

## Overseas Student Transfer Policy and Procedure

Purpose	<b>This Policy and Procedure outlines the AITC's approach to the transfer of International Students.</b>
Location	<b>The policy is maintained on owncloud</b>
Responsible executive	<b>CEO</b>
Responsible office	<b>CEO's Office</b>
Contact officer	<b>TBA</b>
Effective date	<b>29 June 2020</b>
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Related documents	<b>AITC Student Admissions Policy          AITC Academic Credit and Recognition of Prior Learning (RPL) Policy          AITC English Language Proficiency Policy          AITC Student Progression, Exclusion and Graduation Policy          AITC Fee Refund Policy and Procedure          AITC Tuition Fees Payment Policy</b>
Authority	Approved by Council

### 1. Purpose

This Policy and Procedure outlines the AITC's approach to the transfer of International Students.

### 2. Scope

All students of AITC, particularly international students who may consider transferring from a Registered Higher Education provider or transferring to a Registered Higher Education provider.

### 3. Definitions

ESOS Act: Education Services for Overseas Students Act 2000 (ESOS Act) set out the legal framework governing delivery of education to international students in Australia on a student visa.

### 4. Procedure

#### 4.1. Incoming (transferring into AITC) students

AITC will not knowingly enroll an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing 6 months of his or her principal course, except where any of the following apply:

- 4.1.1. The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered; or
- 4.1.2. 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; or

4.1.3. The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS; or

4.1.4. 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.

#### 4.2. Outgoing (transferring out of AITC) students

AITC, as the releasing registered provider, will assess the overseas student's transfer request prior to the overseas student completing 6 months of their principal course when the student lodges a written Request to Transfer. The Request to Transfer should:

- outline the grounds for the request;
- should be addressed to AITC's CEO; and;
- include a valid enrolment offer from another registered provider (where relevant). The transfer will go through the following process:

4.2.1. The student lodges a written request to the CEO of AITC that incorporates the above stipulated aspects.

4.2.2. The transfer request, inclusive of all provided supporting documentation, will be reviewed and assessed within 10 working days of receipt of the request from the student.

4.2.3. The transfer request will be granted at no extra cost to the student, if it is deemed in the student's best interests, including but not limited to where AITC has assessed that:

- The student is unable to make satisfactory progress, even after engaging with AITC's intervention strategy to assist the student in accordance with the Overseas student visa requirements. In this instance the student will also be reported;
- There is evidence of compassionate or compelling circumstances (compassionate and/or compelling circumstances are defined as a sudden change of circumstances beyond the student's control that impact their plans for on-campus study in Australia. Such circumstances must be supported by documentary evidence. See Item 4.8 below for more information).
- AITC fails to deliver the course as outlined in the written agreement (Letter of Offer);
- There is evidence that the student's reasonable expectations about their current course are not being met;
- There is evidence that the student was misled by AITC or an education or migration agent regarding AITC or its course and the course is therefore unsuitable to the student's needs and/or study objectives; and;
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

4.3. Reasonable grounds in which AITC will refuse the transfer will include, but not be limited to, circumstances where there is no evidence in support of section 4.2.3 (where a transfer is in the student's best interests); there is no valid enrolment offer from another registered provider; and; where the request for transfer has not been provided in writing from the student to AITC.

4.4. Immediately following 10 working days from receipt of the request from the student for a transfer, AITC will provide a written response to the student by email to the student's email address, or by postal services to the student's most current residential address in Australia that stated on the written Request to transfer.

4.5. The student will be advised in writing (email / postal services) to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

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## Release refused

- 4.6. If AITC refuses the transfer request, AITC will inform the student in writing (email / postal services mail) of the reason for the refusal no later than 10 working days from receipt of the request from the student for the transfer.
- 4.7. With the Refusal Notice, AITC will advise the student of his/her right to access AITC's complaints and appeals process within 20 working days from the date of AITC's Refusal Notice.

## Compassionate or Compelling Circumstances

- 4.8. 'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. Students must provide relevant supporting documentary evidence (e.g., personal statement and support from an independent professional (e.g., medical practitioner, legal, counselling). Compassionate or Compelling Circumstances could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- 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 (these cases should be supported by police or psychologists' reports):
  - involvement in, or witnessing of a serious accident; or
  - witnessing or being the victim of a serious crime, and this has impacted on the overseas student.

## 5. Appeal

- 5.1. Students have a right of appeal through the internal complaints and appeal processes at AITC, within 20 working days of the decision being made by AITC.
- 5.2. Students have a right of appeal externally to AITC after finalisation of an outcome from the AITC internal complaints and appeal process.
- 5.3. AITC will not finalise the student's refusal status in PRISMS until the appeals finds in favour of AITC, or the student has chosen not to access the complaints and appeals processes within the 20 working days, or the student withdraws from the complaints and appeals process.
- 5.4. For information and assistance on appeal rights, please view AITC's Student Grievance Mediation Policy and/or seek assistance from a Registrar at AITC.

Records of all requests from overseas students for a release and the assessment process, and decision regarding the transfer request will be maintained in student's file in accordance with AITC's Records and Information Management Policy.