

Document name	Overseas Student Transfer Policy and Procedure	Author	Compliance Consultant	Approved by	CEO	Reference to SRT0	NC, Std 8, 10	RTO Code	41340
Date Updated	June 2019	Date to be reviewed	December 2024			Version no	1.5	CRICOS Provider No	03450E
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## Definitions

<b>Application for Transfer Between Registered Providers</b>	An application by a Student for Transfer Between Registered Providers (release).
<b>DHA</b>	Department of Home Affairs.
<b>ESOS Act:</b>	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
<b>National Code:</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018.
<b>Principal Course:</b>	The main course of study to be undertaken by an overseas Student where a Student Visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a Student Visa that covers multiple courses.
<b>Student Counsellor or equivalent:</b>	Includes a student counsellor/student support services officer/adviser or welfare officer appointed by the Institute and working at the Institute or, in the case of Students

## Guidelines

- Under Standard 7 of the National Code 2018, Registered Providers must not knowingly enroll a Student wishing to transfer from another Registered Provider's course prior to the Student completing six calendar months of his/her Principal Course of study, except in limited circumstances as outlined in this policy.
- RTO is entitled to determine the circumstances in which it will provide or refuse to provide a Release Letter. Where a Student requests a transfer within the period of six months of commencement of their Principal Course, RTO or its nominated officer will assess the request for transfer against this policy.
- Students must co-operate with the RTO's staff or its nominated officers and attend any interviews or other appointments scheduled for them including in respect of support services provided by the RTO.
- Applying to Transfer between Registered Providers does not preclude students from the requirement to enroll on time. Non-enrolment will not automatically result in a Transfer between Registered Providers, it will however result in the student being reported via PRISMS for failing to enroll.
- No Release Letter is required where:
  - the Student has completed at least 6 calendar months' study in his or her Principal Course; or
  - 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 interests; or

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- c. RTO has ceased to be registered or the course in which the Student is enrolled has ceased to be registered; or
  - d. RTO has a sanction imposed on it that prevents the Student from continuing his or her Principal Course.
6. To apply to transfer to another provider within the first 6 months of the Student's Principal Course, the Student must demonstrate 'exceptional circumstances' justifying the transfer. Exceptional Circumstances include:
- Medical reasons *e.g. recent hospital admission; serious injury; debilitating illness; severe anxiety or depression.*
  - Loss or bereavement *e.g. Death of a close family member, or close friend; family or relationship breakdown.*
  - Hardship/trauma *e.g. recent victim of crime; sudden loss of income or employment; severe disruption to domestic arrangements.*
  - Educational progression *problems* that cannot be addressed by the provider's resources.
7. Subject to Item 5 above, an Application for Transfer on the grounds of Exceptional Circumstances may be demonstrated by providing sufficient specific detailed information with relevant supporting documentation to support the Application, such as a medical certification stating in reasonable detail:
- The dates of any relevant consultations or attendances;
  - If relevant, the nature of the complaint and the treatment; and
  - A specific statement that in the health care professional's opinion (not the student's opinion) that, as a result of the complaint or treatment, the student should be transferred.
  - Police report or statutory declaration.
  - Other relevant supporting documentation.
- All documentation will be held in confidence and will be stored to ensure privacy.
8. No transfer will be granted where:
- a. The Student has not completed the first four weeks of the principal course in which he or she is enrolled; or
  - b. RTO or its nominated officer forms the view that the Student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet the RTO's attendance or academic progress requirements; or
  - c. The transfer may jeopardise the Student's progression through a package of courses; or
  - d. The transfer would be detrimental to the Student's future study and/or career objectives; or
  - e. The student is enrolling in a lower AQF course
  - f. The Student has not accessed the RTO's student support or welfare services after having been requested to do so; or
  - g. The documents provided by the Student do not, in the RTO's or its nominated officer's view, provide adequate grounds to justify the transfer; or
  - h. The Student has outstanding debts to RTO

TRANSFERS WILL BE GRANTED WHERE IT IS PROVEN TO BE IN THE STUDENTS BEST INTERESTS SUCH AS:

- *the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)*

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- *there is evidence of compassionate or compelling circumstances*
- *The registered provider fails to deliver the course as outlined in the written agreement*
- *there is evidence that the overseas student's reasonable expectations about their current course are not being met*
- *there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider 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 overseas student.*

## Procedure

The following procedures have been separated into 'Incoming students' and 'Outgoing students' Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of the Compliance Officer/CEO. The Compliance Officer/CEO shall assess the applications to transfer education providers and conclude an outcome based on the following procedure.

### Incoming students

The following procedure is relevant to any student who applies for a course within RTO and is currently studying on-shore with another registered provider.

For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student number (to look up PRISMS). Once this information is obtained the following steps are taken:

- Compliance Officer/Admission Officer accesses the student information via PRISMS. They are to ascertain if the length of studies completed in their current Principle course of study is greater than 6 months. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.
- In completing this process, they would print a copy of the PRISMS record and attach to the student application.
- If they have completed more than 6 months of their principle course of study, the application process proceeds as for all off-shore students.
- Where a student has **NOT** completed 6 months of their principle course of study, they are asked to provide an appropriate letter of release in support of their application.
- To support the application, they can be provided with a Conditional Letter of Offer which clearly states that an offer of a place is contingent on their obtaining a release from their current provider. *Note: if they are in receipt of a Government scholarship, they should provide written support from that Government agreeing to the change, which will stand in lieu of any letter of release.*
- If such a release is received and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all off-shore applicants.

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- vii. If no satisfactory release is obtained from such students, the application process is halted, and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6-month period has passed.
- viii. Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no release is required. Evidence of this occurrence would need to be placed in the student file.

### Outgoing students

The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principle course of study.

- i. Students make a written request on (Application to Defer, Suspend, Cancel Enrolment and Release Letter) to Admission Officer to transfer to another provider. The only reason a 'release letter' shall be issued if:
  - RTO has cancelled/ceased to offer your program (letter from RTO should be supplied)
  - Government sponsor considers the change to be in your best interest, if you are a sponsored student (written confirmation from sponsor required)
  - Exceptional circumstances (documentation required to support circumstances and a letter of offer from another provider is required.)
- ii. The student is asked to provide a valid 'offer of enrolment' from the new provider authenticating the transfer and the student is able to provide a letter from the new provider indicating the benefits of transferring from their current course of study.
- iii. In assessing the application to transfer, the Compliance Officer/CEO will check the following points:
  - Ensure any outstanding fees are paid
  - Ensure the student is fully aware of all issues relating to the transferring of providers.
  - Check student records to ensure the student is not trying to avoid being reported to DHA due to lack of course progress or poor attendance records.
  - Assess if the request to release is in the best interests of the student as outlined in our policy document.
- iv. Once the Compliance Officer/CEO has addressed the above points, a *Release within first 6 months* will be granted at no charge to the student. The student will also be advised of the need to contact DHA and obtain a new visa if the course they transfer to is not a Higher Education / VET course. Any issues will be reported to the CEO.
- v. The Admission Officer must report the student's termination of studies via PRISMS within 31 days if they are over 18 or 14 days if they are under 18 years old. Evidence must be kept on the student file for audit.

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- vi. If a release is not granted then a letter is to be send to the student informing that student that he or she has been unsuccessful and the reason why, and further advising the student of his or her appeal rights.
- vii. All information relating to the transfer application is to be maintained on the student file for 2 years.
- viii. Admission Officer will notify students of the outcome of their request within 10 working days after receiving a complete and fully documented request for release application.
- ix. All requests, considerations, decisions and copies of letters of release should be placed on student's file.
- x. The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.
- xi. The release of a student will be provided at no cost to student.

### Responsibility

Admission Officer  
Student Support Officer  
CEO

### Forms

- Application to Defer, Suspend, Cancel Enrolment and Release Letter
- Letter of Release within first 6 months
- Letter of Refusal to transfer within 6 months
- Conditional Letter of offer for Transfer within 6 Months

### Related policies and procedures

- RTO Marketing Policy and Procedure
- RTO Admissions Policy and Procedure
- RTO Complaints and Appeals Policy and Procedure
- RTO Student Support Policy and Procedure
- RTO Records Management Policy and Procedure

### Forms / Record Keeping

Title	Location	Responsible Officer	Retention Period
Application to Defer, Suspend, Cancel Enrolment and Release Letter	Student File	Student Support Services Officer Admission Officer	2 years
Copy of Approved or Not Approved Release advice to student	Student File	Student Support Services Officer Admission Officer	2 years

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