



BRISBANE GRAMMAR SCHOOL

## STUDENT TRANSFER REQUEST ASSESSMENT POLICY FOR OVERSEAS STUDENTS

### DEFINITIONS

**ESOS National Code 2018** means the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 made under the Education Services for Overseas Students Act 2000 (Cth), as amended or replaced from time to time.

**Parent or Guardian** means the parent(s) or guardian(s) of the overseas student (or intending overseas student) who signed the letter confirming the overseas student's offer of placement at the School.

**School** means the Board of Trustees of the Brisbane Grammar School (trading as Brisbane Grammar School) who is a Registered Provider.

**Registered Provider** has the meaning under the Education Services for Overseas Students Act 2000 (Cth) as amended or replaced from time to time.

### OVERVIEW

1. Under the ESOS National Code 2018, Registered Providers cannot enrol overseas students seeking to transfer from another Registered Provider before that overseas student has completed six (6) months of their principal course of study, except in some circumstances. This applies to transfers of overseas students to and from the School, from or to another school in Australia which is a Registered Provider.
2. If an overseas student has completed six (6) months of their principal course of study with the School, the overseas student may transfer to another school (which is a Registered Provider) without the School's permission. However, if the overseas student has not completed six (6) months of their principal course of study, the overseas student requires a letter of release to enable the overseas student to transfer to another school that is a Registered Provider.
3. In this policy, "six (6) months" means six calendar months from the date the student starts the course, not including any period of deferment or suspension.

### TRANSFER OF AN OVERSEAS STUDENT TO ANOTHER SCHOOL BEFORE SIX (6) MONTHS

4. A Parent or Guardian of the overseas student can apply to the School for a letter of release. The application must be in writing, signed by the Parent or Guardian and lodged with the School.

**Brisbane Grammar School**

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5. Subject to paragraphs 6) and 7) below, the School will provide a letter of release in the following circumstances:
  - (a) there is agreement between the School and the Parent or Guardian that the overseas student would be better placed in a course that is not available at the School; or
  - (b) any other circumstance stated in the School's policies or considered appropriate by the School to justify the transfer, such as the welfare of the student or personal circumstances.
6. The School will not grant a letter of release unless a written application is made by the Parent or Guardian, and the application is accompanied by:
  - (a) a letter from another school that is a Registered Provider confirming a valid enrolment offer has been made for the overseas student; and
  - (b) written confirmation that the Parent or Guardian supports the transfer; and
  - (c) where the overseas student is not living with a Parent or Guardian, written confirmation from such school stating it will accept responsibility for approving the overseas student's accommodation, support, and general welfare arrangements in accordance with Standard 5 of the ESOS National Code 2018.
7. The School may refuse an application for a letter of release where the School considers reasonable grounds exist to refuse the request, which may include but are not limited to the following:
  - (a) the overseas student's academic progress is likely to be disadvantaged;
  - (b) the School is concerned the application for transfer is a consequence of the adverse influence of another party; or
  - (c) the School is concerned the application for transfer is to avoid a report to the Department of Education and Training (for example, in relation to unsatisfactory attendance or progress); or
  - (d) the School considers the transfer to be otherwise detrimental to the overseas student.
8. All applications for a letter of release will be considered by the School and the Parent or Guardian will be notified of the School's decision to grant or refuse the letter of release within 10 working days of receipt of the application. The School will take into account the impact on a student before refusing a request.
9. Where an application for a letter of release is granted, the School:
  - (a) will issue the letter of release at no cost, which may also address the overseas student's commitment to studies, attendance record and payment of fees; and
  - (b) will advise of the need to contact the Department of Home Affairs (DHA) to seek advice on whether a new student visa is required for the overseas student.

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10. The School's Refund Policy for overseas students sets out the School's policy about refunding fees in the event of cancellation of enrolment due to a transfer, including the amounts which may be refunded and the processes for providing a refund.
11. Where the School does not grant a letter of release, the School will provide written reasons for refusing the request to the Parent or Guardian.
12. A decision to refuse to grant a letter of release may be appealed under the School's Complaints and Appeals Policy for Overseas Students.
13. The School will maintain the following records on an overseas student's file:
  - (a) any application for a letter of release;
  - (b) any documents relating to the assessment of an application for a letter of release; and
  - (c) any decision made by the School regarding an application for a letter of release.

#### **TRANSFER OF AN OVERSEAS STUDENT TO THE SCHOOL**

14. The School will not enrol an overseas student wishing to transfer from another school prior to the overseas student completing six (6) months of his current course with that school as a Registered Provider, except where the School has been provided with written evidence that:
  - (a) the original school has ceased to be registered as a Registered Provider or the course in which the overseas student is enrolled has ceased to be registered;
  - (b) the original school has provided a letter of release in respect of the overseas student;
  - (c) the original school has had a sanction imposed on its registration as a Registered Provider by the Australian Government or a State Government that prevents the overseas student from continuing his principal course; or
  - (d) any government sponsor of the overseas student considers the change to be in the student's best interest and has provided written support for the change.
15. Whether or not the overseas student has completed six (6) months of the course, the School may decide not to enrol a student who has commenced a course with another school in Australia who is a Registered Provider if the School is not satisfied:
  - (a) the overseas student has demonstrated a commitment to studies at his original school;
  - (b) the overseas student has a good attendance record at his original school; or
  - (c) the Parent or Guardian responsible for paying the overseas student's fees for the course has done so when due and owing.
16. The School may require a letter from the original school addressing the matters outlined in paragraph 15).

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