

OVERSEAS STUDENT TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

1. Purpose and Objectives

- 1.1 This policy outlines the circumstances under which Le Cordon Bleu Australia (LCBA) will grant or refuse an overseas student request for transfer to another registered provider. It sets out the rules that apply to requests for release in accordance with Standard 7 of the National Code.
- 1.2 Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) restricts providers from enrolling transferring students prior to the student completing six months of his or her principal course of study, except for the circumstances outlined in the Standard. Providers from whom a student is seeking to transfer are responsible for assessing the student's request for transfer within the restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student. After the first six months of the principal course no restrictions apply.

2. Scope

- 2.1 This policy applies to all student visa holders who have been issued a Confirmation of Enrolment (CoE) by LCBA through the Australian government Provider Registration and International Student Management System (PRISMS).

3. Legislative Context

- National Code of Practice for Providers of Education and training to Overseas Students 2018 see [National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Federal Register of Legislation](#)
- Education Services for Overseas Student Act 2000 see [Education Services for Overseas Students Act 2000 - Federal Register of Legislation](#)

4. Policy Statement

- 4.1 LCBA will determine the outcome of a student request for transfer to another registered provider, under the Policy's outlined conditions and circumstances and with reference to legislative requirements.
- 4.2 LCBA does not accept applicants enrolled with other registered providers and who have not completed six months of their principal course.
- 4.3 LCBA will grant a release to a student where it considers the release would be in the student's best interest, unless it establishes there are reasonable grounds for refusal.

5. Policy

- 5.1 Accepting students from another Registered Provider (Admissions)
 - 5.1.1 Applications for LCBA programs by overseas student visa holders are not accepted where the applicant has not completed 6 months of their principal course with another Registered Provider. The exceptions to this obligation are where:
 - 5.1.1.1 The student has obtained release from their principal course with another Registered Provider.

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- 5.1.1.2 The student is applying to commence a LCBA program with a start date after the applicant has completed 6 months in their principal course with another Registered Provider.
 - 5.1.1.3 The original Registered Provider has ceased to be registered and/or the course has ceased to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
 - 5.1.1.4 The original Registered Provider has had sanctions imposed on its registration by the ESOS agency, Australian Government or state or territory government that prevents the student from continuing in his/her principal course;
 - 5.1.1.5 Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change of enrolment; or,
 - 5.1.1.6 The applicant is no longer on a Student Visa and therefore does not fall under the requirements of Standard 7.
- 5.2 Grounds for considering and refusing to grant a request for release
- 5.2.1 LCBA will grant a request for release in situations where the transfer is in the overseas student's best interests, including but not limited to where LCBA has assessed that:
 - 5.2.1.1 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 an intervention strategy (refer to *Academic Progress Policy HE* or *Academic Progress Policy VET*);
 - 5.2.1.2 There is evidence of compassionate or compelling circumstances;
 - 5.2.1.3 LCBA fails to deliver the course as outlined in the student's Letter of Offer;
 - 5.2.1.4 There is evidence that the overseas student's reasonable expectations about their current course are not being met;
 - 5.2.1.5 There is evidence that the overseas student was misled by LCBA or an education or migration agent of LCBA regarding LCBA or its course and the course is therefore unsuitable meet their needs and/or study objectives
 - 5.2.1.6 An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
 - 5.2.2 LCBA will refuse a request for release where it considers there are reasonable grounds for the refusal, including but not limited to where LCBA has assessed that:
 - 5.2.2.1 A student has not provided a copy of new Letter of Offer from next Registered Provider
 - 5.2.2.2 A student is in financial debt to LCBA – outstanding fees must be paid before the student can be released;

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- 5.2.2.3 A student has not genuinely engaged in an intervention strategy and/or has not accessed support services available for assistance with study or personal issues;
- 5.2.2.4 A student has been suspended from a course of study or has had their enrolment cancelled;
- 5.2.2.5 The reason for the request is based on financial reasons;
- 5.2.2.6 None of the reasons supplied in 5.2.1 apply.
- 5.3 If the overseas student intends to study at a lower AQF level with their new provider, they will need to apply for a new student visa.
- 5.4 Where an application to transfer to another Registered Provider has been approved and the applicant elects to apply for a refund, the applicant is required to complete an application in accordance with the *LCBA Fees and Refunds Policy - Overseas Student*.
- 5.5 Where an overseas student is not satisfied with the outcome of a request for release the student may appeal the decision in accordance with the *Student Complaints and Appeals Policy*. This is available here [AAGCEN23161.pdf](#)

6. Roles and Responsibilities

Responsible person	Responsibility
Compliance Manager	Overseeing implementation of this policy Determining the outcome of internal appeals against the outcome of a request for release
Student Services Manager	Advising students Assessing the application and determining the outcome
CEO	Determining the outcome of second internal appeals against the outcome of a request for release

7. Definitions

‘Compassionate or compelling circumstances’. Compassionate or compelling circumstances are usually beyond the control of the student and are considered to have an impact on the student’s ability to successfully progress through their program of study. The staff of LCBA will use their professional judgement to assess each case where students make a request on the grounds of compassionate or compelling circumstances, and will consider documentary evidence provided by students to support their claims.

These circumstances could include:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes.
- Bereavement of close family members such as parents or grandparents.
- Major political upheaval or natural disaster in the home country requiring emergency travel.

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‘Confirmation of Enrolment’ is a document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the student’s eligibility to enrol.

‘Education Services for Overseas Students Act *Education Services for Overseas Students Act 2000* (ESOS Act) Australia, provides rigorous protection for international students through the and related legislation. This protects and enhances Australia’s reputation for quality education, provides tuition protection, and supports the integrity of the student visa program. Breaches are treated seriously, and the penalties can be significant.

‘National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students. Education providers must comply with the National Code to maintain their registration to provide education services to overseas students. ESOS National Code of Practice 2018

‘Principal course of study’ is the final course of study covered by the overseas students’ visa, i.e. the course that the student will complete last.

‘PRISMS is the Australian Government Provider Registration and International Student Management System (PRISMS) database.

‘Registered provider’ a vocational or higher education provider registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

‘Release is authorising a student to transfer from one registered provider so that they can enrol with another registered provider. This is recorded on PRSIMS.

‘Working days are known as Monday to Friday’s excluding public holidays.

Other applicable definitions may be found in LCBA’s Glossary of Policy Terms on the LCBA website.

8. Related Documents

- Academic Progress Policy HE
- Academic Progress Policy VET
- Student Complaints and Appeals Policy
- Enrolment Policy
- Fees and Refunds Policy – Overseas Students
- Student Selection and Admissions Policy

9. Procedure

- 9.1 Students who wish to transfer to another Registered Provider must apply for release from LCBA by completing a Request for Release form.
- 9.2 Prior to course commencement, the Request for Release form should be submitted to the LCBA Admissions Department; after course commencement, the Request for Release form should be submitted to the LCBA Student Services Department.
- 9.3 The Request for Release form must be accompanied by:
 - A Letter of Offer from the proposed new Registered Provider; and
 - A signed statement giving reasons for the request with reference to the circumstances detailed in the grounds for release section of this policy (see clause 5.2.1).

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9.4 Upon receiving a Request for Release form, LCBA campus Student Services will:

- within 5 working days, acknowledge receipt of the completed Request for Release form and associated documentation; and notify the applicant if any additional information or documentation is required;
- within 14 days of receiving all required documentation, assess the application and notify the applicant of the outcome, with reasons for the approval or refusal of the request for release;
- where a request for release is refused, LCBA will provide the student with a 'Notice of Intention to Refuse Release', which will include details of how to appeal the decision, and;
- where the request for release is granted, inform the student to contact the Department of Home Affairs (DHA) to seek advice on whether a new student visa is required.
- advise the DHA of the outcome of the request for release application via PRISMS when:
 - any appeal against LCBA's intention to refuse release is finalised and upholds LCBA's decision; or
 - the student does not access LCBA's appeals process within 20 working days of being notified of LCBA's intention to refuse release; or
 - the student withdraws an appeal against LCBA's refusal.
- keep a documented record in the student's file regarding the application for release, written response to the applicant and any other correspondence regarding this matter for a period of at least five years after the student ceases to be an enrolled student.

9.5 Students are not provided with a hard copy release letter.

10. Summary of changes since last approval

Authored by	Description
Registrar (KW)	Minor editorial changes
Student Services Manager	Editorial changes