



INTERNATIONAL STUDENT TRANSFER POLICY AND PROCEDURES

Purpose

The purpose of this policy is to provide information on the:

- conditions under which LEA** will consider an international student's request for a transfer to or from another registered provider; and
- procedures for students to follow in relation to changing their provider.

LEA is committed to assessing all requests from students seeking a transfer between registered providers and provide accurate and informative response in a timely manner.

**The trading name for the Lincoln Institute of Higher Education (LIHE) is Lincoln Education Australia (LEA).

POLICY

Scope

This policy applies to prospective and current international students.

Principles

The National Code 2018 restricts registered providers from enrolling transferring international students prior to the student completing six months of their principal course of study unless the student has met an exception under Standard 7. The first six months is calculated as six calendar months from the date the overseas student commences their principal course.

As the principal course of study is generally the final course of study covered by the international student's visa, transfer requirements apply to all courses of study prior to the international student's principal course.

LEA **will not prevent** an international student from transferring to another provider after the student has completed six months of the principal course at LEA.

PROCEDURES

Principal Course

The 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, the principal course is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.

International Students

For an international student to transfer 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
- any government sponsor of the international student considers the change to be in the international 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

After completing six calendar months of the principal course, an international student can transfer without needing to meet any of these conditions.

LEA will not knowingly enrol an international student seeking to transfer from another registered provider's course prior to the international student completing six months of their principal course.

LEA will maintain records of all requests from international students for a release and the assessment of, and decision regarding, the request for a minimum of two years after the overseas student ceases to be an accepted student.

Requests for Transfer

All requests to withdraw/transfer must be submitted in writing to the Student Experience Manager. If the request is to transfer to another provider, the student must provide a valid enrolment offer from the other registered provider.

The student's documentation must clearly provide a reason(s) as to why they wish to withdraw and if compassionate and compelling circumstances are given, evidence must be provided to support the claim. A copy of this documentation will be placed on the student file.

A delegate of the Student Experience Manager will discuss with the student and ascertain the reasons for wishing to withdraw, which are detailed on the student's documentation.



A response to the student's request is provided in writing within 10 working days of receiving the initial withdrawal letter from the student based on the circumstances.

Circumstances where a Transfer from LEA is Granted

LEA will consider permitting a student to transfer to another registered provider prior to completing six calendar months of their principal course in certain circumstances.

Circumstances when a transfer may be assessed as being in the best interests of the student may include, but are not limited to:

- The student will be reported to the Department of Home Affairs because they are unable to achieve satisfactory course progress, even after engaging with LEA's intervention strategies
- Evidence of compassionate or compelling circumstances
- LEA is unable to deliver the course as outlined in the written agreement
- There is evidence that the course the student is enrolled in does not meet the student's reasonable expectations
- There is evidence that the student was misled by the registered provider (LEA) or an education agent regarding the course or the registered provider
- An appeal (internal or external) on another matter results in a decision or recommendation to release the student
- When the 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

Circumstances where a Transfer from LEA is Not Granted

- When a transfer is considered detrimental to a student
- When a transfer is requested before the student has completed six months without any evidence of compassionate or compelling circumstances
- When a transfer is requested to a provider that does not have Simplified Student Visa Framework (SSVF) arrangements and the student does not have a genuine reason for transferring
- If the student has unpaid course fees for the current study period. The current study period is the study period in which the student applies for a release to transfer

If LEA does not approve the release to transfer:

- The student will be provided with written communication from the Academic Administration Manager (the Dean or the Registrar) stating the reasons for refusing the transfer request
- The student will also be informed in the written communication that they have the right to appeal the decision within 20 working days



- The student will be advised to access, and provided with links to, the *Student Grievances, Complaints and Appeals Policy*
- LEA will not finalise the student's refusal to transfer status in PRISMS until the appeal finds in favour of LEA, or the international student appeals to an external appeals process, or the international student has chosen not to access the appeals process within the 20 working day period, or the International Student withdraws from the process
- A copy of this written communication will be placed on the student file

Release to Transfer from LEA

LEA will only provide a release to transfer via PRISMS if:

- The student is withdrawing/transferring within the first 6 months of enrolment
- The student has provided a letter from another registered provider confirming a valid enrolment offer has been made

The international student will be advised verbally and in writing to contact DHA to seek advice on the visa implications that a withdrawal from the course may cause, and whether a new student visa is required. A copy of the written communication will be placed on the student file.

There will be no cost to the student applying for a release to transfer

Transferring to LEA

LEA is committed to ethical and responsible recruitment of students and will not knowingly recruit or enrol an international student seeking to transfer from another registered provider's course prior to the student's completion six months of their principal course of study, except in circumstances consistent except under the following circumstances:

- the other registered provider has released the student
- the registered provider has ceased to be registered, or the course in which the student is enrolled has ceased to be registered or is no longer being offered
- the original registered provider has had a sanction imposed on its registration by the Australian Government or by a state or territory government that prevents the student from continuing their principal course
- a government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change

Process for applications to transfer to LEA

Any request from an applicant to transfer to LEA must follow the regular application process. LEA



may:

- ask permission to contact the institution concerned
- check the student’s commencement date
- request that the student contacts the principal provider to record the release in PRISMS.

Where a release from the provider cannot be approved and recorded in PRISMS, LEA will not accept the student’s application.

Complaints and Appeals

Students who are dissatisfied with the application of this Policy by LEA may refer to the relevant LEA Grievances, Complaints and Appeals Handling Policy (available on the relevant LEA website) for information regarding their options.

Staff Training

LEA will facilitate training on ESOS Act and National Code 2018 for all staff members interacting directly with international students.

Compliance

All relevant staff and all prospective and current international students at LEA are required to comply with these Guidelines, and with related policies and respective procedures.

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|-------------------------------|---|
| Contact Officer | Student Experience Manager |
| Legislative Compliance | <ul style="list-style-type: none">• <i>Higher Education Standards Framework (Threshold Standards) 2015</i>• <i>Tertiary Education Quality and Standards Agency Act 2011</i>• <i>Commonwealth Disability Discrimination Act 1992 and all associated standards.</i> |
| Supporting Documents | |
| Related Documents | <ul style="list-style-type: none">• <i>Deferral, Cancellation and Suspension Guidelines (International Students)</i>• <i>Course Modification and Tuition Fee Refund Policy and Procedures</i>• <i>Student Grievances, Complaints and Appeals Policy</i> |
| Superseded Documents | <i>LEA Student Transfer Policy and Procedures V1.0</i> |
| Effective Date | |
| Next Review | 3 years from the effective date |



Definitions

CoE: Confirmation of Enrolment (generated in PRISMS).

Compassionate and Compelling Circumstances: Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student’s course progress or wellbeing. Examples of circumstances include, but are not limited to:

- ▶ bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- ▶ serious illness or injury, where a medical certificate states that the student is unable to attend classes
- ▶ major political upheaval or natural disaster in the home country requiring emergency travel
- ▶ a traumatic experience which has impacted the student and is supported by police or medical statements
- ▶ LEA is unable to provide a pre-requisite unit, should there be any, or the student failed a pre-requisite unit

DHA: Australian Government Department of Home Affairs.

ESOS Act: Education Services for Overseas Students Act 2000.

International Student: An international student means a person (whether within or outside Australia) who holds a student visa. An international student is also known as an overseas student.

National Code 2018: National Code of Practice for Providers of Education and Training to International Students 2018 (the National Code 2018).

PRISMS: Provider Registration and International Student Management System.

Review Schedule

This policy shall be reviewed by the Academic Board every three years.

| Version History | | | |
|-----------------|----------------|----------------|---|
| Version number: | Approved by: | Approval Date: | Revision Notes: |
| 1.0 | Academic Board | 13/08/2020 | New policy |
| 1.1 | Academic Board | | <ul style="list-style-type: none">• Change to text on Transferring to LEA;• Addition of 20 day appeals period to |



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|-----|----------------|------------|--|
| | | | student letter • Inclusion of 2 year period for maintaining student records |
| 1.1 | Academic Board | 22/02/2023 | TEQSA and CRICOS requirements incorporated |
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