

POLICIES AND PROCEDURES

Overseas Students Transfer Policy



Date **November 2024**

Review **November 2026**

Scope of this Policy

This Overseas Students Transfer Policy ("*Policy*") applies to overseas students undertaking study on a subclass 500 Student visa.

Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the Code) states that overseas students are restricted from transferring between education providers within the initial 6 months of their principal course of study.

In addition to Standard 7, all students seeking to cease their education with the Lauriston Girls' School ("*School*") are bound by the School's Terms of Enrolment.

This Policy is available on the School's website for reference by staff, students, parents and the general public.

Student Transfer Request within first 6 months of study in Australia

In accordance with Standard 7.1 and 7.2 of the Code, the School will not enrol an overseas student who is seeking to transfer from another registered provider's course prior to the overseas student completing 6 months of her principal course of study, except where any of the following circumstance applies:

- The School, or the course in which the 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 her course at that registered provider;
- The releasing registered provider has agreed to the 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 be in the student's best interests and has provided written support for the change.

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

Assessing an overseas student's transfer requests

The School will assess the reasons provided for the transfer provided by the overseas student, and any evidence submitted to support the transfer request.

The School may agree to a student's release where it is considered to be in the student's best interests. These circumstances may include, but are not limited to where the School has assessed that:

- The student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the School's intervention strategy. The report on the overseas student's course progress will occur even if the transfer request is granted;

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- There is evidence of compassionate or compelling circumstances (as listed below);
- The School has, or will, fail to deliver the course as outlined in the [Overseas Students Offer of Place](#)
- 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 the School or an education or migration agent regarding the School 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 School, or the course in which the 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 her course at that registered provider
- The releasing registered provider has agreed to the 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 be in the student's best interests and has provided written support for the change.

All student transfer requests to another registered provider must:

- Be in writing, addressed to the Principal; and
- Include a valid letter of offer from another registered provider.

In accordance with the requirement under Standard 7.2.4 that requires the School to set a reasonable transfer timeframe for assessing overseas student's requests, the School will respond to the overseas student's transfer request within 10 business days of the overseas student lodging a written request. Applications will be assessed by the Admissions team in line with the [Overseas Students Enrolment Policy and Procedure](#). The [Overseas Students Enrolment Policy and Procedure](#) outlines the assessment process for entry into the School, including who confirms who confirms or refuses the application.

Compassionate and compelling circumstances

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon their progress or wellbeing. These include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- Bereavement of immediate family members (parent, grandparent, sibling, or aunt/uncle (through blood or marriage) of the student, including step-relations and adoptive relations) and where possible a death certificate should be provided);
- Major political upheaval or natural disaster in the student's home country requiring emergency travel and this has impacted on the student's studies;
- A traumatic experience, which could include:
 - Involvement in, or witnessing of a serious incident;
 - 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).

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- Where the School was unable to offer a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol;
- Other compassionate or compelling circumstances at the discretion of the School.

When determining whether compassionate or compelling circumstances exist the School may require the student to provide documentary evidence to support a claim.

When determining whether compassionate or compelling circumstances exist, the School will consider documentary evidence provided to support the claim, and keep copies of these documents in the overseas student's file.

Other circumstances in which a transfer should be granted are:

- the registered provider 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 (such as correspondence between the overseas student and the School or marketing materials given to the overseas student prior to enrolment, and setting particular expectations about the course);
- there is evidence that the overseas student was misled by the School or an education or migration agent regarding the School 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.

Transfer of an Overseas Student under 18 years of age

Where students under the age of 18 years that have a welfare arrangement in place apply for a course transfer request from another provider to the School, the School must:

- Negotiate the transfer date for the welfare arrangement with the releasing registered provider to ensure there is no gap to the welfare arrangement.
- The student must live with a parent on a Subclass 590 Student Guardian Visa.
- The School must be in receipt of a copy of the Subclass 590 Student Guardian Visa.
- The School must have a written confirmation from the overseas student's parents supporting the transfer.

Decision of the transfer request

All transfer request outcomes must be recorded in PRISMS when finalised and records of requests must be maintained for two years after the student ceases to be an accepted student.

In accordance with Standard 7.4, if a release is granted by the School it will be at no cost to the overseas student.

If the School grants the release, it will advise the student (in writing) of the outcome of the transfer request and encourage the student to contact the Department of Home Affairs to seek advice on whether a new student visa will be required.

Refusal of transfer request

The School may refuse a transfer request where reasonable grounds exist to do so, which may include:

- The student is not genuinely engaging with an intervention strategy, with the intention of failing

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and being released;

- The student wants to live somewhere else.

When the School intends to refuse a request, the School will inform the overseas student in writing of:

- The reasons for refusal; and
- The overseas student's right to access the School complaints and appeals process within 20 working days, as outlined in the Overseas Students Complaints and Appeals Policy.

Right to appeal

When the School refuses a transfer request, it will notify the overseas student (in writing) of the reason for this and advise the student of their right to access the School's internal complaints and appeals process (in accordance with Standard 10) within 20 working days.

The School 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 upholds the School's decision not to release the student; or
- the overseas student did not access the registered provider's complaints and appeals processes within 20 working days of being notified of the refusal; or
- the overseas student withdraws their appeal against the refusal.