

# 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 [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

### Scope

(2) This policy applies to:

- a. 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; and
- b. all prospective international onshore students requesting to transfer to Southern Cross University.

## Section 2 - Definitions

(3) For the purposes of this Policy:

- a. Course means an approved plan of study with specific award rules leading to an award of the University;
- b. Education Provider means a registered provider as defined in the [Education Services for Overseas Students \(ESOS\) Act 2000](#).
- c. International Student means a student who is a citizen of another country and is studying in Australia on a student visa;
- d. Principal Course means 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 means the period between the date on which an International Student commences the Principal Course and the date on which the student has completed six calendar months of the Principal Course. 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.
- f. Study Period means a session so designated by the University.

## Section 3 - Policy Statement

(4) International Students must remain enrolled with their original Education Provider until the Restricted Period has finished, except where:

- a. the original Education Provider, or the course the student is enrolled in, has ceased to be registered; or

- b. the original Education Provider has had a sanction imposed on its registration by the ESOS Agency that prevents the student from continuing his or her course at that provider; or
- c. the original Education Provider has agreed to the student's release and recorded the date of effect and reason for release in the Provider Registration and International Student Management System (PRISMS); or
- d. 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 Southern Cross University from another provider**

(5) Requests to transfer to the University from another Education Provider, within the Restricted Period, will only be approved where a student satisfies one or more of the exemptions listed in clause (4), and are processed in accordance with Section 4 - Procedures.

### **Transferring from Southern Cross University to another provider**

(6) Requests to be released from the University and transferred to another Education Provider within the Restricted Period will only be approved where the University is satisfied that the transfer is in the student's best interests and is in accordance with the criteria listed in clauses (7) to (10) .

(7) Circumstances in which the University will grant a release to transfer are:

- a. despite engaging with the University's intervention strategy to assist progression, the student is unable to achieve satisfactory course progress at the level they are studying and will be reported under the [Course Progress and Completion Within Expected Duration of Study Policy](#),
- b. there is evidence of [compassionate or compelling circumstances](#);
- c. the University fails to deliver the course as outlined in the written agreement with the student;
- d. there is evidence that the student's reasonable expectations about their current course are not being met; or
- e. there is evidence that the student was misled by the registered provider or an education or migration agent regarding the University or its course and the course is therefore unsuitable to their needs or study objectives.

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

- a. where the student has not genuinely engaged with a University intervention strategy with the intention of failing and being released;
- b. where it is likely that the student is trying to avoid being reported to the Department of Home Affairs (DoHA) for failure to meet the University's requirements;
- c. the student has not provided the necessary documentation (see clause (17)) or sufficient supporting documentation or reasons for assessing or granting the application for release;
- d. the transfer may jeopardise the student's progression through a package of courses comprising future study plans;
- e. where the student does not identify plausible benefits, which will accrue from the transfer;
- f. 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
- g. the proposed transfer is demonstrably unlikely to deliver the career qualification or work outcomes the student aims to achieve.

(9) A release will 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.

(10) A release will only be provided to a student claiming a failure by the University to meet expectations or of being misled by agent representations, where the student can provide evidence of being misled. All students are advised in the letter of offer from the University 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, should be verified from the University web resources.

## Section 4 - Procedures

### Transfer In: Students from another Education Provider

(11) The Director, Admissions or nominee will review all applications from International Students requesting to transfer to the University within the Restricted Period to determine their eligibility to transfer to the University in compliance with this Policy and Procedures. The review must:

- a. establish whether the student is enrolled at another Education Provider, and if so determine:
  - i. using the Visa Entitlement Verification Online (VEVO) system whether the student is the holder of a visa. If so seek documentation from the student confirming the visa status;
  - ii. whether the Education Provider has agreed to the student's release and recorded the date of effect and reason for release on PRISMS; and
- b. assess 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 Education Providers;

(12) 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; and
- b. if the student is not being cared for in Australia by a parent or suitable nominated relative, the University is willing to accept responsibility for the student's accommodation, support and general welfare arrangements; and
  - i. if the student is on scholarship, the sponsoring organisation has approved the transfer in writing.

(13) Where the University accepts responsibility for a student's welfare under clause (12), the University will:

- a. negotiate the transfer date for welfare arrangements with the original Education Provider to ensure there is no gap;
- b. inform the student, and their parent or guardian where the student is under the age of 18, of their visa obligation to:
  - i. maintain their current welfare arrangements until the transfer date; or
  - ii. have alternate welfare arrangements approved and, if necessary, return to their home country until the new approved welfare arrangements take effect; and
- c. acknowledge this assumption of responsibility in any letter of offer provided by the University to the student.

(14) Where it is determined that an applicant is enrolled with another Education Provider, the letter of offer must state that enrolment will be conditional on the student being released by their current provider and a copy of their passport and visa being submitted.

(15) Where a University staff member is alerted by PRISMS, while in the process of raising a Confirmation of Enrolment (CoE), that a student is enrolled at another Education Provider the staff member must:

- a. not proceed with the CoE; and

- b. notify the applicant in writing that the CoE will only proceed once the University has confirmed that the Education Provider has agreed to the student's release and recorded the date of effect and reason for release on PRISMS.

(16) The staff member responsible for processing the application should ensure that the date of effect and the reason for release recorded on PRISMS by the releasing Education Provider is copied and placed on the student's file.

### **Transfer Out: Southern Cross University Student Requests for Release**

(17) An application for release must be made in writing using the template form, and include:

- a. the reasons for the request to transfer to another Education 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 Education Provider. If the student is under 18 and is not being cared for in Australia by a parent or suitable nominated relative, the offer letter must confirm that the receiving Education Provider is willing to accept responsibility for the student's accommodation, support and general welfare arrangements;
- d. if the student is under 18, written advice from the student's parent or guardian approving the transfer; and
- e. if the student is on scholarship, written advice from the sponsoring organisation approving the transfer.

(18) The Manager, International Student Support Services, or equivalent position at a University Educational Partnership will review the application and make a determination based on the contents of the application and the criteria listed in clauses (7) to (9).

(19) A student who applies for release may be requested to meet with 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.

(20) 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 grant or refuse the request for release.

(21) If the request is granted, the University will:

- a. advise the student to contact DoHA to seek advice on whether a new student visa is required. Any refunds of course fees paid to the University will be made in accordance with the University's [Refunds and Remissions Procedure](#) and the Tuition Protection provisions of the [Education Services for Overseas Students Act 2000](#). There will be no cost to the student in relation to the request or transfer; and
- b. within five days of the date the release is granted, cancel the student's CoE by granting the release on PRISMS.

(22) Where a request is refused, the University's written response will detail the reasons for the refusal. The reasons for refusal should be sufficiently detailed to enable the student to make an informed decision with respect to any request for the decision to be reviewed.

(23) Students have a right to apply for review of the decision within 20 working days of notification of the decision. The application for review should be directed to the Executive Director, Global, or the Dean, Graduate Studies for Higher Degree Research students. The decision of the Executive Director, Global, or where relevant, the Dean, Graduate Studies, is final within the University.

(24) Students who are dissatisfied with the outcome of the review process will be advised of their right to access an external appeals process through the NSW Ombudsman's Office.

(25) The University will not finalise the refusal status in PRISMS until:

- a. 20 working days have passed after the date of notification of refusal and the student has not requested a review of the determination; or
- b. the request for review has been determined and the student notified of the outcome.

(26) University staff must ensure that all requests for release to transfer, any associated correspondence, and a copy of the notification of the decision are retained on the student's file for at least two years after the student ceases to be a student at the University.

## Status and Details

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| <b>Status</b>                | Current  |
| <b>Effective Date</b>        | 9th July 2021  |
| <b>Review Date</b>           | 9th July 2024  |
| <b>Approval Authority</b>    | Vice Chancellor  |
| <b>Approval Date</b>         | 9th July 2021  |
| <b>Expiry Date</b>           | Not Applicable   |
| <b>Responsible Executive</b> | Brendon Nelson<br>Vice President (Students) and Registrar                    |
| <b>Head of Work Unit</b>     | Donna Moffitt<br>Director, Student Administration Services<br>+61 2 66203214 |
| <b>Enquiries Contact</b>     | Student Administration Services  |