

## OVERSEAS STUDENTS TRANSFER POLICY

### BACKGROUND

Tintern Grammar (**Tintern**) is committed to creating an environment that values good relationships and open communication, and prioritises child safety, taking particular care for younger students and students from Aboriginal and Torres Strait Islander communities. Tintern acknowledges that families have the right to transfer enrolment between registered providers for various reasons.

### PURPOSE

Tintern is willing to assess requests from Overseas Students for a transfer into and out of Tintern, in accordance with its legislative requirements. This policy aligns with the requirements of Standard 7 – Overseas Student Transfers of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the **National Code**). In accordance with the National Code, Overseas Students on an international student visa are required to remain with their first education provider until after the first six months of the first registered school sector course.

This policy outlines the circumstances in which Tintern will permit the transfer of Overseas Students both in and out of Tintern.

#### 1. Process for considering requests for transfer

- Tintern will check the study duration of a prospective Overseas Students before proceeding with enrolment, establishing whether the Overseas Students has completed six months of their first registered school sector course;
- All requests for transfer of Overseas Students under the age of 18 must be supported by the Overseas Student's parent or legal guardian in writing;
- All Overseas Students requesting a transfer to Tintern must provide a statement of course progress from their releasing registered provider;
- All Overseas Students requesting a transfer to Tintern must have a letter of offer before formally applying to transfer to Tintern;
- Requests for transfer to Tintern will be assessed against the requirements as outlined in this policy and a response provided within 10 working days of receipt (at no cost to the Overseas Students);
- Tintern will advise the Overseas Students of the outcome of the transfer request in writing either by mail or email;
- A transfer cannot take place until the original transfer school provides a copy of the CoE and CAAW to Tintern in addition to a letter of release;
- Tintern will assess whether a change to enrolment will affect the Overseas Student's visa conditions;
- In cases where a transfer is accepted and the Overseas Students is not being cared for in Australia by a parent or legal guardian, Tintern will ensure appropriate welfare

arrangements are in place, including accommodation, guardianship and general welfare arrangements;

- In cases where a transfer is not granted, the request must not be finalised until the Overseas Students has had an opportunity to access the Tintern Complaints and Appeals Process; and
- Tintern will record all transfer request outcomes in PRISMS.

## 2. Complaints and Appeals Process

- All Student complaints and appeals at Tintern include the formal processes available online in Tintern's International Students' Complaints and Appeals Policy ("**Complaints and Appeals Policy**"), which allow:
  - The Overseas Students or applicant can request feedback from the Admissions Officer to better understand the decision that was made. If you do not have the contact details for the relevant area contact the International Student Coordinator
  - The Overseas Students or applicant can request a formal review of the decision. The review of the decision will be undertaken in accordance with the Complaints and Appeals Policy and a formal response will be provided back to you.
  - If dissatisfied with the outcome of the review above, the Overseas Students or applicant may lodge an appeal with the Principal within 20 working days of the review outcome. The appeal will be considered and if the appeal is allowed an appeal hearing will be held in accordance with the procedures and processes outlined in the Complaints and Appeals Policy.

## 3. Factors relevant to approving or declining requests for transfer

- the course the Overseas Students wishes to transfer to better meets the aptitude or study capabilities of the Overseas Students;
- there is evidence that the Overseas Student's reasonable expectations about their current course are not being met;
- there is evidence that the Overseas Students was misled by the registered provider or an education agent regarding the registered provider or its course;
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- where the Overseas Students will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with original course provider's intervention strategies to assist Overseas Students;
- where there is evidence of compassionate or compelling circumstances, especially where these have an impact on the Overseas Student's course progress or wellbeing. For example:
  - serious illness or injury which has prevented the Student from attending classes (a doctors certificate must be provided); or
  - bereavement of close family members such as parents or grandparents (death certificate should be provided);
  - personal trauma (supported by psychologists' reports);
  - where the original registered provider was unable to offer a pre-requisite unit; or
  - Student inability to begin studying on the course commencement date to a delay in receiving a student visa.

#### 4. For students transferring FROM Tintern TO another provider

- Families are to advise in writing the intention to transfer and the reason for transfer to the Head of School, Year Level Coordinator, International Student Coordinator or Principals' office.
- Families should be aware that all requests for transfer need to include a valid enrolment offer from another registered provider.
- Any requests for transfer prior to the expiry of the six month restriction period will be considered in light of the student's best interests.
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- Tintern will advise the family and Overseas Student that Overseas Students are restricted from transferring from their first registered school sector course of study for a period of six months, unless:
  - The Overseas Student's releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - 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;
  - the releasing registered provider has agreed to the Overseas Student's release and recorded the date of effect and reason for release in PRISMS; or
  - 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 restriction also applies to any course(s) packaged with their first registered school sector course of study, unless the criteria in National Code of Practice Standard 7.3.1 and St 7.3.2 are met, i.e.,
  - a valid enrolment offer from the receiving provider is sighted;
  - the under 18 student has written permission from a parent / legal guardian;
  - if applicable, the receiving provider has confirmed it accepts responsibility for approving welfare arrangements from the date of the under 18 student's release and there is no gap in welfare dates
- The Admissions Department and the Head of School will respond to the request for transfer in a reasonable timeframe, having regard to the 6 months restriction.
- The processing of a transfer request and subsequent release (if granted) must be at no cost to the Overseas Students. Upon granting a transfer, Tintern will advise the Overseas Students that they must contact Department of Immigration to ask whether a new visa is required. Department of Immigration contact details: <http://www.border.gov.au/about/contact/offices-locations>.
- The Letter of Offer will include the date from which Tintern will accept welfare responsibility (if required) for any transferring Overseas Students under 18. The welfare responsibility should transfer from the releasing provider to the receiving provider seven days from the Overseas Student's last day of study with the releasing provider, unless both providers agree to a different date.
- All records for requests for transfers and outcome decisions will be kept on the Overseas Student's file for two years after the student ceases to be an accepted student.

## 5. For student transferring TO Tintern Grammar FROM another provider

- An Overseas Student who is currently enrolled in another registered provider's course may only be enrolled at Tintern prior to completion of enrolment in the first six months of enrolment in his/her first registered school sector course of study if:
  - i. The original provider has confirmed the student's release in PRISMS, recording the date of effect and reason,
  - ii. the original registered provider / course has ceased to be registered,
  - iii. the original registered provider has had a sanction imposed by a relevant registration authority that prevents the student from continuing enrolment in the first registered school sector course, or
  - iv. any government sponsor of the student provides written support for a change of course to be in the student's best interests.
- The Prisms Administrator will confirm in PRISMS that the Overseas Student is currently enrolled with another provider. The Overseas Student will only need approval for release from the other provider (via PRISMS) if they have not yet completed six months of their first registered school sector course with that provider.
- If the other provider's approval is required for release, the Overseas Student will need a Letter of Offer from Tintern so they can give it to their current provider. (If the intending Overseas Student is under 18, Tintern will provide a written undertaking to take over welfare from the student's date of release. This information will be included with the Letter of Offer.
- Tintern will not create a Confirmation of Enrolment (CoE) until PRISMS shows that the student is released by the current provider.
- The welfare responsibility will transfer from the releasing provider to the receiving provider seven days from the Overseas Student's last day of study with the releasing provider, unless both providers agree to a different date.
- Where the transfer request is approved by the other provider, confirmation of release from the Overseas Student's current course is provided to the School via PRISMS.

## 6. Definitions

**"PRISMS"** is the Provider Registration International Students Management System, a computer system developed by the Department in association with the Department of Home Affairs for the purpose of receiving and storing information about accepted overseas students that is given to the Secretary under section 19 of the ESOS Act.

**"Releasing registered provider"** means the provider a Student is seeking to leave, to move to another registered provider for international students.

**"Overseas Student"** means a person (whether within or outside Australia) who holds a student visa as defined by the *Education Services for Overseas Students Act 2000 (ESOS Act)*, but does not include students of a kind prescribed in the ESOS Regulations. Where the student is under 18 years of age and the student is required to exercise rights or enter obligations as a legal person, this term may refer to the student's parents or legal guardian.

**APPROVAL**

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