



## Purpose

Kirana Colleges Australia (KCA) will only accept international students from another provider that have either been released from the provider via PRISMS or have completed 6 months of the principal course.

## Scope

This policy also applies to international Education Agents who wish to engage with Kirana Colleges Australia to promote and recruit students to participate in the registered programs at any of our registered campuses.

## Responsibility

Responsibility (R)	Accountability (A)	Consult (C)	Inform (I)
International Recruitment Managers Operations Manager	PEO Admissions and Administration Manager Chief Financial Officer	Chief Executive Officer	Quality Assurance

## Applicable Legislation/Contracts

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- ESOS Act
- VET Quality Framework – National Standards for RTO and AQF

## Related Policies/Procedures

- QMSP004: Formalisation of Enrolment and Written Agreement Policy V2
- QMSF003: Letter of offer and acceptance V2
- QMSP012: International Student Complaints and Appeals Policy V2

## Reference

### National Code: Standard 7- Overseas Student Transfers.

7.1 Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:

- 7.1.1 the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- 7.1.2 the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- 7.1.3 the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- 7.1.4 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.

7.2 For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy must be made available to staff and overseas students, and outline:

- 7.2.1 the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider
- 7.2.2 circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:
  - 7.2.2.1 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 that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
  - 7.2.2.2 there is evidence of compassionate or compelling circumstances



7.2.2.3 the registered provider fails to deliver the course as outlined in the written agreement

7.2.2.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met

7.2.2.5 there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives

7.2.2.6 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

7.2.3 the circumstances which the registered provider considers as reasonable grounds to refuse the transfer

7.2.4 a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

7.3 If the overseas student is under 18 years of age:

7.3.1 the registered provider must have written confirmation the overseas student's parent or legal guardian supports the transfer

7.3.2 where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).

7.4 If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.

7.5 If the registered provider intends to refuse the transfer request, they must inform the overseas student in writing of:

7.5.1 the reasons for the refusal

7.5.2 the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

7.6 The registered provider must not finalise the 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 complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

7.7 The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

## Policy

The policy describes the requirements for transferring from one provider to another and vice-versa for International Students. Under this policy KCA will support the intent of the standard which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia

This policy is to ensure that the KCA will not enrol:

- any transferring international student prior to completion of 6 months of their principal course unless:
  - the original provider has ceased to be registered or the course in which the student is enrolled in ceases to be registered.
  - the original provider has had a sanction imposed on its registration by the Australian and / or State Governments that prevents the student from continuing their principal course.
  - The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
  - Any government sponsor of the student considers the change to the student to be in the student's best interest and has provided written support for that change.
- an overseas student who has already been enrolled in the same course unless the student has not complete the relevant course and the registered provider has given a letter of release to the student for the relevant course.

This policy details the procedures for assessing applications to transfer within this period.

Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

KCA's policies support the intent of Standard 7 and EOS Regulation Section 10 and consider individual circumstances and will provide a release via PRISMS at no cost to the student. KCA will always advise the student of the need to contact DOHA to seek advice on whether a new student visa is required.



## Enrolling a Transferring Student

Under this policy KCA will not enrol any transferring international student prior to completion of 6 months of their principal course unless:

- the original provider has ceased to be registered or the course in which the student is enrolled in ceases to be registered.
- that student has a valid letter of release agreeing to such a transfer.
- the original provider has had a sanction imposed on its registration by the Australian and / or State Governments that prevents the student from continuing their principal course.
- Any government sponsor of the student considers the change to the student to be in the students best interest and has provided written support for that change.

Furthermore, KCA will not enrol an overseas student who has already been enrolled in the same course unless:

- a) the student has not complete the relevant course and the registered provider has agreed to release the student via PRISMS.

**Note: A student wanting a CoE for the purposes of applying for a new visa is not considered to be a circumstance that would constitute an approximation of a letter of release.**

## Transferring away from Kirana Colleges Australia

If a student wishes to transfer away from KCA, KCA will agree to release the student via PRISMS unless the students has failed to provide a letter from another registered provider confirming that a valid enrolment offer has been made.

In situations where students are eligible for a release, KCA will release to student as required via PRISMS within 10 working days of receiving a written request being approved.

In situations where the student transfer requests is prior to the student completing six months of their principal course, the student must proving in writing circumstances why they are seeking this release that contravenes their written agreement and National Code.

## Circumstances for which transfer may be may considered include:

Circumstances that KCA will consider a transfer request prior to the students completing six months of their principal course including but not limited to:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
- there is evidence of compassionate or compelling circumstances that are define as:
  - Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
  - Bereavement of close family members such as parents or grandparents;
  - A traumatic experience which has impacted on the student and which could include involvement in, or witnessing of a serious accident; and witnessing or being the victim of a serious crime. These cases should be supported by police or psychologists' reports); or
  - Where the student is unable to begin studying on the course commencement date due to delay in receiving a student visa.
  - Where your study load is reduced due to difficulties with meeting course progress requirements, this may mean that you will need to do additional subjects in future sessions to complete your course in the time specified in your student visa.
- KCA 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 the registered provider or an education or migration agent regarding the registered provider 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.
- the circumstances which KCA considers as reasonable grounds to refuse the transfer that is not in the students best interest

Factors that may be considered to the student's detriment, but which should be considered in light of the student's individual circumstances and a broader range of factors, such as those outlined above, include:

- if the transfer may jeopardise the student's progression through a package of courses
- If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student (it is good practice to revisit the issue within a timeframe negotiated with the student); and
- if the student is trying to avoid being reported to DHA for failure to meet the provider's attendance or academic progress requirements.



## Refusing to provide a release

KCA will not give a student a release unless the student shows them a valid letter of offer of enrolment from another provider.

When a request for release is refused, the student will be provided with written response stating the reason for the refusal.

The student will be given advice in writing and the student has the right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

Students withdrawing from a course

If a student withdraws from a course the ESOS Act requires that the provider advise the Department of Education and Training (DET) through PRISMS within 14 days. This information is transmitted to the Department of Home Affairs (DHA) and has implications for the student's visa.

## Refund of Fees

If a student transfers to another provider, any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.

## Procedure for Assessing Students Wishing to Transfer to Kirana Colleges Australia (KCA)

1. KCA receives an application from a student who is "**on-shore**" and who has indicated that they are currently studying at another institution.
2. KCA use PRISMS to decide if the student has completed 6 months of their principal course. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.

If the above 2 points have been met, the application process proceeds as for all off-shore students.

If they **have not** met the above points, the students must be asked to provide an appropriate "letter of release" or approval of release in PRISMS from their current provider in support of their application.

**Note:** an offer will not be made to any student that has not been released on PRISMS from their current provider.

**Note:** If they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any letter of release

If a letter of release is received as per above and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all off-shore applicants.

If no satisfactory letter of release is obtained from such students, the application process is halted and the student informed that they are unable to transfer at this time.

They are welcome to re-activate their application when the 6 month period has passed.

**Note:** In the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no letter of release is required.

## Procedure for Assessing Transfer Applications from Students Wishing to Transfer Away from KCA

1. Students complete the Request to Transfer documents and submit to the PEO, or their delegate to transfer to another provider.
2. The student is asked to provide a valid offer of enrolment from the new institution.
3. With the valid offer of enrolment, the KCA will assess the transfer request considering the following questions:
  - Does the student have any outstanding fees payable? (if they do, these must be paid before a release can be provided)
  - Is the student fully aware of the study issues involved in the transfer?
  - Is the student simply trying to avoid being reported to DET due to lack of course progress?



4. If the answers to the above are satisfactory and in accordance with policy, the release will be granted at no charge to the student. The student will also be advised of the need to contact DHA to determine if they need to obtain a new visa.
5. The KCA issues the release via PRISMS
6. KCA report students termination of studies through PRISMS

If any of the answers are unclear, the PEO, or their delegate will need to interview the student and gain a fuller understanding of the circumstances.

The PEO, or their delegate will make a recommendation if they believe the request should be refused or alternatively they will grant the letter of release.

The PEO, or their delegate will inform the student in writing of a negative outcome with reasons and indicate that the student may access the student appeal process as detailed in the International Student Handbook if they seek a review.

## NOTES

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions and copies of letters of release should be placed on student's file

The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.