

## **Student Transfer and Release Policy and Procedures**

### **1. Scope**

This Policy and Procedures applies to prospective and current overseas students studying in Australia on a student visa, and seeking to transfer to/from Oxford House (OHC).

### **2. Purpose**

- 2.1 This Policy and Procedures outlines the principles and processes guiding the assessment of a transfer request by an overseas student, whether to or from OHC courses.
- 2.2 This Policy and Procedures is in place to ensure that OHC responsibly recruits students and will not enrol a student wishing to transfer from another provider before the student has completed six months of their principal course except in circumstances permitted in the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code).

### **3. Policy Principles**

- 3.1 OHC recruits students responsibly and will 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, except where any of the following apply:
  - a) The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - b) The releasing registered provider has had a sanction imposed on its registration by the Tertiary Education Quality Standards Agency (TEQSA) that prevents the overseas student from continuing his or her course at that registered provider;
  - c) The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in Provider Registration International Students Management System (PRISMS); or
  - d) 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.
- 3.2 OHC has and implements a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course. The Policy will be made available to staff and overseas students.
- 3.3 OHC will assess requests for transfer at no cost to the student.

- 3.4 If a release is granted by OHC, it will be at no cost to the overseas student and OHC will advise the overseas student to contact Immigration to seek advice on whether a new visa is required.
- 3.5 If OHC intends to refuse a transfer request, it will must inform the overseas student in writing of:
  - a) The reasons for the refusal; and
  - b) The student's right to access the provider's complaints and appeals process, within 20 working days.
- 3.6 OHC will 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.
- 3.7 OHC 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.
- 3.8 OHC will record all transfer request outcomes in the Provider Registration International Students Management System (PRISMS).

#### **4. Procedures**

##### **Students Wishing to Transfer from OHC**

- 4.1 Any current student requesting information about transferring to another education provider must be referred to the Campus Director for counselling in the first instance, or in his/her absence a designated delegate.
- 4.2 If a student has completed 6 calendar months of their principal course the procedures contained in the Student Deferral, Suspension and Cancellation Policy and Procedure will apply.
- 4.3 The principal course is the main course of study to be undertaken by an overseas student. Where the student visa has been issued for multiple courses, it 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.
- 4.4 There is a "restricted period" which applies to students during all courses they undertake prior to the principal course and during the first six months of the principal course.
- 4.5 For a transfer request to be considered it must be made in writing on the Defer, Cancel, Suspend form and submitted to [Studentservices@holmes.edu.au](mailto:Studentservices@holmes.edu.au) together with a valid enrolment offer from another provider.
- 4.6 Under 18 students must also:
  - a) Provide written confirmation that their parent supports the transfer; and *NOTE: the letter must be from a parent or legal guardian NOT care provider in Australia;* and
  - b) Have written confirmation that the provider they are transferring to will accept the responsibility for approving the student's accommodation, support and general welfare arrangements, where the student is not being looked after by a suitable nominated relative.
- 4.7 OHC Head Office will assess student request and provide a written response to the student within 10 working days of the request being received. There is no charge for a request to transfer.

- a) Successful outcome:
  - i. Students will be informed in writing that OHC has approved the request to transfer to another Provider and the Department of Education (DoE) will be informed and relevant Confirmation of Enrolment cancelled.
  - ii. The student will also be advised that they may need to contact the Department of Home Affairs to seek advice on whether a new visa is required.
- b) Unsuccessful outcome:
  - i. Students who are not successful in their request will be informed of OHC's intent to refuse the transfer including the reasons for the refusal.
  - ii. Such students will also be advised they have a right to appeal the decision within 20 working days of the notification in accordance with OHC's Complaints and Appeals Policy.
  - iii. The release outcome must be recorded in PRISMS on completion of the appeal process, after 20 working days if the student has chosen not to appeal or when the international student withdraws from the appeal process.

4.8 Transfer approvals during the restricted period are only granted where it is in the student's best interest, including where:

- a) The student will be reported because they are unable to achieve satisfactory progress at the level they are studying (even after intervention assistance);
- b) There are compassionate or compelling circumstances;
- c) OHC has failed to deliver the course as per the written agreement;
- d) There is evidence that the overseas student was misled by OHC or an education or migration agent regarding OHC or its course and the course is therefore unsuitable to their needs and/or study objectives;
- e) There is evidence that the overseas student's reasonable expectations about their current course are not being met; or
- f) An appeal of other matter results in a decision to release the student.

4.9 A request for transfer from OHC may be refused for the following reasons:

- a) The basis of the application is not deemed to be in the best interests of the student. For example:
  - i. The transfer may jeopardise the student's progression through a package of courses
  - ii. The transfer perceived as detrimental to student
  - iii. The student is changing to a lower level course that may not meet their career objectives
  - iv. The student has not utilised OHC Academic or Welfare support services
- b) A valid offer letter from the new registered provider has not been received; or
- c) Under 18 requirements have not been met according to the National Code.

### Student Wishing to Transfer to OHC

- 4.10 OHC staff must not actively recruit any student who is in the restricted period prior to completion of the first 6 months of their principal course.
- 4.11 A Letter of Offer may be provided to a student, over 18, who has not completed the first 6 months of their course and who approaches OHC requesting a place at OHC. However, the Letter of Offer must be conditional upon the student obtaining release approval from the current provider before a valid enrolment can commence. Exceptions to this requirement are where:
- a) The original registered provider or the course in which the student was enrolled has ceased to be registered;
  - b) 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;
  - c) Any government sponsor of the student considers the change to be in the best interest and has provided written support for the change; or
  - d) The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.
- 4.12 If the student is under 18 the Letter of Offer must also be conditional on:
- a) The student providing written confirmation that their parent supports the transfer; and
- NOTE: the letter must be from a parent or legal guardian NOT care provider in Australia.*
- b) Written confirmation from the provider they are transferring to that they will accept the responsibility for approving the student's accommodation, support and general welfare arrangements, where the student is not being looked after by a suitable nominated relative.

## 5. Records Management

Records of all transfer requests must be kept for at least two years after the student ceases to be enrolled.

- A Letter of Offer may be provided to a student who is requesting a place at OHC. However, in discussion with the student, staff should ascertain if the student has a valid visa and the commencement date of the principal course in order to determine if the student is subject to a no transfer clause. If the student is within the no transfer stage, staff must inform the student of the requirement to obtain release approval from the current provider before a valid enrolment can commence. Exceptions to this requirement are where:
  - The original registered provider or the course in which the student was enrolled has ceased to be registered
  - 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.
  - The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.

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