:
  - a. where the applicant submits a Subclass 500 Student visa prior to enrolment, whereby they were required to enrol in previous study to obtain it; or
  - b. where the student resides in Australia, or an education agent advises the student resides in Australia, prior to enrolment.
- b) **(Inquiry)** Where a student transfer is identified, the Enrolment Officer is to confer with the enrolling student as to whether they are currently enrolled, or have been previously enrolled, with another CRICOS provider in Australia.

- c) **(Evidence)** If the application appears to be a student transfer, where the student is either enrolled, or claims to previously have been enrolled in a course with a CRICOS provider, the Enrolment Officer must confirm:
  - a. the validity of the Student Visa (through sighting a copy, and doing a VEVO check with the student's permission);
  - b. the student has completed at least 6 months of their principal course through PRISMS; and
  - c. the Letter of Release from the prior CRICOS provider is valid by contact (for verification) with the previous provider.

#### 4.3 Applying to Transfer In – within 6 months

The following applies:

- a) **(Written application)** Applications to Transfer In must be in writing using the Transfer In Request Form, giving reasons for the request. If less than 6 months has been completed in the prior course, one of the reasons in section 4.1 above, must be met.
- b) **(General principle of assessment)** The Student Services Team will assess the request and reasons given against this policy and related policies and procedures of Equinim College, to determine if the Transfer In is in the student's best interests.

#### 4.4 Assessment and verification

The following applies:

- a) **(Request to contact provider)** Where the student has not completed the minimum 6 month study period with the current provider, the Enrolment Officer will request permission from the student for Equinim College to contact the current provider.
- b) **(Conditions do not apply)** Upon such consultation, if the current provider advises that none of the circumstances as listed in section 4.1 above apply, the Enrolment Officer shall advise the student that the request for a Transfer In shall not be approved.
- c) **(Conditions do apply)** If the current provider advises that one or more of the circumstances described in section 4.1, above, apply:
  - a. The Enrolment Officer shall:
    - i. seek confirmation of this in writing from the current provider; and
    - ii. request that the current provider provide proof of the record on PRISMS of the intent to release; and
  - b. The student's application shall be considered according to the Equinim College Enrolment Policy and Procedure.

#### 4.5 When a Transfer In will be approved

Subject to section 4.4 above, a Transfer In may be approved in the following circumstances:

- a) **(Will be reported)** The international student will be reported because they are unable to achieve satisfactory course progress at the level they are

studying, even after engaging with that provider's intervention strategy to assist international students. (Equinim College requires a report on the international student's course progress even if the transfer request is granted);

- b) **(Compassionate or compelling circumstances)** There is evidence of compassionate or compelling circumstances. (See section 8, below);
- c) **(Insurmountable problems with the prior provider)** One of the following applies:
  - a. **(Failure to deliver)** The registered provider fails to deliver the course as outlined in the written agreement between them and the student;
  - b. **(Expectations not met)** There is evidence that the international student's reasonable expectations about their current course are not being met (requiring evidence such as correspondence between the international student and the registered provider or marketing materials given to the international student prior to enrolment and setting particular expectations about the course);
  - c. **(Misleading information)** There is evidence that the international 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; or
- d) **(Decision on appeal to release)** An appeal (internal or external) on another matter results in a decision or recommendation by the other provider to release the international student.

#### 4.6 Reasons to refuse a Transfer In request

Equinim College may refuse a student Transfer In request where the College has assessed that any of the following has occurred:

- a) the student does not want to finish the qualification they commenced with the other registered provider;
- b) without limiting paragraph a) above, the student is not genuinely engaging with an intervention strategy of the other provider, with the intention of failing and being released;
- c) there are no circumstances warranting student transfer; or
- d) other reasons which Equinim College at its discretion considers to mean that transfer is not in the best interests of the student.

#### 4.7 If a Transfer In request is refused

If Equinim College intends to refuse the transfer request:

- a) the international student will be informed in writing of:
  - a. the reasons for the refusal; and
  - b. the international student's right to access Equinim College's complaints and appeals process within 20 working days; and
- b) Equinim College will not finalise the student's refusal status in PRISMS until the one of the following occurs, whichever comes first:
  - a. the appeal confirms Equinim College's decision to refuse the application;

- b. the international student has chosen not to access Equinim College's complaints and appeals processes within the 20 working day period;  
or
- c. the international student withdraws from the process.

#### 4.8 Approved student transfers in

Where a student has applied for a Transfer In and the application is approved:

- a) **(No extra cost)** The student shall be enrolled with Equinim College and shall pay the requisite enrolment fee, but shall not pay any additional cost for the transfer in process;
- b) **(Contact DHA)** The student is strongly advised in writing to seek advice from the Department of Home Affairs ("**DHA**") as to whether a new student visa is required, and that it is the student's responsibility to follow all requirements of DHA in this regard and to pay any fees or incidental costs, charges or expenses incurred in the process.

#### 4.9 Record keeping

Equinim College will maintain a record of all requests from international students for a Transfer In made within 6 months of commencement with another provider, and the assessment of and decision regarding such request, for two years after the processing of that request.

### 5. TRANSFER IN – OUTSIDE 6 MONTHS

#### 5.1 Procedure for Transfer In – outside 6 months

The following applies:

- a) **(Details of provider)** The Equinim College enrolment officer ("**Enrolment Officer**") shall request the student or their agent to supply the identity of the student's current CRICOS registered provider ("**the current provider**") and the commencement date of enrolment, in order to check whether the minimum of 6 months' study has been fulfilled.
- b) **(Next steps)** If it has been verified that the student has completed at least 6 months of study with the current provider:
  - a. All documentation submitted will be reviewed and assessed by Equinim College;
  - b. The applicant may be invited to attend an application interview, which may be conducted in person or electronically;
  - c. Permission may be sought from the student to make contact with the current provider to further investigate the proposed reasons for the transfer from the current provider;
  - d. Equinim College will, after considering all information and material, make a final decision and notify the applicant.

#### 5.2 Documentation required

The following applies:

- a) **(Letter of Release)** No Transfer In may be processed without a letter of release (“**Letter of Release**”) from the current provider, releasing them from their enrolment, and proof of the record on PRISMS of the intent to release.
- b) **(Subject to Enrolment Policy)** All Transfers In are subject to the Equinim College Enrolment Policy and Procedure-International Students, and the Entry Policy and Procedure-International Students.

## **6. TRANSFER OUT**

This section applies to a student enrolled with Equinim College who wishes to transfer out to another CRICOS registered provider, i.e. a Transfer Out.

### **6.1 Request to Transfer Out**

If a student wishes to Transfer Out of a course with Equinim College, the student must lodge a written request using a Transfer Out Request Form, and attach all requisite evidence, which includes:

- a) A valid letter of offer of unconditional enrolment with another CRICOS registered provider; and
- b) If the request is within 6 months of the commencement date of their enrolment with Equinim College, evidence of compassionate or compelling circumstances as to why a Transfer Out is requested. (See section 8, below, on what is a compassionate or compelling reason.)

### **6.2 Consideration of request to Transfer Out**

If a student wishes to Transfer Out of a course with Equinim College, Equinim College will consider the request and determine its decision, at its sole discretion.

### **6.3 No Transfer Out without minimum 6 months**

Equinim College must not transfer out an international student enrolled with Equinim College, seeking to transfer to another CRICOS registered provider unless the student has completed a minimum of 6 months’ study with Equinim College, except if any of the following applies:

- a) The student will be reported to the Department of Home Affairs because they are unable to achieve satisfactory course progress, after engaging all support and intervention strategies made available to students by Equinim College;
- b) There is evidence of compassionate or compelling circumstances, with evidence (see section 8, below);
- c) Equinim College is unable to deliver the course as outlined in the Course Acceptance Agreement;
- d) There is evidence beyond a reasonable doubt that the course the student is enrolled in with Equinim College does not meet the student’s reasonable expectations;
- e) There is evidence beyond a reasonable doubt that the student was misled by Equinim College or an education agent relating to the course or the registered provider;

- f) An appeal (internal or external) on another matter results in a decision or recommendation to release the student;
- g) The government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change.

#### **6.4 Additional reasons for refusal**

Without limiting the foregoing, if a student wishes to Transfer Out of a course with Equinim College, Equinim College may, at its sole discretion, determine to refuse the request if reasonable grounds to do so exist. By way of example, and not intended to be an exhaustive list, reasonable grounds for refusal may include any of the following:

- a) The request is made by an international student who has not commenced their studies;
- b) The student has not attached a copy of a valid letter of offer of unconditional enrolment from another CRICOS registered provider;
- c) The student has any outstanding debt of any nature whatsoever to Equinim College;
- d) The student has been suspended or otherwise excluded from their course by Equinim College before the request for a Transfer Out is received;
- e) The student by act or omission has caused Equinim College to form the view, at its discretion, that the student is not a genuine student, for instance by being absent from orientation, low attendance rate at on campus classes, failure to submit assessment(s), failure to access support services, or failure to contact their Equinim College Trainer/Assessor, or the Student Services Team);
- f) Equinim College has the view, formed at its discretion on the information available to it, that the student is or may be trying to avoid being reported to the Department of Home Affairs for failure to meet Equinim College's attendance requirements and/or course progress requirements;
- g) The Transfer Out is considered detrimental to the student's welfare or future studies or otherwise not in their best interests;
- h) The student applies to Transfer Out to a course that is a non-Australian Qualifications Framework ("**AQF**") course, or at a lower AQF level than the course for which the original student visa was issued;
- i) A change of mind request is based on, or appears to be based on, financial reasons such as transferring out to another provider with lower tuition fees;
- j) The student is not genuinely engaging with a support or intervention program with Equinim College;
- k) The student has or appears to have the intent to fail their course or part of their course and be released;
- l) The Transfer Out would result in a breach of the student's student visa conditions;
- m) The student is only a recent enrolment and has not yet fully utilised the support services available by Equinim College; or
- n) Other circumstances exist, such as individual circumstances which Equinim College at its sole discretion considers relevant.

## **7. DECISION MAKING PROCESS (FOR TRANSFER OUT)**

### **7.1 Process**

Equinim College shall follow the process set out below in considering a Transfer Out request:

- a) All requests shall be considered fairly and equitably.
- b) All students shall be treated with decency and respect.
- c) All evidence submitted shall be considered.
- d) Equinim College will provide a written reply to a request to Transfer Out within 10 working days of receipt of a Transfer Out Request (using the Transfer Out Request Form).
- e) If the student is close to completion of a subject or unit, or near the end of a trimester/semester, Equinim College will advise the student to complete the current subject, unit or trimester/semester (as the case may be), including all relevant assessments, in order to not lose the work they have done.
- f) Equinim College may choose to meet with the student in relation to their request.
- g) Equinim College may request any further information or material that it, at its sole discretion, deems fit.

### **7.2 If the request is refused**

If Equinim College, at its sole discretion, determines to not grant a release or transfer request, it shall:

- a) Notify the student of Equinim College's intention to refuse the release, including reason(s) for the refusal, and including the student's right to access the relevant Equinim College Complaints and Appeals Policy and Procedure.
- b) Not record a release in PRISMS.
- c) Not finalise a refusal of the request in PRISMS until:
  - a. the student has been given an opportunity to utilise the relevant complaints and appeals policy and procedure, which opportunity shall be taken to have been fully given if 20 working days from the date of the notification to the student of the intended outcome, has passed;
  - b. the student withdraws from the process; or
  - c. if utilisation of the complaints and appeals policy and procedure confirms Equinim College's decision.

### **7.3 If the request is approved**

If Equinim College, at its sole discretion, determines to grant a release or transfer request, it shall:

- a) record a release in PRISMS;
- b) provide a letter of release plus evidence of the record of intent to release in PRISMS, to the other CRICOS registered provider the international student has requested to Transfer Out to; and
- c) advise the student in writing that they must contact the Department of Home Affairs to seek advice on whether a new student visa is required.

## 7.4 Records

Equinim College shall:

- a) record notes of all interviews or conversations, and copies of all correspondence and documentation provided or generated in relation to the request, in the student’s file on the Equinim College server, and all relevant information shall be entered into PRISMS; and
- b) retain a record of all student requests for Transfer Out, and Equinim College’s decision, for a period of 2 years after the student ceases to be a student of Equinim College.

## 8. COMPASSIONATE OR COMPELLING CIRCUMSTANCES

### 8.1 Meaning of compassionate or compelling circumstances

Compassionate or compelling circumstances are generally beyond the international student’s control and will have an impact on the student’s course progress or wellbeing. Compelling and Compassionate Circumstances include, but are not limited to:

- a) **(Illness/injury)** serious illness or injury, where a medical certificate states that the international student is unable to attend class;
- b) **(Bereavement)** bereavement of a close family member, where a death certificate can be provided;
- c) **(Trauma)** a traumatic experience, such as being a witness to or victim of a serious crime or accident;
- d) **(Disaster)** major political upheaval or natural disaster in the student’s home country requiring emergency travel and where this has impacted on the international student’s studies;
- e) **(Unit shortfall)** where the registered provider was unable to offer a pre-requisite unit, or the international student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- f) **(Student visa)** where there is an inability to commence the course due to a delay in the granting of a student visa.

### 8.2 Required evidence of compassionate or compelling circumstances

The following evidence is required for the examples of compassionate or compelling circumstances in the previous section and gives an indication of the type of evidence required in other scenarios that may arise:

| Hardship   | Evidence required  |
|--|--|
| Serious illness/injury                             | Medical certificate from a registered doctor or medical specialist stating unable to attend classes and why. Must include name of condition, when diagnosed, expected duration and outcome, and how long the doctor has been seeing you. |
| Bereavement of parent or other close family member | Death certificate  |

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|---|--|
| Major political upheaval or natural disaster in home country requiring emergency travel, impacting on studies                   | Evidence of the major upheaval (e.g. media reports) and its impact           |
| Traumatic experience e.g. involvement in or witnessing a serious accident, or witnessing or being the victim of a serious crime | Police and psychologists' reports  |
| Inability to begin studying on course commencement date due to delay in receiving student visa                                  | Proof of student visa delay from Department of Home Affairs (" <b>DHA</b> ") |
| Other   | Documentation that demonstrates extreme, ongoing hardship                    |

## **9. STUDENT VISA RAMIFICATIONS**

### **9.1 Student's responsibility**

It is the international student's responsibility to contact DHA to determine if a new student visa is required in relation to any proposed transfer (in or out).

### **9.2 Impact on student visa**

If an international student intends to study at a lower AQF level than their current course, they will need to apply for a new student visa.

### **9.3 Where multiple courses are covered on a student visa**

The following applies:

- d) **(Principal course)** The general prohibition on transfer within 6 months of commencement of a course, applies to the student's principal course.
- e) **(What is a principal course)** The principal course is the main course of study to be undertaken by an international student and is usually listed as the final course of study on the student visa (if more than one course is listed). Other courses may be preliminary to the principal course, or may, for instance, be pre-requisites.
- f) **(The transfer restriction applies to all)** The first 6 months is calculated as 6 months from the date an international student commences their principal course. Therefore, the transfer restriction applies to a student during all courses they undertake prior to their principal course.
- g) **(Where the start date of other courses is affected)** If the transfer will affect the start dates of any subsequent courses covered by the student's student visa, the international student must be released from those courses, or gain the subsequent registered providers' (of those courses) agreement to delay the start of those courses.