



## POLICY TITLE: INTERNATIONAL STUDENT TRANSFERS POLICY

### DEVELOPED / REVIEWED BY

Policy Committee  
Director of Business Services and Advancement  
Head of Admissions  
Risk and Compliance Manager  
Human Resources Manager

### REVIEW SUMMARY

Policy to be presented to the Policy Committee for the first time at the May 2024 meeting. Policy to be reviewed in the first twelve months to ensure accuracy to current legislative components.

### DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Director of Business Services and Advancement and the Head of Admissions in 2024.

### RATIONALE

Standard 7.1 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (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 their first registered College sector course, **except** where the following applies:

- the original registered provider, or course in which the international student is enrolled, has ceased to be registered;
- the original registered provider has provided a written letter of release;
- the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the international student from continuing her principal course; or
- 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.

### PRINCIPLES / GUIDING PRINCIPLES

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.

For information about how to manage student transfers in PRISMS, refer to the **PRISMS Provider User Guide**.

### PROCEDURES

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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 to the Principal and Head of Admissions and include the completed **International Student Withdrawal Form**; 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 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, as outlined in our **International Student Academic Support Policy**
- 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.

### **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)

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- 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.

### **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
- the College cannot determine a legitimate circumstance in line with this policy
- it is not in the international student's best interests.

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 Student Complaints Handling Policy** and **International Student Complaints Appeals Policy**, within 20 working days of the decision being made.

### **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.

### **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 international students). For more information, refer to our **Younger International Students Policy**.

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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.

### **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.

The College will record the date the release is effective from and the reasons for release in PRISMS.

### **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.

### **Availability**

To ensure that this Policy is publicly available to staff and international students, we provide this Policy on our public website.

### **Recordkeeping**

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 Student Records Management and Retention Policy** for two years after the international student ceases to be an accepted student.

## RESPONSIBILITY

- Principal
- Head of Admissions
- International Student Coordinator

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## RELATED LEGISLATION

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000 (Cth)
- Migration Regulations 1994
- Education Services for Overseas Students Regulations 2001 (Cth)
- Migration Act 1958 (Cth)

## RELATED SIENA COLLEGE POLICIES

- International Student Academic Support Policy
- International Student Complaints Handling Policy
- International Student Complaints Appeals Policy
- Younger International Student Policy
- International Student Records Management and Retention Policy

## RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral.

Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the school. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?



Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

#### NEXT REVIEW

May 2024

#### POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>  
[www.siena.vic.edu.au](http://www.siena.vic.edu.au)