

## **International Students Transfers Between Registered Providers**

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### **1.0 Purpose**

To document Bendigo Kangan Institute (BKI)'s policy for assessing requests from students for a transfer between education providers prior to completing six months of their principal course.

### **2.0 Scope**

This policy applies to:

- All inbound international students, who have been issued an electronic Confirmation of Enrolment (eCoE) on PRISMS by BKI, and who have requested to transfer to another registered provider prior to completing six months of their principal course.
- All inbound international students who have applied for a course at BKI, and who are holders of an electronic Confirmation of Enrolment (eCoE) on PRISMS which has been issued by another registered provider, prior to completing six months of their principal course at that provider.

### **3.0 References**

Education Services for Overseas Students Act 2000 (Cth)

Education Services for Overseas Students (TPS Levies Act) 2012 (Cth)

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (Cth)

### **4.0 Policy Statement**

In accordance with Standard 7 of the National Code international students must remain with their original education provider until they have completed six months of their principal course. This restriction applies from the time a student commences study and includes any preliminary courses prior to the principal course in the student's package. Students can apply to transfer to another registered provider before completing six months of their principal course in limited circumstances as outlined in the guidelines of this policy.

Students seeking release will be counselled by BKI International staff to explore the reasons for wishing to transfer. BKI international will identify any alternative academic pathways or programs within the Institute which may be relevant to a student's academic aspirations.

The application for release will take into account:

- Health and well-being of student
- Ability of student to complete course successfully
- Advice from academic and welfare staff
- Communication with BKI approved education agent

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After a student has completed six months of their principal course students are free to transfer to another provider and do not require a release letter.

Students seeking release must comply with Condition 8516 and 8202 and should refer to the website of Department of Home Affairs on Changing Courses for more information.

Where an international student under the age of 18 requests to transfer to another registered provider, BKI will ascertain that the student's welfare requirements are a primary consideration. BKI will not grant a younger international student release without alternative welfare arrangements being in place.

BKI will not knowingly issue a CoE or enrol a student wishing to transfer from another registered provider prior to the student completing six months of their principal course of study at that registered provider unless the student has a letter of release from the original provider.

### 4.1 Requests for Approvals to Transfer

Requests for approval to transfer to another provider will be reviewed against the following criteria;

- The principle program has been cancelled or ceased
- Failure to meet conditions on offer. Student was unable to meet academic or language requirements for entry into the principle course and has exhausted all options for meeting these requirements.
- Misleading Information. Student can provide evidence that BKI's education agent has provided misleading information about the course and the course is therefore unsuitable to their needs and/or study objectives.
- Unsatisfactory course progress. The student is unable to achieve satisfactory course progress at the level they are studying.
- Visa Delays. BKI is unable to accommodate students' late enrolment or course commencement due to delay in the student receiving a student visa.
- Appeal outcome. An appeal (internal or external) on another matter results in a decision or recommendation for release.
- Government sponsor (excluding AusAID) deems that the transfer is in the best interest of the student.
- Compassionate or compelling circumstances not limited to but including:
  - a. Serious illness or injury, where a medical certificate states that the student was unable to start or continue the course due to medical condition

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- b. A student's inability to begin studying on the course commencement date due to delay in receiving student visa
- c. Bereavement (death) of close family member
- d. Major political upheaval or natural disaster in home country requiring emergency travel
- e. Traumatic experience which includes:
  - Involvement in, or witnessing of a serious accident
  - Witnessing, or being the victim of a serious crime

It would normally be expected that such circumstances are beyond the control of the student and are supported by relevant documentation.

Prior to allowing a student to transfer to another registered provider, BKI must take into account the students best interests. In making such a determination BKI may consider the following;

- If the transfer is likely to jeopardise the students progression through a package of courses.
- If BKI is about to cease or has ceased its registration as a CRICOS registered provider.
- BKI's student support services staff recommendations in relation to the students welfare
- If the student is under 18 if there are alternative and appropriately documented welfare and accommodation arrangements.
- If the student has any outstanding debts to BKI
- If BKI cancels or is prohibited from the continuing the course in which the student is enrolled.

### **4.2 Response to request to transfer and appeals.**

Where a request for release is received from a student, BKI will provide the student with a written response via email to the request within 10 business days of the receipt of the request. The written response will clearly outline the reasons for the grant or withholding of a release and provide the student with their rights to access BKI's appeals and complaints process if they are not satisfied with BKI's decision.

Following BKI's appeals and complaints process, if the student is still not satisfied with the outcome BKI must inform the student of the external appeals process and which bodies are able to hear the complaint and also advise the student that there may be costs associated with seeking assistance via external bodies.

BKI must not finalise a student's refusal status in PRISMS until one of the following has occurred;

- The appeal's process finds in favour of BKI
- The overseas student withdraws from the appeals process
- The overseas student has not made an application to the appeals process in the given 20 working day timeframe.

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If an external appeals body finds in the students favour BKI must immediately implement the decision or recommendation and advise the student of the outcome and any actions taken by BKI in order to implement the decision.

### **4.3 Transfer requests from another registered provider to BKI**

BKI will not accept the transfer of a student from another registered provider within six months of their commencing their principle course unless there are extenuating circumstances.

Transfer requests will however be considered in the following circumstances;

- Where the registered provider where the student was enrolled has ceased to be registered or has had a sanction imposed on its registration by an ESOS agency that prevents the overseas student from continuing his or her course at that provider.
- Where the registered provider has agreed to the overseas students release and has recorded the date of effect and reason for release in PRISMS
- If the student is under 18 if BKI is able to take over the student's welfare and transfer arrangements so there is no gap in the transfer from the registered provider to BKI.

A request to transfer from another registered provider to BKI is also subject to BKI's standard application and enrolment processes.

### **4.4 Refusal of request to transfer.**

Requests for approval to transfer to another provider may be rejected in the following circumstances:

- Where the proposed transfer is to a course in the same or similar subject area leading to the same or similar qualification.
- Where the student's progress or participation in the course is unsatisfactory.
- Within the first four weeks of the course commencement date where it is considered that the student is experiencing settlement issues and has not accessed support services provided by BKI.
- Where the transfer may jeopardise the student's progression into the packaged course.

This list is not exhaustive and one of the primary considerations will always be that the 'best interests' of the student are considered when a refusal of a request to transfer is made.

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### 4.5 Letter of release

A letter of release, if granted, will be issued at no cost to the student and BKI must advise the student of the need to contact Department of Home Affairs to seek advice on whether a new student visa is required.

Where BKI does not grant a letter of release the student must be provided with written reasons for refusing the request and must be informed of their right to appeal the decision in accordance with BKI's appeals process.

### 4.0 Roles and Responsibilities

Role	Responsibilities
Manager Academic Governance and Quality	Compliance with regulatory and legislative requirements for student release
Manager Student Engagement and Retention	Development and implementation of appropriate release procedures and practices and ascertaining relevant roles and responsibilities of parties who need to administer the process for international student transfers.

### 5.0 Definitions

Word/Term	Definition
international students	Overseas Students as defined in the ESOS Act who are holders of an international student visa
Compassionate or compelling circumstances	Generally those beyond the control of the students and which have an impact on the student's course progress or well-being. These include but are not limited to: serious illness, death in the family, major political upheaval or natural disaster in the home country which requires the student to return home, or a traumatic incident.
DHA	Commonwealth Department of Home Affairs
The Department of Education	Commonwealth Department of Education
PRISMS	The Department of Education's Provider Registration and International Students Management System
Electronic Confirmation of Enrolment (eCoE)	The document issued by the provider on PRISMS that is the accepted evidence of enrolment by Department of Home Affairs for processing a student visa or for the change of providers.
Principal Course	The final course of study where the student visa covers multiple courses. For example a student who has an eCoE for ELICOS + Diploma, the diploma is the principal course.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students

## International Students Transfers Between Registered Providers

Word/Term	Definition
Registered Provider	Provider registered on CRICOS to deliver courses to international students
Letter of Release	Letter issued by CRICOS registered provider to confirm approval for an international student to be released from that provider to study with another provider.

### 6.0 Supporting Procedures

Doc ID	Procedure name
	Release and Transfer Between Providers for International Students Procedure
	Students Complaints and Grievance Procedure

### 7.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	Board of Studies	30/7/19	31/7/19	Original policy	30/6/2021	Chief Academic Officer

### 8.0 KI Policy and Procedure Portal / BT BMS Requirements

Category	Key Words