

Overseas student transfers policy

Purpose

Australian Business School will 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 relates to all prospective students currently enrolled in other Australian educational institutions.

Definitions

ESOS Act. The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

PRISMS. The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.

Policy stipulations

- 7.1 Registered providers will 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, ABS will 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 will 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 will provide a valid enrolment offer from another registered provider
 - 7.2.2 circumstances in which ABS will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where ABS 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 ABS 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 ABS or an education or migration agent regarding ABS 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 ABS 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 ABS will 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 will 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 will be at no cost to the overseas student and the releasing registered provider will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.

- 7.5 If ABS intends to refuse the transfer request, they will 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 ABS will not finalise the student’s refusal status in PRISMS until the appeal finds in favour of ABS, 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 by notifying ABS in writing.
- 7.7 ABS will 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.

Procedure 1: Application from a prospective student transferring from another provider

Step	What	By whom	By when
1	Analyse the prospective student’s enrolment form to ensure that they will be 18 years of age at time of commencement of their course	Admissions	Prior to enrolment
2	Analyse the student’s enrolment form to ascertain whether they intend to transfer from another Australian provider	Admissions	Prior to enrolment
3	If so, analyse the student’s enrolment form to ascertain whether they have completed more than six months of their principal course	Admissions	Prior to enrolment
4	If they have not completed more than six months of their principal course, refuse the student’s application, unless one of the exceptions is met, as specified in 7.1.1 to 7.1.4 above	Admissions	Prior to enrolment
5	If the student’s application is refused, record the reason on the enrolment form and advise the student and/or their agent	Admissions	Prior to enrolment
6	If the student’s enrolment form indicates that any one of the exceptions is met, as specified in 7.1.1 to 7.1.4 above, continue to process the enrolment as usual	Admissions	Prior to enrolment
7	If, as in 7.1.3, the releasing registered provider has agreed to the overseas student’s release, verify in PRISMS that this has been recorded, and the date of effect, and the reason for release	Admissions	Prior to enrolment

Procedure 2: Application received from an ABS student applying to transfer to another provider

Step	What	By whom	By when
1	Analyse the student's transfer application form to ascertain whether they have completed more than six months of their principal course	Director of Studies	On receipt of application
2	Ensure the student has specified valid grounds and sufficient detail of the criteria under which they are applying	Director of Studies	On receipt of application
3	Ensure the student has provided a valid enrolment offer from another registered provider	Director of Studies	On receipt of application
4	Ascertain whether transfer is in the student's best interests, including but not limited to the criteria specified in 7.2.2.1 to 7.2.2.6 above	Director of Studies	Processing of application
5	If transfer is approved, sign and date the application and submit to Admissions for processing	Director of Studies	Processing of application
6	If transfer is to be refused, sign and date the application and submit to Admissions for processing	Director of Studies	Processing of application
7	If transfer has been approved, advise the student and/or their agent	Director of Studies	Processing of application
8	If transfer has been approved, advise the student and/or their agent to contact Immigration to seek advice on whether a new student visa is required	Director of Studies	Processing of application
9	If transfer has been approved, enter the outcomes and reason in PRISMS	Admissions	Processing of application
10	If transfer has been refused, advise the student and/or their agent in writing of the reasons for the refusal, and the student's right to access the ABS complaints and appeals process, within 20 working days. Include the ABS complaints and appeals policy and procedure in the written response to the student and/or their agent	Admissions	Processing of application

Step	What	By whom	By when
11	If transfer has been refused, do not finalise the student's refusal status in PRISMS until the appeal finds in favour of ABS, 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 by notifying ABS in writing	Admissions	Processing of application
12	Record on the ABS calendar, the date on which 21 working days will have elapsed	Admissions	Processing of application
13	After 21 working days, finalise the processing of the paperwork	Admissions	Processing of application
14	Securely retain records of all requests from the student for a release and the assessment of, and decision regarding, the request made by the students for at least two years after the person ceases to be an accepted student.	Administration	On receipt of paperwork

Relevant legislation

National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)

- Standard 7

User's guide to the standards for Registered Training Organisations 2015

- Standard 6

Related policies or forms

- Refund policy
- Fees schedule
- Transfer to another provider form