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Danford College: Administration ISO SOP 010: Overseas Student Transfer Policy

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1. Governing Standard

CRICOS Standard No: 7
SRTO'S 2015: Standard 3, 4 and 5 Clause3.5 (a,b) 4

2. Purpose

The purpose of this policy is to ensure that international students wishing to transfer between registered training providers do so in accordance with the guidelines of the National Code 2018.

In accordance with the National Code 2018, Danford College is restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except for the circumstances outlined below. Danford College from whom the student is seeking to transfer are responsible for assessing the student request to transfer within this restricted period. It is expected that the student request will be granted where the transfer will not be to the detriment of the student.

The College is committed to abide by and implement a transfer policy in accordance with the National Code 2018. Danford College will not knowingly enroll 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, except where any of the following apply:

- the releasing registered provider, or the course in which the overseas 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 overseas student from continuing his or her course at that registered provider
- 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 overseas student considers the change to be in the overseas student's best interests and has provided written support for the change

3. Responsibility

It is the responsibility of the College to receive and process requests for transfer. Requests for transfer may only be granted with the approval of the CEO or delegate It is the responsibility of the Admission Officer to advise students wishing to transfer to the College from other registered providers, on the requirements of obtaining a letter of release where necessary.

4. Definitions

The College – Danford College

COE-Confirmation of Enrolment

The National Code 2018 – refers to the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

DHA – refers to the Commonwealth Department of Home Affairs. The Department of Home Affairs is the Australian Government interior ministry with responsibilities for national security, law enforcement, emergency management, border control, immigration, refugees, citizenship, transport security and multicultural affairs. The portfolio also includes federal agencies such as the Australian Federal Police, Australian Border Force and the Australian Security Intelligence Organisation¹.

PRISM-Provider Registration and International Student Management System (PRISMS) Their web site provides Australian education providers with the Confirmation-of-Enrolment (CoE) facilities required for compliance with the Education Services for Overseas Students (ESOS) Legislation To access PRISMS².

Visa granted under SSVF (Simplified Student Visa Framework-Immigration & Citizenship) (Including Package) using Danford College COE-The SSVF was designed to support the sustainable growth of the international education sector by making the process of applying for a Student (subclass 500) visa (Student visa) simpler to navigate for genuine students, to reduce red tape for business and to deliver a more targeted approach to immigration integrity.

Under the SSVF, Danford College is responsible for the immigration outcomes of students they recruit offshore, even if the student chooses to change providers onshore.

All education providers registered with the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) have been allocated an immigration risk rating between one (lowest risk) and three (highest risk), based on the immigration risk outcomes of their international students over the previous 12-month period.

Students with the lowest immigration risk will generally have streamlined evidentiary requirements. This means these students will generally not be required to provide evidence of financial and English language capacity with their visa application. The Department will however retain the discretion to seek this evidence where appropriate. All students (including where streamlined evidentiary requirements apply) will continue to have to meet all other core student Visa criteria, such as the Genuine Temporary Entrant requirement.

¹ [department of home affairs - Bing](#)

² [prisms - Bing](#)

Course transfers Visa condition 8202 requires a Student Visa holder in most cases to obtain a new visa if they transfer to a lower AQF level course. In this scenario, the new provider becomes responsible for the immigration outcomes of that student.

Students wanting to transfer to another provider will not be released unless they have completed 6 months in their Principal Course of studies. Once the initial Visa is granted or if a student has a packaged COE through another provider into any of our higher AQF level courses and the student is in Australia or have arrived in Australia and they have decided to cancel or withdraw their enrolment before or after commencement, no refund will be provided on any monies paid to Danford College inclusive of initial and other courses in the package.

AQF Level-Australian Qualifications Framework Levels³- AQF levels and the AQF levels criteria are an indication of the relative complexity and/or depth of achievement and the autonomy required to demonstrate that achievement. AQF level 1 has the lowest complexity and AQF level 10 has the highest complexity. The AQF level summaries are statements of the typical achievement of graduates who have been awarded a qualification at a certain level in the AQF.

According to the Department of Home Affairs (DOHA), all Student visa holders must *maintain enrolment at the same level or a higher Australian Qualification Framework (AQF) level for which they were granted a visa, unless they are undertaking a doctoral degree (AQF10) and transfer to a master's degree (AQF9)*. Only where a student decides to transfer to a lower AQF level course or non-AQF level must they apply for and be granted a new student visa.

Australian Qualifications Framework (AQF)

HIGH SCHOOL	TAFE NSW	UNIVERSITY	AQF Level
		Doctoral Degree	Level 10
		Masters Degree	Level 9
		Graduate Diploma Graduate Certificate Bachelor Honours Degree	Level 8
		Bachelor Degree	Level 7
		Associate Degree Advanced Diploma	Level 6
		Diploma	Level 5
	Certificate IV		Level 4
	Certificate III		Level 3
	Certificate II		Level 2
	Certificate I		Level 1
	Senior Secondary Certificates of Education (HSC in NSW)		

³ [AQF levels | Australian Qualifications Framework](#)

Compelling & Compassionate Circumstances- ‘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. These 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) Standard 7: Overseas Student Transfers 4;
- 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:
 - o involvement in, or witnessing of a serious accident; or
 - o 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);
- where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

The CEO and or his delegate shall use his professional judgement to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, the CEO will consider documentary evidence provided to support the claim. This documentation will be kept on the overseas student’s file⁴.

5. The Process for Assessing Transfer Requests

Please refer to Appendix 1: Process Flow Chart.

All current students of the College requesting a transfer to another registered provider prior to the expiry of the required 6 months in principle course must be referred to the CEO or delegate or, in his/her absence a senior member of staff. The College will consider each request and provide a written response to the student.

Process for An Overseas Student to Lodge A Written Request to Transfer to Another Registered Provider prior to the overseas student completing six months of their principal course

Step 1: Complete an “Application to Transfer Between Registered Providers Form”

Complete the Form and submit it to the Administration Officer.

This form is available on website www.danford.edu.au and/or at College reception)

The following must be completed in the application:

⁴ [Education Fact Sheet Title \(internationaleducation.gov.au\)](http://www.internationaleducation.gov.au)

- a) Personal Details
- b) Academic Details
- c) Summary-brief description of the reason for requesting a transfer;
- d) Explanation of how the transfer will not lead to increased tuition costs, increased duration of studies, a lower level of support services at the new provider and effect the progression through a package of courses where appropriate.
- e) Supporting Documentation & Evidence-
 - Letter explaining reasons for request;
 - **Evidence** of exceptional circumstances;
 - Offer Letter from New Provider
- f) Student Declaration-Signed and dated

Step 2: Pay All Course Fees

Ensure that you have no outstanding fees payable on your principal course of study. For further information regarding your fees please contact the administration or finance team.

Step 3: Attend a Meeting with the College

The student is required to attend a meeting with the Chief Executive Officer, or delegate, to gain a full understanding of the circumstances and to assess the Application as each case will be assessed on its own merits.

The Chief Executive Officer, or delegate, will assess the transfer request considering the following:

- A consideration of the best interests of the student;
- An assessment of any compassionate and compelling circumstances involved in the case;
- Does the student have any outstanding fees payable? (If they do, these must be paid before a letter of release can be provided);
- Is the student fully aware of the study issues involved in the transfer?
- Is the student aiming to avoid being reported to the Commonwealth Department of Home Affairs for unsatisfactory course progress?

Step 4: Receive Written Response Outlining the Outcome of Your Application

The College will advise overseas students of the outcome of the transfer request. This can be done via email⁵. The College also encourages the overseas student to consider whether a change in enrolment breaches a visa condition. The student can refer to the Department of Home Affairs website at: <https://www.border.gov.au/Trav/Stud/More/Changing-courses>.

Timeframe

The assessment procedure should not take more than 10 working days once the student has provided the necessary documentation to the Chief Executive Officer, or delegate. All requests,

⁵ [Education Fact Sheet Title \(internationaleducation.gov.au\)](https://www.border.gov.au/Trav/Stud/More/Changing-courses)



considerations, decisions and copies of letters of release will be retained in the student's file for two years

6. The Application Outcome

Generally, all requests for release will be approved where it is considered in the best interests of the student academically or personally.

Circumstances in which Danford College will Grant the Transfer Request

Circumstances in which the College will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the College has assessed 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 College'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;
- the College has failed 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.
- Note: 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.

If the answers are satisfactory and in accordance with this policy, the release will be granted at no charge to the student.

The student will also be advised to contact DHA to seek advice on whether a new student Visa is required.

The College will report the students' termination of studies through PRISMS.

Circumstances in which Danford College will Refuse the Request for Transfer

Requests for transfers may be refused for the following reasons:

- The transfer may jeopardize the student progression through a package of courses;
- The student is intending to avoid being reported to Commonwealth Department of Home Affairs for failing to meet the College's academic progress requirements;

- A Valid 'Letter of Offer' has not been received by the student from new registered provider;
- Reasons for requesting transfer primarily relate to enhancing permanent resident opportunities, or current timetable interferes with work arrangements;
- Transfer perceived as detrimental to student's welfare and wellbeing e.g. new registered provider
 - a) has 2x10 hour days of study,
 - b) requires considerable extra travel;
 - c) requires attendance at the RTO at hours outside of 0800-1000 in remote locations or areas without access to public transport;
- The student has outstanding fees with Danford College;

The College will also notify the overseas student in writing the reason for refusing the transfer request and the overseas student's right to access the College's 'Complaints & Appeals' process (in accordance with Standard 10) within 20 working days.

The College will maintain records of overseas student transfer requests for two years after the student ceases to an accepted student.

If the College refuses a release, it will not finalise the overseas student's refusal status in PRISMS until:

- any appeal against the refusal lodged by the overseas student is finalised and is upheld the College's decision not to release the student; or
- the overseas student did not access the registered provider's 'Complaints & Appeals' processes within 20 working days of being notified of the refusal; or
- the overseas student withdraws their appeal against the refusal.

7. Complaint & Appeal Process

Where a decision has been made and the students 'Application to Transfer to Another Provider' has been refused the student can appeal the decision through the Complaints & Appeal process. A copy of the 'Complaints & Appeals Policy' can be found on the College website at [Forms and Policies - Danford College](#).

To lodge a formal complaint, you must either complete a 'Complaint & Appeals Form' available from College Reception and our website www.danford.edu.au, or submit a letter in writing (by email or post) that identifies the complainant (the person with the complaint e.g. the student), the respondent (person you have the complaint against, if applicable), and the nature of complaint. The complainant must sign the complaint (an email signature will be sufficient). The student must also attach any supporting documents or information with the complaint form or letter. The complaint Form or letter must be lodged with the Training Manager addressed as follows:

Training Manager
Danford College
Level 8, 277 William St
MELBOURNE VIC 3000
Email (if applicable): ivona@danford.edu.au



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If the student's complaint concerns the Training Manager, please lodge the 'Complaint Form' or letter with the CEO instead, addressed as follows:

CEO: Danford College
Level 8, 277 William St
MELBOURNE VIC 3000

All complaints and appeals are submitted to the Training or at the reception, who has the responsibility to record the complaint in the first instance in the 'Complaints & Appeals Register'. Complaints are to include the following information:

- Submission date of complaint
- Name of complainant;
- Nature of complaint;
- Date of the event which lead to the complaint
- Attachments (if applicable);

If you have exhausted the above internal complaints processes and procedures and the dispute is unresolved or you feel dissatisfied with the outcome, you may wish to raise your complaint with the Ombudsman. The complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself.

The decision of this independent mediator is final and any further action the student wishes to take is outside the College's policies and procedures. The student shall be referred to the government agencies and this information can be obtained from the Compliance Manager.

Where a decision or outcome is in favour of the student the College shall follow the required action to satisfy the student's complaint as soon as practicable.

Where a decision or outcome is in favour of the College, the student may also seek legal redress through the usual court processes if they feel dissatisfied. The student must bear the costs of initiating or defending any legal proceedings. These Terms do not remove the student's rights (if any) to act under the consumer protection laws

Where Danford College considers more than 60 calendar days are required to process and finalise the complaint or appeal, Danford College will:

- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly update the complainant or appellant on the progress of the matter.

If the student has exhausted the above internal complaints processes and procedures and the dispute is unresolved or you feel dissatisfied with the outcome, you may wish to raise your complaint with the Office of the Commonwealth Ombudsman ("Commonwealth Ombudsman"). The complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself. The contact details of the Commonwealth Ombudsman are as follows:

Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601



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Email: ombudsman@ombudsman.gov.au
Tel (in Australia): 1300 362 072
Tel (outside Australia): +61 2 6276 0111
Website: <https://www.ombudsman.gov.au>

8. Students Transferring from Other Providers

Students transferring from other registered providers within 6 Months of study at another provider

A 'Conditional Letter of Offer' may be provided to a student who requests to transfer to the College from another registered provider if they have not completed 6 months of study into their principle course.

When assessing the application, the College will ascertain if the student has a valid Visa and the commencement date of the principal course to determine that the transferring student has completed 6 months in the principle course with current provider.

If the transferring student has not completed 6 months in the principal course with current provider the College must inform student of the requirement to obtain 'A Letter of Release' from their current provider before a valid enrolment can commence. Exceptions to this requirement are where:

- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course.
- Any government sponsor of the student considers the change to be in the best interest and has provided written support for the change.

9. Related Documents

National Code 2018

ESOS Framework

Complaints & Appeals Policy

Refund Policy

Complaints & Appeals Application Form

Letter of Conditional Offer (Incoming Students)

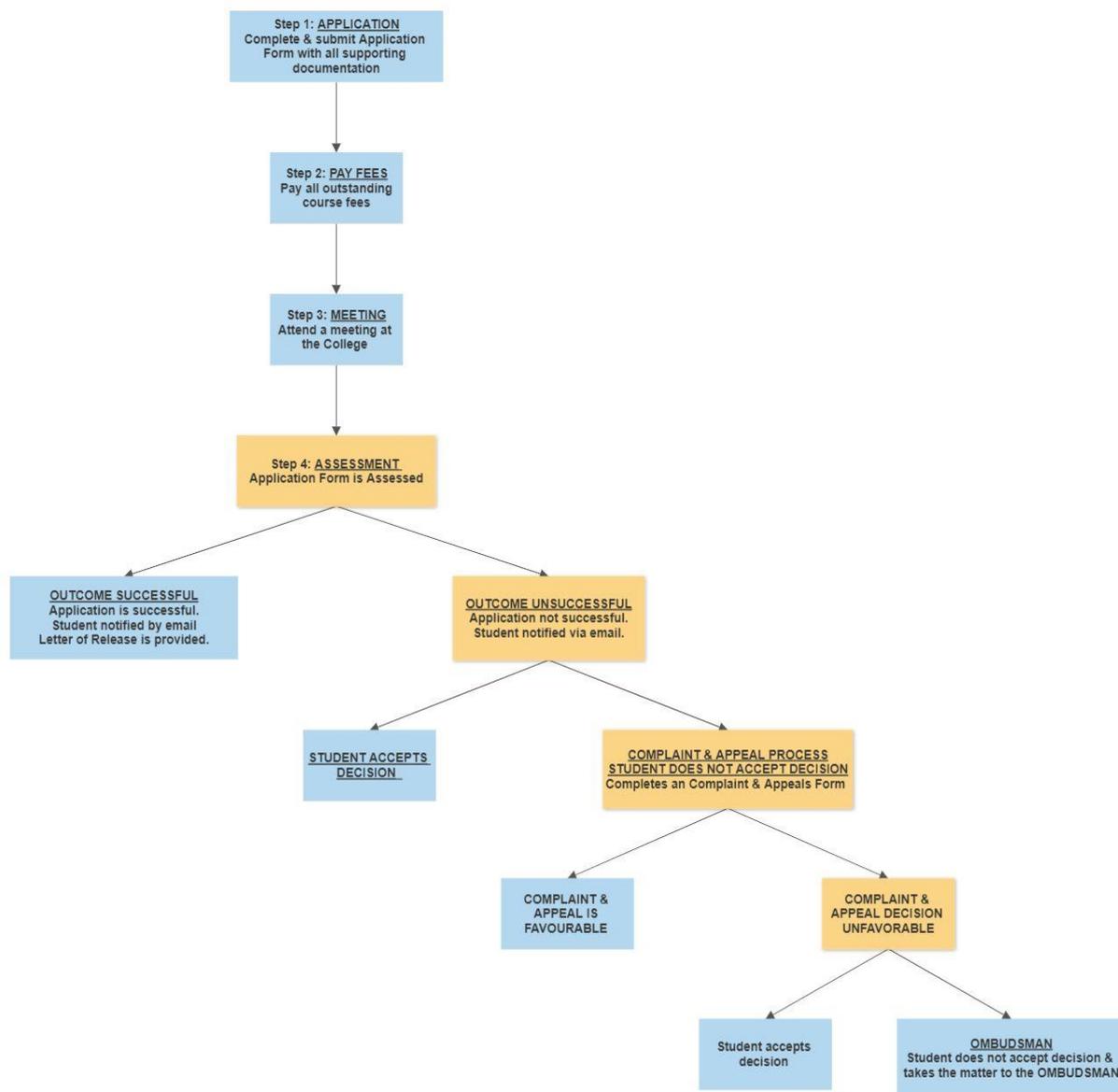
Letter of Release (Outgoing Students)

Letter of Refusal to Release (Outgoing Students)

Application to Transfer to another Provider Form

Application for Refund Form

10. Appendix 1: Process Flow Chart



End of Document



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