

SGA International Student Transfer Policy and Procedure

1. Policy Statement and Purpose

Under the terms of Standard 7 – Student Transfers of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code) students on an international student visa are required to remain with their education provider for the first six months of study of their principal program, except in certain permitted circumstances.

Overseas students seeking to leave SGA within 6 months of commencing their principal program of study (or for high school overseas students, until after the first six months of the first registered high school course) need to be released from their current provider in order to enrol at another registered education provider.

This policy outlines the circumstances under which Study Group Australia (SGA) will permit an overseas student to transfer between a registered provider when the student has completed less than six months in their principal program.

2. Scope

This policy applies to overseas students enrolled in a High School, Foundation, ELICOS or Higher Education course delivered and awarded by a SGA College listed in the footer of this document and the staff of these colleges.

3. Definitions

Within this document the following meanings apply:

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 student's studies;
- 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.¹

SGA will use its professional judgement and assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, SGA will consider

¹ See National Code 2018 Fact Sheet *Standard 9: Deferring, suspending or cancelling the overseas student's enrolment* at <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

documentary evidence provided to support the claim, and will keep copies of these documents in the student's file.

National Code: The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (and subsequent amendments) which outlines nationally consistent standards for the conduct of registered providers and the registration of their programs.

Overseas Student: A person (whether within or outside Australia) who holds a student visa for study in Australia as defined by the ESOS Act.

Package Offer: A letter of offer to a student containing two or more programs. Usually completion of earlier programs at a certain level of attainment is a requirement for progressing to the next program.

Principal Course: The main course of study to be undertaken by an overseas student. If the student visa has been issued for multiple courses of study, i.e. a 'package' of courses, the principal course would normally be the final course of study and that leads to the highest qualification in the 'package'. Where a study visa has been issued for only one course that course is the student's principal course of study. This means the transfer restriction applies to a student during all courses they undertake prior to the principal course. (Note: For the school sector, a transfer cannot happen until after the first six months of the first registered school sector course).

PRISMS: The Provider Registration and International Student Management System (PRISMS) is the system used by providers to provide information to the Secretary of DET in connection with an overseas student's course enrolment and course transfer release.

Responsible Officer means the SGA staff member or delegate with responsibility for handling a student grievance, complaint or appeal as described in the SGA Student Complaints and Appeals Policy and Procedure. A Responsible Officer must not review a decision they were involved in making and must occupy a position that is senior to that occupied by any person involved in making the original decision.

Six months of study: Six calendar months of the principal program of study from the date that the student commences the program. Where a deferment of study has been granted in the first semester study period, the deferred period or leave of absence is not included in the six months of study. Students are expected to complete their six months of study upon their return.

4. Policy Provisions

Principles

SGA 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, (or for high school overseas students, until after the first six months of the first registered high school course), except in certain circumstances permitted under Standard 7 of the National Code.

SGA will consider all requests for transfer to or from another provider fairly and take into consideration the individual circumstances of each student consistent with Standard 7 of the National Code.

Transfers from another registered provider to SGA

Generally, overseas students cannot transfer between registered providers prior to completing six calendar months of their principal course. The first six months is calculated as six calendar months

from the date an overseas student commences their principal course. (Note: For the school sector, a transfer cannot happen until after the first six months of the first registered school sector course).

Accordingly, SGA will not enrol any overseas student visa holders who seek to transfer from another registered provider prior to their having completed six months of their principal course at that provider, except where:

- the releasing registered provider or course in which the overseas student is enrolled has ceased to be registered, or
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider; or
- the releasing registered provider has agreed to the overseas student's release having deemed the transfer in the overseas student's best interest consistent with the policy herein, notified the student of the release and confirmed release of the student in PRISMS; or
- 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

Additionally, if the overseas student is under the age of 18, the SGA must have written confirmation that the overseas student's parent or legal guardian supports the transfer. If the overseas student does not have a parent or legal guardian caring for them in Australia, SGA must also be satisfied it is able to accept responsibility for the student's accommodation and welfare arrangements in accordance with Standard 5 and that there are no gaps in the welfare arrangements.

After completing six calendar months of the principal course, an overseas student can transfer to SGA without needing to meet one of the transfer requirements stated above.

Transfers from SGA to another registered provider

The National Code requires SGA to assess requests from students for a transfer to another registered provider if the students have not completed six months of their principal course of study and SGA is the principal provider.

SGA will consider all requests for transfer fairly and take into consideration the individual circumstances of each student.

Requests for transfer within the restricted period will be refused where SGA considers the transfer to be detrimental to the student. This may include (but is not limited to):

- when the transfer may jeopardise the student's progression through a package of courses;
- the student does not have a valid enrolment offer from another CRICOS registered receiving provider;
- where the primary reason for the request is based on a personal preference, such as wishing to experience living in another city in Australia, or wishing to live and/or study with friends enrolled at another registered provider;
- where the student has not made a genuine attempt to participate in the program, including accessing support programs to achieve academic success;
- where the student expresses difficulty with the course material but has failed to submit assessments that would have provided formative feedback to support the student;

- where the student has not provided sufficient evidence to support their stated reason/s for transferring;
- the student is experiencing program schedule conflict with personal, work, or other non-study commitments;
- claims financial hardship, which is contrary to evidence supplied for their visa application or transferring to a provider with lower tuition fees;
- where SGA forms the view that the student is deliberately trying to work around the Australian student visa system;
- where the student is under the age of 18 and has not provided the required documentation set out below.

SGA will grant the transfer request if the transfer is in the student's best interests, including but not limited to cases below:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with SGA's intervention strategy to assist the student in accordance with Standard 8 (Overseas student visa requirements)
- there is evidence of compassionate or compelling circumstances
- SGA fails to deliver the course as outlined in the overseas student's written agreement
- 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 SGA or an education or migration agent regarding SGA 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.

Requests for transfer release within the restricted period will be refused unless the overseas student has provided to SGA:

- a valid letter of offer of enrolment
- another registered provider for another eligible program or package of programs, and SGA forms the view that the student is genuinely intending to study with that provider; and
- if the overseas student is under 18 years of age:
 - written evidence that the student's parent or legal guardian supports the transfer; and
 - where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger Overseas students) of *the National Code*.

The welfare period nominated by the new provider must be at least the length of the student's Confirmation of Enrolment (CoE) plus 7 days at the end of the CoE, or until the student turns 18.

Provision of these essential documents does not preclude SGA from refusing to release the student if SGA believes the transfer would be to the detriment of the student.

Transfer release requests and packaged courses

If a transfer will affect the start dates of any subsequent courses covered by the visa, the overseas student is responsible for requesting release from those courses as necessary to allow their next enrolment to be approved, or gain the subsequent registered providers' agreement to delay the start of those courses.

When there is a packaged offer, whereby a student has an offer for a SGA program followed by a conditional offer into a principal course with another non SGA partner institution, SGA cannot grant release the overseas student from that principal course. The student must seek permission to cancel the principal course directly from the provider of that course. SGA will not issue a release for the preliminary course without the releasing provider having released the student from their principal course in PRISMS.

Students enrolled in a package should note that changing their preliminary courses(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.

Other Provisions

SGA's approval of transfer release of a student to another institution does not remove the requirement for the student to pay any outstanding fees to SGA, nor does it indicate the agreement of SGA to provide any refund. Refer to SGA's Cancellation and Refund Policy for information on any applicable refunds following a cancellation.

5. Procedures

Transfer from SGA Release Requests

For a request for transfer release to be considered, it must be submitted in writing (e.g. email from students College email account) to the College Director (or delegate) and include detailed reasons and supporting evidence for the transfer request.

The student will be given the opportunity to discuss the reasons for the request with the College Director (or delegate), who will make the decision as to whether a release will be provided. The College Director (or delegate) will ensure that the overseas students group for requesting a transfer are adequately supported and evidenced. The evidence will be retained on the student's file.

The following information is to be provided to the College to enable the application to be assessed:

- A written request to 'Transfer Provider';
- A valid letter of offer from another CRICOS registered provider;
- Supporting evidence if the student is citing compassionate or compelling circumstances for transferring providers;
- Where the student is a sponsored student, a supporting letter from the sponsor is included; and
- Where the student is under 18, the student's parent or legal guardian supports the transfer; or if the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment letter confirms that the registered provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements.

For more information on a student's eligibility to transfer to another institution refer to the Australian's Government Department of Home Affairs website

<http://www.homeaffairs.gov.au/trav/stud/more/changing-courses>

Students will be provided with written advice of the outcome of their request to their College email address within 10 working days of the College's receipt of the application.

Approved Transfer Release

Where the transfer release request is agreed, the student will be notified that a release has been granted at no cost to the student and advised of the need to contact the Department of Home Affairs to ascertain whether a new visa is required. The College will record the granting of the transfer request in PRISMS, the date of effect of the release and the reason for granting the release.

Refused Transfer

If the request for transfer is refused, SGA will provide the student with written notice of intention to refuse the release, inclusive of reasons for the refusal. This notice will advise of the student's right to appeal the decision to refuse release in the manner described in SGA's Student Complaints and Appeals Policy.

The student has 20 working days after being notified of the intended decision to lodge a written appeal that sets out the student's reason for appealing the intended decision. The appeal will be handled by the Responsible Officer designated in accordance with the SGA Student Complaints and Appeals Policy and Procedure.

If the outcome of the appeal is that the College's intended decision to refuse the release is upheld or if the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student has withdrawn from the process, the College will record the refusal of the transfer request in PRISMS, the date of effect of the refusal, and the reason for refusing the release.

6. Policy Review

This policy is reviewed at a minimum of once every 3 years by the policy owner (or delegate) to ensure alignment to appropriate strategic direction and its continued relevance to current and planned operations. The next scheduled review of this document is listed in the document history section of this document.

7. Records

SGA will, as required under the National Code Standard 7, 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. These records and any others in association with this policy will be kept in accordance with SGA's Records Management Policy. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

8. Related Documents

SGA Student Privacy Policy, SGA Records Management Policy, SGA Student Complaints and Appeals Policy and Procedure.

9. Related Regulations

This policy has been developed in line with requirements set out in the: Education Services for Overseas (ESOS) Act 2000 (and its amendments); National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code) which complements existing national quality assurance frameworks in education and training including the Higher Education

Standards Framework (Threshold Standards), the English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018, the Foundation Standards (operating adjunct to the National Code), the NSW Education Act and related regulations for NSW Education Standards Authority (NESA) registered High Schools, the Australian Qualifications Framework (AQF), the Tuition Protection Service (TPS), and other Commonwealth and State legislation and regulatory frameworks and standards including the Privacy Act 1988, Corporations Act 2001; and Competition and Consumer Act 2010.

Document Approval

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Policy Owner	Head of Governance, Quality, Compliance and Risk		
Policy Custodian	Head of International Study Centres SGANZ		
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Approved by	Managing Director SGANZ	Date Commencing	15 September 2018

Document History

Commencing Date	Summary of Changes	Next Review Date
11 April 2016	v1.0 Approval by SGA Executive	April 2021
15 September 2018	v2.0 Minor amendments to maintain currency with business and regulatory changes	August 2023
2 April 2019	v2.1 Minor administrative amendment to maintain currency	August 2023
29 July 2019	v2.2 Minor administrative amends to provide clarity and alignment with related SGA policy.	August 2023
25 September 2020	V2.3 Minor administrative amendments	August 2023