

# International Students – Transfer, Defer, Suspend or Cancel Enrolment Policy

[ESOS Act – National Code Standards 7, 9]

- All of Brighton Grammar School’s policies are intended to be up to date and be consistent with all relevant laws.
- Employees are expected to comply with all applicable policies.
- Various parts of the policies require managers and staff to exercise discretion, and the policies are not intended to be applied in a legalistic or prescriptive manner.
- These policies may be varied by Brighton Grammar School from time to time, at its absolute discretion.
- Brighton Grammar School is fully committed to the protection of children and young people during all School activities and environments both within and outside of School hours.
- This is a whole of school policy and there may, from time to time, be variations in different parts of the School. In such circumstances, advice will be issued by the relevant Head of School.

## Introduction

The Education Services for Overseas Student (ESOS) Act sets out the legal framework governing delivery of education to overseas students studying in Australia on a Student Visa. Within the ESOS legislative framework are the standards to ensure quality with which Brighton Grammar School (BGS) must comply in order to retain registration as an educational provider for International Students – the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).

This Policy outlines the principles and approach related to enrolment of international students where the student is transferring to/from another registered provider (Standard 7) or is seeking to defer, suspend or cancel their enrolment (Standard 9).

- Standard 7: Overseas student transfers. Registered providers must not knowingly enrol an overseas student wishing to transfer from another registered provider prior to completing 6 months of their principal course.

Standard 9: Deferring, suspending or cancelling the overseas student’s enrolment. Registered providers must appropriately manage changes to students’ enrolment via PRISMS.

## Purpose

Brighton Grammar School acknowledges that there may be circumstances that require a student to seek a transfer to a different education institution or course, require a suspension of studies or a need for deferment or cancellation.

This policy outlines the requirements and process in place should Brighton Grammar or the student wish to:

- Transfer to another Institution from BGS
- Transfer from another Institution to BGS
- Cancel a current enrolment

- Defer commencement of a course
- Suspend a current course

## Transferring To/From Another Institution

Brighton Grammar School will not knowingly accept an enrolment transfer from another institution where a student has been studying for less than 6 months except in exceptional circumstances (in accordance with Standard 7.1). For example, if:

- The institution the student is currently enrolled at ceases to operate, be registered as a provider to overseas students or has had sanctions imposed on its regulations as an operator under the National Code;
- It is identified that the student should move due to safety, wellbeing or welfare concerns;
- The releasing provider has agreed to the transfer, has put the approval in writing to BGS and has recorded the transfer in PRISMS; or
- A 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.

Where an international student enrolled at BGS is seeking a transfer to another institution before completing 6 months of their course, BGS will support the request where one of the following has been identified:

- The student is unable to achieve satisfactory course progress at the level they are studying, even after engaging with the School's intervention strategies (as outlined in the International Students – Academics and Attendance Policy and Standard 8), and is at risk of being reported;
- There is evidence of compassionate or compelling circumstances;
- Brighton Grammar School is unable to deliver the course as outlined in the Written Agreement;
- There is evidence that the student's reasonable expectations about their current course are not being met;
- There is evidence that the student was misled by Brighton Grammar School or an education or migration agent regarding the course and it 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 student.

All transfer requests, both to/from BGS, must be made to the Admissions Coordinator in writing, and must include written confirmation of the below documents:

- A letter of offer from another registered provider confirming and supporting the request to transfer;
- Confirmation from the transferring school that full responsibility for homestay and welfare arrangements will be undertaken (if applicable); and
- A supporting letter from the student's parent / legal guardian.

Note that one term's notice is required to terminate enrolment, as per the Business Notice and General Regulations.

If the overseas student is under 18 years of age the School must have written confirmation the overseas student's parent or legal guardian supports the transfer. Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).

If a release is granted, it will be at no cost to the overseas student and the Brighton Grammar School must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.

While the School will fully consider all applications to transfer and work with the student to ensure the best outcome, there may be occasion where a transfer is refused. If the School considers that the transfer is not in the

best interests of the student's wellbeing, the student's safety is at risk, the welfare arrangements do not meet the set standards or the course may not meet the educational requirements of the student, the school may not grant the request.

If the School intends to refuse the transfer request, BGS will inform the overseas student in writing of:

- the reasons for the refusal
- the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

Note: The School will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

Brighton Grammar will reply to all transfer requests within 2 weeks of the written application. Replies will be made in writing from the Headmaster clearly outlining the decision made and rationale.

Once a transfer is granted for a student to leave BGS it is the responsibility of the student to advise and seek guidance from the appropriate authorities regarding any visa checks and for the new institution to issue new CoE's in PRISMS. BGS will process a variation in PRISMS which will set the current CoE to cancelled status.

Where a student transfers to or from BGS under a welfare arrangement and CAAW the school will work with the other institution to ensure there is no gap in these arrangements, as outlined in the International Students – Homestay Accommodation Policy.

While BGS will always endeavour to provide a satisfactory outcome the student and parent(s) may wish to appeal any decision not in their favour via the process outlined in the International Students - Complaints and Appeals Policy. If there is a complaint or appeals process relating to the transfer, the PRISMS records will not be updated until a resolution has been decided and agreed on by all parties. However, if there is a risk to the student's health, wellbeing or welfare or other parties are put at risk, immediate action may be taken.

## Deferring, Cancelling or Suspending Enrolments

Changes to an international student's enrolment in the form of a deferment, cancellation or suspension may be permanent or temporary in nature and initiated by the student or Brighton Grammar School.

Reasons for a deferment, cancellation or suspension may include but are not limited to:

- Delays in receiving student visas.
- Failure to pay fees in breach of the Written Agreement and/or Business Notice and General Regulations.
- Failure to meet attendance requirements or course progress requirements in breach of the International Students – Academics and Attendance Policy (in accordance with Standard 8 (Overseas student visa requirements)).
- Failure to comply with school rules, for example, breaching BGS Student behaviour policies.
- Moving away from homestay accommodation without consultation with the School in breach of International Student – Homestay Accommodation Policy.
- Compassionate or compelling circumstances (refer details below)

Where a student seeks a deferment, cancellation or suspension, a request must be made by the student's parent / legal guardian in writing to the student's Head of House and Director of Students (Deputy Head of Junior School) for active enrolments, or to the Admissions Coordinator, prior to commencing studies. Full details of the reason for a deferment, suspension or cancellation, discussions undertaken as a result of the request and the outcome of the request will be recorded against the student's profile on the school database.

Any deferment or, cancellation or suspension or intent to initiated by the School will be done in writing with a full explanation of the reasoning behind the decision, before the decision is imposed. The student has the right to appeal this decision via the process documented in the International Students – Complaints and Appeals Policy and in accordance with Standard 10 (Complaints and appeals), within 20 working days. Note that where a student is suspended from School for behavioral reasons, the period of suspension will not be included in attendance calculations.

The School will direct the student to seek advice from Immigration on the potential impact on their visa as a result of the deferment, cancellation or suspension. The School will report the change to the student's enrolment in PRISMS under section 19 of the ESOS Act.

In accordance with Standard 9.3 of the National Code, If there is a complaint or appeals process relating to the deferment, cancellation or suspension, the PRISMS records will not be updated until a resolution has been decided and agreed on by all parties. However, if there is a risk to the student's health, wellbeing or welfare or other parties are put at risk, immediate action may be taken. Note: enrolment status remains active during appeals and welfare arrangements continue where the School holds responsibility.

### **Deferment or Suspension by the School: Compassionate or Compelling Circumstances**

The School may decide to defer or suspend an overseas student's enrolment if it believes there are compassionate or compelling circumstances. The School will consider the following as compassionate and compelling circumstances:

- medical illness or injury of the overseas student or overseas student's close relative which requires hospitalisation or impedes activities of daily living
- a mental health condition of the student or a student's immediate family that results in hospitalisation or functional impairment
- death of immediate family or member of the immediate household
- adverse experience that has impacted on the overseas student which could include:
- being a witness to or victim of a serious accident
- being a witness to or victim of a crime, natural disaster, or terrorism event
- major political upheaval or natural disaster in the overseas student's home country which requires immediate emergency travel
- inability to begin study in a program on the agreed starting date due to a delay in receiving an overseas student visa
- where the School is 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
- other compassionate or compelling circumstances at the discretion of the School.

There is no maximum period for a deferral for compassionate or compelling reasons, but the deferral must be assessed in accordance with the processes in this Policy.

### **Suitable Evidence of Compassionate or Compelling Circumstances:**

In order for the School to grant the overseas student a deferment, suspension or cancellation of their enrolment on the grounds of compassionate and compelling circumstances, the overseas student must provide the School with suitable documentary evidence to prove the compassionate and compelling circumstances. This may include:

- A medical certificate
- A note from a medical doctor
- A death certificate (when possible)
- A letter from parent or guardian specifying exceptional circumstances related to a family issue.

If the School becomes aware that the student has provided us with fraudulent evidence or documents given to support a claim of compassionate or compelling circumstances, we may decide to suspend or cancel their enrolment.

## Record Keeping

We acknowledge that good records management practices are a critical element of International Student Safety and Wellbeing and manage our records in accordance with our Records Management Policy and Procedures which are aligned with the Public Record Office Victoria Recordkeeping Standards and the Records, Retention and Disposal Schedule for Non- Government Schools guidelines.

All records and prescribed information about the accepted enrolment of each International Students are kept as set out in section 21 of the ESOS Act. All written agreements as well as receipts of payments made by students' families under the written agreement will be kept for a minimum of 2 years after the person ceases to be an enrolled student. Brighton Grammar will review all records relating to accepted international students every 6 months to ensure accuracy. This includes written confirmation of:

- Students current Australian residential address
- Students contact phone number.
- Students email address.

PRISMS - (Provider Registration and International Student Management System)

To ensure compliance with Section 21 of the ESOS Act, CRICOS Brighton Grammar maintains an up-to-date and accurate student register that records details of all enrolled overseas students. This includes promptly updating enrolment information such as course commencement dates, changes to student details, and course completions or terminations. The school will report any variations through PRISMS within the required frames specified by the ESOS legislation. Maintaining the currency of this register is essential for meeting the provider's obligations under the Act, supporting visa integrity, and safeguarding the rights and welfare of international students.

### Changes to Registration Status

In accordance with CRICOS Standard 11.2, any change to the ownership, directorship, or key management of the provider must be identified and reported without delay to the Department. Staff or Council members who become aware of such changes are required to notify the Principal immediately. The Principal will verify the details of the change, including the effective date and supporting documentation. Once verified, the Principal or delegate will notify the Department of Education through PRISMS or another prescribed channel within 10 working days of the change. Copies of all notifications, supporting evidence, and acknowledgement from the Department must be securely stored for a minimum of seven years.

The School will retain records as per the BGS Records and Data Management Policy, Records, Retention and Destruction Schedule, BGS Privacy Policy and ESOS Act. Records are kept on the student's file on the School database. Retention practices include:

Documentation	Criteria	Retention timeline
Attendance records, absence information, sign in and sign out registers	Homestay Students	Indefinitely
Attendance records, absence information, sign in and sign out registers	International students not in homestay	75 years from date of birth
Teaching and Learning – academic results, student reports	Homestay Students	Indefinitely
Teaching and Learning – academic results, student reports	International students not in homestay	75 years from date of birth
Co-curricular activities – participation, injury and accident records	Homestay Students	Indefinitely
Co-curricular activities – participation, injury and accident records	International students not in homestay	75 years from date of birth

Pastoral records, including orientation / transition checklists, critical incident records, behavioural reports	Homestay Students	Indefinitely
Pastoral records, including orientation / transition checklists, critical incident records, behavioural reports	International students not in homestay	75 years from date of birth
Details of any complaints or appeals	Homestay Students	Indefinitely
Details of any complaints or appeals	International students not in homestay	75 years from date of birth
Detailed records and copies of all original enrolment communication, which may include application records, Conditional Letters of Offer and Written Agreements, and payment receipts provided	All international students	At least 2 years after the student ceases to study at BGS (hard copies) Indefinitely (digital summary)
Records and communication related to changes to enrolment, which may include initial request documentation, decision making process and outcomes	All international students	At least 2 years after the student ceases to study at BGS (hard copies) Indefinitely (digital summary)
All departure/exit records	All international students	25 years from the student's date of birth (must be destroyed)

## Supporting Documentation

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000
- International Students – Enrolment Policy
- International Students – Refund Policy
- International Students – Academics and Attendance Policy
- International Students – Student Support Services and Critical Incident Policy
- International Students – Homestay Accommodation Policy
- International Students – Transfer, Defer, Suspend or Cancel Enrolment Policy
- International Students – Complaints and Appeals Policy
- International Students – Conditional Letter of Offer and Written Agreement (Template)
- International Students Handbook
- International Students – Homestay Accommodation Request (Template)
- International Students – Formal Complaint form (Template). *NOTE: Also embedded in International Students – Complaints and Appeals Policy Appendix*
- International Students – Education Agent Agreement (Template)
- International Students – Student Safety Card (Template)
- Orientation Checklist for International Students
- BGS Business Notice and General Regulations
- BGS Records and Data Management Policy
- BGS Data Records, Retention and Destruction Schedule
- BGS Privacy Policy
- BGS Child Safety and Wellbeing Policy
- BGS Child Safety Code of Conduct
- BGS Child Safety and Wellbeing Reporting Obligations Policy
- BGS Child Safety and Wellbeing Complaints Process
- BGS Whistleblower Policy
- BGS Critical Incident Management Policy
- BGS Emergency Management Plan

This Policy is a controlled document. Any printing of this document is uncontrolled. Please refer to the school portal for the latest version of this policy

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