INTERNATIONAL STUDENT
TRANSFER AND RELEASE POLICY

EFFECTIVE: 23 MAY 2019

VERSION: 3.1
1. POLICY STATEMENT

This policy outlines the processes involved when reviewing requests from international students who request to change courses within the same TAFE college or who request to transfer to another registered provider. These processes comply 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), specifically Clauses 7.1 – 7.7 Overseas student transfers:

- 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 (or for the school sector, until after the first six months of the first registered school sector 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 general welfare 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;
  - overseas student’s 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 or with one of Western Australia’s TAFE colleges.

3. BACKGROUND
This policy outlines the standards and procedures TAFE International Western Australia (TIWA) follows in order to ensure compliance with Standard 7 of the National Code as outlined above for assessing transfer requests from overseas students who request to change courses within the same TAFE college or who request to transfer between registered providers.

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

<table>
<thead>
<tr>
<th>CRICOS</th>
<th>Commonwealth Register of Institutions and Courses for Overseas Students.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Course</td>
<td>The final course within a package of courses. If a student has only enrolled in one course that is the principal course.</td>
</tr>
<tr>
<td>Principal Provider</td>
<td>The provider offering the final course in a package of courses.</td>
</tr>
<tr>
<td>Restricted Transfer Period</td>
<td>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)</td>
</tr>
</tbody>
</table>

5. PROCEDURES
5.1. Conditions of transfer
5.1.1 Students transferring to TIWA from another registered provider
TIWA cannot accept a student for 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 Education Services for Overseas Students (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 Provider Registration and International Student Management System (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 in 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 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 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 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 wish to transfer to another provider but who have not completed six months of study in their principal course must complete a Release Request Form.

5.2.2 TIWA’s Release Panel will assess the application for release, in accordance with the conditions listed at 5.1.2 above, within 10 days of the request.

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 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).

5.3.2 If a student requests 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 requests to remain in the same course but requests 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 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.

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
- Change of course/Campus Application Form
- Change of course
- Release Letter Request Form
- Change of Course/Campus Application Form (TAFE) or a Change of School Form (Public Schools).

7. RELEVANT LEGISLATION

- Vocational Education and Training (VET) Act 1996
- Vocational Education and Training (General) Regulations 2009
- Education Services for Overseas Students Act 2000
8. REVIEW DATE – 23 May 2020

Development Date June 2014 Version 1

Revision History

<table>
<thead>
<tr>
<th>Review Date</th>
<th>Reviewer Name</th>
<th>Review Reason</th>
<th>Outcome and Changes</th>
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<tr>
<td>September 2014 V1.1</td>
<td>Director Academic Strategy</td>
<td>Continuous Improvement</td>
<td>Insertion of Department of Immigration and Border Protection updates to course change and transfer policy</td>
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<tr>
<td>April 2015 V1.2</td>
<td>Director Academic Strategy</td>
<td>Continuous Improvement</td>
<td>Amendments relating to SVP students inserted</td>
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<tr>
<td>Oct 2016 V2.0</td>
<td>Director Academic Strategy</td>
<td>Sectoral Changes</td>
<td>Amendments to reflect changes from ETI to TIWA and from STPs to TAFE colleges; changes to ESOS; and changes to TIWA business processes.</td>
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<tr>
<td>March 2018 V 2.1</td>
<td>Director Academic Strategy</td>
<td>National Code changes</td>
<td>Amendments made to reflect changes from the National Code 2007 to the National Code 2018</td>
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<tr>
<td>March 2019 V 3.0</td>
<td>Manager Education Programs</td>
<td>Annual Review</td>
<td>Annual Policy Review and clearer alignment to the regulatory standards.</td>
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9. CONTACT INFORMATION

TAFE International Western Australia
Service Delivery Directorate