



# International Student Transfer Between Registered Providers Policy

## Purpose

The purpose of this policy is to ensure that international students wishing to transfer between providers do so in accordance with The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 7. By following this policy, Victorian School of Commerce ("VSC") safeguards against knowingly enrolling an international student prior to the student first completing at least six months of his or her principal course.

## Scope

The policy applies to all prospective and enrolled international students of VSC and relevant staff. It should be noted that the procedures outlined in this Policy do not substitute or alter procedures or other duties that may occur under other policies or statutes or any other legislation. This Policy should be read in conjunction with other related policies.

## Definitions

**Education Services for Overseas Students (ESOS) Act** - The Commonwealth of Australia Act for Overseas students.

**International student** – a student studying in Australia on a student visa.

**Principal Course** - is the highest qualification covered by the student's current student visa.

**PRISMS** - The Australian government's Provider Registration and International Student Management System.

## Policy

VSC is committed to the following principles that underlie this policy:

- VSC is committed to a fair and equitable process for all applicants and ensures its processes are consistent and transparent.
- VSC is dedicated to the well-being of its students and to ensuring that all students receive adequate support and to facilitating the transition to life and study in Australia.
- VSC encourages all students to closely read this Policy when considering applying for transfer from or to another registered provider.
- Decisions are irrespective of gender, race, nationality, marital status, faith or disability.
- There is no cost of issuing a Letter of Release to the students.

## Transferring from another Higher Education Provider (HEP) to VSC

If the student has completed more than six months of their principal course of study, the application proceeds under the usual admissions process (refer to VSC's *Admissions Policy and Procedure*). VSC will not knowingly enrol an international student wishing to transfer from another



HEP's course prior to the international student completing six months of his or her principal course unless one or more of the following conditions apply:

- the original registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing their principal course at that HEP or
- the original registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS or
- the original registered provider or the course in which the international student is enrolled has ceased to be registered or
- any government sponsor of the international student considers the change to be in the student's best interest and has provided written support for that change.

The following steps apply to international students wishing to transfer to VSC from another HEP before completing six months of their principal course of study:

1. VSC receives an application along with additional documents (passport, visa copy, academic documents, proof of English, CoEs etc.) from a student who is currently studying at another HEP.
2. VSC staff will check all the documents within two business days to determine if the student has completed six months of their principal course of study with the other HEP.
3. If the student has completed six months study in their principal course of study, the application process proceeds in the same manner as all other onshore international student applications.
4. If the student has not completed six months study in their principal course of study, VSC staff will ask the student to provide a Letter of Release from the current HEP and will provide the student with a Conditional Letter of Offer from VSC clearly stating that an offer of a place is conditional to the student obtaining a Letter of Release from the current HEP with whom the student is studying.
5. In case the student is sponsored by the government, they are required to provide written support from their sponsor agreeing to the change which will be considered in lieu of a Letter of Release.
6. If the student is able to provide release from the current HEP, the application proceeds as for all other onshore international student applications (refer to *Admissions Procedure*).
7. If the student fails to get a release from the current HEP, the application process will be put on hold and the student will be informed by the VSC Student administration staff in writing, that they cannot transfer until they have completed six months in their principal course of study. The student can apply to re-activate this application once they have completed six months in their principal course of study.
8. In the circumstances where the original HEP or course has ceased to be registered, or sanctions have been placed on the original HEP by the ESOS Agency which do not allow the student to continue with the course at the original HEP, no release is required.

## Letter of Release

A Letter of Release is not required if:

- a student has completed more than six months of their principal course for which the visa has been granted before seeking to transfer to another provider. The six months starts on the first study day of the student's Principal Course.
- a student wishes to transfer to another education provider outside Australia.



## **Transferring to another Higher Education Provider (HEP) from VSC**

VSC international students seeking to transfer to another HEP's course of study prior to completing six months of their principal course, must lodge a written request to transfer. This should be done by completing a Student Transfer Request Form. The Student Transfer Form must be submitted along with any supporting documentation including a valid enrolment offer from another registered HEP.

VSC international students seeking to transfer to another HEP's course of study prior to completing six months of their principal course, the transfer request will be assessed and granted in any of the following circumstances:

- a) the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with VSC's intervention strategy to assist the international student in accordance with National Code of Practice for Providers of Education and Training to Overseas Students 2018: Standard 8 (Overseas student visa requirements)
- b) there is evidence of compassionate or compelling circumstances which could include, but not limited to:
  - serious illness or injury, where a medical certificate states that the international student was unable to attend classes or
  - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided) or
  - natural disaster or major political upheaval in the home country or Australia requiring emergency travel and this has impacted on the international 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, which has impacted on the international 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 international student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol or
  - inability to begin studying on the course commencement date due to delay in receiving a student visa.
- c) VSC fails to deliver the course as outlined in the student's VSC Letter of Offer and Student Agreement
- d) there is evidence that the student was misled by VSC or an education or migration agent regarding VSC or its course and the course is therefore unsuitable to their needs or objectives
- e) an internal or external appeal on another matter results in a decision or recommendation to release the student.



The following steps apply to international students wishing to transfer from VSC to another HEP within six months of commencement of their principal course of study at VSC:

1. The student requests in person to Student administration or email to transfer to another HEP. The Student Administration staff provides the student with a Discontinuation of Studies Form to complete and submit it along with an original copy of a valid Letter of Offer from the HEP to which the student wishes to transfer. On receipt of the form, the staff acknowledges receipt by email and arranges an exit meeting with the Dean.
2. During the exit meeting the Dean will:
  - a) discuss the reasons for the student wishing to transfer to another HEP
  - b) sight the original Letter of Offer from the HEP that the student wishes to transfer to and make a copy of that.
3. The Dean reviews the application and supporting evidence provided within 10 business days of receipt of application. The Accounts Manager checks if there are fees owing or if the student is entitled to a refund under the VSC *Students Refund Policy and Procedure*. The Dean will advise the student if there are any fees owing and discuss how payment will be settled or in case a refund is due, how much will be refunded and when.
4. Following the exit meeting, the Dean will make an assessment of the student's application and make a decision based on the circumstances on whether to provide the student with a release.
5. If approved, the Dean will inform the student of the outcome in writing within 5 business days. The Student Administration will email the student the Letter of Release. The Letter of Release will be provided to the student at no charge and student administration staff will advise the student of the need to contact Department of Home Affairs to seek advice on whether a new visa is required in this case.
6. The Dean will record the transfer request outcome into PRISMS.
7. The Student Administration Officer will upload the request for transfer to another HEP, a copy of the Letter of Offer from the other HEP, a copy of the written advice to the student of the decision and, if granted, a copy of the Letter of Release, on the student's file in the student management system, to be kept for a minimum of 2 years after the student ceases to be an accepted student.
8. If not approved, the Dean will provide the student with reasons for refusing the request in writing within 5 business days and will be informed of their right to appeal the decision through VSC's *Student Complaint and Appeal Policy and Procedure* and that they have 20 business days in which to do this from the date specified on the email or letter.
9. If the student does not appeal against the decision or if their appeal is unsuccessful, the matter will be closed.
10. The Dean will ensure not to finalise the international student's refusal status in PRISMS until:
  - a) any appeal against the refusal lodged by the international student is finalised and upholds the VSC's decision not to release the student or
  - b) the international student did not access VSC's complaints and appeals processes within 20 business days of being notified of the refusal or
  - c) the international student withdraws their appeal against the refusal.



### **Transfer to another HEP may not be granted where:**

- a) The student has recently started studying the course and the full range of support services are yet to be provided or offered to the student. In this case, the student will be requested to wait a further 4 to 6 weeks before applying for a transfer to another HEP during which time the full range of support services will be provided to the student.
- b) Where VSC deems that the transfer would be detrimental to the student's welfare, future study or career goals which may include a transfer to another provider in a different education sector or lower-level qualification.
- c) The student is trying to avoid being reported to Department of Home Affairs for failure to meet the provider's academic progress requirements.
- d) The student has indicated they would prefer to study at another HEP with lower fees or where the student claims financial difficulty but cannot provide evidence of the suddenness or unexpected nature of the difficulty.
- e) The student is deliberately trying to manipulate the Australian student visa system. For example, where a student accepted an offer to study at VSC, obtained a student visa through VSC but then seeks to transfer to another provider without making a demonstrated effort to pursue their course of study at VSC.
- f) There are no legitimate compassionate or compelling circumstances.
- g) The student has outstanding fees owing to VSC.

## **Appeal**

If the student is not satisfied with any decision, the student has the right to appeal the decision in accordance with the *Student Complaints and Appeals Policy*. The student must exercise their right to appeal the decision not to grant a Letter of Release within 20 working days of being notified of the decision by VSC.

In this event, VSC will maintain the student's enrolment in the course or courses in which he or she is enrolled to study until the appeals process is completed. If a student's appeal is successful, a letter of release will be granted and emailed to the student.

## **Record Keeping**

VSC will maintain a register of all requests for release received from international students. The register will include details of the assessment of, and decision regarding, each international student's request. Records will be maintained for a minimum period of two years after the international student ceases to be a student of VSC.

## **Related policy instruments**

*Admissions Policy*

*Admissions Procedure*

*Academic Progression and At-Risk Policy*

*Academic Progression and At-Risk Procedure*

*Credit and Recognition of Prior Learning Policy*

*Credit and Recognition of Prior Learning Procedure*

*Enrolment Policy*



*Equity and Diversity Policy*

*Marketing and Student Recruitment Policy*

*Student Complaints and Appeals Policy*

*Student Complaints and Appeals Procedure*

*Student Refund Policy*

*Student Refund Procedure*

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## Administration

### Revision History

Version	Approval date	Approval body	Review date
1.0	26/06/2022 26/06/2022	Academic Board Board of Directors	30/06/2024