

## OVERSEAS STUDENT TRANSFER POLICY

### 1. PURPOSE

Fintona Girls School (the School) is committed to adhering to the *Education Services for Overseas Student Act 2000* (ESOS Act) and meeting Standard 7: Overseas Student Transfers of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and ensuring overseas students are restricted from transferring between registered providers prior to completing six calendar months of their first school course. If students request to transfer, they must obtain a release from their registered provider or meet one of the below conditions:

- the releasing registered provider, or the course in which the 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 their course with that registered provider; 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 usually applies where the overseas students' study in Australia is sponsored by the government of another country.

### 2. SCOPE

This Policy applies to all overseas students, their parents, legal guardians, the School staff and any other persons supporting our overseas students for the School.

### 3. POLICY

The School will only grant transfer to students in the first six months of their first registered school course when it is in the best interest of the student and in the following circumstances:

- 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 Schools intervention strategy;
- there is evidence of compassionate or compelling circumstances;
- the student has changed welfare and accommodation arrangements and is no longer within a reasonable travelling time of the School;
- it has been agreed by the School the student would be better placed in a course that is not available at the School;
- any other reason stated in the School's policies.

The School will not provide a letter of release to students in the first six calendar months of their principal course in the following circumstances:

- the student's progress is likely to be academically disadvantaged;
- the School is concerned that the student's application to transfer is a consequence of the adverse influence of another party.

After completing six calendar months of their first course, an overseas student can transfer without meeting these conditions.

The School will not actively recruit overseas students where they are enrolled with another School or registered provider in Australia as this may conflict with their obligations under National Code Standard 7.

## 4. PROCEDURES

### 4.1 REQUEST TO TRANSFER TO ANOTHER SCHOOL (REGISTERED PROVIDER)

In order to request a transfer to another registered provider, the student must lodge a written request to transfer which includes a letter from the receiving provider that a valid offer of enrolment has been made.

Students under 18 years of age must also have:

- written evidence that the student's parents/legal guardian supports the transfer;
- written confirmation that the new provider will accept responsibility for approving the student's accommodation, support, and general welfare arrangements where the student is not living with a parents/legal guardian or a suitable nominated relative;
- evidence that the student is always in Department of Home Affairs approved welfare and accommodation arrangements.

The School Principal or delegate will use their professional judgement to access each transfer request on its individual merits.

All applications for transfer will be considered within 10 working days and the student notified via email of the decision.

If the School refuses to grant the transfer request the overseas student and parents/guardian will be notified in writing of the reasons for refusing the request and the overseas students right to appeal the decision in accordance with the Overseas Student Complaints and Appeals Policy which is available on the School website or in the Overseas Student Enrolment Pack from the Registrar.

The School will update any changes to enrolment status on the Provider Registration and International Student Management System (PRISMS) portal. If the School intends to refuse the transfer release it must not finalise the refusal status in PRISMS until:

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

### 4.2 REQUEST TO TRANSFER TO FINTONA FROM ANOTHER SCHOOL (REGISTERED PROVIDER)

The School will not actively recruit overseas students where they are enrolled with another School or registered provider in Australia as this conflicts with our obligations under National Code Standard 7.

If the School is approached by an overseas student, their parents or agent, who wishes to transfer between registered education providers, the School Registrar will take reasonable steps to check whether the student is enrolled with another provider and has completed six months tuition with the initial education provider before completing the enrolment.

'Reasonable steps' include the School Registrar asking the overseas student if they are currently enrolled with another provider, checking an overseas student's visa and using the Provider Registration and International Student Management System (PRISMS).

Overseas students under the age of 18 will need permission from a parent or a legal guardian to change Schools (registered providers).

If it can be verified that the student has completed at least six months of tuition with the initial registered provider then the School's normal Application for Admission enrolment requirements and procedures will be followed and documentation submitted to the School Registrar (refer to the Overseas Student Enrolment Policy and Procedures for more information).

If the student meets all of the School's requirements of acceptance into the course including an interview with the Principal or delegate, the School Registrar may issue a letter of offer to the overseas student for them to obtain a release from the registered provider the student is currently studying with.

#### 4.3 RECORDS

The School will maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.

## 5. IMPLICATIONS FOR PRACTICE

### AT PRINCIPAL LEVEL

To properly implement this policy, the Principal must ensure:

- that this policy is reviewed every two years
- ensure the School Registrar implements this policy and its procedures.

### AT OTHER LEVELS

To properly implement this policy, all the School's employees must ensure that they will abide by this policy and assist the Principal and School Registrar in the implementation of this policy.

## 6. DEFINITIONS

'**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 the 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); or

- 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.

These are only some examples of what may be considered compassionate or compelling circumstances. The School Principal will use their professional judgement to access each case on its individual merits.

## **7. RELATED SCHOOL POLICIES**

- E02.00 Overseas Student Enrolment Policy and Procedures
- E06.00 Overseas Students Marketing and Communication Policy
- SW11.00 Overseas Students Complaints and Appeals Policy

## **8. REFERENCES**

- ESOS Act (2000) – Obligations of registered providers
- ESOS National Code Standard 7: Overseas student transfers (Fact Sheet 14 July 2022)

## **8. ACCESSIBILITY**

This document is available on:

- Fintona Website > Overseas Students
- inFintona>Staff Services>Policies
- inFintona>Parent Services>Policies