



## OVERSEAS STUDENT TRANSFER POLICY

### 1. Applicable Standards

National Code of Practice for Providers of Education and Training to Overseas Students 2018; Clause: 7.1 – 7.7

### 2. Overview

This Policy sits within the Enrolment Phase of the Student Journey.

### 3. Purpose

The purpose of this Policy is to provide guidance to accepted students, intending overseas students and overseas students on transferring to or from AMA College.

### 4. Definitions

In this Policy, these terms have the same meaning as defined in the Education Services for Overseas Students Act 2000.

**Accepted student** means an AMA College student (whether within or outside Australia):

- (a) who is accepted for enrolment, or enrolled, in a course provided by the provider; and
- (b) who is, or will be, required to hold a student visa to undertake or continue the course.

**Intending overseas student** means a person (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an overseas student.

**Overseas student** means a person (whether within or outside Australia) who holds a student visa, but does not include students of a kind prescribed in the regulations.

**Provider Registration and International Student Management System** means the system used to process information given to the Secretary of the Department of Education and Training by registered providers.

In this Policy, these terms have the same meaning as defined in the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

**ESOS agency** has the meaning given by section 6C of the Education Services for Overseas Students Act 2000.



## OVERSEAS STUDENT TRANSFER POLICY

**Standards** means the information listed in Part B of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

**Student** means an overseas student (or intending overseas student) as the context requires.

### 5. Policy

5.1 AMA College 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:

5.1.1 the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered

5.1.2 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

5.1.3 the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in the Provider Registration and International Student Management System.

5.1.4 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.

5.2 For the purposes of Standard 7.1.3 of the Standards (displayed in this Policy as 5.1.3), AMA College will have and implement a documented policy (this one) and procedure (Overseas Student Transfer Procedure) 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 the below:

***The Overseas Student Transfer Procedure provides more specific details***

5.2.1 the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider

5.2.2 circumstances in which the AMA College will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the AMA College has assessed that:



## OVERSEAS STUDENT TRANSFER POLICY

5.2.2.1 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 of the Standards (Overseas student visa requirements)

5.2.2.2 there is evidence of compassionate or compelling circumstances

5.2.2.3 the registered provider fails to deliver the course as outlined in the written agreement

5.2.2.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met

5.2.2.5 there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives

5.2.2.6 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

5.2.3 the circumstances which AMA College considers as reasonable grounds to refuse the transfer

5.2.4 a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

5.3 All AMA College students must be over 18 years of age.

5.3 If a release is granted, it must be at no cost to the overseas student and AMA College must advise the overseas student to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

5.4 If AMA College intends to refuse the transfer request, they must inform the overseas student in writing of:

5.4.1 the reasons for the refusal

5.4.2 the overseas student's right to access AMA College's complaints and appeals process, in accordance with Standard 10 of the Standards (Complaints and appeals), within 20 working days.



## OVERSEAS STUDENT TRANSFER POLICY

5.5 AMA College will not finalise the student's refusal status in PRISMS until the appeal finds in its favour, 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.

5.6 AMA College 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.

### 6. Policy Links

This Policy should be read in conjunction with the following AMA College Policies:

- 1.01 Marketing Advertising and National Logo Usage Policy
- 2.01 Enrolment Policy
- 2.04 Recognition of Prior Learning and Course Credit Policy
- 2.05 Refund Policy
- 3.06 Schools, ELICOS and Foundation Programs Policy
- 3.07 Higher Education Course Progress Policy
- 6.02 Education Agent Policy
- 6.03 Younger Overseas Students Policy

### 7. Policy Documents

- 2.03 Overseas Student Transfer Procedure

### 8. Policy Review and Implementation

The Principal Executive Officer (PEO) is accountable for the implementation of this Policy. The General Manager Vocational Education and Training is responsible for the implementation of this Policy, and may delegate responsibilities for elements of this Policy. Where this occurs, this delegation must be recorded within this document. This Policy is to be reviewed on an annual basis, or more frequently as required, with revisions detailed in the section below.

<b>Date of Issue and Revision</b>	<b>Description of Amendment</b>	<b>Reviewed (Quality Manager)</b>	<b>Authorised (General Manager)</b>
July 2018	Initial Registration	Peigi Hinton	Jan Norberger