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Government of **Western Australia**
Department of **Training**
and **Workforce Development**



INTERNATIONAL STUDENT TRANSFER AND RELEASE POLICY

EFFECTIVE: 27 JULY 2022

VERSION: 4.0

CONTENTS

1.	POLICY STATEMENT	2
2.	SCOPE	2
3.	BACKGROUND	3
4.	DEFINITIONS AND ACRONYMS	3
5.	PROCEDURES.....	3
6.	RELATED POLICIES AND OTHER RELEVANT DOCUMENTS	6
7.	RELEVANT LEGISLATION.....	6
8.	REVIEW DATE	6
9.	CONTACT INFORMATION.....	7

1. POLICY STATEMENT

This policy outlines the processes involved when reviewing requests from international students who request to change courses, campus/school locations or who request to transfer to another registered provider. These processes comply with Standard 7: Overseas student transfers, of the *National Code of Practice Providers of Education and Training to Overseas Students 2018* (National Code 2018), where:

- Registered providers must not knowingly enrol an overseas student seeking 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 in certain circumstances.
- The registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their first principal course for TAFE, (or for the school sector, until after the first six months of their course).
- If the overseas student is under 18 years of age:
 - the registered provider must have written confirmation the overseas student's parent or legal guardian supports the transfer;
 - where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and generalwelfare arrangements in accordance with Standard 5 Younger overseas students.
- If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact immigration to seek advice on whether a new student visa is required.
- If a registered provider intends to refuse the transfer request, they must inform the overseas student in writing of the:
 - reason for the refusal; and
 - right to access the provider's complaints and appeals process, in accordance with Standard 10: Complaints and appeals, within 20 working days.
- The registered provider must not finalise the student's refusal status in the Provider Registration and International Management System (PRISMS) until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals process within 20 working day period, or the overseas student withdraws from the process.
- 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.

2. SCOPE

This policy applies to all onshore international students who are enrolled at a Western Australian public school, Navitas English or with one of Western Australia's TAFE colleges.

2. BACKGROUND

This policy outlines the standards and procedures TAFE International Western Australia (TIWA) follows in order to ensure compliance with Standard 7 Overseas student transfers, National Code 2018.

3. DEFINITIONS AND ACRONYMS

CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
Principal course	The final course within a package of courses. If a student has only enrolled in one course that is the principal course.
Principal provider	The provider offering the final course in a package of courses.
Restricted transfer period	The period from the date of the visa issue to the end of the first six calendar months of the principal course identified in the student's Confirmation of Enrolment (CoE)
PRISMS	Provider Registration and International Student Management System - an Australian government database, managed by the Commonwealth Department of Education, Skills and Employment (DESE), which contains registration information in relation to CRICOS Providers and courses offered by these providers.
National Code 2018	<i>National Code of Practice Providers of Education and Training to Overseas Students 2018</i>

4. PROCEDURES

4.1. Conditions of transfer

4.1.1 Students transferring to TIWA from another registered provider

Where an application is received by TIWA from a student currently enrolled with another provider TIWA will not accept the student within the restricted transfer period unless one of the following circumstances apply (Standard 7):

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the Education Services for Overseas Students (ESOS) agency that prevents the overseas student from continuing his or her course at that registered provider; or
- any government sponsor of the overseas student considers the change to be in the student's best interests and has provided written support for the change.

The releasing registered provider must have agreed to the overseas student's release and recorded the date of effect and reason for release in Provider Registration and International Student Management System (PRISMS).

4.1.2 Students transferring from TIWA to another registered provider

4.1.2.1 Students who wish to transfer to another provider who have not completed six months of study in their principal course with TIWA must complete a *Release Letter Request Form*. TIWA will approve release requests where the release is deemed to be in the best interest of the student. The circumstances where this may occur include, but are not limited to, where TIWA has assessed that:

- 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, of the *National Code 2018*;
- 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;
- the student does not successfully complete a prerequisite course as part of a package of programs;
- it is in the interest of the student's welfare, such as when a relative relocates and the student remaining alone in Western Australia is not an option; or
- there is evidence of other compassionate or compelling circumstances.

4.1.2.2 TIWA will refuse transfer requests in, but not limited to, the following circumstances:

- the student's fees are still outstanding;
- the student requests to transfer to another course with lower fees;
- the student is currently in a complaints and resolution process for unsatisfactory progress or for not meeting course attendance requirements;
- the student is not genuinely engaging with the intervention strategy;
- the student has breached a student visa condition(s) and has been reported on PRISMS;
- the transfer may jeopardise the student's progression through a package of courses;
- a valid letter of offer has not been received from the provider the student requests to transfer to;
- the transfer is perceived as detrimental to the student;
- the transfer request is based on change of program and this program is also offered by TIWA;
- the commencement date on the letter of offer from the transferring provider has passed (i.e. after the program of study into which the student requests to transfer has already begun);
- the student has changed their mind;
- issues such as living a long distance away from campus and travel

difficulties; or

- the student has not utilised support services; or academic resources and assistance.

4.1.2.3 TIWA will assess the application for the release, in accordance with the conditions for release, within 10 days of the request.

If the release is approved, the student:

- will be notified in writing of the outcome within 10 working days; and
- will be advised to contact the Department of Home Affairs to seek advice as to any impact on their visa.

If the release is refused, the student:

- will be advised in writing as to the reasons for the refusal within 10 working days; and
- their right to appeal this decision in writing to the General Manager TIWA, within 20 working days.

The General Manager TIWA will review appeals and advise the student of the decision in writing within 10 working days. TIWA will maintain records of requests for release, including the assessment and decision, for two years after the overseas student ceases to be an accepted student.

TIWA will not finalise the student's refusal status in PRISMS until:

- an appeal is not upheld;
- the overseas student has chosen not to access TIWA's complaints and appeals process within the 20 working day period; or
- the overseas student withdraws from the process.

4.1.3 Students under the age of 18

If the student is under 18 years of age:

- TIWA will obtain written confirmation that the student's parent or legal guardian supports the transfer; and
- where the student is not being cared for in Australia by a parent or suitable nominated relative, TIWA will ensure that the receiving provider confirms that they accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5: Younger overseas students of the *National Code 2018*.

4.2. Request to change course or campus/school

4.2.1 Students who request to transfer from one school to another or from one TAFE college to another, must complete a *Change of Course/Campus Application Form* (TAFE) or a *Change of School Form* (Public Schools).

4.2.2 If a student requests to change their course and commence study at a new school or campus their application must be approved by the Manager Customer Services(TIWA) and is dependent on intakes and places available, and cannot take place mid-semester. If the student is currently on an Intervention Strategy, then consultation between TIWA and the new school or TAFE College will occur, prior to the change being approved.

Students will be informed in writing of the outcome within 10 working days.

4.2.3 If a student requests to remain in the same course but requests to change location their application must be approved by the receiving school or college. Previously completed units will be factored into the student's adjusted study load where applicable to ensure that there is a suitable program and transition arrangements for the student. TIWA will process the change request once the receiving college/school has granted approval. Students will be informed in writing of the outcome within 10 working days.

4.2.4 If the student is not satisfied with the outcome of their request, they may appeal in writing to the General Manager TIWA. The General Manager will review their appeal and notify the student of the decision in writing.

5. RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Admissions and Enrolment Policy*
- *International Student Fee Payment and Refund Policy*
- *International Student Schools Admissions and Enrolment Policy*
- *Release Letter Request Form*
- *Change of Course/Campus Application Form (TAFE) or a Change of School Form (Public Schools).*

6. RELEVANT LEGISLATION

- *Vocational Education and Training (VET) Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)*

7. REVIEW DATE – 27 July 2024

DOCUMENT MANAGEMENT**Equity impact assessment**

This policy considers and reflects where appropriate the principles of the Department's:	
<input checked="" type="checkbox"/> Disability access and inclusion plan	<input checked="" type="checkbox"/> Language services policy
<input type="checkbox"/> Workforce diversity and inclusion policy	<input type="checkbox"/> Innovate reconciliation action plan
<input checked="" type="checkbox"/> Substantive equality policy	<input type="checkbox"/> Employment policy
<input type="checkbox"/> Not applicable	

Approval

(To be completed by the Office of the Director General)

Corporate Executive endorsement date	27.07.2022
Director General approval to publish date	
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DevelopmentDate		June 2014 Version 1	
Revision History			
Date	Name	Reason	Outcome and Changes
2014	Director, Academic Strategy	Continuous Improvement	Insertion of Department of Immigration and Border Protection updates to course change and transfer policy.
2015	Director, Academic Strategy	Continuous Improvement	Amendments relating to SVP students inserted.
2016	Director, Academic Strategy	Sectoral Changes	Amendments to reflect changes from ETI to TIWA and from STPs to TAFE colleges; changes to ESOS; and changes to TIWA business processes.
2018	Director, Academic Strategy	National Code changes	Amendments made to reflect changes from the National Code 2007 to the National Code 2018
2019	Manager, Education Programs	Annual Review	Annual policy review and clearer alignment to the regulatory standards.
2021	Manager, Customer Services and Compliance	Continuous Improvement	Annual review V4

8. CONTACT INFORMATION

TAFE International Western Australia
Service Delivery Directorate