Overseas Student Transfer Policy and Procedure

Policy Owner	CEO
Approving Authority	Academic Board
Implementation Responsibility	CEO
Effective Date	09/01/2025
Review Date	TBA
Current Status	Version 1.4

1. Purpose

To describe the policy and procedure for the transfer of overseas Students.

2. Scope

All overseas students who may consider transferring from another registered Higher Education provider to SPI or transfer from SPI to another provider.

3. Definitions

ESOS Act is the Education Services for Overseas Students Act 2000 (Commonwealth) and sets out the legal framework governing the delivery of education to overseas students in Australia on a student visa.

Provider Registration and International Student Management System (PRISMS) provides Australian education providers with the Confirmation of Enrolment (CoE) facilities required for compliance with the Education Services for Overseas Students (ESOS) Legislation.

Principal course of study is defined in the National Code 2018 as the "main or the final course of study" to be undertaken by an overseas student where a student visa has been issued.

4. Procedures

4.1 Incoming (transferring into SPI) students

In accordance with the ESOS National Code of Practice for Providers of Education and Training to Overseas Students 2018, SPI will not enrol an overseas student transferring from another registered Australian higher education provider if the student has not completed six months of their prior course. Exceptions to this rule include:

- The deregistration or dissolution of the releasing Australian higher education provider and/or the course the student was enrolled in;
- The imposition of sanctions by ESOS or other relevant regulatory authorities on the releasing Australian higher education provider, preventing the continued provision of education to the student and operation of their course;
- The releasing registered Australian higher education provider has agreed to the release of the foreign student and successfully recorded the reasons and date of effect in PRISMS; or;

Note: The details of the reporting process is described in:

https://internationaleducation.gov.au/About-AEI/Documents/How%20To%20Manage%20Student%20Transfers%20in%20PRISMS.pdf

- An appropriate government sponsor or authority has recommended and approved the decision to transfer the student, documented the reasons for doing so, provided written support and based their reason on the student's best interests.

4.2 Outgoing (transferring out of SPI) students

The ESOS Act places constraints on overseas students transferring prior to completing the first six months of their principal course of study. In practice, this means that overseas students must remain enrolled in their principal course of study at Sydney Polytechnic Institute for at least two (2) consecutive trimesters.

For any student who applies to transfer out of SPI within the first six months, SPI, as the releasing registered Higher Education provider, will assess the student's transfer request when the student lodges a written request to transfer using the Enrolment Cancellation form. The request to transfer should;

- clearly state the reasons and grounds for the request;
- if applicable, attach a valid offer of enrolment from another registered Australian higher education provider.

The process for transferral is as follows:

4.2.1 The Enrolment Cancellation form is submitted by the student to Student Services, addressing each of the points outlined in 4.2 of this document.

4.2.2 The application must include all supporting documentation and the completed form.

4.2.3 The application will be assessed and the outcome will be delivered to the student within ten working days from the receipt of the valid application by SPI. A written response will be sent to the student's SPI email address and/or by post to the most recent Australian residential or postal address provided per student request.

4.2.4 The transfer request may be approved based on one or more of the following conditions that support the grounds for transfer being in the student's best interests.

- Clear and valid evidence has been provided to support compassionate or compelling extenuating circumstances. For further details, please consult the ESOS Act s.19, National Code Part D. (See section 4.8)
- In the unlikely scenario that SPI is unable or has failed to deliver the courses as outlined in the formal agreement with the student (ie. Letter of Offer).
- Reasonable and compelling evidence has been provided to demonstrate SPI's failure to meet the student's reasonable expectations regarding their course.
- Reasonable and compelling evidence has been provided to demonstrate that the student was misled or misinformed by SPI or a representative of an education or migration agency regarding SPI's course(s).
- Reasonable and compelling evidence has been provided to demonstrate that SPI cannot fulfil the student's academic needs or objectives
- An internal or external appeal deriving from another matter has resulted in the decision or recommendation by the appropriate authorities to release the overseas student from their enrolment.

4.3 Applications and requests for transfer may be rejected, and are not limited to the following grounds:

- No valid, reasonable or compelling evidence is provided to support a claim such as listed in s.4.2.4 of this document that the transfer is in the student's best interests;
- No valid enrolment offer from another registered Australian higher education provider is given; or;
- The transfer request and/or application has not been provided or provided in an acceptable form to SPI by the student.
- The student has not started or completed six months or two trimesters of their principal course of study.
- The student does not want to study their enrolled principal course.
- The student has not exhausted all access to SPI support services when any assistance with their study is required.
- Transfer is considered to be detrimental to the student, if
  - the student is requesting a transfer to a lower AQF level
  - the transfer may jeopardise the student's study progress
  - the student is attempting to avoid being reported.

4.4 If a release is granted, the overseas student enrolment will be released at no cost to the student; however, the student will pay any outstanding fees to SPI. SPI will advise the student to seek guidance from the Department of Home Affairs regarding their visa status and the potential need for a new student visa.

4.5 If the request for release is refused, the overseas student will be informed in writing of the outcome, including the reasons for the refusal. The student will also be advised of their right to access SPI's complaints and appeals processes within 20 working days. For details, please refer to the SPI *Student Complaint and Grievance Resolution Policy and Procedure* for details. (See section 4.9)

4.6 Release refused

SPI has the discretion to refuse a release request. If a request is refused, SPI will inform the student in writing (via email and postal mail) of the reason for the refusal within 10 working days from the receipt of the transfer request.

4.7 Compassionate or Compelling Circumstances

Extenuating circumstances on compassionate or compelling grounds refer to situations where the the student's wellbeing, study and/or academic progress is significantly impacted by factors beyond their control. Valid documentary evidence must be provided in support of such claims. Examples include:

- **Severe illness, injury or medical condition**: A medical certificate, stating that the affected student will not be able to attend classes; or;
- **Loss or bereavement of immediate family members**: Provision of a death certificate as

supporting documentary evidence, if possible; or;

- **Emergencies within the overseas student's home country**: Necessitating emergency travel; or;
- **Experience or involvement in a traumatic event**: Documented in police or psychological reports.

Additionally, if applicable, documentary evidence from independent professionals, such as medical certificates or evidence of legal counsel, must be provided.

4.8 Appeal

In the event of a refusal of transfer, and before finalising the refusal status in PRISMS:

4.8.1 Students have a right to appeal through the internal complaints and appeals processes at SPI within 20 working days of the decision being made by SPI.

4.8.2 Students have a right to appeal externally to SPI after the finalisation of an outcome from the SPI internal complaints and appeal process.

4.8.3 SPI will not finalise the student's refusal status in PRISMS until:

- the outcome of the appeal finds in favour of SPI, or
- the student decides not to access the complaints and appeals process within 20 working days of the decision being made by SPI, or
- the student withdraws from the complaints and appeals process.

For information and assistance on appeal rights, please view SPI's *Student Complaint and Grievance Resolution Policy and Procedure* and/or seek assistance from Student Services at SPI.

4.9 Records of all requests from overseas students for a release, the assessment process and decision regarding the transfer request will be maintained in the student's file in accordance with SPI's *Records and Information Management Policy*.

Notes

Related Legislation:

ESOS Act
ESOS Act (2000) incorporating National Code 2018

Related Documents:

SPI Student Admissions and Enrolment Policy
SPI Academic Credit and Recognition of Prior Learning Policy
SPI Student Complaint and Grievance Resolution Policy and Procedure
SPI Student Progression, Exclusion and Graduation Policy
SPI Tuition Fees Payment and Refund Policy

Amendment History:

Version No.	Approved by	Effective date	Amendments
1.0	Academic Board	21/05/2021	New Policy

1.1	Academic Board	23/09/2022	New Section 4.6 inserted, and amendments made to Sections 4.2 and 4.5.
1.2	Academic Board	29/11/2022	Section 4.6 concerning overseas students under 18 years of age has been removed. A new Section 4.6 regarding written advice on the student's right to access the complaints and appeals process has been inserted; Subsection 4.8.3 inserted.
1.3	Academic Board	11/16/2023	Amendments made to Sections 4.2 and 4.3 and general grammatical edits.
1.4	Academic Board	09/01/2025	Amendments made to Sections 4.1, 4.2, 4.4 through 4.7 for further refinement.