



## Overseas Student Transfers Policy

### Purpose

The policy describes the requirements for transferring from one provider to another and vice-versa for overseas students.

This policy details the procedures for assessing applications to transfer prior to completion of 6 months of their principal course. Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

**Institute of Intellect Blending (IIB)**'s policies support the intent of National Code Standard 7, considers individual circumstances, and will provide a letter of release at no cost to the student if a successful application is made for release.

**IIB** will always advise a transferring student of the need to contact DHA to seek advice on whether a new student visa is required.

**IIB** will ensure this policy is available to both staff and students by including it in the Staff Policy and Procedure Folder available on all staff computers and the Student Handbook.

### Policy

Under this policy, **IIB** will support the intent of the standard which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may require support to transition to study in Australia.

### **IIB enrolling a transferring student from another provider**

**IIB** will **not** enrol any transferring overseas student prior to completion of 6 months of their principal course unless:

- 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.

**IIB assessment process for current students wishing to transfer to another provider prior to completing 6 months of their principal course.**



**IIB** will only allow a current overseas student to transfer to another provider prior to completing 6 months of their principal course if:

**A) The following steps are followed:**

1. Students make a written request (e-mail is satisfactory) to the PEO/Campus Manager, or their delegate to transfer from **IIB**.
2. The student provides a valid offer of enrolment from the new institution.
3. With the valid offer of enrolment, the College will assess the circumstances surrounding the transfer request (see below).
4. If the circumstances are deemed sufficient, and in accordance with policy, the letter of 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 College reports student's termination of studies through PRISMS.

If any of the information received regarding the transfer request is unclear, the PEO/Campus Manager, or their delegate will need to interview the student and gain a fuller understanding of the circumstances.

All requests, considerations, decisions and copies of letters of release should be placed in the 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.

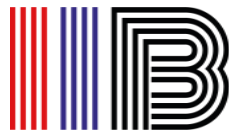
**IIB** will not finalise the student's refusal status if applicable in PRISMS until the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

**IIB** will 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.

**B) Circumstances in which IIB will grant the request**

**IIB** will grant the request if the transfer is deemed to be in the student's best interests. These circumstances can include:

- 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 **IIB**'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
- **IIB** fails to deliver the course as outlined in the Acceptance of Offer document.
- 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 **IIB** or an education or migration agent regarding the College 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.



### **C) Refusing to provide a letter of release**

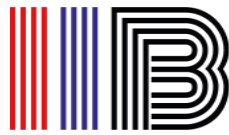
**IIB** will not give a student a letter of release unless the student shows them a valid letter of offer of enrolment from another provider.

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

The student will be given advice in writing that they may access the student complaints and appeals process within 20 working days as detailed in the Student Handbook if they seek a review.

### **D) Timeframe for assessing and replying to a transfer request**

**IIB** will decide regarding accepting or refusing a transfer request within 10 working days of receiving a written request. In situations where students are eligible for a Letter of Release, **IIB** will provide such a letter within 10 working days of receiving a written request.

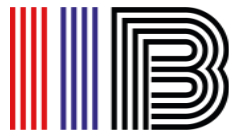


## Reference

### National Code - Standard 7 Overseas student transfers

#### Standard 7

- 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 National Code 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.