International Student Transfer Policy

1 Purpose
The purpose of this policy is to ensure that Sunraysia Institute of TAFE is compliant with the current Education Services for Overseas Students Act 2000 and the relevant legislative requirements.

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 Policy
In accordance with Standard 7 of the National Code 2007, there are strict guidelines for the transfer of students FROM and TO the Institute.

3.1 All International Students transferring TO the Institute.

3.1.1 The Institute must not knowingly enrol a student wishing to transfer from another registered provider’s course prior to the student completing six months of their principal course of study unless certain exceptions apply such as:

   a) The student has a letter of release from their current provider.

3.1.2 No letter of release is required if:

   a) The student’s current provider has ceased to be registered
   b) The course in which the student was enrolled has ceased to be registered
   c) The student’s current provider has had a sanction imposed on its registration by the Australian Government or State or Territory Government which prevents the student from continuing his or her principal course
   d) 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.

3.2 For SVP packaged offer holders who seek to transfer FROM the Institute to another registered provider:

   3.2.1 The Institute will not release a student who has entered Australia on a visa for an SVP-eligible course who, after the visa is granted, is seeking to transfer to either a non-SVP eligible course or an SVP-eligible course with another educational provider.

   3.2.2 Applying to transfer between registered providers does not preclude students from the requirement to enrol on time. Non enrolment will not automatically result in a
transfer between registered providers, it will however, result in the student being reported to DIBP via PRISMS for failing to enrol.

3.2.3 International Student Visa holders who arrive in Australia under SVP arrangements and then purposefully transfer to a non-SVP eligible course or alternative education provider without applying for a new student visa will be in breach of their student visa and may be subject to visa cancellation

3.3 For Non-SVP International Students who wish to transfer FROM the Institute to another provider

3.3.1 The Institute is entitled to determine the circumstances in which it will provide or refuse to provide a Letter of Release. Non-SVP International Students must demonstrate that the transfer would be in their best interests.

3.3.2 Circumstances for which approval for transfer to another registered provider within the first 6 months will be granted include:

a) Compassionate or Compelling circumstances beyond the student’s control that cannot be addressed by the Institute’s Academic and Student Support Services and which have an impact upon the student’s course progress or wellbeing.

3.3.3 Students must provide written documentation to support their application to transfer to another registered provider.

3.4 Non SVP transfer requests within the six month restricted period

3.4.1 No transfer will be granted where:

a) the 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.

b) the basis of the request is not considered an exceptional circumstance in relation to the welfare of the student.

c) the Institute forms the view that the international student is trying to avoid being reported to the Department of Immigration and Border Protection (DIBP) for failure to meet course attendance or satisfactory course requirements.

d) the international student has outstanding debts for the current or previous semesters owed to the Institute.

e) 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.

f) the transfer request is based on a change of program and said program is also offered at the Institute.

g) the transfer may jeopardise the student’s course progression through a package of courses.
h) the student has simply changed their mind.  
i) the student has cited Issues such as distance from the campus and travel difficulties.  
j) the documents provided by the student do not, in the Institute’s opinion provide adequate grounds to justify the transfer  
k) the Institute reserves the right to take into consideration other circumstances which may not have been specified in item 3.4.

3.5 Letter of Release

3.5.1 A letter of release is at no cost to the student.

3.5.2 The Institute will assess an international student’s request for a Letter of Release on a case by case basis.

3.5.3 Students have 10 working days from receipt of refusal of a Letter of Release notification to access the Institute’s Students Complaints and Appeals Policy and Procedure. Where 10 working days has passed and the appeals process has not been accessed by the student, all decisions will stand.

4 Definitions

<table>
<thead>
<tr>
<th>Acronym/Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>International Student</td>
<td>A Person holding an Australian Student visa and is defined as an ‘Overseas Student’ in the ESOS Act.</td>
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<td>Registered Provider</td>
<td>An Australian educational institute listed in the Commonwealth Register of Institutes and CRICOS and therefore having a current CRICOS provider number/code.</td>
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<td>Principle Course</td>
<td>The main or highest level of study to be undertaken by an International student visa holder where the enrolment covers multiple courses in its scope, e.g., where a student is enrolled in an ELICOS, Diploma and Undergraduate Bachelor Course, the Undergraduate Bachelor Course is the principle course.</td>
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<td>Principal Institute</td>
<td>The registered provider from which the International student was originally granted a valid Confirmation of Enrolment and in which the student was actually enrolled.</td>
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<td>Institute</td>
<td>Sunraysia Institute of TAFE</td>
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<td>DIBP</td>
<td>Department of Immigration and Border Protection</td>
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<td>eCoE</td>
<td>Electronic Confirmation of Enrolment</td>
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<td>IHE</td>
<td>International and Higher Education</td>
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<td>SVP</td>
<td>Streamlined Visa Processing</td>
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<td>Letter of Release</td>
<td>A letter authorising a student to be released from one registered provider so that they are able to enrol with another registered provider.</td>
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<td>PRIMS</td>
<td>The Provider Registration and International Student Management System used to process information for DIBP provided by registered providers</td>
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5 Legislative Context

- Education Services for Overseas Students Act 2010 (ESOS Act) and Legislative Instruments
- Education Services for Overseas Students Regulations 2001 (ESOS Regulations)
- The Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012

6 Associated documents

6.1.1 Associated Policies
- ESOS Compliance and Policy Framework
- Student Complaints and Appeals Policy
- International Student Fee Refund Policy.

6.1.2 Associated Procedures
- Student complaints Procedure
- Student Reviews and Appeals Procedure
- International Student Fee Refund Procedure

6.1.3 Associated Forms
- Application to request for release Form
- International Student Offer and Acceptance Agreement

6.1.4 Other associated documents
- Nil

7 Responsibility

The Director Education 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.