

## OVERSEAS STUDENT TRANSFER POLICY AND PROCEDURE

### 1 PURPOSE

- 1.1 This document sets out International College of Queensland’s policy and procedure for assessing student requests to transfer from another registered training provider to International College of Queensland or transfer from International College of Queensland to another registered education provider.

### 2 SCOPE

- 2.1 This policy and procedure relates to students studying in Australia on a student visa who have accepted an offer, or accepted an offer for a package of courses, to study at International College of Queensland.
- 2.2 This policy and procedure does not apply to domestic students, students on other temporary visas, or student visa holders intending to transfer to an alternate International College of Queensland course or campus.

### 3 POLICY STATEMENT

- 3.1 [The National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (the National Code) prescribes the requirements universities must follow when assessing student requests for transfer between registered education providers (hereafter called ‘registered providers’).
- 3.2 In accordance with the [National Code](#), International College of Queensland is restricted from enrolling transferring students who have not completed six months of their principal course (that is, the highest level 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.
- 3.3 The procedure below describes the processes for submitting, assessing, processing, and deciding on a student requests to transfer to International College of Queensland from another registered provider, and International College of Queensland student requests to transfer elsewhere.

### 4 PROCEDURE

- 4.1 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.
- 4.2 Students 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 one week prior to the term/study period in which they are enrolled. Requests submitted after the commencement of the term/study period will not be considered.
- 4.3 All students who have arrived in Australia and commenced their studies, who submit a request for release will be asked to meet with their Student Services Coordinator/International Student Support (or nominee/s) to discuss their reasons for requesting a transfer. Students must meet with staff when requested as this will help to identify any support services, alternative pathway courses or courses/campuses within International College of Queensland that may be relevant to the student’s academic progression.

- 4.4 Students who have not yet entered Australia will need to submit a request to defer their commencement to International Admissions. Refer to the **Defer, Suspend and Cancel Enrolment–Policy and Procedures** for further information.
- 4.5 All student requests for release will be assessed in accordance with this policy and procedure, the [Education Services for Overseas Students Act 2000](#) (ESOS Act) and the [National Code](#).
- 4.6 All circumstances, including personal, medical, and compassionate and compelling circumstances will be taken into consideration when assessing a request for release.
- 4.7 Student Services and/or International Compliance will notify students of the outcome of their request within 10 working days after receiving a complete and fully documented request for release application (see section 4.8 below).
- 4.8 Documentation/information required includes:
- an International College of Queensland **Student Request for Release – Change of Provider Form**
  - a one-page statement of the reasons for their request (including how the transfer would be in the student’s best interests) and giving International College of Queensland permission to contact the proposed new registered provider to confirm that a valid offer has been made, or permission to contact the pathway provider to confirm the request for release has been assessed by them, and indicating their support for release (including details of academic progression, attendance and whether support services have been accessed where required)
  - 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
  - written evidence of support from International College of Queensland academic staff/support services of the student’s inability to cope academically and that support services have been accessed
  - For students under 18 years of age, written evidence that the student’s parent or legal guardian supports the transfer and written confirmation from the proposed new provider that they accept responsibility for approving the student’s accommodation, support and general welfare arrangements.
- 4.9 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).
- 4.10 Students who submit a request for release that do not meet eligibility requirements (including undocumented applications) will be advised why their application cannot be accepted.
- 4.11 If the request is denied, the student will be advised in writing the information/circumstances taken into account, the reasons for the decision in writing, and their right to appeal the decision in accordance with the **Student Feedback – Compliments and Complaints Policy and Procedure**.
- 4.12 A request for release will be assessed by Student Services/International Compliance or nominee.
- 4.13 All requests for release to another provider, and copies of all responses, must be kept in the student’s file in the College’s record keeping systems (VETTRAK).

- 4.14 Students are not permitted to transfer to a level of study that is lower than the highest level registered course/s for which the student visa was granted. For details, refer to the [Department of Home Affairs](#).
- 4.15 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 International College of Queensland, their enrolment and 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.

#### **Students transferring to International College of Queensland from another registered provider**

- 4.16 International College of Queensland may enrol a student transferring from their principal course of study from another registered provider if:
- 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).
- 4.17 Documentary evidence supporting a student's request for transfer to International College of Queensland must be kept on the student's file in VETTRAK. Information to be recorded includes confirmation that the release decision has been recorded in PRISMS and a copy of the International College of Queensland offer.

#### **International College of Queensland students transferring to another registered provider**

- 4.18 Subject to the timelines stated in the [Academic Calendar](#) and the [Student Refund - Policy and Procedure](#), students may request a release (transfer) to another registered provider within their first six months of study **only** if the following apply:
- any of the circumstances stated in section 4.16 above apply to International College of Queensland. In these circumstances a release letter is not required, or
  - International College of Queensland determines that the transfer is warranted if any of the following circumstances apply:
    - the student requests transfer to study a course of an academic level considered higher than the level of their current course, in a discipline area not available in International College of Queensland
    - the student is currently enrolled in their International College of Queensland principal course, is unable to cope academically, and provides evidence that
      - a) they have academic support for the transfer, and
      - b) they have been unable to achieve satisfactory course progress even after engaging in International College of Queensland's monitoring academic progress & intervention strategies and making a genuine, documented effort with their studies at International College of Queensland

- evidence of and documented compassionate or compelling circumstances beyond the student's control, e.g. personal or educational problems that cannot be addressed by International College of Queensland support services
  - 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
  - the student is currently studying at a International College of Queensland approved pathway/package provider and the pathway provider has assessed the student for release and supports the student's transfer to another provider (resulting in the student being unable to satisfy International College of Queensland's admission requirements)
  - the student demonstrated an inability to meet the entry requirement conditions of the principal course at International College of Queensland and International College of Queensland determines (or has evidence from a pathway provider) that the student made a genuine attempt to meet the conditions
  - the student has no outstanding debt and has paid all tuition fees/monies owing to International College of Queensland (applicable to all students).
- 4.19 Government sponsored students will be released to another registered provider where the sponsor considers the change to be in the student's best interest and has provided written support for that change.

#### **labelling="Section-Header">Cancelling enrolment and requesting refunds**

- 4.20 International College of Queensland will cancel the enrolment of students whose request for release (transfer) to another provider is approved, and will record the decision in PRISMS.
- 4.21 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](#).
- 4.22 Students may be subject to academic and financial penalties applicable to cancellation of enrolment where a request for release (transfer) is submitted after the census date in the relevant study period and cannot be accepted. For details, refer to the [Refund - Policy and Procedure](#).
- 4.23 Students 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](#).

#### **Denying student requests to transfer to another registered provider**

- 4.24 The following circumstances are considered to have a detrimental impact on the student's educational outcomes for which their student visa was granted and may result in a request for release being denied:
- the student has not completed the first six months of their studies in their principal course and is requesting a transfer to a lower level qualification or different discipline area offered by International College of Queensland, for reasons other than documented academic ability
  - International College of Queensland considers that the student is trying to avoid being reported to the [Department of Home Affairs](#) for failure to meet International College of Queensland progression/attendance requirements, and has already been identified for unsatisfactory progression/attendance and has received a Notice of Intent to Report
  - the student has already been reported to the [Department of Home Affairs](#) for unsatisfactory progression/attendance (including where a student has been reported by a pathway/package provider)
  - the student has outstanding tuition fees, other debts or fines

- the student is under the age of 18 and has no written evidence of the student's parent or legal guardian support for the request for release (transfer), and no written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements
- no written confirmation from another registered provider has been provided that a valid unconditional enrolment offer has been made (unless release has been granted by a pathway/package provider of International College of Queensland indicating that the student is unable to satisfy International College of Queensland admission requirements)
- the student requests a release (transfer) to study a course at another registered provider of an academic level and in a discipline area available at a International College of Queensland campus in the relevant state
- the student has only recently started studying and has completed less than four weeks of their principal course and has not accessed the full range of academic and support services available at International College of Queensland
- the transfer would jeopardise the student's progression through a package of courses, for example, but not limited to, 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 students enrolled in a pathway course and have not provided evidence to demonstrate that their course expectations have not been met
- the student wants to live somewhere else (unless documented evidence of approved compassionate or compelling circumstances is provided that demonstrates the student must move away from their current location).
- the transfer would result in a breach of the student's mandatory or discretionary student visa conditions
- the student wants to transfer to a provider with lower tuition fees, or
- the student has provided fraudulent supporting documentation to support the claims/reasons for release.

## Refunds

- 4.25 All student requests for refunds are decided in accordance with the [Refund Policy and Procedure](#).

## Right to appeal

### Internal appeal

- 4.26 Students who can demonstrate that this policy and procedure has not been followed regarding decisions affecting the student may lodge an appeal. Students may lodge an appeal by writing a letter to the Director (or nominee) within 20 working days of receipt of the outcome letter.
- 4.27 Students must submit sufficient details and/or relevant documentation to support their appeal, which specifically indicates a breach of this policy and procedure. The Director will notify the student of the appeal outcome within 10 working days after receiving a complete documented request for appeal.
- 4.28 Appeal requests submitted via email or that do not relate to the adherence of this policy and procedure will not be considered.
- 4.29 During the internal appeal process, the student's enrolment will be maintained unless the student notifies International College of Queensland of cancellation of studies or fails to re-enrol. Students must attend all classes and continue with their course of study during the appeal process.

- 4.30 If the appeal to the Director (or nominee) is successful, the student will be advised in writing. The release approval will be recorded in PRISMS within five working days.

### External appeal

- 4.31 If the internal appeal to the Director (or nominee) is unsuccessful, students will be advised in writing of the outcome and reasons for the decision. Students may follow a further avenue of appeal through the Queensland State Ombudsman's Office. The internal appeal process must be completed before lodging an external appeal.
- 4.32 If students are enrolled, their enrolment will be maintained until the external appeal process is completed. Students are required to maintain class attendance and academic progression until the outcome has been finalised by the Queensland State Ombudsman. Students intending to lodge an external appeal must do so within 20 working days of the outcome of the internal appeal by notifying the Director (or nominee) in writing. Proof of lodgement of the external appeal must be submitted within five working days to the Director (or nominee).
- 4.33 If the external appeal is successful, the Director (or nominee) must be notified immediately. The decision of the Queensland State Ombudsman will be entered into PRISMS within five working days of the official notification of a successful external appeal.
- 4.34 In all cases, the decision of the Queensland State Ombudsman is final and no further appeals can be made.

## 5 RESPONSIBILITIES

### Compliance, monitoring and review

- 5.1 International College of Queensland's Academic Board is the process owner for all student transfers between registered providers.
- 5.2 The Director is responsible for implementing this policy and procedure across all International College of Queensland campuses.
- 5.3 Student Services Coordinator/International Compliance (or nominee) is responsible for assessing all requests for release (transfer) to another provider in accordance with this policy and procedure, and the [National Code](#).
- 5.4 The Director (or nominee) is responsible for ensuring these procedures are followed and assessing internal appeals in accordance with the [Student Feedback – Compliments and Complaints Policy and Procedure](#).
- 5.5 This policy and procedure is regularly reviewed to ensure its alignment with the ESOS Act and the [National Code](#), and continues to be effective and relevant.

### Reporting

- 5.6 Student Services/International Compliance (or nominee) is responsible for ensuring all reporting is completed in PRISMS as required.

### Records management

- 5.7 All records relevant to these procedures must be maintained in International College of Queensland's

recognised recordkeeping systems, i.e. VETTRAK.

- 5.8 All requests for transfer, including documentation, assessment details, decisions and letters must be retained for at least two years after the student ceases to be an accepted student.

## 6 DEFINITIONS

### Terms and definitions

**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 upon a student's course progress or wellbeing. 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 College was unable to offer a pre-requisite unit or course
- Inability to begin studying on the course commencement date due to delay in receiving a student visa

Other circumstances may be considered upon presentation of documentary evidence to support the claim.

**CRICOS** means the Commonwealth Register of Institutions and Courses for Overseas Students which is maintained by the Australian Department of Education and Training.

**COE** means Confirmation of Enrolment. The document issued for the purpose of applying for a student visa.

**Medical circumstances** means a medical/psychological report with reference to the health professional opinion regarding the student's ability to undertake or continue studies.

**Pathway provider** means a provider formally approved by International College of Queensland to deliver courses that permit students to gain entry to International College of Queensland courses

**Principal course** means the highest qualification covered by the student's visa, normally the last course where the visa has been issued for multiple courses

**PRISMS** means the Provider Registration and International Student Reporting System reporting database, which is shared between education providers in conjunction with the Australian Department of Education and Training (DET) and the Department of Home Affairs (DOHA)

**Six months of study** refers to six calendar months from the commencement of the principal course and is not directly relative to College teaching terms.

**Student visa** means a temporary visa within any of the types of visa listed from time to time as student visas in section 1.03 of the [Migration Regulations 1994](#).

**Valid unconditional offer** means a valid offer that is not subject to satisfying English or other requirements to allow direct admission to the award course at the registered provider.

## 7 RELATED LEGISLATION AND DOCUMENTS

[Education Services for Overseas Students \(ESOS\) Act 2000](#)

[National Code of Practice for Providers of Education and Training for Overseas Students 2018](#) (the National Code 2018)