

## Policy & Procedure – Overseas Student Transfers

### Purpose

This policy outlines processes for assessing overseas student transfer requests and 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.
- As the principal course of study is generally the final course of study covered by the overseas student's visa, transfer requirements apply to all courses of study prior to the overseas student's principal course.

### Scope

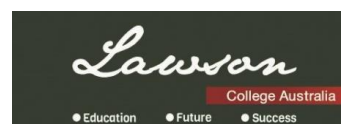
This policy applies to:

- Overseas students enrolled with Lawson College Australia (LCA) who have not yet completed six (6) months of their principal course – that is those that are subject to transfer restrictions.
- Release requests from all students subject to transfer restrictions with Lawson College Australia regardless of enrolment status.
- Those students 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.

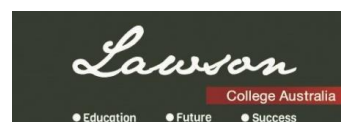
Note: Lawson College Australia does not operate in the School Sector environment, nor enrol students under the age of 18 years. Therefore, Lawson College Australia does not require written confirmation from student's parents or legal guardian to support the transfer. [S7.3]

### Definitions

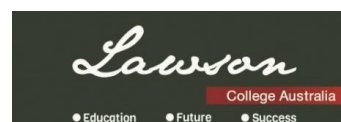
<b>ASQA</b>	<p>Australian Skills Quality Authority (ASQA). ASQA is the national regulator for the vocational education and training (VET) sector and seeks to make sure that the sector's quality is maintained through the effective regulation of:</p> <ul style="list-style-type: none"> <li>• vocational education and training providers</li> <li>• accredited vocational education and training courses</li> <li>• Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) providers, including those delivering English Language Intensive Courses to Overseas Students (ELICOS). (<a href="https://www.asqa.gov.au/about/asqa">https://www.asqa.gov.au/about/asqa</a>)</li> </ul>
<b>Best interest</b>	<p>There are a range of circumstances detailed in the National Code where a transfer request should be granted because it is in the best interest of the overseas student.</p> <ul style="list-style-type: none"> <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. Registered providers still have discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released.</li> <li>• Where there is evidence of compassionate or compelling circumstances.</li> </ul> <p><i>"Registered providers should specify what they consider as the student's best interest in their policies. Overseas students cannot make a general claim that a transfer will be in their best interests. Any request should be made with reference to the circumstances for granting a release outlined in the provider's transfer policy (Source: DESE, ESOS Standard 7: Overseas Student Transfers (update 14 July 2022) <a href="https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers">https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers</a>, accessed 31/08/2022)".</i></p>
<b>CoE</b>	<p>Confirmation of Enrolment (CoE). A CoE is issued through PRISMS enabling a student to apply for a student visa. The CoE provides evidence of a student's enrolment with a provider registered on the Commonwealth</p>



	Register of Institutions and Courses for Overseas Students (CRICOS). This evidence is required before Home Affairs will issue a student visa. The CoE contains information about the Provider, agent (if involved), course and duration of study in which the student has enrolled. ( <a href="#">User manual (internationaleducation.gov.au)</a> )
<b>Compassionate or compelling circumstances</b>	<p>'Compassionate or compelling' circumstances are 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:</p> <ul style="list-style-type: none"> <li>serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;</li> <li>bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);</li> <li>major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or</li> <li>a traumatic experience, which could include: <ul style="list-style-type: none"> <li>involvement in, or witnessing of a serious accident; or</li> <li>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 psychologists' reports); or</li> </ul> </li> <li>where the registered provider was 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 enrol.</li> </ul> <p>(Source: DESE, ESOS Standard 7: Overseas Student Transfers (update 14 July 2022)  <a href="https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers">https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers</a>.</p>
<b>Course</b>	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>
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). CRICOS is an Australian Government website that lists all Australian education providers that offer courses to people studying in Australia on student visas and the courses offered ( <a href="#">The Australian Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) (education.gov.au)</a> )
<b>Department of Home Affairs (DoHA)</b>	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. <a href="https://www.homeaffairs.gov.au">https://www.homeaffairs.gov.au</a>
<b>DESE</b> (Department of Education, Skills & Employment)	Department of Education, Skills and Employment (DESE) – a Department of the Australian Government. The Department of Education, Skills and Employment works to ensure Australians can experience the wellbeing and economic benefits that quality education, skills and employment provide ( <a href="https://www.dese.gov.au">https://www.dese.gov.au</a> ; <a href="https://www.dese.gov.au/international-education">https://www.dese.gov.au/international-education</a> ).
<b>Enrolment</b>	The process whereby a person registers as a student of Lawson College Australia.
<b>ESOS Act</b>	Educational Services for Overseas Students Act as amended from time to time. ( <a href="https://www.dese.gov.au/esos-framework">https://www.dese.gov.au/esos-framework</a> )
<b>Full-time</b>	<p>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.</p> <p>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 and examinations.</p> <p>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)</p>
<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. Australia has many protections in place for the rights of international students throughout their study. <a href="#">Education Services for Overseas Students (ESOS) Framework - Department of Education, Skills and Employment, Australian Government (dese.gov.au)</a>
<b>Overseas Student</b>	The <i>Education Services for Overseas Students Act 2000</i> defines an overseas student as: " <b>overseas student means a person (whether within or outside Australia) who holds a student visa, but does not include students of a kind prescribed in the regulations</b> ". <a href="#">Education Services for Overseas Students Act 2000 (legislation.gov.au)</a>



<b>National Code</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018. The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 (ESOS Act) and sets nationally consistent standards to support providers to deliver quality education and training to overseas students. <a href="https://www.dese.gov.au/national-code-of-practice-for-providers-of-education-and-training-to-overseas-students-2018">National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Skills and Employment, Australian Government (dese.gov.au)</a>
<b>Ombudsman</b>	An ombudsman investigates complaints about various organisations, usually government agencies or departments. The Office of the Commonwealth Ombudsman safeguards the community in its dealings with the Australian Government and oversight of some private sector organisations, including specialist roles such as Overseas Students. ( <a href="https://www.ombudsman.gov.au/what-we-do">https://www.ombudsman.gov.au/what-we-do</a> )
<b>Principal Course</b>	The <b>Principal Course</b> 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). As the <b>Principal course</b> of study is generally the final course of study covered by the overseas student's visa, transfer requirements apply to all courses of study prior to the overseas student's principal course. This means the transfer restriction applies to a student during all courses they undertake prior to the principal course. (Source: DESE, <i>ESOS Standard 7: Overseas Student Transfers (update 14 July 2022)</i> <a href="https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers">https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers</a> . See also 'Restricted transfer period'.
<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 Educational Services for Overseas Students Act 2000 (ESOS Act). PRISMS is a secure system for providers to: <ul style="list-style-type: none"> <li>• Issue 'Confirmation of Enrolment' (CoE) to students intending to study in Australia. The DoHA requires the CoE to issue a student visa; and</li> <li>• Report changes in overseas student course enrolment</li> </ul>
<b>Reasonable timeframe</b>	A period of time that an action should have been completed having regard to particular circumstances, for example, a restricted transfer period. In the case of a transfer out request, a reasonable timeframe to complete the request is 20 working days.
<b>Restricted transfer period</b>	This means the transfer restriction applies to a student during all courses they undertake prior to completing six months of the Principal Course. The student's restricted transfer period starts from visa grant and ends 6 months from their principal course start date, or when the visa is cancelled or ceased, whichever comes first ( <a href="https://www.internationaleducation.gov.au/How-To-Manage-Student-Transfers-in-PRISMS.pdf">How To Manage Student Transfers in PRISMS.pdf (internationaleducation.gov.au)</a> ). For an overseas student to transfer before completing six months of their principal course, the overseas student must either obtain a release from their registered provider, or meet one of the following conditions: <ul style="list-style-type: none"> <li>• the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;</li> <li>• 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;</li> <li>• 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.</li> </ul>
<b>Scholarship Reimbursement</b>	Scholarships/Fee Waiver/Fee Discounts may be offered as outlined in a Student Written Agreement. If a release is granted prior to the last six months of the Principal Course, the amount of scholarship 'spent' during the time of study becomes payable in full. If enrolled student cancels their enrolment (student initiated) or Lawson College Australia cancels the student's enrolment (provider initiated), the 'spent' scholarship becomes payable immediately and must be reimbursed to Lawson College Australia.
<b>Six months</b>	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.
<b>Student</b>	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 Lawson College Australia students who do not hold student visas and are studying off-shore; but does not include domestic students.



<b>Student Course Variation</b>	Student Course Variation (SCV). The record a user with CoE Administrator access creates when they report a change to student information or changes to a student's course via PRISMS ( <a href="#">User manual (internationaleducation.gov.au)</a> )
<b>Support Person</b>	The National Code Standard 10: Complaints and appeals, clause 10.2.4 refers to ensuring “ <i>the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings</i> ”. Lawson College Australia is not obliged to meet or respond in any form (phone, email etc) to any request received from the agent, lawyer or similar seeking personal information which may be perceived to have a conflict of interest or any commercial interest whatsoever. Any disclosure of personal information to a third party would be governed under Lawson College Australia's Privacy Policy. Lawson College Australia Student Support Staff will be available if the student requires support.
<b>TPS</b>	Tuition Protection Service (TPS). The TPS is an initiative of the Australian Government to assist international students and eligible domestic students accessing a VET Student Loan (VSL), FEE-HELP or HECS-HELP (HELP) loan, whose education providers are unable to fully deliver their course of study ( <a href="#">Tuition Protection Service (tps.gov.au)</a> ).
<b>Written Agreement</b>	Education providers are required by the ESOS Act to enter into a written agreement with each overseas student they enrol. The written agreement accepted by a student is a legal contract, under Australian law, between the student and the education provider. Written agreements can take any form provided they meet the requirements of the ESOS Act and the National Code. This means that an application form or a letter of offer could be the basis for the written agreement once it is signed or accepted by an overseas student.

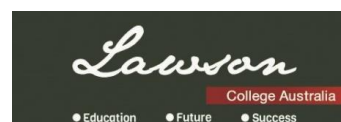
[S = related ESOS Standard]

## 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**.
- 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 and Procedure – Overseas Student Transfers, 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]

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- 1.9 All decisions made with regard to the student's request to transfer from 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:
- Complete a Form – Request to Transfer [download from Moodle]
  - Attach a valid Letter of Offer to the Form – Request to Transfer confirming that a valid offer of enrolment has been made.
  - Complete the Form – Request to Transfer
  - Email the above to [compliance@lawsoncollege.edu.au](mailto:compliance@lawsoncollege.edu.au)
  - Ensure that student has met the student written agreement terms and conditions.

### 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], and evidence of meeting any other requirement per Written Agreement.

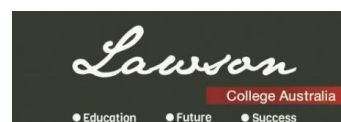
### 2.3 **Category 2: A Student who has not completed the first six months of their Principal Course.**

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 Lawson College Australia will grant the transfer request because it is in the overseas student's best interests**, including but not limited to, those listed in Standard 7.2.2.1 to 7.2.2.6 of the National Code

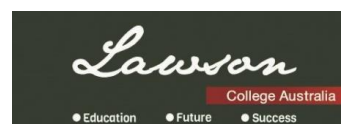
- 2.4.1 If the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the Lawson College Australia Student Support Services and the individual Intervention Strategy to assist the overseas student in accordance 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:
- Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
  - Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
  - Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
  - A traumatic experience, which could include:
    - Involvement in, or witnessing a serious accident; or

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- 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.
- 2.4.9 Overseas students cannot make a general claim that a transfer will be in their best interests. Any request should be made with reference to the circumstances for granting a release outlined in the provider's transfer policy (DESE, *ESOS Standard 7: Overseas Student Transfers (update 19 May 2021)* <https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers>).
- 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 applies to transfer into a course that they do not have the credentials to enter (Source: Commonwealth Ombudsman Overseas Students – *International Students – Transferring between Education Providers Factsheet* [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0035/79685/Factsheet\\_student\\_transferring-between-education-providers-links-fixed-A1576260.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0035/79685/Factsheet_student_transferring-between-education-providers-links-fixed-A1576260.pdf)).
- 2.5.2 The transfer would put the student in breach of their visa conditions (Source: Commonwealth Ombudsman Overseas Students – *International Students – Transferring between Education Providers Factsheet* [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0035/79685/Factsheet\\_student\\_transferring-between-education-providers-links-fixed-A1576260.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0035/79685/Factsheet_student_transferring-between-education-providers-links-fixed-A1576260.pdf)).
- 2.5.3 The student is trying to avoid being reported to the Department of Home Affairs (DoHA) for failure to meet attendance or course progress requirements (Source: Commonwealth Ombudsman Overseas Students – *International Students – Transferring between Education Providers Factsheet* [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0035/79685/Factsheet\\_student\\_transferring-between-education-providers-links-fixed-A1576260.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0035/79685/Factsheet_student_transferring-between-education-providers-links-fixed-A1576260.pdf)).
- 2.5.4 The transfer may jeopardise/ be detrimental to the student's progression through a package of courses
- 2.5.5 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
- 2.5.6 As stated in DESE, *ESOS Standard 7: Overseas Student Transfers (update 19 May 2021)* <https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers>, Registered providers still have discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released.
- 2.5.7 The student has any outstanding debts owed to Lawson College Australia.
- 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, and student written agreement.
- 2.6.3 The student is required to reimburse Lawson College Australia of any 'spent scholarship' in accordance with their Written Agreement.
- 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]
- 2.6.5 As stated in DESE, *ESOS Standard 7: Overseas Student Transfers (update 19 May 2021)* <https://www.dese.gov.au/esos-framework/resources/standard-7-overseas-student-transfers> if the

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overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they will need to apply for a new student visa.

- 2.6.6 Any Student Course Variation (SCV) reason before the expected enrolment completion date must be reported via PRISMS within 14 days where the student is under 18 years of age and within 31 days for a student above 18 years of age ([User manual \(internationaleducation.gov.au\)](#)).
- 2.6.7 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>
- 2.6.8 Compliance forwards to student a Letter of Decision Outcome of *Application – Request to Transfer* within 10 working days of formal response to student of receipt of completed Application Form – Request to Transfer and all the required document/s.

### 3. Informing students and staff about overseas student transfers

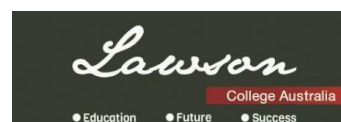
- 3.1 Lawson College Australia provides the overseas student and staff clear expectations on transfer between registered providers. [S7.2.1]
- 3.2 Lawson College Australia provides information on the above in the information guides, Factsheets, and Frequently Asked Questions (FAQ) accessible on the Lawson College Australia's website at [www.lawsoncollege.edu.au](http://www.lawsoncollege.edu.au)
- 3.3 All students are required to attend Student Orientation where all relevant policies and procedures are discussed and the student signs a declaration, as part of the enrolment process, that they have understood the conditions of their enrolment.
- 3.4 The overseas student and LCA staff will be informed of the decision outcome of the overseas student application – Request to transfer within 10 working days of having received the complete *Application Form - Request to Transfer* and all the required document/s.
- 3.5 The policy and procedure relating to overseas student transfers is discussed at staff orientation and induction, and accessible at [www.lawsoncollege.edu.au](http://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 The National Code Standard 10: Complaints and appeals, clause 10.2.4 refers to ensuring *the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings*. A friend or relative of a student who can provide support, if needed in relation to Complaints and Appeals.
 

*Lawson College Australia is not obliged to meet or respond in any form (phone, email etc) to any request received from the agent, lawyer or similar seeking personal information which may be perceived to have a conflict of interest or any commercial interest whatsoever. Any disclosure of personal information to a third party would be governed under Lawson College Australia's Privacy Policy.*
- 4.3 In regard to an external appeal, the purpose of an external appeals process is to consider whether Lawson College Australia has followed its policies and procedures, rather than make a decision in place of Lawson College Australia.
- 4.4 When an external appeals process has been completed, Lawson College Australia will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.
- 4.5 If an overseas student is not satisfied with the outcome of either Lawson College Australia's internal appeals process or the following external appeals process, they can access multiple external appeals.

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However, Lawson College Australia is not obliged to assist the overseas student with finding further appropriate appeals processes.

- 4.6 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]
- 4.7 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 Lawson College Australia must maintain records of overseas student transfer requests for two years after the student ceases to an accepted student. [S7.7]

## 6. Dissemination of information to staff

- 6.1 Relevant staff will be informed of this Policy and Procedure and any subsequent changes will be via an agenda item at a scheduled Quality and Compliance Committee (QACC) Executive meeting, and published minutes, and dissemination by public access of this Policy and Procedure on the Lawson College Australia website – International Student Policies (<https://lawsoncollege.edu.au/international-student-policies/>)

## 7. References

- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(legislation.gov.au\)](https://www.legislation.gov.au)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](https://www.dese.gov.au) - Factsheets
- [Factsheet\\_student\\_transferring-between-education-providers-links-fixed-A1576260.pdf \(ombudsman.gov.au\)](https://www.ombudsman.gov.au)
- [Factsheet\\_student\\_written-agreements.pdf \(ombudsman.gov.au\)](https://www.ombudsman.gov.au)
- [Education Fact Sheet Title \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au)
- [How To Manage Student Transfers in PRISMS.pdf \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au)
- [User manual \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au)

## Procedure

Responsible staff for relevant area (as per Organisational Chart) to process the procedure:

**Assess** – Review aspects of situation as applied to this policy and any other related policies and specific documentation to be completed (and where relevant advising students of requirements of same as required); including relevant timeframes and any reporting mechanisms.

**Plan** – Identify strategies and actions to be taken, including timeframe/s and relevant personnel.

**Implement** - Strategies and take actions in accordance with policy, associated information and documentation required, documentation where necessary

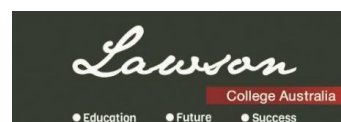
**Retain** documentation in accordance with policy, procedure, and practices.

**Report** in relation to practice outcomes as related to policy and procedure.

**Review** – process with view for continuous improvement including reporting to relevant personnel/Quality and Compliance Committee (QACC).

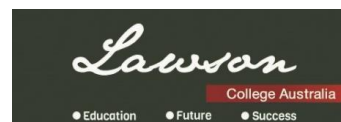
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### Document History and Version Control Table

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
V 4.1	07/04/2020	QACC/ CEO	Minor	Clarification of aspects under section 2.1 Added definition for Support Person Added Section 2.1.3 Added definition for Social Distancing Clarified 2.1.1 'Meeting' as per prevailing Social Distancing protocols.
V 4.2	28/10/2020	QACC	Minor	Removed appendix and reference to appendix
V4.3	31/03/2021	QACC	Minor	Changed title to Policy & Procedure...
V4.4	24/05/2021	QACC	Minor	Changed title to Policy & Procedure – Overseas Student Transfers
V4.5	3/09/2021	QACC	Minor	Definitions: <ul style="list-style-type: none"> <li>Added ASQA, DESE, Ombudsman, Scholarship Reimbursement, TPS, SCV, CRICOS</li> <li>Removed 'poaching'</li> <li>Re-worded 'Best Interests' and 'Compassionate and Compelling Circumstances' and 'Written Agreements'.</li> </ul> Policy: <ul style="list-style-type: none"> <li>Removed references to GTE and Statement of Purpose.</li> <li>Removed (as per dot point above) and added information (for improved clarity and avoidance of doubt) to Section 2 – as per sources in References and additional references.</li> <li>Added content to Section 3 – 3.3</li> <li>Added content to Section 4 – 4.2, 4.3, 4.4</li> <li>Added Procedure</li> <li>Updated Footer</li> </ul> Improved formatting throughout document.
V5.0	31/01/2022	QACC	Major	Added definition of 'Overseas Student' as per ESOS regulations Incorporated OSO improvement recommendations relating to clarification of students and transfer restrictions: <b>'Scope</b> <i>This policy applies to:</i> <ul style="list-style-type: none"> <li>Overseas students currently enrolled with Lawson College Australia who have not yet completed six (6) months of their principal course – that is those that are subject to transfer restrictions.</li> <li>Release requests from all students subject to transfer restrictions with LCA regardless of enrolment status.'</li> </ul>
5.1	23/03/2022	QACC	Minor	Removed 'currently' from Scope section. Reworded 'Best Interest' content in definitions, and included a direct quote from <a href="https://www.dese.gov.au/esos-">https://www.dese.gov.au/esos-</a>



				<p><a href="#">framework/resources/standard-7-overseas-student-transfers – accessed 23/03/2022.</a></p> <p>Removed references to fees, and/or monies owed in Section 2.1.2 e – replaced with 'Ensure that student has met the student written agreement terms and conditions'</p> <p>Re-worded definition for Support Person using direct quote from National Code Standard 10: Complaints and Appeals.</p> <p>Section 2.1.3 transferred to Section 4.2 (relating to support person National Code Standard 10).</p> <p>Re-worded 2.2 – removed wording '<i>including payment of any monies owed as per Written Agreement</i>'</p> <p>Re-worded 2.6.2 – added, 'and written agreement'</p> <p>Augmented content for Principal Course definition</p> <p>Augmented content for Restricted Transfer Period definition</p> <p>Re-worded Section 2.4 – which aligns with National Code wording (inserted Lawson College Australia for Registered Provider).</p> <p>Added a section related to dissemination of information to staff, so Section 6 is now <b>Dissemination of information to staff</b></p> <p>Section 7 is now <b>References</b></p> <p>Updated Footer content – version and date</p>
5.2	31/08/2022	QACC	Minor	<p>Updated weblink to updated Standard 7 DESE Factsheet (update 14 July 2022) in definitions.</p> <p>Removed 'social distancing' from definitions, and reference to same in Section 2.</p> <p>Updated Support Person definition</p> <p>Updated Written Agreement definition</p> <p>Section 1.8 – corrected Policy and Procedure title to Overseas Student Transfers</p> <p>Added Section 2.6.8 – aligns with information in <i>Application Form – Request to Transfer</i></p> <p>Section 3.2 – re-worded to advise that student information guides, FACTSHEETS and Frequently Asked Questions (FAQs) are accessible on website.</p> <p>Section 3.4 – re-worded to align with content in <i>Application Form – Request to Transfer</i>.</p> <p>Section 5 – wording revised to align with National Code Standard 7</p> <p>References section updated</p> <p>LCA updated to Lawson College Australia where applicable.</p> <p>Updated Footer and Version, and improved formatting where applicable.</p>

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