

Policy Title

Overseas Student Transfers Policy

Preamble

This Policy was approved by Senior Management Group on 27 April, 2018 and supersedes the Transfer by International Students Between Registered Providers Policy.

This Policy has been developed and is consistent with the requirements of the:

- The Education Services for Overseas Students Act (ESOS) 2000
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- The Migration Act 1958 and Migration Regulations 1994
- The Deakin University Consolidated Agreement (2017)

Purpose

This Policy outlines the circumstances and conditions under which Deakin College will consider an overseas student's request to transfer between registered providers.

For the purpose of this policy, the term transfer between registered providers will also be referred to and known as a release.

Scope

This Policy applies to all commencing and current overseas students on an Australian student visa studying at the Burwood and Geelong campuses of Deakin College.

Policy

1. This Policy is underpinned by the following principles:
 - Deakin College will assess student requests for a transfer between registered providers in accordance with the relevant legislation and standards;
 - All requests for a transfer will be submitted, assessed and outcome provided within the time-frames specified in this policy and its associated procedures;
 - Students under 18 years of age must have written approval of their intention to transfer to another provider from their parent or legal guardian;
 - Students will be advised of the outcome of their transfer request in writing;
 - If a transfer is granted, it must be at no cost to the students;
 - If a transfer is denied, students will be provided with the reason(s) for refusal and, provided information regarding the appeals process;
 - Outcome of all transfer requests will be recorded in the Provider Registration and International Student Management System (PRISMS);
 - Students will be advised to contact and seek advice from the Australian Department of Human Affairs (Immigration) regarding student visa related matters;
 - A student who accepted a Deakin College/Deakin University packaged offer will also need to apply for a release from Deakin University, the provider of the principal course;

- This policy will be available to all staff and students via the Deakin College website and Student Portal.
- 2. Students transferring to Deakin College from another registered provider**
- 2.1.** Deakin College must not knowingly enrol students requesting to transfer from another registered provider prior to the student completing six (6) months their principal course, except in the following circumstances:
- The releasing registered provider has ceased to be registered or the course in which the student is enrolled ceased to be registered;
 - The releasing registered provider approved the student's release and recorded the release date and reason for release in PRISMS;
 - The releasing registered provider has had a sanction imposed on its registration by the ESOS agency which prevents the student from continuing his or her principal course; or
 - A Government sponsor of the student considers the change to be in the student's best interest and has provided a written support and approval for that change.
- 2.2.** Students wishing to transfer to Deakin College from another provider must provide written confirmation or evidence of their transfer approval from their principal provider. If the student has a packaged offer, the student may also be required to provide confirmation of their transfer approval from the pathway provider.
- 2.3.** Students unable to provide written confirmation or evidence of transfer approval cannot be issued a Confirmation of Enrolment (COE) from PRISMS or enrolled at Deakin College.
- 3. Students requesting a release from Deakin College to transfer to another provider**
- 3.1.** Deakin College students wishing to transfer to another provider must submit a Release Letter Application and provide the following:
- A valid Offer Letter from another registered provider;
 - A personal statement explaining reason(s) for the request to transfer to another provider;
 - Evidence or documentation to support the student's reason(s) for the transfer request;
 - If student is sponsored, written confirmation from sponsor supporting and approving student's request to transfer;
 - If student is under 18 years of age:
 - a written confirmation from the student's parent or legal guardian supporting and approving the transfer and,
 - if the student is not being cared for in Australia by a parent or suitable nominated relative as defined and approved by Immigration, written confirmation from the receiving provider regarding acceptance of responsibility for approving the student's accommodation, support and welfare arrangements in accordance with Standard 5 Younger overseas students of the National Code 2018.
- 3.2.** A request for a transfer will be processed within ten (10) working days from the receipt of a Release Letter Application and the relevant supporting documentation.
- 3.3.** Student who withdraws or fails to reenroll from Deakin College may be required to apply for a release letter.

- 3.4.** Circumstances for which a release may be granted include but are not limited to the following and, for which supporting documentation is provided:
- Any of the circumstances contained in 2.1. above are applied to Deakin College;
 - The student, even after engaging with Deakin College's intervention strategy, has been assessed and deemed unable to meet satisfactory academic progress and, will therefore be reported to the relevant Australian government agencies;
 - Deakin College failed to deliver the course as outlined in the written agreement;
 - There is evidence that the student's reasonable expectations about their current course are not being met;
 - There is evidence that the student was provided misleading information or advice regarding Deakin College or its course by a Deakin College staff or an education or migration agent and, therefore the course is unsuitable to the student's need and/or study objectives;
 - An internal or external appeal regarding another matter results in a decision or recommendation to grant the student a release;
 - Compassionate or compelling personal or academic circumstances for which supporting documentation is provided. Some examples of compassionate or compelling circumstances include but are not limited to the following:
 - Medical reasons verified by a medical practitioner or qualified counsellor;
 - Student is experiencing academic difficulties and, has sought academic assistance from the College which has not improved their academic performance;
 - Student demonstrates that he/she is experiencing threat to physical or mental health or safety by remaining at the College and demonstrates clearly how this will be alleviated through a transfer
 - There is evidence that the student is unable to meet English language entry requirements to progress to the next level of study;
 - There is evidence that the course which the student intends to transfer to better meets his/her aptitude or study capabilities;
 - A request for a transfer is not processed and outcome not provided within the time-frames as per this Policy and its associated procedures.
- 3.5.** Circumstances for which a release may not be granted include but are not limited to:
- The release application does not have a valid offer letter from a CRICOS registered receiving provider;
 - There is no or insufficient information, evidence or supporting documentation provided to support student's reason for requesting a release;
 - Financial difficulties or if the student has outstanding debts or fines to the College;
 - Transferring to another course or provider with lower tuition fees;
 - Cancellation of a student's Confirmation of Enrolment (COE) due to non-commencement of studies, failure to re-enrol or non-payment of fees;
 - The course(s) which the student intends to study at another provider is similar to or the same as the course(s) the student is enrolled at the College;
 - If student fails to engage and seek academic assistance after being identified as at risk of failing to achieve satisfactory academic progress;
 - Difficulties with or distance of student's accommodation from the College;
 - The student is under 18 and there is no written evidence that the 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, there is no written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements;

- The transfer is considered not in the best interest of the student, such as, the transfer may jeopardise the student's progression through a package of courses or, the student has recently commenced their course and the full range of support services are yet to be provided to or accessed by the student;

4. Release

- 4.1.** If granted, written confirmation of the release will be provided to the student which, will also include advice to contact immigration to seek advice on whether a new visa is required.
- 4.2.** The release will be recorded against the student's COE in PRISMS.
- 4.3.** Where an application for a release has been denied, written reason(s) for refusing the request will be provided to the student. Advice will also be provided regarding their eligibility to access the Deakin College appeals process.
- 4.4.** A student's release refusal will only be recorded in PRISMS at the completion of all appeals, internal and external or if the student chose not to access the appeals processes or, if the student withdraws their request for a release or their appeal application.

5. Appeals

- 5.1.** Students are entitled to appeal a decision under this policy by submitting an *Appeal Application Form* to the Deakin College Appeals Committee as per the Appeals Policy. The appeal must be lodged within twenty (20) working days from the date the decision was communicated to the student in writing.

6. Record Keeping

- 6.1.** Deakin College will keep records of an all transfer requests received from students, including the assessment and decision for two (2) years after the student ceases to be an accepted student.

7. Refunds

- 7.1.** If a student has been granted a release, he or she is subject to the conditions of the Deakin College Refund Policy.

Related Policies

Appeals Policy

Enrolment, Fees and Charges Policy

Refund Policy

Procedure

Overseas Student Transfers Procedure

Definitions

Key Term or Acronym	Definition
Commencing student	A person, whether within or outside Australia, who has taken steps towards becoming a student.
Confirmation of Enrolment (COE)	A document registered with the Australian Government confirming an overseas student's acceptance into a course for a specified duration.
Continuing student	A student who has commenced or undertaken a minimum of one trimester in a course at Deakin College and continue to enrol for further trimester(s).
Course	A program of instruction.
CRICOS	<i>Commonwealth Register of Institutions and Courses for Overseas Students.</i> Database of every course and institution that recruits, enrolls and teaches overseas students.
Department of Home Affairs (Immigration)	The Australian Federal Government's administrative division on all immigration and visa matters.
ESOS Act 2000	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to international students.
National Code 2018	The <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018</i> . Nationally consistent standards and procedures for providers who deliver international educational services.
Overseas student	A student on an Australian student visa.
Principal course	The final or highest level of study to be undertaken by an international student. In all cases, the Diploma is the principal course unless packaged with a Deakin University undergraduate course.

Provider Registration and International Student Management System (PRISMS)	<i>Provider Registration and International Student Management System. A database developed by the Australian Federal Government for the purposes of compliance with the ESOS Act.</i>
Six months of study	Six calendar months from the commencement of the principal course. Where a deferment of study has been granted in the first semester, this absence is not included in the six months of study. Students are expected to complete their six months of study upon their return.

Status and Details

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Approval Authority	Senior Management Group
Implementation Officer	Quality and Compliance Manager
Enquiries Contact	Jit Au