

# International Student Transfer Policy

## 1 Purpose

In accordance with Standard 7 of the National Code 2018 there are strict guidelines for the transfer of international students FROM and TO the Institute before a student has completed six (6) calendar months of study in their principal course. The purpose of this policy is to ensure that Sunraysia Institute of TAFE is compliant with the Education Services for Overseas Students Act 2000 regarding international students transferring to the Institute and requesting transfers from the Institute to other providers.

## 2 Scope

This policy applies to international students, and staff providing administrative and other support to prospective and enrolled international students at Sunraysia Institute of TAFE.

## 3 Definitions

Acronym/Term	Definition
CoE	Electronic Confirmation of Enrolment
Compassionate or compelling circumstances	<p>'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes</li> <li>• bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)</li> <li>• major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or</li> <li>• a traumatic experience, which could include: <ul style="list-style-type: none"> <li>○ involvement in, or witnessing of a serious accident; or</li> <li>○ witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)</li> </ul> </li> <li>• where the registered provider was unable to offer a pre-requisite 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.</li> </ul>
Institute	Sunraysia Institute of TAFE
International Student	A person holding an Australian student visa and is defined as an 'Overseas Student' in the ESOS Act.

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<b>Principal Course</b>	The main, or highest level of study for which a student visa has been granted which is to be undertaken by an International student visa holder, and where the enrolment covers multiple courses in its scope e.g., where a student is enrolled in an ELICOS, Diploma and Advanced Diploma course the Advanced Diploma course is the principal course.
<b>PRISMS</b>	Provider Registration and International Student Management System which is a computer system developed by Department of Education in association with Department of Home Affairs for the purpose of receiving and storing information about accepted international students for the purposes of complying with the Education Services for Overseas Students Act.
<b>Registered Provider</b>	An Australian educational institute listed in the Commonwealth Register of Institutions and Courses for Overseas Students and therefore having a current CRICOS provider number/code.
<b>Release</b>	A documented decision authorising an international student's enrolment to be withdrawn from one registered provider, before six calendar months of their principal course of study have elapsed, so that they are able to enrol with another registered provider.
<b>Study Period</b>	Term

## 4 Policy

### 4.1 International Students transferring TO the Institute.

4.1.1 The Institute must not knowingly enrol an international student who wishes to transfer from another registered provider's course prior to completing six calendar months of their principal course of study unless:

4.1.1.1 The registered provider has agreed to the student's release and recorded these details in PRISMS; or

4.1.1.2 The releasing registered provider has ceased to be registered; or

4.1.1.3 The course in which the student was enrolled has ceased to be registered; or

4.1.1.4 The releasing registered provider has had a sanction imposed on its registration by the Australian Government or a State or Territory Government which prevents the student from continuing their course with that registered provider; or

4.1.1.5 The student is government sponsored and that government sponsor provides written support for the change as it considers the change to be in the student's best interest.

4.1.2 All students wishing to transfer to the Institute must lodge a valid application to be assessed via normal international admissions processes and include evidence of their current, past and future enrolments.

### 4.2 International Students who wish to transfer FROM the Institute to another provider

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- 4.2.1 International Students applying to transfer from the Institute must lodge a written request to transfer and Request for Release Letter Form, including having a letter of offer from the registered provider they wish to transfer to and other information supporting their application to transfer.
- 4.2.2 The Institute is entitled to determine the circumstances in which it will grant or refuse to provide a Release. International students must demonstrate that the transfer would be in their best interests.
- 4.2.3 Circumstances for which transfers to another registered provider within the first six (6) months will be granted and where it is in the best interests of the student include:
- a) Compassionate or Compelling circumstances beyond the student's control that cannot be addressed by the Institute's International Students Unit and Student Support Services and which have an impact upon the student's course progress or wellbeing.
  - b) The international student has failed to achieve satisfactory course progress at the level they are studying, even where an intervention strategy has been implemented.
  - c) The Institute fails to deliver the course as outlined in the written agreement.
  - d) There is evidence that the international student's reasonable expectation about their course is not being met.
  - e) There is evidence that the international student was misled by the Institute or an approved education agent regarding the Institute or the course and the course is therefore unsuitable to their needs and/or study objectives.
  - f) An appeal (internal or external) on another matter results in a decision or recommendation to release the international student.
- 4.2.4 The Institute will assess and reply to the overseas students transfer request within 10 working days.
- 4.2.5 No transfer will be granted where:
- the international student has not completed the first 6 months of the principal course in which he or she is enrolled and has not accessed the full range of support services available at the Institute.
  - the basis of the request is not considered an exceptional circumstance in relation to the welfare of the international student.
  - the Institute forms the view that the international student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet course attendance or satisfactory course progress requirements.

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- the international student has outstanding debts for the current or previous study periods owed to the Institute.
- the transfer is perceived as detrimental to the international student's future study (including unsuited to the student's academic abilities), wellbeing and/or career objectives.
- the transfer request is based on a change of course and said course is also offered at the Institute.
- the transfer may jeopardise the student's course progression through a package of courses.
- the student has simply changed their mind.
- the student has cited issues such as distance from the campus and travel difficulties.
- the documents provided by the student do not, in the Institute's opinion, provide adequate grounds to justify the transfer.
- the Institute reserves the right to take into consideration other circumstances which may not have been specified in item 3.2.5.

4.2.6 There is no cost to an international student for requesting or receiving a release.

4.2.7 All release request records, including assessment and decision records, will be maintained for two years after the international student ceases to be an accepted student.

### 4.3 Communicating the Release Application Outcome

4.3.1 A written notification will be sent to the international student advising the outcome of the application for release. Where the release is refused it will include the reasons for the refusal.

4.3.2 If the release is granted, the approval of release will be recorded in PRISMS and CoEs cancelled within 3 business days.

4.3.3 If the release is refused, international students have 20 working days from receipt of the refusal of a release notification to access the Institute's complaints and appeals processes.

4.3.3.1 Where 20 working days have passed and the appeals process has not been accessed by the student, all decisions will stand.

4.3.3.2 The Institute will not finalise the student's release refusal status in PRISMS until the appeal finds in favour of the Institute, or the student has not accessed the complaints and appeals processes, or they withdraw their request for release.

### 4.4 Transfer Applications Not Requiring Release

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- 4.4.1 All students transferring to the Institute after completing six calendar months of their principal course must lodge a valid application to be assessed via normal international admissions processes.
- 4.4.2 International students who are transferring from the Institute to another registered provider after six calendar months of their principal course should complete an application to withdraw.

## **5 Legislative Context**

- Education Services for Overseas Students Act 2000 (ESOS Act) and Legislative Instruments
- Education Services for Overseas Students Regulations 2019 (ESOS Regulations)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

## **6 Associated documents**

### 6.1.1 Associated Policies

- Complaints and Appeals Policy
- International Enrolments Policy
- International Student Fee Payment and Refund Policy

### 6.1.2 Associated Procedures

- Complaints and Appeals Procedure – Students and Community
- Guidelines for Assessing Compassionate and Compelling Circumstances
- International Student Fee Payment and Refund Procedure

### 6.1.3 Associated Forms

- Formal Complaint Form
- International Student Withdrawal and Refund Application Form
- Request for Release Letter Form

### 6.1.4 Other associated documents

- Request for Transfer Approved letter
- Request for Transfer Not Approved letter

## **7 Responsibility**

The General Manager Operations is responsible for ensuring compliance with this policy, and its associated procedures and systems.

## **8 Review Frequency**

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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