

# International Student Transfer Request Policy

## Section 1 - Purpose and Scope

(1) This policy establishes principles and processes to govern the assessment of student requests to transfer between registered education providers prior to their completing six months of the Principal Course of study specified in their Confirmation of Enrolment. It seeks to ensure compliance with Standard 7 of the Education Services for Overseas Students (ESOS) National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.

### Scope

(2) This policy applies to all Southern Cross University international onshore students including those at collaboration locations in Australia who request to transfer to another registered education provider prior to completion of the first six months of his or her Principal Course of study.

## Section 2 - Definitions

(3) For the purposes of this Policy:

- a. Course:
  - i. an approved plan of study with specific award rules leading to an award of the University;
- b. International Student:
  - i. a student who, for the purposes of this Policy, is a citizen of another country and is studying in Australia on a student visa;
- c. Letter of Release:
  - i. a letter issued by the University releasing the International Student from their place at the University;
- d. Principal Course:
  - i. the main course of study undertaken by an International Student where a student visa has been issued for multiple courses of study. The Principal Course will normally be the final course of study and that which leads to the highest qualification in a package of courses. Where a student visa has been issued for only one course, that course is the Principal Course;
- e. Restricted Period:
  - i. six calendar months from the date that the student commences the Principal Course of study. Where a student has had a break from his or her studies due to a deferment or suspension, the break is not counted for the purposes of determining if the student has completed six months of his or her Principal Course; and
- f. Study Period:
  - i. a session so designated.

## Section 3 - Policy Statement

(4) International Students must remain enrolled with their original education provider until they have completed:

- a. six months of study in their Principal Course of study as listed in the Confirmation of Enrolment (CoE); and
- b. any preliminary or packages courses required to be completed prior to commencement of the Principal Course except where:
  - i. the original registered provider has ceased to be registered or the program in which the student is enrolled has ceased to be registered; or
  - ii. the original registered provider has provided a written Letter of Release; or
  - iii. 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 program; or
  - iv. 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.

### Transferring to SCU from another provider

(5) Requests to transfer to SCU from another provider, within the Restricted Period, will only be approved where they satisfy the principles contained in clauses (4)b.i - (4)b.iv, and are processed in accordance with the Procedures specified from clause (10) to (15).

### Transferring from SCU to another provider

(6) Requests to provide a written Letter of Release and transfer from SCU to another education provider within the Restricted Period will only be approved where the relevant officer of the University is satisfied that:

- a. the transfer would not cause detriment to the student; and/or
- b. compelling and compassionate circumstances are established which warrant the transfer.

(7) Circumstances which may be considered detrimental to the student and thereby warrant refusal include, but are not limited to:

- a. it is likely that the student is trying to avoid being reported to the Department of Immigration and Border Protection (DIBP) for failure to meet the University's requirements; or
- b. the student has not provided sufficient support documentation or reasons for granting the application for release; or
- c. the transfer may jeopardise the student's progression through a package of courses comprising future study plans; or
- d. where the student does not identify plausible benefits which will accrue from the transfer; or
- e. 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; or
- f. the proposed transfer is demonstrably unlikely to deliver the career qualification or work outcomes the student aims to achieve.

(8) If a student's request for release is refused, the student must be informed in writing of the reasons for the refusal and his or her right to appeal the decision.

(9) If a student chooses to appeal a decision the process commences within 10 working days of the formal lodgement

of the appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

## Section 4 - Procedures

### Transfer In: Students from another provider

(10) The Director, SCU International will investigate all applications from International Students to determine their ability to transfer to the University in compliance with this Policy and Procedures. This investigation must establish:

- a. whether the student is enrolled at another education provider, and if so:
  - i. using the Visa Entitlement Verification Online (VEVO) system to determine if the student is the holder of a visa. If so seek documentation from the student confirming the visa status;
- b. the student's time spent in Australia to ensure there has been proper disclosure of previous studies (including any gaps in study) with all other Australian providers;

(11) For students under the age of 18, applications will only be approved where:

- a. the student's parent or guardian have approved the transfer in writing; or
- b. if the student is not in the care of a parent or guardian:
  - i. the University is able to accept responsibility for the student's accommodation, support and general welfare arrangements; and
- c. if the student is on scholarship:
  - i. the sponsoring organisation has approved the transfer in writing.

(12) Where the University accepts responsibility for a student's welfare under clause (11)b.i, any letter of offer provided by the University to the student must note this assumption of responsibility.

(13) Where it is determined that an applicant is enrolled with another provider the SCU Letter of Offer must state that enrolment will be conditional on production of a Letter of Release from their current provider and a copy of their passport and visa.

(14) Where an SCU staff member is alerted by PRISMS, while in the process of raising a Confirmation of Enrolment (CoE), that a student is enrolled at another provider the Officer must:

- a. not proceed with the CoE; and
- b. notify the applicant in writing that the CoE will only be able to proceed if the student can provide a Letter of Release from the relevant provider.

(15) The Officer responsible for processing the application should ensure that a copy of the Letter of Release is obtained before issuing the CoE to the student and also ensure a copy is retained on the student's file.

### Transfer Out: SCU Student Requests for Transfer

(16) An application for a Letter of Release must be made in writing using the template form and include:

- a. the reasons for the request to transfer to another provider;
- b. any documents that support the veracity of the reasons for making the request;
- c. a copy of an offer letter from the other provider;
- d. if the student is under 18, written advice from the student's parent or guardian approving the transfer; or

- e. if the student is under 18, and not in the care of a parent or guardian, the letter of offer must confirm the other provider will accept responsibility for approving the students accommodation, support and general welfare arrangements; and
- f. if the student is on scholarship, written advice from the sponsoring organisation approving the transfer.

(17) The SCU staff member will make a determination and recommendation based on the contents of the application:

- a. failure to provide the documentation specified at clause (16) with the application may result in the University refusing the transfer request; and
- b. a request to Transfer from SCU to a non-Streamlined Visa Processing institution within the first 6 months will not be supported.

(18) A student who applies for a Letter of Release may be requested to meet with Southern Cross University staff to discuss the reasons for their application and to review all options to resolve any problems or issues the student may have that are impacting on the decision to pursue a transfer.

(19) The student must be provided with a written response detailing the outcome of their application within 10 working days of the date the written request for transfer is received. The written response will either:

- a. grant the request for a Letter of Release; or
- b. refuse the request.

(20) When considering a student's best interests, the University will document its reasons for refusal.

(21) Students whose application for a Letter of Release is approved will be informed of the requirement to contact DIBP as soon as possible, as a new visa may be required. The University will cancel the students CoE on PRISMS within 5 days of the date of issuing the Letter of Release.

(22) If a student transfers to another provider, any refunds of course fees paid to the University will be made in accordance with the University's Tuition Fees Refund Policy and the Tuition Protection provisions of the ESOS Act 2000.

(23) Where an application is refused the University's response will detail the reason for the refusal. The reasons for refusal should be sufficiently detailed to enable the student to make an informed decision with respect to any appeal of the decision.

(24) The notification of refusal will also advise the student of the University's Complaints and Grievances Procedures and avenues for appeal.

(25) SCU staff must ensure that all requests for Letters of Release, any associated correspondence, and a copy of the notification of the decision are retained on the students file.

### **Financial Hardship**

(26) A Letter of Release must only be provided to a student claiming financial hardship where the student can reasonably demonstrate deterioration in their financial position from that which prevailed at the time the student was assessed as a Genuine Temporary Entry applicant and accepted the offer of enrolment from the University.

### **Failure to Meet Expectations**

(27) A Letter of Release must only be provided to a student claiming a failure by the institution to meet expectations and/or claims of being misled by agent representations where the student can provide evidence of being misled. All students are advised in the Letter of Offer package to refer to the University's website before accepting the offer as

information provided from other third party sources and relied on in choosing the University can be verified from the SCU web resources.

## **Section 5 - Guidelines**

(28) Nil.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	5th August 2013
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