



# Overseas Student Student Transfers Policy

## 1. Introduction

This Policy seeks to ensure that Ruyton Girls' School (Ruyton) meets the Education Services for Overseas (ESOS) Act and National Code Standard 7 requirement for providers regarding the transfer of overseas students between registered providers.

## 2. Scope

This Policy applies the transfer of overseas students to or from Ruyton.

## 3. Key elements of the policy

### 3.1 Student transfers to Ruyton

Ruyton will not knowingly enrol an overseas student wishing to transfer from another registered provider school prior to the overseas student completing six months of study at the other registered provider, except in the following circumstances:

- where the releasing school has ceased to be registered;
- where the releasing school has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their studies at that school;
- if the releasing school has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
- where any government sponsor of the overseas student considers the change to be in the overseas students best interests and the releasing school has provided written support for the change.

Where a student is transferring to Ruyton and the overseas student does not have a parent or legal guardian caring for them in Australia, the School accepts responsibility for the student's accommodation and welfare arrangements in accordance with the *Overseas Student – Accommodation Policy*. As the receiving provider, Ruyton will be responsible for ensuring that there are no gaps in welfare arrangements.

### 3.2 Student transfers from Ruyton

Ruyton will not allow the transfer of an overseas student to another registered provider prior to completing six calendar months of their first school course, unless they meet one of the exceptions in 3.1 above.

Ruyton may agree to a transfer to another registered provider if the transfer is considered to be in the students best interests, either as determined by the School after six months or as determined by the government sponsor of the student before six months.

Circumstances in which a transfer is in the overseas student's best interests, include but are not limited to where the School has assessed that:

- 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 School's intervention strategy, as outlined in our *Overseas Student – Course Progress and Attendance Policy*;
- there is evidence of compassionate or compelling circumstances;
- the School has, or will, fail to deliver the course as outlined in the written agreement;
- there is evidence that the overseas student's reasonable expectations about their current course are not being met;
- there is evidence that the overseas student was misled by the School regarding the School or its course and the course is therefore unsuitable to their needs and/or study objectives;
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

Compassionate grounds include but are not limited to:

- illness, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members (where possible a death certificate should be provided);
- major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies;
- a traumatic experience which has impacted on the student, which could include:
  - involvement in, or witnessing a serious accident; or
  - witnessing or being the victim of a serious crime, and this has impacted on the overseas student (supported by police or psychologists reports);
- where the School was unable to offer a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

The School may require the overseas student to provide documentary evidence to support any claim of transfer on compassionate grounds.

### **3.3 Process for assessing transfers**

Requests for transfer to another registered provider from Ruyton must:

- be in writing including by email;
- provide a copy of a valid enrolment offer from another registered provider school; and
- be accompanied by written confirmation from the parent/legal guardian that they support the transfer.

### **3.4 Refusal of transfers**

The School will refuse a transfer request where it considers it is reasonable to do so. Reasonable grounds include:

- the overseas student is not genuinely engaging with an intervention strategy with the intention of failing and being released;
- the student wants to live somewhere else;
- if any of the course fees remain unpaid at the time of the request. Unpaid course fees include any fees in lieu of notice which will be charged when a student does not provide one full term's notice as required in the *Overseas Student – Enrolment Agreement*;
- if the student's progress is likely to be academically disadvantaged;

- if the proposed new provider and course does not meet the study capabilities of the student or provide adequate access to support services.

Where the School intends to refuse a transfer request, the overseas student will be informed in writing of the reasons for the refusal, this can be done via email. The School will encourage the student to consider whether a change in enrolment breaches a visa condition. The student can refer to the Department of Home Affairs website for guidance.

Transfer requests outcomes will be recorded in PRISMS. Ruyton will not finalise a student's refusal status in PRISMS until:

- any appeal against the refusal is lodged by the overseas student is finalised and upholds the School's decision not to release the student; or
- the overseas student did not access the School's complaints and appeals process within 20 working days of being notified of the refusal; or
- the overseas student withdraws their appeal against the refusal.

The School will notify the overseas student in writing the reason for refusing a transfer request and the overseas students right to access the complaints and appeals process within two working days. Ruyton will maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.

#### **4. References**

- The Education Services for Overseas Students (ESOS) Act (Commonwealth)
- National Code of Practice 2018

#### **5. Related Policies**

- Overseas Student – Course Progress and Attendance Policy
- Overseas Student – Complaints and Appeals Policy
- Overseas Student – Enrolment Agreement

**APPROVED:** Executive 2020