

OVERSEAS STUDENT TRANSFER REQUEST POLICY

1. PURPOSE

This policy outlines the conditions and circumstances under which an overseas student can apply for release to transfer from The Lan-Grove Office Training Centre Pty Ltd trading as The Sydney Business and Travel Academy (SBTA) and The Sydney English Language Academy (SELA) (hereby known as “The Academy”) to another Registered Training Provider prior to completing six months of study in the first six months of their principal course as per National Code 2018.

Principal course is the final course of study a student will undertake. For example, if an overseas student is studying a General English course followed by a Diploma course, the Diploma course is the principal course. Six months is calculated as six calendar months from the first day of the principal course.

2. OBJECTIVE

Our objective is to:

- a) Ensure we maintain compliance with Standard 7 of the National Code of Practice 2018, established by the Education Services for Overseas Students (ESOS) Act 2000.
- b) Comply with the restrictions on enrolling transferring overseas students prior to overseas students completing six months of their principal course of study.
- c) Outline the circumstances when a Course Transfer Request or overseas student can be released prior to the overseas student completing six months of their principle course of study at The Academy.

3. SCOPE

This policy applies to all overseas student seeking to transfer to another Registered Training Provider prior to completing six months of their principal course of study.

4. PROCEDURE

4.1 Overseas students Seeking Release from The Academy to move to another Provider

Where an overseas student requests a release to transfer from The Academy to another Registered Training Provider prior to completing six (6) months of study in the first six months of their principal course, the overseas student must follow the process below:

- ❖ complete the “**Withdrawal Form**” and indicate if they wish to be release on the form
- ❖ submit all relevant documentation including a Letter of Offer from the proposed registered training provider.

Letter of Release is not automatic and will be considered on a case by case basis based on the evidence submitted. Overseas students cannot make a general claim that a transfer will be in their best interest. Any requests must be supported by supporting documentation.

4.2 Reasonable grounds for granting a letter of release

- a) If the student can provide a valid offer letter from the receiving CRICOS provider, The Academy will consider the following circumstances as acceptable reasons for granting a student's request for release to transfer:
- I. Where the student has completed more than 6 months of their principal course (e.g. final course of study).
 - II. Where there is evidence of compassionate or compelling circumstances and documentary evidence is attached.

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)
- 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:
 - 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 (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.

- III. Where the course in which he student is enrolled has ceased to be registered;
- IV. Where there is a sanction imposed on The Academy's registration by the Australian Government or state or territory government that prevents the overseas student from continuing his or her principal course;
- V. Where the Academy is unable to continue providing the course as offered as outlined in the written agreement;
- VI. Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

- b) If release is approved, The Academy will release the overseas student in **PRISMS** and notify the overseas student in writing the need to contact the Department of Home Affairs (DoHA) to seek advice on whether a new visa is required.
- c) Release from the course will be at no cost to the overseas student.

4.3 Reasonable grounds for **NOT GRANTING** an overseas student's request for transfer

- a) The Academy considers the following circumstances as acceptable reasons for **not granting** an overseas student's request for release to transfer:
 - I. Where the overseas student wishes to transfer to another provider with similar course with a lower fee.
 - II. Where an overseas student has not commenced study in their enrolled course or within 4 weeks of course commencement;
 - III. Where the overseas student has outstanding fees and is non-financial;
 - IV. Where The Academy considers releasing the overseas student may be to the detriment of the overseas student's academic progression. Circumstances considered detrimental include:
 - ✓ The overseas student has not started studying, or has only recently started studying, and has not experienced the full range of academic and support services available at The Academy;
 - ✓ the overseas student is applying to transfer from a higher-level qualification (e.g. AQF6 to AQF5) to a lower level of qualification. Transferring to a lower qualification would be in breach of an overseas student's visa conditions and may result in the overseas student's visa cancellation;
 - V. if the student is trying to avoid being reported to the Department of Home Affairs (DoHA) for failure to meet the provider's attendance or academic progress requirements.
 - VI. If The Academy considers that the overseas student has taken advantage of The Academy's position within the Simplified Student Visa Framework arrangements to gain entry into Australia as an overseas student now wishing to transfer to another provider with a higher visa risk profile.
 - VII. If The Academy considers that the overseas student poses an unacceptable visa risk moving to another provider, or
 - VIII. If the overseas student has provided false or misleading information to The Academy.
- b) overseas students will be notified in writing within 10 working days if their request for release has been denied with detailed reasons for the denial. overseas students will then have an opportunity to access The Academy's Complaints and Appeals Policy as per Standard 8 of the National Code of Practice 2018.
- c) Written reasons will note SBTA's decision, the reasons for the decision, the factors taken into consideration and reflect the overseas student's individual circumstances. The reasons for refusal will be sufficiently detailed to enable the overseas student to make an informed decision as to whether to appeal the decision.
- d) The overseas student will have 21 working days to access SBTA's grievance procedures if they choose to lodge a complaint.

- e) SBTA will maintain records of all requests from an overseas student to transfer on the overseas student's file, including the assessment of and the decision regarding the request.
- f) The outcome of the appeals will be entered into PRISMS.

4.3 The Academy enrolling overseas students transferring from another provider

The Academy will enrol overseas students seeking to transfer from another provider within the first six months of their principal course if the overseas student has been released in PRISMS. The overseas student does not require a letter of release however it is up to the provider if they choose to issue the overseas student with a letter of release.

5. EVIDENCE

- Overseas Student handbook
- SBTA's website and intranet – wiki.sbta.com.au
- Overseas Student orientation
- Complaints and Appeals Policy and Procedure

6. CONTINUOUS IMPROVEMENT

This policy and procedure will be reviewed as per the Continuous Improvement Cycle on an annual basis.

7. RELATED LEGISLATION

- ❖ National Code of Practice 2018 (Standard 7)
- ❖ ESOS Act 2000

8. RESPONSIBILITY

- ❖ Registrar
- ❖ Marketing
- ❖ Principal
- ❖ Student Services Coordinator

Approved by: Jane Koch

Position: Chief Executive Office

Signature: 

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2	Jane Koch	2016	Updated to align with Standards	2016
3	Jane Koch	2017	Reworded for better understanding	2017
4	Jane Koch	April 2017	Updated to align to standards	28/4/2017
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6	Jane Koch	20/2/2018	Updated to add explanation of Compassionate and Compelling Circumstances	21/02/2018
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