

Our Lady of the Sacred Heart

Catholic College

INTERNATIONAL STUDENT – CRICOS PROVIDER 02598D



INTERNATIONAL STUDENT TRANSFER POLICY

Purpose:

Standard 7.1 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 states that the college must not knowingly enrol an international student seeking to transfer from another registered provider's course prior to the international student completing the first six months of their first registered school sector course, **except** where the following applies:

- The releasing registered provider, or course in which the international 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 international student from continuing his or her course at that registered provider.
- The releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS.
- Any government sponsor of the international student considers the change to be in the International Student's best interests and has provided written support for the change.

Relevant to:

All Staff | All Overseas Students | All Parents/Guardians of Overseas Students

Date of effect:

06/2021

Review date:

06/2024

Related Documents:

- Student Grievance Policy and Procedures
- Welfare and Accommodation Policy

Related Legislation:

- Education Services for Overseas Students (ESOS) Act 2000
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

Student Transfer from another Registered Provider to OLSH Catholic College:

OLSH Catholic College's policy is to ensure it does not admit any transferring overseas student into one of our courses prior to six months of their principal course having been completed unless that student has a valid letter of release agreeing to such a transfer. When the International Student Officer receives an application for admission from an on-shore overseas student who has indicated they are currently studying with another provider, the procedure is as follows:

- a. The International Student Officer will check the student's visa to ascertain the time of arrival in Australia, and use PRISMS to determine if the student has completed six months of their principal course.
- b. If the student has completed six months of their principal course, the application process proceeds as normal.
- c. If the student has not completed six months of their principal course, the officer will ask the student/guardian to provide an appropriate letter of release in support of their application.
- d. The officer refers the application to the Principal/Head of Campus for assessment, as usual. If they indicate that the student has satisfied the requirements for admission to the course, the officer can provide the student with a Conditional Letter of Offer, which clearly states that an offer of a place is contingent on their obtaining a letter of release from their current Provider.
- e. If the student/guardian provides an appropriate letter of release, and has no outstanding fees or other outstanding issues to be resolved with the first provider, the application proceeds as for all overseas students.
- f. If no satisfactory letter of release is obtained from the student/guardian, the officer halts the application process, and informs the student/guardian in writing that they are unable to transfer at this time, but would be welcome to reactivate their application after the completion of the first six months of their principal course.
- g. The need for a letter of release may be waived if circumstances outlined in Standard 7.1 apply.

Student Transfer from OLSH Catholic College to another Registered Provider:

Conditions for obtaining a release letter

Our Lady of the Sacred Heart Catholic College will only grant a transfer request after the International Student has completed the first six months of their first registered course, unless an exception in Standard 7.1 applies.

To obtain a release letter a student/guardian must demonstrate that they satisfy one of the following conditions:

- a. The student has a conditional offer from OLSH Catholic College and the college did not meet the conditions of their offer; or
- b. Continuing their course at OLSH Catholic College is not in the best academic interest of the student; or
- c. There are special circumstances in favour of the student moving to another institution.

There are a range of other circumstances detailed in the National Code where a transfer request should be granted because it is in the best interest of the overseas student, including but not limited to where OLSH Catholic College has assessed that:

- a. 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 an intervention strategy. It is important to note the report on the overseas student's course progress should occur even if the transfer request is granted (Registered providers still have discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy

with the intention of failing and being released). If the overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa in accordance with Standard 8 (Overseas student visa requirements.)

- b. there is evidence of 'Compassionate or compelling' circumstances which are generally 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:
 - i. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
 - ii. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - iii. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
 - iv. a traumatic experience, which could include:
 - involvement in, or witnessing of a serious accident;
 - 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)
 - v. 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.
- c. OLSH Catholic College fails to deliver the course as outlined in the written agreement;
- d. 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/guardian and the college or marketing materials given to the overseas student/guardian prior to enrolment, and setting particular expectations about the course);
- e. there is evidence that the overseas student/guardian was misled by the college 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.
- f. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

Our Lady of the Sacred Heart Catholic College has the right to refuse any request for a release letter if they do not meet one or more of the conditions listed above.

If the college refuses a student's request for a release letter, they then have the right to appeal using the Student Grievance Application.

How to apply for a release letter

To apply for a release letter, students/guardians must:

- a. Obtain an offer from a new registered provider.

- b. Apply to OLSH Catholic College for a letter of release using the Application for Student Transfer form.
- c. Include a copy of the offer letter from the new education institution and any other supporting documentation. OLSH Catholic College will assess and reply to the request within 10 working days.

If the application is approved, the student will be informed by email. At that point, the student should formally withdraw from their course. The International Student Officer will also complete the following:

- a. Provide a 'Letter of Release' to the student/guardian;
- b. Advise the student/guardian of the need to contact DHA to seek advice on whether a new student visa is required;
- c. Report the student's termination of studies through PRISMS; and,
- d. Report the student's termination of studies to the Head of Campus.

Students under 18 years of age

Students under 18 years of age MUST have;

- a. Written evidence that the student's parent(s)/legal guardian supports the transfer;
- b. Written confirmation that the new provider will accept responsibility for approving the student's accommodation, support, and general welfare arrangements where the student is not living with a parent(s)/legal guardian or a suitable nominated relative; and,
- c. Evidence that the student is always in DIBP approved welfare and accommodation arrangements.

Denying a request for a release letter

A letter of release will not be granted to a student if:

- a. The student/guardian owes fees to OLSH Catholic College;
- b. OLSH Catholic College forms the view that the student is seeking transfer only to avoid being reported to DHA for failure to meet minimum academic progress requirements.

If the Principal believes the request should be refused on grounds set out in this policy, the student/guardian will be informed in writing of a negative outcome with reasons, and indicate that the student/guardian may freely transfer between Providers after six months. The student/guardian will also be informed of their right to appeal the decision by accessing the Student Grievance Policy and Procedures.

OLSH Catholic College will not finalise the student's refusal status in PRISMS until the appeal finds in favour of OLSH Catholic College, or the student has chosen not to access the appeals process within the 20 working day period, or the student withdraws from the process.

A letter of release is not required if the course for which the student has received a Confirmation of Enrolment (CoE) ceases to be offered by OLSH Catholic College and ceases to be registered on CRICOS.