



## Policy - Transfer between registered providers [ESOS-S7]

### Purpose

This policy outlines for assessing overseas student transfer requests, when transfers will be granted or refused [including the complaints and appeals process] and recording mechanisms.

National Code 2018 requires Registered Providers to:

- Not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the overseas student completing six months of their principal course of study, except in certain circumstances.

### Scope

This Policy applies to:

- All overseas students currently enrolled with Lawson College Australia [Lawson College] and those over the age of 18 years applying to transfer into Lawson College; and
- Staff of the Lawson College involved in the transfer of students between registered providers process.
- Lawson College does not operate in the school sector environment, nor enrol students under the age of 18 years old.

### Definitions

<b>Course</b>	A full-time registered Course offered by Lawson College and registered in accordance with the requirements of the ESOS Act. Also known as <i>Program or Training Package</i>
<b>'Compassionate or compelling' circumstances</b>	Circumstances generally those beyond the control of the overseas student and which may have an impact upon the overseas student's course progress or wellbeing.
<b>Department of Home Affairs [DoHA]</b>	Department of Home Affairs [replaces DOHA - Department of Immigration and Border Protection] as of 20 December 2017  The Department of <b>Home Affairs</b> is a central policy agency, providing coordinated strategy and policy leadership for Australia's national and transport security <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a>
<b>Enrolment</b>	The process whereby a person registers as a student of Lawson College.
<b>ESOS</b>	Educational Services for Overseas Students Act as amended from time to time
<b>Full time</b>	The normal amount of study for a particular Course which is approved by the accrediting authority for the Course
<b>Head of School / nominee</b>	Responsible for course discipline and academic outcomes. Nominee is a qualified person the responsibility is deferred
<b>International Student</b>	A person holding an Australian student visa and defined as an 'Overseas Student' in the ESOS Act. May also be referred to as a candidate.
<b>National Code</b>	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
<b>Non-award course</b>	A non-AQF course.
<b>Poaching</b>	Poaching in this context means the engagement in unethical recruitment of students from another organisation/s
<b>Principal Course</b>	The main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses, and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course [Standard 7: Overseas Student Transfers, 2018]



<b>PRISMS</b>	<b>Provider Registration and International Student Management System [PRISMS].</b> Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act). PRISMS is a secure system for providers to: <b>-issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Immigration and Border Protection requires these to issue a student visa), and report changes in overseas students course enrolment.</b>
<b>Reasonable timeframe</b>	A period of time that an action should have completed having regard to particular circumstances, for example a restricted period. In the case of a transfer out request a reasonable timeframe to complete the request is 20 days.
<b>Registrar</b>	A <b>registrar</b> is an official in an academic institution (consisting of a college, university or secondary school who handles student records
<b>Six Months</b>	Six months means six calendar months from the date that the student commences their studies.
<b>Student</b>	A Student who is enrolled at the College and includes both prospective Students and enrolled Students who are 'overseas students' as defined in the National Code and hold student visas as defined by the ESOS Act, and to students of the College who do not hold student visas and are studying off shore but does <b>not</b> include Domestic Students.
<b>Best interest</b>	For the purpose of overseas student transfer, LCA will consider following parameters carefully to determine whether or not the transfer will be in the best interest of the student: <ul style="list-style-type: none"> <li>• Will ensure that the college student wants to move to is duly registered and offers courses that align with 'statement of purpose' or GTE (Genuine Entry Statement) provided by the student at the time of enrolment.</li> <li>• The transfer decision does not affect student's future study plans</li> <li>• Where 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 overseas students.</li> </ul> <p>Any other aspect of the transfer that may have detrimental affect on student's learning journey in Australia.</p>

## Policy

### 1. When an overseas student requires/requests a release to transfer

- 1.1 Lawson College will not knowingly actively recruit or enrol a student wishing to transfer from another registered provider's course of study prior to completing six calendar months of their **principal** course
- 1.2 Transfer restriction applies to a student during all courses they undertake prior to the **principal** course.
- 1.3 To be eligible to transfer out of Lawson College, or into Lawson College from another registered provider before completing six months of their principal course, students must **either** obtain a release from their registered provider, or meet one of the following conditions:
  - a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - b. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider; or



- c. 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 that change.

1.4 After completing six calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

1.5 Lawson 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 1.3.

1.6 A cancellation of a Confirmation of Enrolment (CoE) does not mean that the student has been released from the previous registered provider.

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

2.1 Students may transfer to another registered provider before they have completed six months of their principal course or at least 2 study periods based on the following:

2.2 In order for a request for transfer to be considered and release granted, students must provide a letter of offer from another registered provider confirming that a valid offer of enrolment has been made.

2.3 All decisions made with regard to student's requests to transfer to another provider will be fair and take into account the student's individual circumstances and other relevant factors outlined in point 3 below, and a decision made within a reasonable timeframe.

## **3. Assessment of the application to transfer**

3.1 The circumstances in which a transfer may be granted include:

- a. Lawson College fails to deliver the course as outlined in the written agreement
- b. There is evidence that the overseas student's reasonable expectations about their current course are not being met (such as correspondence between the overseas student and Lawson College or marketing materials given to the student prior to enrolment stating particular expectations about the course)
- c. Evidence that the student was misled regarding Lawson College and the course and it is therefore unsuitable to their needs and/or study objectives
- d. An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student
- e. Provision of evidence determined to be 'compassionate or compelling' which could include, but are not limited to:
  - i. Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes



- ii. Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- iii. Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
- iv. A traumatic experience, which could include:
  - Involvement in, or witnessing or a serious accident; or
  - Witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologist' reports).
- d. Where Lawson College is unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enroll; or
- e. Inability to begin studying on the course commencement date due to delay in receiving a student visa.

### 3.2 A transfer to another registered provider will not be granted where:

- ◆ The student's personal statement which also includes the *Genuine Entry Statement [GTE]* is inconsistent to other information provided to Lawson College.
- ◆ It is evident to Lawson College there is an intention for a specific visa outcome
- ◆ The student was given adequate information at the time of enrolment to enable the student to make an informed decision to undertake the course.
- ◆ Lawson College considers the request for a transfer to be the result of student **poaching**.
- ◆ Lawson College or its nominated officer forms the view that the student is trying to avoid being reported to DOHA for failure to meet Lawson College's attendance or academic progress requirements.
- ◆ The transfer may jeopardise / be detrimental to the student's progression through a package of courses.
- ◆ 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 8 weeks before applying for a transfer to another registered during which time the full range of support services will be provided to the student.
- ◆ The transfer to the new program may be detrimental to the student's wellbeing and/or career objectives as stated in the student's original admissions application.
- ◆ The student has an outstanding fee for the current course enrolled or a previously enrolled/completed course at Lawson College.
- ◆ The student has any outstanding debts.



- 3.3 Lawson College will assess any request against this policy and related procedure and students will be informed in writing of the decision, including reasons why in the case of refusal. The reasons for refusal will be sufficiently detailed so that students can make an informed decision on whether to appeal the decision.
- 3.4 If a release is granted, it is at no cost to the overseas student. Lawson College will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required..
- 3.5 Where a student transfers to another registered provider, any refund of course fees paid will be in accordance with Lawson College's Fees, Charges and Refund Policy.
- 3.6 Where students are granted release, they must contact DOHA to seek advice on whether a new visa is required. To find out more about visa requirements, student should call DOHA on 131881 or visit their web site at <http://www.homeaffairs.gov.au/>
- 3.7 A reasonable timeframe for assessing and replying to the student's transfer request will be implemented, having regard to the restricted period.

#### **4. Informing students & staff**

- 3.1 Lawson College provides all students and staff with clear expectations on transfer between registered providers.
- 3.2 Lawson College provides information on the above in the Overseas Student Handbook which is provided to students prior to or upon commencement of a course. These are also available on Lawson College's intranet via website at [www.lawsoncollege.edu.au](http://www.lawsoncollege.edu.au).
- 3.3 Students and staff will be informed of outcome of the student's application for transfer within 10 working days of lodging the application.
- 3.4 The policy and procedure relating to transferring between registered providers is discussed at staff orientation and induction and accessed at [www.lawsoncollege.edu.au](http://www.lawsoncollege.edu.au) .

#### **5. Complaints and appeals**

- 4.1 If Lawson College intends to refuse or have made the decision to refuse a student transfer request received in writing from the student, the student will be informed in writing of:
  - a. The reason for the refusal
  - b. the overseas student's right to access the complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

Lawson College will not finalise the student's refusal status in PRISMS until the appeal is in favour of the College, 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.



4.2 If the appeal finds in favour of a student wishing to transfer, an approval will be granted on PRISMS. Please note that from 1 January 2018, registered providers are no longer required to issue release letters.

## 6. Record keeping

6.1 All records of requests for letters of release and the assessment of and decision regarding the request will be kept on the student's file for two years after the overseas student ceases to be an accepted student.

### Document History and Version Control Table

Version Number	Date approved	Approved by	Type of change	Extent
V 1.0	18/09/2013	GRMC	N/A	Initial
V 2.0	18/09/2015	GRMC	Minor	Editing and formatting
V 2.1	01/03/2016	CEO	Minor	Clarification of aspects
V 3.0	18/01/2018	CEO	Major	Reviewed and updated in relation to ESOS 2018
V 3.1	10/09/2018	CEO	Minor	Clarification of aspects