

OVERSEAS STUDENT TRANSFER POLICY

SECTION 1 - PURPOSE AND SCOPE

- (1) Under the provisions of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007), a registered provider must not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study unless the original provider has provided a letter of release.
- (2) The purpose of this policy is to set out the College's policy and procedure in relation to requests from an overseas student for letters of release so that the student may transfer to another registered provider.

SECTION 2 - DEFINITIONS

- (3) For the purpose of this policy:
 - a. DIAC means the Department of Immigration and Citizenship.
 - b. Overseas student means a student studying in Australia on a student visa and does not include a study tour participant in Australia on a visitor or tourist visa.
 - c. Registered provider means a provider approved to deliver a course to overseas students under the Education Services for Overseas Students Act 2000 and Education Services for Overseas Students Regulations 2001.

SECTION 3 - POLICY STATEMENTS

- (4) An overseas student who has not completed six months of his or her principal course of study may request a letter of release so as to transfer from the College to another registered provider.
- (5) A request for a letter of release must:
 - a. be in writing,
 - b. include all relevant information concerning the reasons for the request,
 - c. include documentary evidence acceptable to the College that supports the reasons for the request,

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- d. be signed by the overseas student (or the student's parent or legal guardian if the student is under 18 years of age), and
 - e. provide a Letter of Offer from another provider. The Letter of Offer must identify the registered provider and course to which the overseas student wishes to transfer, such identification to include full particulars of name, address and CRICOS codes for the provider and course.
- (6) The College will grant an overseas student's request for a letter of release only in exceptional circumstances relating to the welfare of the student.
- (7) Where the student is under 18 the College will only grant a letter of release if:
- a. the College has written confirmation that the student's parent or legal guardian supports the transfer; and
 - b. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).
- (8) The College will not grant an overseas student's request for a letter of release in circumstances where the College is of the opinion that transfer to another registered provider would be detrimental to the student. The College may form that opinion for reasons including the following:
- a. The request is made less than 4 weeks after the student commenced a course at the College.
 - b. The College believes that transfer may jeopardise the student's progression through a package of courses.
 - c. The College believes that the student is trying to avoid being reported to DIAC for failure to meet attendance or academic progress requirements.
 - d. The College believes that the provider and/or course to which the student wishes to transfer are not of the same standard as the College and/or its course.
- (9) The College will not grant an overseas student's request for a letter of release if any course monies or other amounts owed by the student to the College are unpaid.
- (10) The College will keep records of requests for letters of release and the process used to make a decision in relation to requests.
- (11) Refunds arising from the transfer of an overseas student to another registered provider shall be determined in accordance with the College's Fees Policy.

SECTION 4 - PROCEDURES

- (12) Where an overseas student requests a letter of release, that request will be assessed against this policy and related procedures instituted from time to time.
- (13) In accordance with the provisions in section 3 the decision to grant a letter of release will be determined by the Student Advisor. The Student Advisor may seek a recommendation and/or advice from the relevant Manager or Head of Program.

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- (14) The relevant Program Manager/Educational Coordinator or Manager will be informed of the decision in clause (13).
- (15) If the College decides not to grant a letter of release, the College will provide the overseas student with written reasons for refusing the request and will inform the student of their right to appeal the decision.
- (16) A student may appeal against a decision not to grant an overseas student's request for a letter of release. Appeals will be considered by a panel consisting of the Manager, Student Services, and two other Senior Managers or representatives. Members of the Appeals Panel will not be from the program area in which the student is enrolled.
- (17) If a student is not satisfied with the decision made by the Appeals Panel, they may seek redress. The complaint process is covered in the College's Student Complaint Handling and Resolution Policy.
- (18) If granted, a letter of release will be provided at no cost to the overseas student.
- (19) If granted, a letter of release will advise the overseas student of the need to contact DIAC to seek advice on whether a new student visa is required.

SECTION 5 - GUIDELINES AND REFERENCES

- a. Education Services to Overseas Students Act 2000.
- b. Education Services to Overseas Students Regulations 2001.
- c. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007).
- d. UWSCollege Student Complaint Handling and Resolution Policy

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