



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



INTERNATIONAL STUDENT TRANSFER AND RELEASE POLICY

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VERSION: 3.0

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1. POLICY STATEMENT

This policy outlines the processes involved when reviewing requests from international students who wish to change courses within the same TAFE college or who wish to transfer between registered providers in accordance with Standard 7 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)*.

2. SCOPE

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

3. BACKGROUND

The *National Code 2018* contains the following standard that relates to the transfer of international students between registered providers, specifically:

Standard 7 – Transfer between registered providers

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 in particular circumstances outlined below.

The Department of Home Affairs also provides guidelines for registered providers who are reviewing international students' requests for course changes within the same Institute and for transfer between registered providers. These guidelines can be found at <http://www.homeaffairs.gov.au/Trav/Stud/More/Changing-courses>

4. 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 visa grant date to the end of the first six calendar months of the principal course from the start date identified in the student's Confirmation of Enrolment (CoE)

5. PROCEDURES

5.1 Conditions of transfer

5.1.1 Students transferring to TIWA from another registered provider

A student cannot be accepted for enrolment by TIWA within the restricted transfer period unless the following circumstances apply:

- 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 ESOS agency that prevents the overseas student from continuing his or her course at that registered provider;
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS; or
- 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.

5.1.2 Students transferring from TIWA to another provider

5.1.2.1 TIWA will grant transfer requests where the transfer is deemed to be made with the best interest of the student in mind. 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 of the National Code (Overseas student visa requirements);
- 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 WA is not an option; or
- there is evidence of other compassionate or compelling circumstances.

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

- the student's fees are still outstanding;
- the student wishes 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 wishes 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 wishes 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 TIWA or college support services or academic resources and assistance.

5.1.3 Visa conditions

Students are advised to contact the Department of Home Affairs to seek advice as to whether the release and therefore a change to their enrolment:

- breaches a visa condition; and/or
- if a new student visa is required.

5.1.4 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 of the National Code (Younger overseas students).

5.2 Applying for transfer from TIWA to another provider

5.2.1 Students who have not completed six months of study in their principal course and wish to transfer to another provider must complete a *Release Request Form*.

5.2.2 The application for release will be assessed by TIWA's Release Panel within 10 days of the request being made, in accordance with the conditions listed at 5.1.2 above.

5.2.3 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 (see 5.1.3 above)

5.2.4 If the release is refused, the student:

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

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

- the appeal is not upheld; or
- 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.

5.2.6 The General Manager TIWA will review appeals and advise the student of the decision in writing.

5.2.7 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.

5.3 Request to change course or campus

5.3.1 Students who wish 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).

5.3.2 If a student wishes to change their course and commence study at a new school or campus, then their application must be approved by the Manager Student Services and Compliance (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.

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

5.3.4 If the student is not satisfied with the outcome of their request, then 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.

6. 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*

7. 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 Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)*

8. REVIEW DATE – 28 MARCH 2019

Development Date	June 2014 Version 1		
Revision History			
Review Date	Reviewer Name	Review Reason	Outcome and Changes

September 2014 V1.1	Director Academic Strategy	Continuous Improvement	Insertion of Department of Immigration and Border Protection updates to course change and transfer policy
April 2015 V1.2	Director Academic Strategy	Continuous Improvement	Amendments relating to SVP students inserted
Oct 2016 V2.0	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.
March 2018 V 2.1	Director Academic Strategy	National Code changes	Amendments made to reflect changes from the National Code 2007 to the National Code 2018

9. CONTACT INFORMATION

TAFE International Western Australia
Service Delivery Directorate