

# Provider Transfer Policy and Procedure

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## 1 Purpose and scope

This policy outlines the processes for international students to transfer between registered providers. Under the *National Code 2018*, Standard 7.1:

- 7.1 *Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:*
- 7.1.1 *the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered*
  - 7.1.2 *the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider*
  - 7.1.3 *the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS*
  - 7.1.4 *any 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.*

This policy applies to all international students of AIE Institute's higher education community that wish to transfer to another registered provider within the first 6 months of study.

## 2 Objectives

AIE Institute's objectives are to:

- a. Ensure that applications for a student to transfer to another registered provider are processed according to the requirements of the *National Code 2018*
- b. Conduct applications in a fair, equitable, transparent and timely manner.

## 3 Implementation

The Academic Director ensures that assessment of students' applications for transfer are conducted in a fair, equitable, transparent and timely manner.

## 4 Procedure

### 4.1 Transfer requests to AIE Institute

AIE Institute does not recruit or accept international students enrolled at another Australian registered provider within the first 6 months of their principal course unless the circumstances listed in Standard 7.1.1–7.1.4 of the *National Code 2018* apply (see '1 Purpose and scope' above).

No Confirmation of Enrolment (COE) is issued until the student has provided AIE Institute with the original academic transcript or statement or results from the other registered provider. AIE Institute must also determine whether it has the capacity to accept the student.

International students who wish to make an application to transfer to AIE Institute should contact the Admissions Officer and provide a letter of release from the other registered provider.

When AIE Institute is approached by an international student who wishes to transfer between registered providers, the Admissions Manager must take reasonable steps to check whether a student is enrolled with another provider before completing the enrolment. 'Reasonable steps' include AIE Institute asking the international student if they are currently enrolled with another provider, checking the international student's visa and using Provider Registration and International Student Management System (PRISMS). International students under the age of 18 need permission from a parent or a legal guardian to change registered providers. AIE Institute must issue a letter of offer to the international student for them to obtain a release from the registered provider they are currently studying with. AIE Institute develops a transfer register for recording transfer decisions.

If the international student has completed 6 months of study, then *Admissions Policy and Procedure* applies.

## 4.2 Transfer requests from AIE Institute

International students seeking to transfer from AIE Institute to another Australian registered provider within 6 months of commencement of their principal course of study should submit to the Admissions Manager a written request to transfer and provide the following evidence:

- a. A valid enrolment from another registered provider
- b. Supporting material such as medical certificates, death certificate, funeral notice, information about natural disasters, statutory declaration, etc.

If approved, international students will need to complete a *Cancellation of Enrolment Form*.

### 4.2.1 Grounds for release

The following exceptional circumstances as per the *National Code 2018*, Standard 7.2.2, may be grounds for issuing a letter of release where it is considered to be in the student's best interest, including but not limited to where the registered provider has assessed that:

- 7.2.2.1 *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)*
- 7.2.2.2 *there is evidence of compassionate or compelling circumstances*
- 7.2.2.3 *the registered provider fails to deliver the course as outlined in the written agreement*
- 7.2.2.4 *there is evidence that the overseas student's reasonable expectations about their current course are not being met*
- 7.2.2.5 *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*
- 7.2.2.6 *an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.*

### 4.2.2 Grounds for refusal of transfer

Transfer requests from AIE Institute are not granted where the:

- a. Transfer might have a negative impact on future study options, including breaking an agreed package of programs for which CoEs have been issued

- b. International student has unpaid course fees
- c. International students are not making satisfactory academic progress or meeting attendance requirements, but have not undertaken recommended intervention strategies
- d. International student has changed their mind
- e. Other circumstances considered to not be in the best interests of the student
- f. A firm offer has not been received from another registered provider
- g. The international student intends to return home.

International students will be advised to contact the Department of Home Affairs (DHA) to seek advice about their international student visa.

### 4.3 Letter of Release not required

If the student is in receipt of a government scholarship, then written approval from the government department should be provided in lieu of a letter of release.

In the rare circumstance that the original registered provider or course is no longer registered, or sanctions have been imposed by the government, then a letter of release is not required, and *Admissions Policy and Procedure* applies.

### 4.4 Decisions

The Academic Director is responsible for making decisions on international student transfers and granting letters of release at no charge, based on the requirements listed in sections 4.1, 4.2 and 4.3. Decisions on transfers are made in writing within 10 business days of receiving a written transfer request.

An approval to transfer to another provider does not automatically entitle the student to a refund. Refer to *Refund Policy and Procedure International Students* for more details.

#### 4.4.1 Refuse release

If the decision is to refuse release from the course of study, the Academic Director provides written advice explaining the reasons why the application for release has been refused and the student's right to access the complaints and appeals process within 20 working days.

#### 4.4.2 Grant transfer to AIE Institute

The Academic Director may grant transfer to AIE Institute and make a conditional offer of enrolment, subject to the original provider granting a letter of release. A Confirmation of Enrolment is only issued after a student has provided their original academic transcript/statement of results which are satisfactory, and the student can be accommodated in a class.

#### 4.4.3 Record keeping

All application material and correspondence should be placed on the student's file. As per the *National Code 2018*, Standard 7.7:

*The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.*

### 4.5 Appeals

International students may appeal the decision by writing to the Academic Board within 20 business days of receiving the decision notice, if they believe that the decision has not considered all the facts or was unfairly made. Refer to *Student Grievance Policy and Procedure*.

As per the *National Code 2018*, Standard 7.6:

*The registered provider must 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.*

## 5 Definitions

**Admission** is the process for admitting an applicant into a program at AIE Institute, following a successful application and acceptance of the offer of a place in the program.

**Confirmation of Enrolment (CoE)** is a document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider (National Code definition).

**Course Progress** is the measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill based competencies (National Code 2018 definition).

**DHA** is the Department of Home Affairs.

**Education Agent** is a person or organisation (in or outside Australia) who recruits international students and refers them to education providers. In doing so, the education agent may provide education counselling to international students as well as marketing and promotion services to education providers.

Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities) (National Code definition).

**International student** means a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.

**Letter of Offer** is the offer of a place in a course to a successful applicant.

**Letter of Release for International Students** is the release letter from a program within the first 6 months of study in the principal course to enable an international student to transfer to another registered provider.

**National Code 2018** is the National Code of Practice for *Providers of Education and Training to Overseas Students 2018* established under the *Education Services for Overseas Students (ESOS) Act 2000*.

**Overseas student:** see International student.

**Principal Course of Study** refers to the main course of study to be undertaken by an international 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 international student arrives in Australia with a student visa that covers multiple courses (National Code 2018 definition).

**Registered Provider** as defined in Section 5 of the *ESOS Act*, the registered provider for a course for a location means a provider that is registered to provide the course at the location.

**Student** means an overseas student (or intending overseas student) as the context requires (National Code 2018 definition).

**Unit** is discrete unit of study, where a combination of units make up a course of study.

## 6 Related documents

The following policies and procedures are related to this policy:

- a. Admissions Policy and Procedure
- b. Fee Policy and Procedure
- c. Refund Policy and Procedure International Students
- d. Student Grievance Policy and Procedure.

The following legislation and standards are related to this policy:

- e. Education Services for Overseas Students Act 2000 (Cth)
- f. National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).

## **7 Review**

Three years from commencement.

## **8 Accountabilities**

The Academic Board is responsible for review and approval of this policy and procedure.

The policy is to be implemented via induction and training of staff and distribution to students and AIE Institute's community via the website and other publications.