

## International Student Transfer Request Policy

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### 1. Background

Gateway Business College (GBC) has an obligation to comply with the ESOS Act and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) in accordance with Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registration requirements. This includes ensuring compliance with Standard 7 of the National Code in relation to overseas or international student transfers.

### 2. Purpose

The *International Student Transfer Request Policy* establishes a framework to ensure that international students at GBC are adequately informed and supported, and that procedures for the compliant handling of international student transfer requests are applied. This policy provides guidelines for the appropriate assessment, documenting and recording of international student transfer requests and identifies complaints and appeals mechanisms for international students should GBC intend to refuse the transfer request.

### 3. Scope

This policy applies to GBC staff and international students, external Board and Committee members.

### 4. Definitions

**Education Services for Overseas Students Act 2000 (ESOS Act):** the established legislative requirements and standards for the quality assurance of Australian education and training institutions offering courses to international students who are studying in Australia on a student visa. ESOS provides tuition fee protection for international students.

**International student:** an enrolled student who has been granted a student visa (subclass 500) by the Australian Department of Home Affairs (DOHA), which entitles them to study full-time in Australia.

### 5. Principles

GBC will not knowingly enrol an international student wishing to transfer from another registered provider's course prior to the student completing six months of their principal course of study.

For GBC to allow an international student to transfer before completing six months of their principal course, the student must either obtain a Letter of Release from their registered provider, or meet one of the following conditions:

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- The releasing registered provider, or the course in which the international 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 international student from continuing their course with that registered provider;
- Any government sponsor of the international student considers the change to be in the student's best interests and has provided written support for that change.

## 6. Procedures

### 6.1 International Student Transfer Requests

GBC has a documented Student Transfer Request Form, available online, which the student must complete. In order for an international student to lodge a Transfer Request, they must first have a Letter of Offer from another registered provider. The student must specify the reasons and circumstances for the transfer request on the Transfer Request Form.

- GBC will ensure Student Transfer Requests are assessed and replied to within a reasonable timeframe.
- GBC may refuse the Transfer Request if the transfer can be considered detrimental to the student.
- GBC will grant a Letter of Release only where the student has provided a Letter of Offer from another registered provider confirming that a valid enrolment offer has been made.
- A Letter of Release, if granted, will be issued at no cost to the student and will advise the student of the need to contact the Department of Home Affairs (DOHA) to seek advice on whether a new student visa is required.

Where GBC does not grant a letter of release, the student will be provided with written reasons for refusing the request and will be informed of their right to appeal the decision in accordance with GBC's *Student Complaints and Appeals Policy* and procedures, available online at: [www.gatewaycollege.com.au/bachelors](http://www.gatewaycollege.com.au/bachelors).

GBC will maintain records of all Student Transfer Requests, Letters of Release and the assessment of, and decision regarding, the request on the student's file.

GBC will maintain records of all Student Transfer Requests for 2 years after the international student ceases to be an accepted student.

GBC will record all Student Transfer Request outcomes in PRISMS.

### 6.2 Grounds for granting a Letter of Release

For GBC to grant a Letter of Release, the student must provide a Letter of Offer from another registered provider confirming that a valid enrolment offer has been made.

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A Letter of Release will be granted at no cost to an international student where the student has already completed six months of their principal course of study with GBC or the student's government sponsor considers the change to be in the student's best interests and has provided written support for that change.

Provided that there are no grounds for denying a request, as listed below, a Letter of Release will be granted if one or more of the following circumstances exist:

- there is evidence of compassionate and compelling circumstances that are beyond the control of the student which have an impact upon the student's course progress and wellbeing;
- the student will be reported because they are unable to achieve satisfactory course progress even though they have engaged with GBC's intervention strategies to support international students;
- the other registered provider offers support for particular needs of the student, where that support is not available at the GBC campus. Support services may include, for example, access to a cultural support network, learning support or counselling services;
- GBC fails to deliver the course as outlined in the written agreement with the student;
- the student provides evidence that they were misled by a GBC staff member or an official agent regarding GBC or the course in which they are enrolled;
- there is evidence that the international student's reasonable expectations about their current course are not being met;
- an appeal (internal or external) on another matter results in a decision or recommendation to release the international student.

Compassionate and compelling circumstances for granting a Letter of Release include but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes, study and complete course work;
- family bereavement (parents, grandparents, siblings) – a death certificate is required;
- a major political upheaval or natural disaster in the student's home country requiring emergency travel has impacted the student's studies;
- a traumatic experience such as witnessing or being involved in a serious accident, witnessing or being the victim of a serious crime.

### 6.3 Grounds for Denying a Letter of Release

A Letter of Release will not be granted in the following instances:

- the student has outstanding course fees for the current study period;
- a valid enrolment offer from another Registered Provider is not provided;
- if a transfer is assessed as being detrimental to the student's welfare or their future studies after taking into account all relevant factors such as:
  - ~ Where the transfer may jeopardise the student's progression through a package of courses;
  - ~ Where a student has not engaged with intervention strategies to support their satisfactory course progress
  - ~ Where a student has not accessed the GBC available support services for assistance with their studies and/or personal problems, for example, they have not sought assistance from GBC support or counselling services following a referral; or

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- ~ The scheduled date for commencing classes at the other registered provider has passed at the date of lodging the Student Transfer Request for a Letter of Release.
- A Letter of Release will not generally be granted if the only reasons provided with the request are that the student changed their mind or wants to live somewhere else.

### 6.4 Calculating six months completion of the principal course

The start date for calculating the six month completion period is when the student starts, or is scheduled to start, their principal course. Where a student has had a break from their studies due to a deferment or suspension, that break is not counted for the purpose of determining if the student has completed six months of the principal course.

### 6.5 Requesting a Letter of Release

Students must submit a Student Transfer Request for a Letter of Release and supporting documents to the Student Administration Officer.

To be eligible to receive a Letter of Release the student must:

- Pay all outstanding fees to GBC; and
- Provide supporting documents including a valid enrolment offer from another Registered Provider.

### 6.6 Outcome

Where the request is approved, GBC will issue a written Letter of Release. The Letter of Release will be issued within ten (10) working days of receiving the request and include the advice that student contact the Department of Home Affairs (DOHA) directly to determine the effect of the transfer on their student visa.

Any course tuition fees or refunds will be determined in accordance with the GBC's relevant Tuition Fee Refund Policy.

Where the Student Transfer Request is unsuccessful, GBC will notify the student in writing of the decision, including the reasons for the decision and the international student's right to access the GBC complaints and appeals processes within 20 working days.

### 6.7 Records

Records of Student Transfer Requests for a Letter of Release and the process used to make a decision in relation to the request will be documented and retained on the student's file and recorded in PRISMS.

GBC will maintain records of all requests from international students for a release and the assessment of, and decision regarding, the request for two (2) years after the international student ceases to be an accepted student.

### 6.8 Appeals

Where a Student's Transfer Request for a Letter of Release is denied, the student has the right to appeal the decision as per GBC's *Student Complaints and Appeals Policy* and procedures framework.

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International students can access the GBC complaints and appeals process within 20 working days, if GBC intends to refuse the transfer request.

GBC will not finalise the student's refusal status in PRISMS until any appeal finds in favour of GBC or if the student has chosen not to access the GBC complaints and appeals processes within 20 working days or if the international student withdraws from the process.

### 6.9 Information to Students

GBC will ensure all international students have access to relevant information related to transfers, including forms, guidelines and procedures, on the GBC website.

GBC will ensure all international student enquiries regarding transfers are handled promptly and accurately.

### 6.10 Implementation, Monitoring and Reporting

The Corporate Governance Board delegates responsibility for the day-to-day implementation of this policy to the Academic Board and the Dean and matters of compliance to the GBC CEO and Compliance Officer.

The Academic Board reports to the Corporate Governance Board on matters relating to International Student Transfer Requests.

GBC reports to the Tertiary Education Quality and Standards Agency (TEQSA) on compliance with all CRICOS registration requirements, including international student transfers.

## 7. Review

This policy will be reviewed by the Academic Board every three years, or more frequently should the Board deem it necessary.

Document History			
Document Name	International Student Transfer Request Policy		
Document Owner	GBC	Date Developed	15.06.2019
Initial Approver	GBC Policy Development Committee	Date Initial Approval	15.06.2019
Reviewed by	Academic Board	Date of Approval	19.06.2019
Related Documents	Admissions Policy Information to Students Policy International Student Course Progress and Attendance Policy International Student Deferral, Suspension or Cancellation of Enrolment Policy International Student Support Services Policy Student Complaints and Appeals Policy		
Version No.	Summary of Changes		
1.			