



MERCY COLLEGE

INTERNATIONAL STUDENT TRANSFERS POLICY

Rationale

In the spirit of Catherine McAuley and the Mercy tradition, Mercy College provides a Catholic education for young people and endeavours to make Catholic education accessible to all those who desire it.

At Mercy College (the "College") we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our College. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel.

Source of Obligation

Standard 7 of the National Code sets out the requirements with which the College must comply when considering a transfer request:

- from an international student enrolled at the College to leave the College and enrol with another registered provider (Outbound Student Transfer)
- from an international student enrolled at another registered provider to enrol at the College (Inbound Student Transfer).

Protocol

This Policy addresses four types of international student transfers:

- Inbound Student Transfer Request Within the First Six Months
- Outbound Student Transfer Request Within the First Six Months
- Inbound Student Transfer Request After the First Six Months
- Outbound Student Transfer Request After the First Six Months.

The College will not knowingly enrol an international student seeking to transfer from another registered provider within the first six months of their course (Inbound Student Transfer Request Within the First Six Months) except in circumstances that meet the exceptions under Standard 7.1 of the National Code.

The College will consider an Outbound Student Transfer Request Within the First Six Months in accordance with Standard 7.2 of the National Code.



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Inbound Student Transfer Request Within the First Six Months

If an Inbound Student Transfer Request is made prior to the international student completing the first six months of their first registered school sector course, we will not knowingly enrol that international student at the College unless one of the following exceptions applies:

- the releasing registered provider, or 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 at that registered provider
- the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS
- any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change.

Where an Inbound Student Transfer Request Within the First Six Months is made based on one of the exceptions listed above, the international student must discuss this with the Principal.

If the College considers that, using the evidence available, the transfer meets one of the exceptions listed above, the College will grant the transfer request and agree to the enrolment of the international student at the College.

Outbound Student Transfer Request Within the First Six Months

If an Outbound Student Transfer Request is made prior to the international student completing the first six months of their first registered school sector course at the College, the following process will be followed:

The College will grant the transfer request and agree to the release of the international student where the College has made an assessment, using the evidence submitted by the international student, that the transfer is in the international student's best interests. Circumstances where a transfer will be in an international student's best interests include that:

- the international student will be reported or is at risk of being reported because they are unable to achieve satisfactory course progress at the level that they are studying, even after engaging with the College's intervention strategy
- there is evidence of "compassionate or compelling circumstances" (outlined in more detail below)
- the College has failed, or will fail, to deliver the course as outlined in the written agreement



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- there is evidence that the international student's reasonable expectations about their current course are not being met
- there is evidence that the international student was misled by the College or an education or migration agent regarding the College or its course and the course is therefore unsuitable to their needs and/or study objectives
- an appeal (internal or external) on another matter results in a decision or recommendation to release the international student.

Standard 7.2.4 requires the College to set a reasonable timeframe for assessing the international student's Outbound Student Transfer Request, having regard to the restriction period. It is the College's policy that we will respond to the international student's Outbound Student Transfer Request within 10 business days of the international student lodging their intention to the Principal.

Compassionate or Compelling Circumstances

Circumstances where it would be appropriate to agree to an Outbound Student Transfer Request include the existence of "evidence of compassionate or compelling circumstances" (Standard 7.2.2.2. of the National Code).

Compassionate or compelling circumstances are generally those beyond the control of the international student and which have an impact upon the international student's course progress or wellbeing.

These include, but are not limited to:

- serious illness or injury, where a medical certificate states that the international student was unable to attend classes
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- a major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the international student's studies
- a traumatic experience, which could include:
 - involvement in, or witnessing of a serious incident
 - witnessing or being the victim of a serious crime, and this has impacted on the international student (these cases should be supported by police or psychologists' reports)
- where the College was unable to offer a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.



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When determining whether compassionate or compelling circumstances exist, the College may require the student to provide documentary evidence to support a claim. Examples of appropriate documentary evidence include:

- a detailed medical statement from a physician or medical specialist (a doctor's certificate is not acceptable)
- a detailed statement from a counsellor who has been involved in the assessment and/or treatment
- a police statement
- a copy of a death certificate or death notice for close family member.

Supporting documentation for compassionate or compelling circumstances must be from an independent source or authority, and clearly indicate:

- what the special circumstances were
- when they occurred
- how long they lasted
- the level of impact of the special circumstances.

Outbound Student Transfer Request After the First Six Months

If an Outbound Student Transfer Request is made after the international student has completed the first six months of their first registered school sector course at the College, they are to make contact with the Principal.

Inbound or Outbound Transfer Request of an International student Under 18

If an Inbound or Outbound Student Transfer Request relates to an international student who is under 18 years of age the College must have written confirmation that the international student's parent/guardian supports the Transfer Request. Further, where there is an Inbound Student Transfer Request from a student who is under 18 years of age and the international student is not being cared for in Australia by a parent or a suitable nominated relative, the College must confirm that it accepts the responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students). For more information, refer to our Mercy College Younger International Students Policy.



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The College ensures that we meet these requirements of Standard 7.3 of the National Code.

It is the responsibility of the receiving provider to ensure that there are no gaps in the international student's welfare arrangements.

No cost release

If the College grants a release, it will be at no cost to the international student and the College will advise the international student to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

Refusal of Outbound Student Transfer Request Made Within First Six Months

The College will refuse a request for an Outbound Student Transfer where we consider it is reasonable to do so. Reasonable grounds include:

- the overseas student is not genuinely engaging with an intervention strategy with the intention of failing and being released
- the student wants to live somewhere else.

When the College intends to refuse a request, the College will inform the international student in writing (can be by email) of:

- the reasons for refusal; and
- the international student's right to access the College complaints and appeals process within 20 working days of the decision being made.

Actions Following Outbound Student Transfer Request: Successful Request

Following a successful student transfer request and a letter from the student's new registered provider confirming a place for enrolment, the College will finalise the international student's transfer status in PRISMS.

Actions Following Outbound Student Transfer Request: Unsuccessful Request

The College will only finalise the international student's refusal status in PRISMS when:

- any appeal finds in favour of the College;



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- the international student has chosen not to access the complaints and appeals process within the 20 working day period; or
- the international student withdraws from the process.

Attendance

The successful Outbound Student Transfer request by an international student does not preclude the international student from maintaining course attendance requirements.

Recruitment

It is our policy that we will not recruit any international student who is enrolled at another registered provider in conflict with our obligations under section 7.1 of the National Code.

Record Keeping

Standard 7.7 requires the College to maintain records of all requests from international students for a release and the assessment of, and decisions regarding, the request, for two years after the international student ceases to be an accepted student.

The College maintains all records of requests from international students for a student transfer and the assessment of, and decisions regarding, the request will be maintained for two years after the international student ceases to be an accepted student.

Guidelines Review Cycle: Annually by the Senior Leadership Team or otherwise as necessary.

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