

## Overseas Student Transfers Policy & Procedure

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RTO No 22234

### 1 Policy

- 1.1 Ashton College's marketing of the College, its courses and services is accurate and ethical.
- 1.2 Ashton College's recruitment of students is professional and ethical.
- 1.3 Ashton College assesses international students' applications for letters of release in compliance with standard 7 of the National Code 2018.
- 1.4 The College does not actively recruit international students where this clearly conflicts with its obligations under Standard 7 of the National Code 2018.
- 1.5 The CEO, in consultation with the student services and marketing team, is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.
- 1.6 This policy is implemented in compliance with the requirements of the Standards for Registered Training Organisation (RTOs) 2025 and the National Code 2018 Standards 1,2,3 4,7 and 10.
- 1.7 All staff involved in the marketing, enrolment and assessment of applications for release from overseas students perform their duties in a professional and ethical manner and in compliance with standard 7 of the National Code 2018.

### 1.8 Definitions

#### Principal course

The principal course of study is the highest qualification (normally the last course) covered by the student's visa. Standard 7 also applies to all courses of study prior to the student's principal course.

#### 6 months of principal course

This means completion of six calendar months of the principal course of study from the date that the student commences the course.

#### Compassionate and Compelling Circumstances

'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:

- 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 their 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 of 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 psychologists 'reports')

- 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.

## **2 Circumstances for refusing a release**

The circumstances in which the College declines an application from a student to transfer to another provider prior to completing six months of their principal course are as follows:

- 2.1 Students will not be granted a release to enrol with another provider based on change of mind;
- 2.2 If the student applies to transfer from a course/package to a lower AQF level course;
- 2.3 Claims of financial hardship or transferring to another provider with lower tuition fees;
- 2.4 The student has secured a job that clashes with the timetabling of scheduled course hours;
- 2.5 Accommodation difficulties – distance, transport and/or living arrangement;
- 2.6 The transfer could impact upon the student's successful progression through a package of courses – students should seek counseling in this situation;
- 2.7 The College assesses that the transfer would not be in the best interest of the educational progress of the student;
- 2.8 The application is lodged within 12 weeks of the course commencement– students should seek counseling in the event of homesickness and other personal issues;
- 2.9 The student has not exhausted access to Ashton College's support services for assistance with study or personal issues;
- 2.10 The student is at risk of not achieving satisfactory course progress or satisfactory attendance due to circumstances within their control and has received a warning letter from the College– students should access the College counseling in this situation;
- 2.11 The student has been informed by the College of its intention to report them to Department of Education;
- 2.12 The student has breached the terms of their written agreement;
- 2.13 Where the student owes tuition or other fees and charges to the college;
- 2.14 The student cannot provide a valid enrolment offer from another registered provider; or
- 2.15 Ashton College still have discretion to refuse transfer requests from the overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the overseas student subsequently intends to study at a lower Australian Qualifications Framework (AQF) level, they may need to apply for a new student visa; or

Students who are refused have the right to appeal in accordance with the Ashton College Complaints & Appeals Policy and Procedures.

### **While deciding on student release applications, Ashton College staff should**

- use their professional judgement;
- check student's previous submitted documentation when they had originally applied for their student visa to study at Ashton College;
- check student written agreements and declarations provided to Ashton College; and/or
- speak to student's agent or guardians to discuss their release request.

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

### **3 Circumstances for granting a release to a student wishing to leave Ashton College**

Ashton College assesses applications for a transfer to another registered provider prior to the student completing six months of his/her principal course of study in accordance with the following criteria:

- 3.1 The student not being able to proceed in their course due to not meeting the prerequisite(s) and the student can demonstrate that they have approached Ashton College support services to address these issues;
- 3.2 The student can provide evidence that remaining in the course at Ashton College will adversely impact on their well-being or welfare;
- 3.3 The student can demonstrate that the College has breached the terms of the written agreement;
- 3.4 The student can demonstrate that they do not have the skills to successfully complete the course, and thus are experiencing educational problems which cannot be addressed by Ashton College;
- 3.5 The student can provide evidence that they were provided inaccurate or incomplete information prior to enrolling in the course;
- 3.6 The student can provide evidence that his or her reasonable expectations about the current course are not being met;
- 3.7 The student can provide evidence that he or she was misled by the provider or an education or migration agent regarding the provider or its course, which constitutes a breach of the SNR Standards Act;
- 3.8 An appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer supports the student;
- 3.9 The course in which the overseas student is enrolled, has ceased to be registered;
- 3.10 Ashton College 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;
- 3.11 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; or
- 3.12 Compassionate and compelling circumstances. The student must provide evidence of such circumstances to support the release request.

Ashton College staff will use their professional judgement to assess each case on its individual merits, when determining whether compassionate or compelling circumstances exist and by granting release is in the student's best interest.

#### **While deciding on student release applications, Ashton College staff should**

- use their professional judgement;
- check student's previous submitted documentation when they had originally applied for their student visa to study at Ashton College;
- check student written agreements and declarations provided to Ashton College; and/or
- speak to student agent or guardians to discuss their release request.

Students who are refused have the right to appeal in accordance with the Ashton College Complaints & Appeals Policy and Procedures.

#### 4 Processing applications for release

- 4.1 Students may apply for a release by completing the Release Application form.
- 4.2 The Application for Release form is available from the 'forms and policies' section of the Ashton College website. Alternatively, printed copies are available from the student services staff at 213 Nicholson Street, Footscray or by requesting for one via emailing [admin@ashtoncollege.edu.au](mailto:admin@ashtoncollege.edu.au).
- 4.3 Students may seek assistance with completing the form from Student Services staff at 213 Nicholson Street, Footscray or by sending an email to [admin@ashtoncollege.edu.au](mailto:admin@ashtoncollege.edu.au).
- 4.4 Students submit the completed application form along with supporting documentation to reception 213 Nicholson Street, Footscray or by sending it via email to [admin@ashtoncollege.edu.au](mailto:admin@ashtoncollege.edu.au).
- 4.5 Students must continue to attend classes while their 'Application for Release' is being considered as their attendance and/or course progress will continue to be monitored during the 'Application for Release' review process.
- 4.6 The student must provide a letter of offer from another registered provider confirming a valid enrolment offer has been made.
- 4.7 Students under the age of 18 should also provide the following: - Written confirmation that the student's parent or legal guardian supports the transfer; and - 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 receiving provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements, and to ensure that there is no gap in the welfare arrangements as per Standard 5 of The National Code 2018.
- 4.8 Each application is assessed against the criteria for granting and/or refusing applications stated in this policy.
- 4.9 The process for dealing with applications is as follows:
  - a) The applicant's Principal Course is identified– if the principal course is not the course that the applicant is studying at Ashton College, then the applicant is informed that they will need to consult with the Principal Course provider to determine the impact of any transfer.
  - b) The application will not proceed until this occurs and the clients communicates the outcome to the College.
  - c) The Enrolments officer with student services staff are consulted with regards to any information needed to support the processing of the application, including information about the applicant's course progress.
  - d) The Finance department is consulted to identify if all outstanding fees have been paid.
  - e) The client's file is checked to identify if any notices/warning letters/ intention to report have been issued.
  - f) Upon completion of above steps, the application is passed with the supporting documents/information to the Client Services Manager for assessment.
- 4.10 A meeting may be arranged with the student to provide the opportunity to represent supporting evidence (if appropriate).
- 4.11 The Client Services Manager and other staff (where appropriate) will consider all of the evidences and decide in compliance with the assessment criteria as outlined in this policy and procedure.
- 4.12 The student is informed of the impact of changing providers either at the meeting or in writing prior to their CoE being cancelled on PRISMS (if the release application is granted).
- 4.13 Decisions are communicated in writing to the student within 10 working days of lodging their application.

- 4.14 If the application is refused the student is provided written notification of the decision and the reasons for the decision. They are also informed of their right to appeal the decision internally and their right to an external appeal by contacting the Overseas Student Ombudsman. This is forwarded within 3 days of the decision.
- 4.15 Ashton College will also notify the student in writing about student's right to access Ashton College internal complaints and appeals process within 20 working days.
- 4.16 Ashton College will not finalise refusal to release status in PRISMS for the overseas student until:
  - The appeal against the refusal lodged by the overseas student is finalised and upholds the Ashton College decision not to release the student; or
  - the student did not access the complaints and appeals process; or
  - the overseas student withdraws their appeal against the refusal
- 4.17 During the process of assessing the release application, the student must continue their studies at Ashton College and must adhere to Ashton College's policies and procedures and attend classes as per their regular schedule timetable. This includes the Complaints and Appeals review period.
- 4.18 If the application is granted the student is informed in the letter granting the application that they must contact Department of Home Affairs within 28 days to amend their student visa.
- 4.19 If the application is granted the students enrolment is cancelled on PRISMS within 5 working days of granting the release. A 'How to Manage Student Transfers in Prisms' guide is used for recording student transfer requests in Prisms by Ashton College Staff member. Guide is available at <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Implementation.aspx>.
- 4.20 Ashton College will provide confirmation of the refusal of release to the overseas student via email.
- 4.21 All documentation for granting and refusing applications is placed in the student's file. Overseas student transfer request records are maintained for two years after the student ceases to be an accepted student.
- 4.22 The approval of transfer of a student to another provider does not indicate the agreement to provide a refund. Fee refund applications are assessed in accordance with the 'Fees and Refunds policy and procedure'.

## **5 Transferring overseas students from another College**

The following procedure applies to overseas students who apply for a course with Ashton College and are currently studying onshore with another registered provider:

- 5.1 Ashton College does not knowingly enrol overseas students who have not completed 6 months of their principal course unless:
  - a) The student has been released from the original provider;
  - b) Their current provider is no longer able to deliver the principal course;
  - c) Their current provider has been de-registered as therefore unable to deliver their principal course;
  - d) The student has no longer the student visa, therefore no principal course;
  - e) The provider is no longer able to provide the principal course as a sanction has been imposed on them preventing them from delivering the course;
  - f) Any Government sponsor of the student considers the change to be in their best interests and supplies documentation supporting this; or
  - g) In unusual cases, Ashton College may consider enrolling a student if he or she has documentation which approximates the release (e.g. The student may have evidence that

his/her COE was conditional on meeting certain entry requirements and that the students has not been able to meet those requirements)

This action will be recorded on PRISMS and documentation will be kept on student file for two years.

5.2 Ashton College can issue a COE provided that the end date of the course/s (offered at Ashton College) finishes before the course commencement date of the principal course COE.

- For this procedure to be completed the applicant must provide a copy of their Student Visa/Visa Grant, existing CoE(s).

5.3 Where a student has **not** completed 6 months of their principal course of study, they are asked to provide appropriate release documentation (this may be obtained by Ashton College from Prisms) or letter from a Government sponsor with their application form.

- To support the student's application to their current provider, they can be provided with a Conditional Offer Letter which clearly states that an offer of a place is contingent on their obtaining a Release. *Note: If they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any Release.*

5.4 If a release is granted, the application proceeds;

5.5 If no release is obtained from such students, the application process is halted and the student informed that they are unable to transfer at this time. They are welcome to re-activate their Application Form when the 6-month period has passed;

5.6 Note that in the circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no release is required.

5.7 This action will be recorded on PRISMS and documentation will be kept on student file for two years.

## **6 Transfers involving students under the age of 18**

6.1 If the overseas student is under the age of 18, the registered provider must have written confirmation that the overseas student's parent or legal guardian supports the transfer. If the overseas student does not have a parent or legal guardian caring for them in Australia, Ashton College must also confirm it accepts responsibility for the student's accommodation and welfare arrangements in accordance with Standard 5 of the National Code.

6.2 It is the responsibility of the receiving registered provider (under Standard 5) to ensure that there are no gaps in welfare arrangements. This may include agreeing to accept welfare responsibility at an earlier time.

6.3 This action will be recorded on PRISMS and documentation will be kept on student file for two years.

## **7 Monitoring practice**

7.1 The College undertakes training and monitoring activities with all enrolment and marketing staff to ensure compliance with this policy and procedure.

7.2 The College terminates the agreement of an education agent who does not comply with the conditions and has knowingly recruited a student in contravention of this policy.

7.3 The Marketing Manager and Enrolment Officer monitors enrolments to ensure compliance with the Standard 7 of the National Code.

7.4 This policy and procedure is reviewed annually in accordance with the College Continuous Improvement policy and procedure.

**Documents to be employed when implementing this policy and procedure:**

- Enrolment policy
- CoE's
- Student files
- Financial records
- Refund policy
- Release application form
- Documentation to support request for transfer
- Valid offer letter from another registered provider
- Release refusal letter

**Revision History**

Please Note: The further versions are stored in One drive.