International Students - Transfer Between Registered Providers Policy and Procedure

Purpose

The purpose of this policy is to ensure TAFE Queensland East Coast meets the current legislative requirements specific to registered providers who deliver education and training services to overseas students in line with the regulatory framework.

Scope

Under Standard 7 of the National Code 2007 TAFE Queensland East Coast is restricted from enrolling transferring students within the six months from the commencement for the student’s principal program, excepted in limited circumstances.

This policy states the circumstances under which TAFE Queensland East Coast will allow both the enrolment of transferring in international students and the release of international students from Region to another provider.

Our policy and procedure distinguishes between incoming and outgoing students to ensure the process is easily understood and implemented.

Policy

TAFE Queensland East Coast acknowledges students can transfer with no restrictions once they have completed six (6) months of their principal course.

TAFE Queensland East Coast may request permission from students to contact their previous institution to gain further information on their previous enrolment. Such permission will be requested in writing and signed by the student.

The Region is to ensure that it will not enrol, nor seek to enrol any transferring overseas student prior to six (6) months of their principal course of study being completed. This restriction also applies to any prerequisite course in a package of courses. There are exceptions to the standard.

Exceptions include:

- The original registered provider has ceased to be registered or the course in which the student was enrolled has ceased to be registered;
- The original registered provider has provided a written letter of release;
- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his/her principal course of study or any prerequisite courses
- Any government sponsor of the student considers the change to be in the student’s best interest and has provided written support for that change

TAFE Queensland East Coast will not enrol a student who is studying with another provider unless it’s given a Letter of Release from the previous training provider, or unless the student can provide evidence they have completed 6 months of their principal course.

TAFE Queensland East Coast will check Provider Registration and International Student Management System (PRISMS) to see if the student is enrolled elsewhere, but will not solely rely on the PRISMS data. Other checks may include evidence of the completed qualification/statements of attainment from the student or evidence of the last date they attended a class to enable TAFE Queensland East Coast to prove it has taken reasonable steps to ensure the student is not enrolled elsewhere or still within 6 months of their principal course.

TAFE Queensland East Coast will not enrol students unless it is satisfied that the student demonstrated a commitment to previous studies, had a good attendance record and paid all fees for the course.

Letters of Release will state whether or not the student has:

- demonstrated a commitment to their studies during the course; and
- a good attendance record for the course; and
- paid all fees owing for the course.
Outgoing students: Transferring from TAFE Queensland East Coast Region to another Registered Provider

The National Code 2007 requires that within the first six months of their principal program, students need to submit a request for transfer from their training provider. However, the standard recognizes overseas students as consumers and supports them in exercising choice whilst acknowledging they are a group that may require support to transition to study in Australia. The assessment of transfer request will take into consideration the individual circumstances of each student.

A letter of release will be provided to student’s who request it after they have completed the first six months of their principal program.

Request for transfer within or before the first six months of a student’s principal program may be refused under the following circumstances:

- Valid offer letter from receiving provider (or government sponsor) has not been received;
- The student owes the Region any fees, including outstanding fees for the current semester/study period;
- Student has not yet commenced studies; and/or
- The transfer would be to the detriment of the student.

For students who have NOT completed the first six months of their principal program a letter of release may be granted in the following circumstances where students have supplied sufficient evidence:

- If the student has justifiable claims that his/her reasonable expectations of the current course are not being met;
- The program of study is not consistent with the documented program requested on the student’s application;
- The student can provide evidence that he/she was misled by the Region or an education or migration agent regarding the Region or its course, which constitutes a breach of the ESOS Act;
- An appeal (internal or external), on a matter that may reasonably result in the student wishing to seek a transfer, supports the student;
- Death of an immediate family member (parents, siblings or grandparents);
- Where the student is under 18 years of age, if the parent or legal guardian request a transfer;
- Any government sponsor of the student considers the transfer to be in the student’s best interest and has provided written support for that transfer; and/or
- Circumstances where the transfer will not be to the detriment of the student.

In order for a request to transfer to another provider to be considered it must adhere to the following conditions:

- Overseas student request for transfer must be submitted in writing or by the Request for Letter of Release – Overseas Form and provide detailed reasons for their transfer request. It is the responsibility of the student to attach supporting documents;
- A valid letter of offer from the receiving provider must be attached to the request; and
- Where the student is under 18:
  - Written evidence that the student’s parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new provider will accept responsibility for approving a student’s accommodation, support and general welfare arrangements as per Standard 5 of the National Code 2007

The Senior International Business Officer will make a decision to issue or not issue a letter of release, within 5 working days of receipt of all relevant documents and provide written advice to the student and/or guardian.

If approved, a letter of release will be issued at no charge with advice to contact the Department of Immigration and Border Protection (DIBP) to seek advice on whether a new visa is required.
Procedure

**Standard 7 – Transfer between registered providers**

### Incoming: Transferring from another provider

| Senior International Business Officer (SiBO) with assistance of the International Unit (IU) | 1. Application is received from a student who is on-shore indicating that they are currently studying at another training provider.  
2. The International Unit (IU) will use documents provided by the student, and the student visa in the passport to decide whether the student has completed six (6) months of their principal course. PRISMS can also assist in determining if the student has not completed six (6) months of the principal course. When providers create a new Confirmation of Enrolment (CoE), PRISMS will usually advise if the student has not completed six (6) months of the principal course. PRISMS may alert that the student is enrolled elsewhere, but not identify the provider.  
3. The International Unit will assess the application form in relation to questions of the student’s study history.  
4. If the student has completed six (6) months of their principal course, the application process proceeds and a letter of release is not required  
5. If the student has not completed six (6) months of their principal course, they must provide an appropriate letter of release in support of their application. A ‘conditional’ offer will be issued, which clearly states that the enrolment will not proceed unless the student provides a letter of release from existing provider and, if the student is under 18, that TAFE Queensland East Coast will accept responsibility for approving their welfare and accommodation from the date of course commencement. **Note:** If the student has a government scholarship, they should provide written support from the government sponsor agreeing to the change, instead of obtaining a letter of release.  
6. If a letter of release is received and the student has no outstanding fees to be paid to another provider, or other outstanding matters of concern, the application can proceed.  
7. If a satisfactory letter of release is not obtained, the student will be informed that they are unable to transfer at this time. They are able to re-apply when they have completed six (6) months of their principal course or have received the letter of release. |

### Outgoing: Transferring to another provider

| Senior International Business Officer (SiBO) | 1. All requests to transfer will be assessed by the Senior International Business Officer (SiBO).  
2. If the student is under 18, their parent or guardian must support this request in writing. They must also provide written evidence from the new provider that the new provider will accept responsibility for approving the student’s accommodation and welfare from the date the student ceases to study at the Region.  
3. The student is asked to provide a valid Letter of Offer from the new provider.  
4. Where applicable, SiBO to contact the student’s agent to discuss the transfer request. |

| International Student Support Officer | 1. Indicate date all documents received if different to lodgement date, and deadline for response (five (5) working days later).  
2. Check ISAS to determine if the student has any outstanding fees to TAFE Queensland for the current semester.  
3. Identify if the student is on a payment plan and if fees have been paid until end of Semester.  
4. Check the student can achieve minimum 80% attendance.  
5. Check academic history to ensure course progress is compliant with duration, progression and attendance requirements.  
6. Advise Centre Director for the Vocational Training Area and request comments within five (5) working day period. |
1. The SIBO will assess the transfer request in accordance with this policy and the following questions:
   (a) Does the student have any outstanding fees to a TAFE Queensland Region? If so, all outstanding fees for the current study period/semester must be paid before a letter of release is granted.
   (b) Is the student fully aware of the study issues involved in the transfer? The IU will check with the relevant Centre, and any notes on student records, before making a decision.
2. If any of the answers are unclear, the SIBO will interview the student to gain a fuller understanding of the circumstances.
3. The SIBO will make a decision to issue or not issue a letter of release, within five (5) working days of receipt of all relevant documents, based on this policy and procedure.
4. The SIBO will inform the student in writing of the decision to issue or not issue a letter of release, reasons for refusal and that they can access the student appeal process.
5. A letter of release is at no charge to the student.
6. The IU will report the student’s termination of studies through PRISMS.

Note: Copies of all request, considerations, decisions, and copies of letters of release will be placed on the student’s file.

The approval of transfer of a student to another provider does not indicate an agreement to provide a refund. Refunds are governed, independent of this policy, by the International Students – Enrolment and Refund Policy [0330].

Appeals
If the student is not satisfied with the decision made by the Senior International Business Officer not to issue a letter of release, an appeal may be made to the General Manager of the Region.
- Student completes the Complaints and Appeals application documenting the grounds for their appeal.
- The appeal form must be lodged within five (5) working days of the Refusal Letter of Release.
- If the appeal is not lodged within five (5) working days, the results will stand. Once the internal appeals process has been completed and the student remains dissatisfied, he/she may lodge an external appeal.

Refer to Standard 8 - Complaints and Appeals Policy.

References
- Education Services for Overseas students Act 2000
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students (Registration Charges) Act 1997
- Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012

Other
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

Glossary

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Course</td>
<td>The principal course is the student’s main course of study or that leading to the highest qualification on the student’s current visa. If the student is on a package of courses, the course leading to the highest qualification will be the student’s principal course and the restriction will apply to the first six months of that course and any packaged courses before it.</td>
</tr>
<tr>
<td>ESOS</td>
<td>Education for Overseas Students</td>
</tr>
</tbody>
</table>
Authorisation

This policy has been approved by the TAFE Queensland East Coast General Manager or delegate. This policy's effective date is the same as the date of approval. This policy supersedes any previous versions.

<table>
<thead>
<tr>
<th>Approved by</th>
<th>Carolyn Jalal</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>22/09/2014</td>
</tr>
</tbody>
</table>