



# Transfer Policy

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## 1. Purpose

This Policy seeks to ensure that Methodist Ladies' College ("MLC" or "the College") meets the Education Services for Overseas (ESOS) Act and National Code Standard 7 requirement for providers regarding the transfer of International Students between registered providers.

## 2. Scope

This policy applies to the transfer of International Students to or from MLC.

"International Student" has the same meaning as "overseas student" in Section 1.1.3 of the Education and Training Reform Act 2006 (Vic).

## 3. Policy Principles

### 3.1 Student transfers to MLC

MLC will not knowingly enroll an International Student wishing to transfer from another registered provider school prior to the International 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 student's best interests and the releasing school has provided written support for the change (only applies where a student's study in Australia is sponsored by the government of another country)

If the International Student is under 18 years of age, MLC will ensure that written confirmation from the student's parents or legal guardians is received to support the transfer.

Where a student is transferring to MLC and the International Student is under 18 years of age and does not have a parent or legal guardian caring for them in Australia, the College accepts responsibility for the student's accommodation and welfare arrangements in accordance with the *International Student – Students Under 18 Policy*. As the receiving provider, MLC will be responsible for ensuring that there are no gaps in welfare arrangements.

### 3.2 Student transfer from MLC

MLC may grant a request for a student to a transfer to another registered provider who has not yet completed six months of study at MLC, if the transfer is considered to be in the student's best interests, as determined by the College.

Circumstances in which a transfer is in the International Student's best interests, include but are not limited to where the College 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 College's intervention strategy, as outlined in our *International Student – Student Progress and Attendance Policy*;
- there is evidence of compassionate or compelling circumstances
- the College has, or will, fail to deliver the course as outlined in the written agreement
- there is evidence that the International Student's reasonable expectations about their current course are not being met
- there is evidence that the International Student was misled by the College regarding the College 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 International Student.

Compassionate grounds include but are not limited to:

- serious illness or injury, 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 psychologist's reports)
- where the College was unable to offer a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

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

### 3.3 Student transfer requests

MLC will only grant a transfer request after an International Student has completed the first six months of their registered school course unless an exception in Standard 7.1 applies.

Requests for transfer to another registered provider from MLC 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.

In accordance with the requirements under Standard 7.2.4, the College will respond to an International Students transfer request within 10 business days of the student lodging a written request.

### 3.4 Granting release

If a release is granted, it will be at no cost to the International Student and the College will advise the student of the relevant details to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

The College will inform the student of their visa obligations to maintain their current welfare arrangements until new arrangements are approved or return to their home country until the new approved welfare arrangements take effect.

### 3.5 Refusal of transfer requests

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

- the International 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 *MLC Terms and Conditions of Enrolment*
- 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 College intends to refuse a transfer request, the International Student will be informed in writing of the reasons for the refusal; this can be done via email. The College 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. MLC will not finalise a student's refusal status in PRISMS until:

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

The College will notify the International Student in writing the reason for refusing a transfer request and the International Student's right to access the complaints and appeals process within 20 working days.

### 3.6 Records Management

MLC will maintain records of overseas student transfer requests for two years after the student ceases to be an enrolled student.

## 4. References

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

## 5. Related Policies

- International Student – Students Under 18 Policy
- International Student – Course Progress and Attendance Policy

## 6. Governance

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