

# IHSTS Overseas Student Transfer Policy

Policy Summary				
IHSTS Policy Category		Academic		
Policy Owner		COO		
Responsible for Implementation		Director of ELICOS / Director of ihBC		
Review Date (2 years)		March 2026		
Related Documents		Complaints and Appeals Policy Complaints and Appeals Process Records Management Policy Request to transfer form		
RTO Standards (2015)				
National Standards (2018)		Standard 5, Standard 7 and Standard 10		
Version	Author	Authorised by	Approval Date	Effective date
4	VET Quality Assurance Manager	COO	9 May 2024	10 May 2024

## Definitions

Confirmation of Enrolment (CoE)	A document issued by education providers to verify the student's enrolment in a course.
DHA	The Department of Home Affairs
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students is an Australian Government register that lists all Australian education providers offering course to students studying in Australia on a study or training visa and the courses offered.
Principal course of study	The main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses and is usually the final course of study.
PRISMS	The Provider Registration and International Student Management System is an Australian Government secure online system for managing international student enrolments, visa conditions and compliance with ESOS legislation.

## 1. Purpose

The purpose of this policy is to ensure International House Sydney Training Services (IHSTS) effectively manages overseas student transfers in accordance with legislative and regulatory requirements, of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* Standard 7.

## 2. Scope

This Policy applies to all IHSTS staff and overseas students and should be read in conjunction with appropriate IHSTS policies and procedures.

## 3. Policy

### 3.1 General

Generally, overseas students should not transfer between registered providers prior to completing six calendar months of their principal course. The principal course is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.

This means the transfer restriction applies to an overseas student during all courses they undertake prior to the principal course.

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

- the releasing registered provider, or the course in which the overseas 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
- 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 student's study in Australia is sponsored by the government of another country.

After completing six calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

### 3.2 Transfers from IHSTS to another CRICOS registered provider

Students must request a transfer in writing by submitting a Request to Transfer form, clearly detailing the reason/s for the transfer.

Students must also provide evidence of a valid enrolment offer from another registered provider.

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

### 3.2.1 Circumstances in which a transfer could be granted

IHSTS may grant the transfer request where the transfer is in the student's best interest, including but not limited where IHSTS 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 IHSTS intervention strategy
- there is clear evidence of compassionate and compelling circumstances
- there is clear evidence that IHSTS failed to deliver the course as outlined in the written agreement
- there is clear evidence that the overseas student's reasonable expectations about their current course are not being met
- there is clear evidence that the overseas student was misled by IHSTS or an education or migration agent regarding IHSTS or its course, and the course is therefore unsuitable to their needs and/or study objectives; or
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

If their transfer request has been approved, students will be informed in writing within 10 working days of the request being submitted. IHSTS will advise the student to contact the Department of Home Affairs (DHA) to discuss any impact of the transfer on their visa conditions.

### 3.2.2 Circumstances in which a transfer will not be granted

IHSTS will not grant the transfer:

- when a transfer is requested before the student has completed six months without any evidence of compassionate or compelling circumstances
- if IHSTS forms the view that the student is trying to avoid being reported to the DHA for failure to meet IHSTS's attendance or academic progress requirements
- where the documents provided by the student do not, in IHSTS's view, provide adequate grounds to justify the transfer
- when a transfer is considered detrimental to the student, including:
  - if the transfer may jeopardise the student's progression through a package of courses
  - if the student recently started studying the course and the full range of support services are yet to be provided or offered to the student
- the student has outstanding debts to IHSTS

Where a transfer is refused, IHSTS will notify the student in writing the reason for the refusal within 10 working days. The student will be reminded of their right to access the IHSTS complaints and appeals process (in accordance with Standard 10) within 20 working days of the notice of refusal.

IHSTS will not finalise the overseas student's refusal status in PRISMS until:

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

### 3.3 Compassionate and compelling circumstances

Generally, circumstances beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing and could include:

- 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 serious crime, and this has impacted in the overseas students (these cases should be supported by police or psychologists' report)
- where the registered provider was unable to offer a prerequisite 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.

### 3.4 Transfers to IHSTS from another CRICOS registered provider

IHSTS will only issue a Confirmation of Enrolment (CoE) to enrol an overseas student who seeks to transfer to IHSTS if:

- the original registered provider has agreed to the student's release, and this has been recorded in PRISMS
- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- the original provider has had a sanction imposed on its registration by an ESOS agency that prevents the student from continuing in their principal course
- any government sponsor of the student considers the change to be in the student's best interests and has provided written support for that change
- the student is under the age of 18, there is written evidence that the student's legal guardian supports the transfer and, in cases where the student is not being cared for in Australia by a parent or suitable nominated and approved relative, the student must have accommodation, support, and general welfare arrangements in place with the College.

### 3.5 Transfers for Younger Overseas Students

Transfer request for younger overseas students under the age of 18 must be accompanied with:

- written evidence that the younger overseas student's or legal guardian supports the transfer
- evidence of a valid reason for the transfer
- evidence of a valid enrolment offer from the receiving provider, and
- written confirmation that the new provider will accept responsibility for the student's accommodation, support and general welfare arrangements, if the student is not being cared for in Australia by a parent or suitable nominated relative. It is the responsibility of the receiving registered provider (under Standard 5) to ensure that there are no gaps in welfare arrangements. This may include agreeing to accept welfare responsibility at an earlier time.

Students and their parent or legal guardian will be informed in writing that their request to transfer has been approved. IHSTS will advise the student to contact the DHA to discuss any impact of the transfer on their visa conditions.

IHSTS will not take responsibility for legal guardianship of any student.

## 4. Responsibilities

IHSTS Directors are responsible for ensuring that appropriate policies and practices are approved and implemented.

Academic State Managers and Director of Studies are responsible for communicating this Policy to their students and academic teams.

## 5. Document History

Version	Date	Author	Reason	Sections
2.1	07/06/2022	Jeff De Jager		
3.0	05/03/2024	Director of IhBC		
4.0	27/03/2024	VET Quality Assurance Manager	Full review and update	All