

Overseas Student Transfers Policy

V1.8 August 2024

Preamble

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

Purpose

This policy has been developed in accordance with *Standard 7 – Overseas student transfers of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (the National Code 2018).

Under the terms of this legislation, students on an international student visa are required to remain with their education provider for the first six months of study of their principal course. However, the standard recognises overseas students as consumers and supports them in exercising choice whilst acknowledging that they may also be a group that requires support to transition to study in Australia.

This policy supports the intent of the standard and outlines the circumstances under which Navitas Bundoora Pty Ltd, trading as La Trobe College Australia (LTCA), will permit the transfer by international students to another provider and the process by which each student's request will be assessed. This policy also outlines the circumstances in which La Trobe College Australia will permit the enrolment of transferring students from another provider.

Scope

This Policy applies to all commencing and current overseas students on an international student visa studying at the Melbourne and Sydney campuses of La Trobe College Australia.

Definitions

Key Term or Acronym	Definition
Course	A program of instruction
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 La Trobe College Australia and continue to enrol for further trimester(s).
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.
Principal course	The final or highest level of study to be undertaken by an international student. In many cases, the principal course is the degree program at La Trobe University when students are on a packaged program.
Overseas student	A student on an Australian student visa.
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.
Provider Registration & International Student Management System (PRISMS)	<i>Provider Registration and International Student Management System</i> . A database developed by the Australian Federal Government for the purposes of compliance with the ESOS Act.

Policy

1. This Policy is underpinned by the following principles:

- La Trobe College Australia 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 granted, any entitlement to a refund will be determined in accordance with the refund policy;
- 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 Home Affairs (Immigration) regarding student visa related matters;

- A student who accepted a La Trobe College Australia/La Trobe University packaged offer will also need to apply for a release from La Trobe University, the provider of the principal course;
 - This policy will be available to all staff and students via the La Trobe College Australia website.
2. Students transferring to La Trobe College Australia from another registered provider
- 2.1 La Trobe College Australia 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 La Trobe College Australia 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 La Trobe College Australia.
3. Students requesting a release from La Trobe College Australia to transfer to another provider
- 3.1. La Trobe College Australia 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 the student is sponsored, written confirmation from the sponsor supporting and approving **student's request to transfer;**
 - If the 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 Request for Release Application and the relevant supporting documentation.
- 3.3. Students who withdraw or fail to re-enrol from La Trobe College Australia 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 La Trobe College Australia;
- The student, even after engaging with La Trobe College Australia'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;
- La Trobe College Australia 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 La Trobe College Australia or its course by a La Trobe College Australia 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;**
- Homesickness – this may take time to overcome, but transferring to another provider is unlikely to resolve this problem. La Trobe College Australia offers

support services to assist students with adjusting to studying and living in Australia.

- The need or desire to work;
- The student is requesting a break or would like to visit family;
- A desire to move to another provider to be with friends or family;
- 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 appeal 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. For students with offers packaged with La Trobe University, advice will be provided regarding their eligibility to access the appeals process through La Trobe International. For students seeking a release from La Trobe College Australia (only) advice will be given on accessing the La Trobe College Australia Student Grievance Policy.

6. Record Keeping

- 6.1. La Trobe College Australia will keep records of 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 La Trobe College Australia Refund Policy which can be found on the La Trobe College Australia website: www.latrobecollegeaustralia.edu.au

Policy Title	Overseas Student Transfers Policy	
Policy Owners	Quality, Risk and Compliance Manager	
Key Stakeholders	Student and Academic Services Officers La Trobe International	
Approval Body	LTM Management Meeting	Approved on January 12 2012
	LTM Executive Committee	November 12 2014
	LTM Executive Committee	August 16 2017
	LTCA Executive Committee	March 7 2019
	LTCA Senior Management Team	August 2022
	LTCA Senior Management Team	Augst 2024
Relevant Legislation	National Code 2018	
Related Policies	Student Grievance Policy Refund Policy	
Related Guidelines		
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Revision Date	Version	Summary of changes
12/01/2012	1.2	Initial release of the document
12/11/2014	1.3	Updated sentences to align with process
16/08/2017	1.4	Process aligned with ESOS framework Refined sentence structures updated Navigate details
5/3/19	1.6	Change of name from Transfer between Provider's Policy. Updates according to National Code 2018.
07/08/2022	1.7	Updated further processes of SAS Team updates
14/08/2024	1.8	Refined sentence structures and updated processes to align with transfers procedure and reporting to Uni