

1 Overview

Purpose

The purpose of this document is to document how EQUALS International (Aust) Pty Ltd (EQUALS) addresses requests for transfer to other providers; for acceptance and for admission of a student who has been transferred from another registered provider.

The policy acknowledges Standard 7 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) and seeks to ensure that practices are fair, equitable and in the best interests of an international student.

Scope

This policy applies to all applicants and currently enrolled students (domestic and international).

2 Policy statement

2.1 Incoming Transfer Requests

EQUALS will not knowingly enrol an international student wishing to transfer from another registered provider's course prior to the international student completing six months of their Principal Course of study, except in certain circumstances. Please refer to section 2.3 for further information.

2.2 Outgoing Transfer Requests

EQUALS will not accept a request to transfer to another registered providers prior to completing six calendar months of the student's Principal Course, except in certain circumstances (outlined below).

The Principal Course of Study is the main course of study to be undertaken by an international student where the student visa has been issued for multiple courses, and is usually the final course of study. The first six months is calculated as six calendar months from the date an international student commences their Principal Course. This means the transfer restriction applies to a student during all courses they undertake prior to the Principal Course. (Adapted from [National Code 2018 Fact Sheet](#))

The following circumstances outline where an international student's request for transfer may be granted, but are not limited to:

- where an international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying; even after engaging with EQUALS' intervention strategy
- where EQUALS fails to deliver the course as outlined in the Written Agreement
- where there is evidence that the student's reasonable expectations about their current course are not being met (such as correspondence between the international student and EQUALS or marketing materials given to the international student prior to enrolment, and setting particular expectations about the course)
- where there is evidence that the international student was misled by EQUALS or an education or migration agent regarding EQUALS or its course, and the course is therefore unsuitable to their needs and/or study objectives

- where an appeal (internal or external) on another matter results in a decision or recommendation to release the student
- compassionate and compelling circumstances; are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. For the purposes of this policy, these may include but are not limited to:
 - serious illness or injury; where original (or verified) medical evidence is provided and states that the student was unable to attend classes;
 - bereavement of close family members such as parents or grandparents (and where an original (or verified) death certificate should be provided);
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the international student's studies; or
 - a traumatic experience, which could include:
 - involvement in, or witnessing of 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 EQUALS was unable to offer a pre-requisite unit, or the student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

It is important to note that if an international student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa.

2.3 Other circumstances

For an international student to transfer to EQUALS before completing six months of their Principal Course, the international student must either obtain a release from their registered provider, or meet one of the following conditions:

- the releasing registered provider or the course in which the international student is enrolled, has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing their course with that registered provider;
- the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS;
- any government sponsor of the international 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 international student's study in Australia is sponsored by the government of another country.

2.4 After completing six calendar months of the Principal Course, an international student can transfer without needing to meet one of these conditions.

2.5 Where a release is granted to the student, it will be at no cost to the student.

2.6 Where a student fails to satisfy any of the criteria in 2.2 and/or 2.3, and/or fails to genuinely engage in the intervention strategy (including but not limited to having the intention of failing and being released) will constitute reasonable grounds to refuse the transfer.

3 Procedure

3.1 Transfer to other Providers

- 3.1.1 Applications for release are to be submitted via the online [Enrolment Variation Form](#) (accessible from [Moodle](#) for existing students or from the [website](#) for non-commencing students) and must include the following documents:
- a completed [Enrolment Variation Form](#) which includes reasons for the transfer to another registered provider
 - an original or verified copy of the Letter of Offer (LoO) from the other registered provider
 - original or verified copies of supporting documents (e.g. death certificate etc.)
- 3.1.2 The request will be logged on the student's electronic file, recording date of request, including uploaded copies of all documents.
- 3.1.3 The designated staff member will review the application and decide an outcome. Where further information is required or where EQUALS believes that the student would benefit from counselling, the designated staff member will contact the student to discuss the application prior to making a decision. The decision and supporting reasons are documented on the [Enrolment Variation Form](#). EQUALS' nominated delegate will notify the student in writing of the outcome of their request within twenty (20) working days of having received the completed [Enrolment Variation Form](#).
- 3.1.4 If EQUALS approves the request, a 'Release Letter (approved)' will be issued and recorded on the electronic system. The letter of release will advise the student of the need to contact the Department of Home Affairs (Immigration) to seek advice on whether a new student visa is required. The letter of release will include additional information detailing a reference towards the students' (for example) academic and attendance history.
- 3.1.5 If EQUALS does not approve the request, a 'Release Letter (not approved)' will be issued and recorded on the electronic system. The Release Letter (not approved) will explain the reasons for refusal, together with advice that it is possible to lodge an appeal if the student believes there are sufficient grounds.
- 3.1.6 In accordance with Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, if the student is not satisfied with the response, they have twenty (20) working days to appeal the decision. The [Grievance Handling Policy and Procedure \(Academic and Non-Academic\)](#) outlines the appeal mechanism available to students who are not satisfied with determinations made by EQUALS regarding transfer between providers. Availability of the internal appeal processes does not remove the right of the student to take action under Australia's consumer protection laws.
- 3.1.7 EQUALS will not finalise a student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the [Grievance Handling Policy and Procedure \(Academic and Non-Academic\)](#) processes within the 20 working day period, or the international student withdraws from the process.
- 3.1.8 EQUALS will maintain records of requests from students for a letter of release, and a record of the assessment of, and decision regarding the request in the student's electronic file for a period of not less than two years after the student ceases to be an enrolled student.
- 3.1.9 Transfer request outcomes are recorded in PRISMS.

3.2 Transfer from other Providers

- 3.2.1 If the application is accepted during the enrolment process, EQUALS is alerted by the Provider Registration International Student Management System (PRISMS) that the international student is currently enrolled with another registered provider and is yet to complete the first six months of their primary course. In this case, EQUALS will not complete the enrolment unless authenticated documentation evidence as described above has been presented.
- 3.2.2 EQUALS will be responsible for ensuring that adequate evidence has been provided in such exceptional cases. Copies of all relevant documents will be retained in hard copy in the student's file if the enrolment is completed.
- 3.2.3 Enrolment procedure occurs as per Student Selection and Admissions Policy & Procedure (3-19).

4 Responsibilities

Compliance, monitoring and review

- Aligns with relevant legislation, government policy and EQUALS values.
- Is implemented and monitored to reflect the changing policy environment and emerging issues identified.
- Is reviewed to evaluate its continuing effectiveness in achieving its purpose and remaining relevant.

5 Definitions

Terms not defined in this document may be in the [EQUALS Glossary](https://equals.edu.au/wp-content/uploads/2019/07/EQUALS-Glossary.pdf)
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Principal Course of Study (or Principal Course): is the main course of study to be undertaken by an international student where the student visa has been issued for multiple courses, and is usually the final course of study.

PRISMS: Provider Registration International Student Management System (PRISMS); a database used by registered providers for international students, and managed by the Department of Home Affairs.

6 Approval and Amendment History

Version	Approved by	Approval Date	Details
	CEO	15/09/2014	Refer archived policy.
1.0	EMC	01/03/2018	Updated overview and terminology, updates throughout, inclusion of responsibilities, definitions, and comprehensive document map and clearer alignment to the appropriate responsible person/body, updated legislative references. Change of policy number from 3-5800 to current.
1.1	EMC	05/12/2018	Minor amendments and adjustments to terminology.
1.2	EMC	12/08/2019	Minor updates to Document Map and formatting, editing changes.

7 Document Map

Approval Authority:	Executive Management Committee	Advisory Committee for Approval Authority
Authorised By:	Chief Executive Officer	
Effective from:	05/12/2018	
Next Review Date:	05/12/2021	
File Location:	The current version of this policy can be accessed from the Policy Register (internal users only)	
Relevant Legislation:	Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018	
Related Documents and/or Registers:	Governance & Quality Assurance Framework Grievance Handling Policy and Procedure (Academic and Non-Academic) Student Handbooks (VET and HEd) F 191 Enrolment Variation Form F 867 Release Letter (Approved) (internal users only) F 868 Release Letter (Not Approved) (internal users only)	
Policy Subdivision	<input type="checkbox"/> Corporate or Academic Governance <input type="checkbox"/> Academic Management <input checked="" type="checkbox"/> Operational Management	
Administrator:	Quality Advisor	