

## Transfer Between Providers Policy

### Purpose

To provide a procedure for students and staff in relation to an application to transfer between registered providers

### Scope

This procedure relates to international students at KIA.

### Policy

KIA will at all times aim to keep the best interests of the student paramount in determining any transfer request.

As a registered education provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), KIA is bound by the National Code and in particular Standard 7 relating to the Transfer of Students between Registered RTOs, the ESOS Act and the requirements of the Department of Immigration and Border Protection (DIBP).

KIA must not knowingly enrol a student wishing to Transfer In from another registered provider prior to the learner completing at least six calendar months of their principal course of study, except in limited circumstances listed below.

For learners requesting to Transfer Out prior to completing six months of their principal course, KIA is entitled to determine the circumstances in which it will provide or refuse to provide a release letter together with the evidence it may require to make such a decision.

Learners must co-operate with KIA staff to assist in making any determination and must attend any interviews as and when requested to do so. This may include a request to meet with welfare staff, as KIA requires in order to determine and make a decision not only in the best interest of the student, but in no way or means to disadvantage the student.

All decisions will be communicated in writing to the learner within 10 working days of the application being lodged with the Admissions Officer.

### Responsibility

Administration Manager

### Definitions

**Compassionate or compelling circumstances:** Circumstances generally out of the control of the learner, which will have a negative impact on the learner's ability to progress in their course or their wellbeing (death in their family).

**DIBP:** Department of Immigration and Border Protection

**ESOS Act:** The Education Services for Overseas Act 2000 including current and continuous amendments.

**International Student:** students with an international passport with a Student Visa issued by the Department of Immigration and Border Protection

**National Code:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007, establish under Part 4 or the ESOS Act.

**Principal course:** The principal course of study is the highest qualification (normally the last course) covered by the student's visa. Standard 7 also applies to all courses of study prior to the student's principal course.

**PRISMS:** Provider Registration and International Student Management System used to interface and process learner information between DIBP and the RTO (KIA).

**Release Letter:** A letter giving permission for a learner to be released from their enrolment with the current RTO and used as evidence of permission to transfer.

**Six months of principal course:** This means completion of six calendar months of the principal course of study from the date that the student commences that course.

**Transfer In:** Process of a student transferring into KIA from another educational provider.

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**Transfer Out:** process of student transferring to another education institution from KIA.

### General Information

All student visas are granted with the 'No Change of Provider' condition. In general a learner is expected to stay at the RTO (or RTOs) at which they were originally registered. Specifically it means that an international student must stay with Kensington Institute of Australia for at least the first 6 months of their principal course. If the student is enrolled in a package of courses, they must stay with the institute for the length of the prerequisite courses, and then the first 6 months of the main course.

In addition Kensington Institute of Australia will not knowingly recruit and enrol a transferring student from another education provider prior to 6 months of their principal course being completed.

Students are reminded that consideration for granting a Student Visa in the first place by DIBP included a consideration of whether the applicant was a "Genuine Temporary Entrant". Students who fail to live up to their declared primary reason of improving themselves through education are at risk of having their visa cancelled.

### Transfer In

- To be considered for enrolment at KIA, a learner who wishes to leave another education provider may be issued with a conditional letter of offer. This requires the applicant to provide a true and accurate Letter of Release from their current provider or to demonstrate that they have completed at least 6 months of their principle course of study.
- Once the original Letter of Release has been provided then the enrolment may be processed in the normal way (see International Admissions Policy).
- KIA will do nothing to encourage a learner to move away from their current provider unnecessarily or in a way that might be to the detriment of the student (either educationally or for their welfare).
- Applicants will not be required to meet the six month rule or have a Letter of Release when:
  - 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 had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her 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.

An International Admissions Officer may use KIA application form, PRISMS or a copy of the student's visa in the passport to ascertain the principal course and whether they satisfy the 6-month ruling.

### Transfer Out

- Prior to applying for transfer, learners should be encouraged to read this policy and associated procedure in full (located in Student handbook and website).
- Learners wishing to transfer to another institution must apply in writing for a letter of release using the Transfer Request Form
- In addition the learner must provide any additional evidence required. This may include (dependent upon the circumstances):
  - Conditional acceptance letter from another provider
  - Additional documentary evidence of reasons for change (e.g. how change of course would benefit the learner)
  - Medical or other evidence as appropriate
- The Administration Manager will immediately contact the finance department and the relevant course coordinator to confirm that:
  - There are no outstanding fees are owing to KIA

- There are no issues relating to course work, course progress and or attendance relating to the learner.
- The learner must cooperate with the Administration Manager by providing additional information or attending meetings as requested.
- The International Manager must consider the request and provide a written response to the request within 10 working days of the Form and evidence being received at reception. If additional information is requested, then the determination will be made within 10 working days of receipt of that evidence.
- In reviewing an application to Transfer Out from KIA the following factors will be considered:
  - Is the request to transfer away from KIA in the best interests of the student - for example is the intended course at the same level or higher than that currently being undertaken or is it lower – if so what is the reason?
  - Has the learner given serious consideration, with valid reasons explaining why they have chosen a different study / career decision
  - Has the student presented a valid conditional letter of offer from another RTO?
  - Has the student paid all fees or other charges that are due to date?
  - Is the learner trying to avoid disciplinary or other action being taken against them?
  - Are they currently under a support arrangement for not meeting the Course Progress requirements?
  - Is the learner is trying to avoid being reported to DIBP for failure to meet attendance or course progress requirements?
  - If the requested transfer is to a course at a lower level than currently being undertaken then is the student currently enrolled on a course beyond their capabilities or are they failing to meet course progress requirements despite their best endeavours? In these cases the Administration Manager may seek feedback from the Student Welfare Officer prior to making a decision. This may lead to the learner being asked to meet with the KIA Student Welfare Officer before their feedback is given.
- Transfer Out requests will not be granted if any of the following are true:
  - Outstanding fees due to KIA
  - There is any disciplinary or other process in place – e.g. an Intervention Plan based on not meeting course progress requirements (see Course Progress Policy), or disciplinary procedures on going.
  - The request is based on a trivial request e.g. “my friend has moved to Perth because the weather is better there”
  - Required evidence (including supplementary evidence requested) is not provided to adequately support the request.
  - KIA honestly believes that granting the request would be detrimental to the student.
  - KIA will also consider requests based on “compelling and compassionate grounds” on a case-by-case basis. The Administration Manager who in these cases will make a recommendation that will be confirmed or amended by the CEO will review the request. The learner must be prepared to provide supplementary evidence or for others that may be involved to be asked to corroborate the request.

### Notification of Transfer Request Decision

- The International Administration Manager will provide the applicant with a written determination within 10 working days of the receipt of their request form.
- This response may be sent to either their last recorded home address in Australia or via email to their registered email address.
- The response is to include the following:

- The decision to provide a Letter of Release or not
- If the request has been denied then:
  - Detailed reasons as to why the request has been denied. These should detail the specific circumstances and reasons for the refusal.
  - Details of any evidence that was NOT provided e.g. Acceptance Letter, or evidence to support compelling reasons request.
  - Details of the appeals process and how to access it
- If the request has been accepted then KIA will document:
  - How the learner may obtain their Letter of Release,
  - The date on which the enrolment will be cancelled,
  - How cancellation of their enrolment may affect their visa by:
    - Informing DIBP via PRISMS of the learner ceasing to be enrolled and why, and
    - Cancelling their current and future (if any) eCoE relating to KIA, and
    - Provide information to the learner that they should contact DIBP to confirm any visa requirements or amendments.

### Administration

- Where a release letter has been granted, the Administration Department will submit a course variation through PRISMS using the 'transferred to another provider variation'. A copy of course variation is to be placed in students file.
- Where a release letter has been granted, it will be issued at no cost to the student. The letter will contain information relating to the student's need to contact DIBP to seek advice on whether a new student visa is required.
- KIA will retain records of all requests from students for a letter of release and the assessment of, and decisions regarding, the request on the students file in accordance with the Records Management Policy.

### Appeal Process

If the learner appeals against a decision to refuse a Letter of Release, the appeal shall be heard by the CEO or their appointed delegate who shall not be the Administration Manager in accordance with the Complaints and Appeals Policy.

*References:*  
*NC Std. 7*