

Policy – Transfer between registered providers

Purpose

This policy outlines processes 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 student completing six months of his or her principal course, except in certain circumstances.

Scope

This policy applies to:

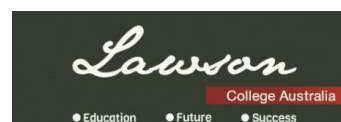
- All overseas students currently enrolled with Lawson College Australia and those over the age of 18 years applying to transfer into Lawson College Australia; and
- Staff of Lawson College Australia involved in overseas student transfers between providers processes

Note: Lawson College Australia does not operate in the School Sector environment, nor enrol students under the age of 18 years. Therefore, Lawson College Australia does not require written confirmation from student's parents or legal guardian to support the transfer. [S7.3]

Definitions

Best interest	In addition to outlining the circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests (see Section 2.2.2) Lawson College Australia will consider the following parameters carefully to determine whether or not the transfer will be in the 'best interest' of the student. Considerations include: <ul style="list-style-type: none"> • Lawson College Australia will ensure that the registered provider where the student want to transfer to is duly registered and offers courses that align with the 'Statement of Purpose' or Genuine Entry Statement (GTE) provided by the student at the time of enrolment with Lawson College Australia. • The transfer decision does not affect the student's future study plans or career goals. • Where the overseas student will be reported by Lawson College Australia because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with Lawson College Australia's Intervention Strategy to assist overseas students. • Any compassionate or compelling circumstance that may have a detrimental effect on the overseas student's learning journey in Australia.
CoE	Confirmation of Enrolment (CoE). A CoE is issued through PRISMS enabling a student to apply for a student visa.
Compassionate or compelling circumstances	Circumstances that are generally those beyond the control of the overseas student and which may have an impact upon the overseas student's course progress or wellbeing.
Course	A full-time registered course offered by Lawson College Australia and registered in accordance with the requirements of the ESOS Act. <i>Also known as Program or Training Package.</i>
Department of Home Affairs (DoHA)	Department of Home Affairs (DoHA) brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. https://www.homeaffairs.gov.au
Enrolment	The process whereby a person registers as a student of Lawson College Australia.
ESOS Act	Educational Services for Overseas Students Act as amended from time to time.
Full-time	The normal amount of study for a particular course which is approved by the accrediting authority for the course. The National Code specifies that Vocational Education and Training (VET) courses require a minimum of 20 scheduled course contact hours per week. The Australian Skills and Qualifications Authority (ASQA) specifies that for VET courses, a full-time course is a minimum of 20 scheduled course contact hours per week. Scheduled course contact hours refer to the hours for which students enrolled in the course are scheduled to attend classes, course-related information sessions, supervised study sessions, mandatory and supervised work-based training

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	and examinations. Overseas student visa conditions which apply - overseas students must be enrolled in a full-time course; achieve satisfactory course progress; achieve satisfactory course attendance (see Policy-Overseas Student Visa Requirements and related procedures)
International Student	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.
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018.
Poaching	Poaching in this context means the engagement in unethical recruitment of students from another organisation/s. Unethical practice may include practice that is inconsistent with Australian Consumer Law or/and provision of misleading information.
Principal Course	The Principal Course is 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 or the highest qualification level. The first six months is calculated as six calendar months from the date an overseas student commences their Principal Course (ESOS Standard 7: Overseas Student Transfers)
PRISMS	Provider Registration and International Student Management System (PRISMS) . Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the Educational Services for Overseas Students Act 2000 (ESOS Act). PRISMS is a secure system for providers to: <ul style="list-style-type: none"> • Issue 'Confirmation of Enrolment' (CoE) to students intending to study in Australia. The DoHA requires the CoE to issue a student visa • Report changes in overseas student course enrolment
Reasonable timeframe	A period of time that an action should have been 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 working days.
Restricted period	This means the transfer restriction applies to a student during all courses they undertake prior to completing six months of the Principal Course.
Six months	Six months, in this context, means six calendar months from the date that the student commenced their studies in the Principal Course. Refer to the definition of Principal Course in relation to six months.
Student	A student who is enrolled at Lawson College Australia and includes both prospective students and enrolled students who are 'overseas students' as defined in the National Code and hold a student visa as defined by the ESOS Act, and to students of Lawson College Australia who do not hold student visas and are studying off-shore; but does not include domestic students.
Written agreement	A written agreement under Australian law, is in regard to acceptance of an offer of a course and must be in the form of a written agreement. This is the document that the student signs when they enrol with an education provider. In the written agreement, providers must give detailed information on: <ul style="list-style-type: none"> • the course enrolled in • payment plan for tuition fees including the number and length of each study period • any non-tuition fees • refund entitlements in different situations • course requirements including minimum English language • requirements on attendance and making satisfactory progress; that is, that they must participate in scheduled classes in accordance with course timetables to make satisfactory course progress, and if they don't satisfactorily progress in their course, they will be in breach of a condition of their visa. • that ASQA (Australian Skills Quality Authority) may, at any time, require a training provider to implement policies and procedures to monitor minimum attendance requirements and if students don't meet these requirements, they will be in breach of their visa • any services that can support student safety, and • that the DoHA may cancel a student's visa if they fail to maintain their enrolment (https://www.asqa.gov.au/news-publications/publications/fact-sheets/overseas-student-attendance July 2019)

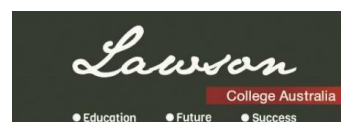
[S = related ESOS Standard]

Policy

1. When an overseas student requests to transfer to Lawson College Australia from another provider

- 1.1 Lawson College Australia will not knowingly actively recruit or enrol a student wishing to transfer from another registered provider's course of study prior to the student completing six calendar months of their **Principal Course**. Students who wish to apply to transfer to Lawson College Australia must contact Lawson College Australia. [S7.1]
- 1.2 Transfer restriction applies to a student during all courses they undertake prior to the **Principal Course**.

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- 1.3 To be eligible to transfer into Lawson College Australia from another registered provider before completing six months of their Principal Course, students must either obtain a release from their provider, or meet one of the following conditions:
- 1.3.1 The releasing registered provider, or the course in which the student is enrolled, has ceased to be registered; [S7.1.1]
 - 1.3.2 The releasing registered provider has had a sanction imposed on its registration by the ESOS Agency, that prevents the student from continuing their course with that registered provider; or [S7.1.2]
 - 1.3.3 Any Government sponsor of the student considers the change to be in the student's best interests and has provided written support for that change. [S7.1.4]
- 1.4 After completing six calendar months of their Principal Course, an overseas student can transfer without needing to meet one of these conditions. [S7.1]
- 1.5 The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS. [S7.1.3]
- 1.6 Lawson College Australia will check all enrolling students on 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 Section 1.3 above.
- 1.7 A cancellation of a Confirmation of Enrolment (CoE) does not mean that the student has been released from the previous provider.
- 1.8 Lawson College Australia will assess any transfer request against this Policy – Transfer between registered providers and related procedures, and the student will be informed in writing of the decision, including reasons why in the case of refusal.[S7.5] The reasons for refusal will be sufficiently detailed so that the student can make an informed decision on whether to appeal the decision in accordance with ESOS Standard 10 (Complaints and appeals) within 20 working days. [S7.5.1; S7.5.2]
- 1.9 All decisions made with regard to the student's request to transfer to another provider will be fair and take into account the student's individual circumstances and other relevant factors, and a decision made within a reasonable timeframe.

2. A Student wishing to transfer out of Lawson College Australia to another registered provider

2.1 Formal Request

All students are to:

- 2.1.1 Meet with Lawson College Australia Student Support Services to discuss their specific situation and relevance to the associated policy and procedure relating to requesting a transfer; and to seek clarification as to the possible implications of transfer on their student visa status.
- 2.1.2 Should the student wish to proceed with the request to transfer after meeting with Student Support Services they are advised to:
 - a. Complete a Form – Request to Transfer [download from Moodle]
 - b. Attach a valid Letter of Offer to the Form – Request to Transfer confirming that a valid offer of enrolment has been made.
 - d. Email the above to compliance@lawsoncollege.edu.au

2.2 Category 1: A Student who has completed the first six months or more of their Principal Course.

These students meet the criteria for release subject to submission of a Formal Request [see 2.1 above]

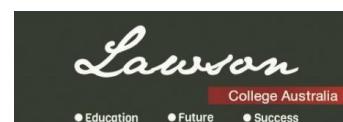
2.3 Category 2: A Student who has not completed the first six months of their Principal Course.

These students do not meet the criteria for release unless they provide evidence of one or more of the following circumstances outlined below in 2.4.

2.4 The circumstances in which a transfer may be granted, prior to six (6) months are those in the Student's **best interests** [see definitions], including but not limited to where the registered provider has assessed: [S7.2.2]

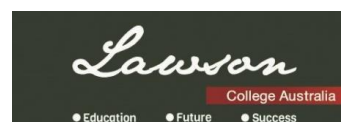
- 2.4.1 If the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the Lawson College Australia

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- Student Support Services and the individual Intervention Strategy to assist the overseas student in accordance with ESOS Standard 8 (Overseas student visa requirements). [S7.2.2.1]
- 2.4.2 Lawson College Australia fails to deliver the course as outlined in the written agreement. [S7.2.2.3]
- 2.4.3 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 Australia, or marketing materials given to the student prior to enrolment stating invalid expectations about the course). [S7.2.2.4]
- 2.4.4 There is evidence that the student was misled regarding Lawson College Australia and/or its courses by Lawson College Australia and/or migration agents; and it is therefore unsuitable to their needs and/or study objectives. [S7.2.2.5]
- 2.4.5 An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student. [S7.2.2.6]
- 2.4.6 Provision of evidence determined to be 'compassionate or compelling' [S7.2.2.2] which could include, but are not limited to:
- 2.4.6.a Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
 - 2.4.6.b Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - 2.4.6.c Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
 - 2.4.6.d A traumatic experience, which could include:
 - 2.4.6.d.i Involvement in, or witnessing a serious accident; or
 - 2.4.6.d.ii 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).
- 2.4.7 Where Lawson College Australia is 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
- 2.4.8 When Lawson College Australia is convinced (supporting evidence provided by the student) that the transfer is in the student's best interest.
- 2.5 The circumstances which Lawson College Australia consider as reasonable grounds to refuse a transfer to the overseas student.** [S7.2.3] A transfer to another registered provider will not be granted where:
- 2.5.1 The student's Statement of Purpose and/or the Genuine Entry Statement (GTE) is inconsistent with the information/stated reasons to transfer to the other registered provider
- 2.5.2 It is evident to Lawson College Australia there is an intention for a specific visa outcome
- 2.5.3 The student was given access to comprehensive, current and plain English information at the time of enrolment to enable the student to make an informed decision to undertake the course
- 2.5.4 Lawson College Australia considers the request for transfer to be the result of student poaching
- 2.5.5 Lawson College Australia or its nominated officer forms the view, based on evidence, that the student is trying to avoid being reported to DoHA for failure to meet Lawson College Australia's attendance and course progress requirements
- 2.5.6 The transfer may jeopardise/ be detrimental to the student's progression through a package of courses
- 2.5.7 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 provider, during which time the full range of support services will be provided to the student

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- 2.5.8 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 admission application (Statement of Purpose and/or GTE)
- 2.5.9 The student has an outstanding fee for the current course enrolled or a previously enrolled/completed course at Lawson College Australia
- 2.5.10 The student has any outstanding debts.

2.6 General information

- 2.6.1 If a release is granted, it is at no cost to the overseas student. [S7.4]
- 2.6.2 Where a student transfers to another registered provider, any refund of course fees paid will be in accordance with Lawson College Australia's Policy – Refund
- 2.6.3 Where a student is granted release, they are advised to contact DoHA to seek advice on whether a new visa is required [S7.4] at <http://www.homeaffairs.gov.au>
- 2.6.4 A reasonable timeframe for assessing and replying to the student's transfer request will be implemented, having regard to the restricted period. [S7.2.4]

3. Informing students and staff about overseas student transfers

- 3.1 Lawson College Australia provides the overseas student and staff clear expectations on transfer between registered providers. [S7.2.1]
- 3.2 Lawson College Australia 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 Australia's intranet website at www.lawsoncollege.edu.au
- 3.3 The overseas student and staff will be informed of the outcome of the overseas student application to transfer within 10 working days of receipt of complete Form - Request to Transfer and with any further documents.
- 3.4 The policy and procedure relating to overseas student transfers is discussed at staff orientation and induction, and accessible at www.lawsoncollege.edu.au

4. Complaints and appeals

- 4.1 If Lawson College Australia intends to refuse or have made the decision to refuse an overseas student transfer request received in writing from the student, the student will be informed in writing of:
- 4.1.1 The reason for the refusal; [S7.5.1]
- 4.1.2 The overseas student's right to access the complaints and appeals process, in accordance with ESOS Standard 10 (Complaints and appeals), within 20 working days. [S7.5.2]
- 4.2 Lawson College Australia will not finalise the overseas student's refusal status in PRISMS until the appeal is in favour of Lawson College Australia, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working days period, or the overseas student withdraws from the process. [S7.6]
- 4.3 If the appeal finds in favour of an overseas 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.

5. Record keeping

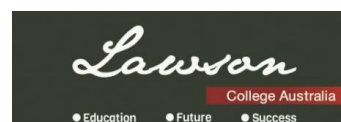
- 5.1 All records of requests for letters of release and the assessment of and decision regarding the request will be kept on the overseas student's file for two years after the overseas student ceases to be an accepted student. [S7.7]

6. Reference

https://www.legislation.gov.au/Details/F2017L01182/Html/Text#_Toc487026955

See also **APPENDIX A** ESOS Standard 7 Overseas student transfers

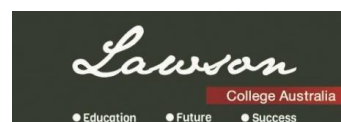
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Document History and Version Control Table

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 3.0	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
V 3.2	15/04/2019	QACC	Minor	Addition of circumstances that a request to transfer will be approved
V 4.0	30/09/2019	QACC	Major	Additional definitions, editing, formatting and clarification of aspects

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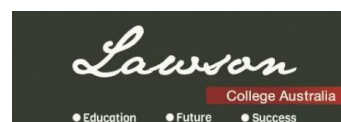


Standard 7

Overseas student transfers

- 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

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- 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:
- 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.

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