

## International Student Transfers Policy

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### Source of Obligation

Standard 7.1 of the National Code states the College must not knowingly enrol an international student seeking to transfer from another registered provider's course prior to the international student completing the first six months of his or her first registered school sector course, except where the following applies:

- the releasing registered provider, or course in which the international student is enrolled, has ceased to be registered
  - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing his or her course at that registered provider
  - the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS
  - any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change.
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### The Hamilton and Alexandra College's Policy

The College will not enrol an international student seeking to transfer from another registered provider except in circumstances that meet the exceptions under Standard 7.1 of the National Code.

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### Student Transfer Request

The College will only grant a transfer request after the international student has completed the first six months of their first registered course unless an exception in Standard 7.1 applies.

Requests for transfer to another registered provider must:

- be in writing (can be by email); and
- provide a valid enrolment offer from another registered provider.

One of the grounds on which the College may agree to an international student's release under Standard 7.1 is if the transfer is in the student's best interests:

- as determined by the College itself after six months; or
- as determined by the government sponsor of the student before six months (refer to the Source of Obligation section above).

Circumstances in which a transfer is in the international student's best interests, include but are not limited to where the College has assessed that:

- the international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy.
  - there is evidence of compassionate or compelling circumstances
  - the College has, or will, fail to deliver the course as outlined in the written agreement
  - there is evidence that the international student's reasonable expectations about their current course are not being met
  - there is evidence that the international student was misled by the College or an education or migration agent regarding the College 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 international student.
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### **Compassionate or Compelling Circumstances**

Compassionate or compelling circumstances are generally those beyond the control of the international student and which have an impact upon the international student's course progress or wellbeing. These include, but are not limited to:

- serious illness or injury, where a medical certificate states that the international 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 international student's studies
- a traumatic experience, which could include:
  - involvement in, or witnessing of a serious incident
  - witnessing or being the victim of a serious crime, and this has impacted on the international student (these cases should be supported by police or psychologists' reports)
- where the College was unable to offer a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

When determining whether compassionate or compelling circumstances exist the College may require the student to provide documentary evidence to support a claim.

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## **Refusal of Transfer**

The College will refuse a transfer request where we believe it is reasonable to do so. Reasonable grounds include:

- the international student is not genuinely engaging with an intervention strategy with the intention of failing and being released
- the student wants to live somewhere else.

When the College intends to refuse a request, the College will inform the international student in writing (can be by email) of:

- the reasons for refusal; and
- the international student's right to access the College complaints and appeals process, outlined in our International Students Complaints Handling Policy and International Students Complaints Appeals Policy, within 20 working days of the decision being made.

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## **Time to Assess**

In accordance, with the requirement under Standard 7.2.4 that requires the College to set a reasonable timeframe for assessing international student's requests, the College will respond to the international student's transfer request within 10 business days of the international student lodging a written request.

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## **Transfer of an International Student Under 18**

Standard 7.3 requires that if the international student is under 18 years of age:

- the College must have written confirmation that the international student's parent/guardian supports the transfer
- where the international student is not being cared for in Australia by a parent or a suitable nominated relative, the receiving provider must confirm it accepts the responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).

The College ensures that we meet these requirements.

It is the responsibility of the receiving provider to ensure that there are no gaps in the international student's welfare arrangements.

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### **Granting Release**

In accordance with Standard 7.4, if a release is granted by the College, it will be at no cost to the international student and the College will advise the student of the relevant details to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

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### **Finalising Refusal Decision**

Standard 7.6 requires that the College must not finalise the international student's refusal status in PRISMS until any appeal finds in favour of the College, or the international student has chosen not to access the complaints and appeals process within the 20 working day period, or the international student withdraws from the process.

The College will only finalise the international student's refusal status in PRISMS when:

any appeal finds in favour of the College;

the international student has chosen not to access the complaints and appeals process within the 20 working day period; or the international student withdraws from the process.

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### **Availability**

This policy is made publicly available to staff and international students.

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### **Record Keeping**

Standard 7.7 requires the College to maintain records of all requests from international students for a release and the assessment of, and decisions regarding, the request, for two years after the international student ceases to be an accepted student.

The College maintains all records of requests from international students for a student transfer and the assessment of, and decisions regarding, the request will be maintained in accordance with our International Students Records Management and Retention Policy for two years after the international student ceases to be an accepted student.

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