



## Transfer between Providers Policy & Procedure

### Purpose:

The purpose of this policy and procedure is to describe how Sunshine Coast International College (SCIC) manages student request for transfers to other education providers.

This policy and procedure meets the requirements of *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code), Standard 7 – overseas student transfers.

### Policy:

- The *National Code 2018* restricts SCIC from transferring students prior to the student completing 6 months of their principal course of study, except in certain circumstances.
- SCIC will not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the overseas student completing six months of their principal course of study, except in certain circumstances.
- SCIC defines the 'principal course of study' as the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses and is usually the final course of study covered by the overseas student's visa.
- The first six months is calculated as six calendar months from the date an overseas student commences their principal course.
- This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.
- SCIC procedures for considering a transfer requests:
  - describes the circumstances where transfers will be granted or refused
  - includes the requirement that to record all transfer request outcomes in the Provider Registration International Student Management System (PRISMS),
  - includes the provision that finalisation of a refusal to release the overseas student does not occur until the student has had an opportunity to access the complaints and appeals process
  - ensure where the request concerns an overseas student under the age of 18, the overseas student's parent or legal guardian has provided support for the transfer in writing.
- SCIC will maintain records of all requests from students for a Letter of Release and the assessment of and decision regarding the request on the student's file.

### ***Grounds for approval of requests for release***

- For an overseas student to transfer before completing six months of their principal course, the overseas student must obtain a release from SCIC.
- SCIC will grant a release letter to a transfer applicant if the student meets one of the following conditions:'



- SCIC, or the course in which the overseas student is enrolled, has ceased to be registered
  - SCIC has had a sanction imposed on its registration by the ESOS agency (ASQA) that prevents the overseas student from continuing their course with SCIC
  - SCIC (The releasing registered provider) has agreed to the overseas student's release and recorded the date of effect and reason for release
  - Any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
- No transfer request will be approved the student does not have a valid Letter of offer from the receiving provider.

#### *The student's best interest*

- SCIC may also approve a request to transfer to another provider if it considers that a transfer is in student's best interest. The overseas student cannot make a general claim that a transfer will be in their best interest. Transfer requests should be made by the student with reference to the circumstances for granting a release as outlined in this transfer policy.
- The circumstances in which SCIC will grant the transfer request because the transfer is in the student's best interests, including but not limited to where the request includes that:
  - the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the intervention strategy to assist the overseas student in accordance with Standard 8 – this still includes reporting the student on PRISMS for failure to achieve satisfactory course progress
  - there is evidence of compassionate or compelling circumstances
  - SCIC 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 SCIC or an education or migration agent regarding SCIC, 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

#### *Compassionate or compelling circumstances*

SCIC considers whether compassionate or compelling circumstances exist in a limited number of circumstances relating to an overseas student's enrolment including:

- A request to transfer to another provider (National Code 2017, Standard 7)
- SCIC has determined that the students had not demonstrated satisfactory attendance or course progress and intends to report the student for breach of their student visa conditions (National Code 2017, Standard 8)
- A request to defer or suspend studies (National Code 2017, Standard 9).



SCIC follows guidance about compassionate or compelling circumstances from the two government sources below:

- The Commonwealth Ombudsman's fact sheet, *Assessing Compassionate or Compelling Circumstances, June 2023* available at:  
[https://www.ombudsman.gov.au/data/assets/pdf\\_file/0030/298911/OSO-providers\\_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf](https://www.ombudsman.gov.au/data/assets/pdf_file/0030/298911/OSO-providers_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf)
- The Commonwealth Department of Education's factsheets, Standard 7 to 9 available at:  
<https://www.education.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>

*What is meant by compassionate or compelling?*

- Neither term is defined in relevant legislation, therefore, SCIC considers the normal meanings of these two words as suggested by the Commonwealth Ombudsman:
  - **Compassionate circumstances:** *circumstances that produce a feeling of sympathy for the student's troubles.*
  - **Compelling circumstances:** *circumstances that are powerfully convincing.*
- SCIC also considers compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the overseas student's course attendance, course progress or wellbeing. These could include, but are not limited to:
  - Serious illness or injury
  - 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 overseas student's studies; or
  - A traumatic experience, which could include:
    - Involvement in, or witnessing of a serious accident
    - Witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)
- When determining if compassionate or compelling circumstances exists, SCIC only requires the circumstances to be assessed as either compassionate or compelling.
- SCIC does not require a student to demonstrate their circumstances are both compassionate and compelling while also taking into consideration that some circumstances may naturally meet both definitions.

*Supporting documentation:*

- SCIC always needs to be in a position to substantiate a decision to accept a student's claim of compassionate or compelling circumstances. This means that SCIC needs to be able to provide evidence to support and justify the decision that it has made.
- SCIC follow the guidance of the Federal Department of Education (National Code Factsheets for Standards 7-9) with regard to the need for the student to present documentary evidence to support their claim of compassionate or compelling circumstances which states:
  - *When determining whether compassionate or compelling circumstances exist, registered providers should consider documentary evidence provided to support the claim, and*
  - *should keep copies of these documents in the overseas student's file.*



- SCIC will always request supporting documentation from a student who wishes to make a claim of compassionate or compelling circumstances.
- Generally, SCIC will not determine that compassionate or competing circumstances exist based solely on written statements presented by students (usually on the Student Appeal Form when citing compassionate or compelling circumstances as the reason for contesting a decision named by SCIC).

#### *The nature of supporting evidence*

- SCIC will always request a student to submit a claim of compassionate or compelling circumstances in writing. Generally, this written claim will be part of SCIC's Appeals processes and will use the Student Appeal Form to record in writing details of the student's claim to compassionate or compelling circumstances.
- SCIC will also accept other mechanisms to submit a claim of compassionate or compelling circumstances, for example, via email.
- SCIC will always request supporting evidence from a student to support their claim of compassionate or compelling circumstances.
- SCIC will not impose overly onerous requirements for the amount or type of evidence students must provide to support their claim, however, the evidence presented must clearly support the written compassionate or compelling claim made by the student.

#### *Medical certificates*

- Medical certificates are often presented by students who wish to make a compassionate or compelling circumstances claim.
- SCIC does not expect applying students to present medical evidence from specialists; SCIC is satisfied by medical evidence issued by General Practitioners.
- SCIC will always accept a medical practitioner's professional opinion provide in written medical evidence.
- SCIC reserves the right to verify a medical certificate presented by a student: This usually takes the form of making contact with the medical practitioner's practice/ location in writing.
- Medical evidence does not need to specify a specific medical condition; however, it must meet the following requirements:
  - To address unsatisfactory course progress: It must state that that the medical condition negatively affects the student's ability to meet academic progress requirements.
  - To address unsatisfactory attendance: It must specify the time period (for example, from date to date) for which the student was unable/ unfit to attend their studies.

#### **Granting a release**

- In the event that SCIC grants a release:
  - it will be at no cost to the overseas student
  - the overseas student will be advised in writing to contact DHA to seek advice on whether a new student visa is required
  - A record of the student's transfer request outcome will be recorded in the Provider Registration International Student Management System (PRISMS).



## ***Grounds for refusal of request to transfer***

- SCIC's considers the following as reasonable grounds for refusing a student's request to transfer to another provider:
  - The student is in breach of the SCIC's Code of Conducts including being the subject of SCIC's disciplinary proceedings
  - there is no evidence showing that student's expectations about the course have not been met.
  - student makes a general claim without any evidence and details for transfer request.
  
  - students are going through an intervention strategy for unsatisfactory course progress
  - student does not genuinely engage in intervention strategy for unsatisfactory course progress.
  - student has an overdue payment at the time of transfer request
  - evidence for compassionate or compelling circumstances is deemed to be insufficient or not genuine.
  - students realise that the course is not suitable to their study objectives or needs while there is no evidence of misleading information from SCIC or education or migration agents.
  - students present reasons which are irrelevant to their course, or which must be submitted through Complaints and Appeal process.
  
- SCIC still has discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa.
  
- If SCIC does not grant a Letter of Release, the student will be given a letter detailing the reasons why the request was refused and informing the student of his/her right to appeal the decision through the SCIC'S Complaints & Appeals procedures.

## **Transfer requests and packaged courses**

SCIC ensures:

- If a transfer will affect the start dates of any subsequent courses covered by the student visa, the overseas student must be released from those courses, or gain the subsequent registered providers' agreement to delay the start of those courses
  
- SCIC advises overseas students that changes to their preliminary courses may have ramifications for their admission to their principal course, for example if a preliminary course is a prerequisite entry requirement to the principal course.

## ***Provision of information about transfers***

- SCIC makes information available to staff and overseas students about the processes for assessing overseas student transfer requests using:
  - the Student Handbook
  - the SCIC website at [www.scic.nsw.edu.au](http://www.scic.nsw.edu.au)



### ***Process for requesting transfer to another provider***

- In all instances, students wishing to request a transfer to another provider must do so in writing using the *Provider Transfer Request Form* available from Student Services or from the College website at [www.scic.nsw.edu.au](http://www.scic.nsw.edu.au)
- Applicants can submit their application via email to [studentservices@scic.nsw.edu.au](mailto:studentservices@scic.nsw.edu.au) or by hand to Student Services.
- Applications must include supporting evidence to support the applicant's reasons for a provider transfer request.
  
- Applicants must submit a valid Letter of Offer from their proposed new provider.
- All applicants will be acknowledged in writing via email within one working day of receipt.
- SCIC will process an application transfer request within 10 working days from the day of receipt of the Provider Transfer Request Form.

### ***Procedure***

#### ***Students wishing to transfer from SCIC to another provider***

- The student must complete the *Provider Transfer Request Form* and submit to SCIC along with supporting documentation
- The student must meet with the PEO/Academic Manager to discuss their application.
- The student must provide an original copy of a valid Letter of Offer from the registered provider to which the student wishes to transfer.
- The PEO/Academic Manager will check with the Accounts Department to determine if there are fees owing or if the student is entitled to a refund under SCIC's Fees & Refunds Policy.
- The PEO/Academic Manager will advise the student if there are any fees owing and discuss how payment will be settled or, if a refund is due, how much will be refunded and when.
- The PEO/ Academic Manager will:
  - discuss the reasons for the student wishing to transfer to another registered provider
  - sight the original Letter of Offer from the new registered provider.
- Following the interview, the PEO/Academic Manager will assess the student's request for a transfer based on the *Grounds for refusal of request to transfer* section of this policy and then make a decision on whether to provide the student with a Letter of Release.
- If the PEO/Academic Manager agrees to the student's request for a transfer to another registered provider, they will provide the student with a Letter of Release within 10 working days of receipt of the transfer application form.
- The Letter of Release will be provided to the student at no charge and will advise the student of the need to contact DHA to seek advice on whether a new student visa is required.



- The student must, pay any outstanding fees or before receiving the Letter of Release.
- If the PEO/Academic Manager refuses the student's request for a transfer to another provider, the student will be provided with a letter detailing the decision for refusal within 10 working days and will be informed of their right to appeal the decision using SCIC's Complaints & Appeals Process.
- A refusal to release the student will not occur until the student has had an opportunity to access the Complaints and Appeals Process.
- Copies of all documentation will be placed in the student's file.
- The Enrolments Officer will advise DHA through PRISMS that the student has transferred to another registered provider.

#### *Students wishing to transfer to SCIC from another provider*

Where an overseas student requests to transfer from another provider before they have completed 6 months of their principal course of study, the following procedure will apply:

- SCIC receives an Application Form from the student directly or through his/ her representative
- The Admissions Officer will determine if the student has completed 6 months of their principal course of study with the other registered provider using the student's passport and student visa details
- If the student has completed 6 months study in their principal course of study, the normal student application process will commence
- If the student has not completed 6 months study in their principal course of study, they must present a Letter of Release from their current provider
- The SCIC Letter of Offer generated for the student will be conditional on the student presenting the Letter of Release.
- If the student does not provide a Letter of Release, the application process will be postponed, and the student will be informed that they are unable to transfer to SCIC. The student may activate their application when they have completed 6 months in their principal course of study.
- If the other provider is no longer registered, or sanctions have been placed on the other registered provider by the ESOS Agency which does not allow the student to continue with their course, no Letter of Release is required.

#### **Pro-forma and Supporting documentation:**

1. Refund Policy & Procedure
2. Complaints & Appeals Policy & Procedure
3. Letter of Release
4. Refusal of Letter of Release



## Version Control:

<b>Title</b>	<b>Transfer between Providers Policy &amp; Procedure</b>			
<b>Description</b>	Describes processes used by SCIC to assess applications for transfers to other providers			
<b>Created By</b>	Joe Lynch			
<b>Date Created</b>	12.04.2024			
<b>Maintained By</b>	Joe Lynch			
<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date Modified</b>	<b>Status</b>
V2.0	Joe Lynch	Updated to include information about compassionate/ compelling considerations	03.05.2024	Current