

## Overseas Student Transfers Policy

### Kambala's Policy

The School will not enrol a full fee paying overseas student seeking to transfer from another registered provider except in circumstances that meet the exceptions under Standard 7.1 of the National Code.

### Student Transfer Request

The School will only grant a transfer request after the full fee paying overseas student has completed the first six months of their first registered course unless an exception in Standard 7.1 applies.

Requests for transfer to another registered provider must:

- be in writing (can be by email); and
- provide a valid enrolment offer from another registered provider.

One of the grounds on which the School may agree to a full fee paying overseas student's release under Standard 7.1 is if the transfer is in the student's best interests:

- as determined by the School itself after six months; or
- as determined by the government sponsor of the student before six months (refer to the Source of Obligation section above).

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

- the full fee paying 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.
- 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 full fee paying overseas student's reasonable expectations about their current course are not being met
- there is evidence that the full fee paying overseas student was misled by the School or an education or migration agent 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 full fee paying overseas student.

### Compassionate or Compelling Circumstances

Compassionate or compelling circumstances are generally those beyond the control of the full fee paying overseas student and which have an impact upon the full fee paying overseas student's course progress or wellbeing. These include, but are not limited to:

- serious illness or injury, where a medical certificate states that the full fee paying 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 full fee paying overseas student's studies
- a traumatic experience, which could include:
  - involvement in, or witnessing of a serious incident
  - witnessing or being the victim of a serious crime, and this has impacted on the full fee paying overseas student (these cases should be 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.

When determining whether compassionate or compelling circumstances exist the School may require the student to provide documentary evidence to support a claim.

### **Refusal of Transfer**

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

- the full fee paying 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.

When the School intends to refuse a request, the School will inform the full fee paying overseas student in writing (can be by email) of:

- the reasons for refusal; and
- the full fee paying overseas student's right to access the School complaints and appeals process, outlined in our Full Fee Paying Overseas Students Complaints Handling Policy and Full Fee Paying Overseas Students Complaints Appeals Policy, within 20 working days of the decision being made.

### **Time to Assess**

In accordance, with the requirement under Standard 7.2.4 that requires the School to set a reasonable timeframe for assessing full fee paying overseas student's requests, the School will respond to the full fee paying overseas student's transfer request within 10 business days of the full fee paying overseas student lodging a written request.

### **Transfer of a Full Fee Paying Overseas Student Under 18**

Standard 7.3 requires that if the full fee paying overseas student is under 18 years of age:

- the School must have written confirmation that the full fee paying overseas student's parent/guardian supports the transfer
- where the full fee paying overseas student is not being cared for in Australia by a parent or a suitable nominated relative, the receiving provider must confirm it accepts the responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5

(Younger overseas students). Refer to our Younger Full Fee Paying Overseas Students Policy.

The School ensures that we meet these requirements.

It is the responsibility of the receiving provider to ensure that there are no gaps in the full fee paying overseas student's welfare arrangements.

### **Granting Release**

In accordance with Standard 7.4, if a release is granted by the School, it will be at no cost to the full fee paying overseas student and the School 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.

### **Finalising Refusal Decision**

Standard 7.6 requires that the School must not finalise the full fee paying overseas student's refusal status in PRISMS until any appeal finds in favour of the School, or the full fee paying overseas student has chosen not to access the complaints and appeals process within the 20 working day period, or the full fee paying overseas student withdraws from the process.

The School will only finalise the full fee paying overseas student's refusal status in PRISMS when:

- any appeal finds in favour of the School;
- the full fee paying overseas student has chosen not to access the complaints and appeals process within the 20 working day period; or
- the full fee paying overseas student withdraws from the process.

### **Record Keeping**

Standard 7.7 requires the School to maintain records of all requests from full fee paying overseas students for a release and the assessment of, and decisions regarding, the request, for two years after the full fee paying overseas student ceases to be an accepted student.

The School maintains all records of requests from full fee paying overseas students for a student transfer and the assessment of, and decisions regarding, the request will be maintained in accordance with our Full Fee Paying Overseas Students Records Management and Retention Policy for two years after the full fee paying overseas student ceases to be an accepted student.