

## Student Transfer Policy and Procedure

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## Student Transfer Policy and Procedure

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### 1. PURPOSE

- 1.1 Lennox College does not enrol transferring students prior to the student completing six months of their principal course of study, except for the circumstances outlined in this Policy.

### 2. SCOPE

- 2.2 This policy applies to current enrolled international students and intending international students

### 3. DEFINITIONS

- 3.1 **Six months:** The first six months is calculated as six calendar months from the date an overseas student commences their principal course.
- 3.2 **The principal course:** is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses. This means the transfer restriction applies to a student during all courses they undertake prior to the principal course.

### 4. POLICY STATEMENT

#### Student transferring from another registered provider

- 4.1 Lennox College will not knowingly enrol a student wishing to transfer from another registered provider prior to the overseas student completing six months of their principal course of study, except in the following circumstances:
- 4.1.1 The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- 4.1.2 The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider.
- 4.1.3 The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.
- 4.1.4 Any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
- 4.1.5 The course in which the student is enrolled has ceased to be registered;
- 4.1.6 The original registered provider has provided a written letter of release;
- 4.2 Lennox College will not actively recruit a student before the student has completed six months of the principal course.
- 4.3 The restriction to not enrol transferring students also applies to any prerequisite courses in a package of courses.

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- 4.4 Lennox College will check all enrolling students on Provider Registration and International Student Management System (PRISMS) to ensure that students who have not completed six months of their principal course of study are not enrolled except in the circumstances outlined in 4.1.

### **Students wishing to transfer to another registered provider**

- 4.5 Students may transfer to another provider after completing six months of their principal course.
- 4.6 For a request for transfer to be considered prior to item 4.5 from occurring, students must complete an application requesting a release letter and providing a provide a valid enrolment offer (letter of offer) from another registered provider and any evidence to support items 4.5 - 4.6
- 4.7 The student will be required to meet with Lennox (CEO/Compliance Officer) to discuss the reasons for the application and possible options.
- 4.8 Lennox College will use its professional judgement on decisions made with regard to student requests to transfer to another provider will be fair and take into account the student's individual circumstances and any other relevant factors.
- 4.9 A transfer request will be **granted** where:
- 4.9.1 The overseas student is reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with Lennox's intervention strategy to assist the overseas student in accordance with Standard 8 of the National Code (Overseas student visa requirements) **Note: The report on the overseas student's course progress should occur even if the transfer request is granted.**
- 4.9.2 There is evidence of compassionate or compelling circumstances, generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:
- 4.9.2.1 Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes.
- 4.9.2.2 Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided).
- 4.9.2.3 Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted the overseas student's studies; or
- 4.9.2.4 A traumatic experience, which could include:
- 4.9.2.4.1 Involvement in, or witnessing of a serious accident; or
- 4.9.2.4.2 Witnessing or being the victim of a serious crime, and this has impacted the overseas student (these cases should be supported by police or psychologists' reports).
- 4.9.2.4.3 Where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol; or
- 4.9.2.4.4 Inability to begin studying on the course commencement date due to delay in receiving a student visa.
- 4.9.2.4.5 Lennox College fails to deliver the course as outlined in the written agreement (provider default).
- 4.9.2.4.6 There is evidence that the overseas student's reasonable expectations about their current course are not being met.

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- 4.9.2.4.7 There is evidence that the overseas student was misled by Lennox, an education or migration agent regarding Lennox or its course and the course is therefore unsuitable to their needs and/or study objectives.
- 4.9.2.4.8 An appeal (internal or external) on another matter has resulted in a decision or recommendation to release the overseas student.
- 4.9.2.4.9 The discretion of the CEO has permitted the transfer.

- 4.9.3 A transfer will also be granted where the course that the student wishes to transfer to better meets the study capabilities of the student or the long term goals of the student for future work, education or personal aspirations;
- 4.9.4 Where students are granted a letter of release, students will be informed that they must contact Immigration to seek advice on whether a new visa is required.

**Note: Students may need to apply for a new student visa if the student subsequently intends to study at a lower AQF level.**

To find out more about visa requirements, students should call Immigration on 131881 or visit their web site at <https://www.border.gov.au>

- 4.9.5 Exceptions to the need for a student to request a transfer are:
  - 4.9.5.1 In the case of provider default;
  - 4.9.5.2 Where the provider has had a sanction imposed on its registration that prevents the student from continuing his or her course; or
  - 4.9.5.3 A home government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
  - 4.9.5.4 Transfer request outcomes will be recorded in PRISMS.
- 4.9.10 A transfer to another course will usually **not be granted** where:
  - 4.9.10.1 A student is unable to provide satisfactory evidence that his/her course does not meet his/her long term goals or that the student cannot demonstrate compassionate or compelling circumstances for the transfer.
  - 4.9.10.2 The transfer may jeopardise the student's progression through a package of courses.
  - 4.9.10.3 The student had withdrawn from studies and therefore a Letter of Release is not required.
  - 4.9.10.4 The student is not genuinely engaging with an intervention strategy with the intention of failing and being released.
  - 4.9.10.5 The student has refused (including non-attendance) to meet with Lennox (CEO/Compliance Officer) as requested to review the reasons for making the application for release and to discuss possible options.
  - 4.9.10.6 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 weeks before applying for a transfer to another registered provider, during which time the full range of support services will be provided to the student.
  - 4.9.10.7 The student is trying to avoid being reported to the Department of Education for failure to meet Lennox's academic course progress requirements.

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- 4.9.10.8 If Lennox College intends to refuse a release, it will not finalise the overseas student's refusal status in PRISMS until:
  - 4.9.10.8.1 Any appeal against the refusal lodged by the overseas student is finalised and upholds the registered provider's decision not to release the student; or
  - 4.9.10.8.2 The overseas student did not access the registered provider's complaints and appeals processes within 20 working days of being notified of the refusal; or
  - 4.9.10.8.3 The overseas student withdraws their appeal against the refusal.
  - 4.9.10.8.4 Lennox College will also notify the overseas student in writing about the reason for refusing the transfer request and the overseas student's right to access Lennox's internal complaints and appeals process (in accordance with Standard 10) within 20 working days.

### **Informing students and staff**

- 4.10 There is no cost in providing students with a letter of release. Where a student transfers to another registered provider, any refund of course fees will be assessed in accordance with Lennox College's Refund Policy.
- 4.11 Lennox College provides all students with clear expectations on overseas student transfers in the International Student Prospectus or Student Handbook which are provided to students prior to or upon commencement of a course and is also available on Lennox's website at [www.lennoxcollege.edu.au](http://www.lennoxcollege.edu.au)
- 4.12 Lennox College provides all staff with clear expectations on overseas student transfers through the policy being publicly available on the college's website.
- 4.13 Students will be informed of the outcome of their application for transfer within 10 days of lodging the application (this may be in the form of a formal letter or email).

### **Complaints and appeals**

- 4.14 Where the decision is made to refuse the transfer request, the student may appeal against the decision by accessing Lennox College's Complaints and Appeals process within 20 working days.
- 4.15 If the appeal finds in favour of a student wishing to transfer, a letter of release will be granted.

### **Record keeping**

- 4.16 Lennox College will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding the request for two years after the overseas student ceases to be an accepted student.

### **Records Management**

- 4.17 Staff must maintain all records relevant to administering this policy and procedure in a recognised college recordkeeping system.

## **5 RELEVANT LEGISLATION AND DOCUMENTS**

### **Documents**

Student Request for Release Application Form

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Request for Release Outcome Letter  
Student Complaints and Appeals Form  
Student Complaints and Appeals Outcome Letter

### Legislation

#### 5.1. According to Standard 7 of National Code 2018:

7.1 Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:

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

7.2 For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy must be made available to staff and overseas students, and outline:

- 7.2.1 The steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider
- 7.2.2 Circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:
  - 7.2.2.1 the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
  - 7.2.2.2 There is evidence of compassionate or compelling circumstances
  - 7.2.2.3 The registered provider fails to deliver the course as outlined in the written agreement
  - 7.2.2.4 There is evidence that the overseas student's reasonable expectations about their current course are not being met
  - 7.2.2.5 There is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives
  - 7.2.2.6 An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- 7.2.3 The circumstances which the registered provider considers as reasonable grounds to refuse the transfer
- 7.2.4 A reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

7.3 If the overseas student is under 18 years of age:

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- 7.3.1 The registered provider must have written confirmation the overseas student’s parent or legal guardian supports the transfer
- 7.3.2 Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student’s accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).
- 7.4 If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.
- 7.5 If the registered provider intends to refuse the transfer request, they must inform the overseas student in writing of:
- 7.5.1 The reasons for the refusal
- 7.5.2 The overseas student’s right to access the provider’s complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 7.6 The registered provider must not finalise the student’s refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.
- 7.7 The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

## 6 FEEDBACK

College staff and students may provide feedback about this document by emailing: [compliance@lennoxcollege.edu.au](mailto:compliance@lennoxcollege.edu.au)

## 7 APPROVAL DETAILS

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