



<b>Policy Name</b>	<b>International Student Transfer</b>
<b>Policy Number</b>	ACA 003
<b>Policy Governance</b>	UIT Training and Assessment Committee
<b>References:</b>	ESOS 6

## 1. Purpose

The purpose of this policy is to ensure that overseas students wishing to transfer between registered training providers do so in accordance with The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 6

This policy and the related procedure provide a documented process for assessing requests for the Transfer of Provider. By following this policy and procedure, UIT Universal Institute of Technology safeguards against knowingly enrolling an overseas student prior to them first completing at least six months of their principal course, with the exception of those meeting specified criteria and in certain circumstances as detailed herein.

## 2. Policy

UIT will at all times aim to keep the best interests of the student paramount in determining any transfer request.

As a registered education provider on the **Commonwealth Register of Institutions and Courses for Overseas Students** (CRICOS), UIT is bound by the National Code and in particular Standard 6 relating to the Transfer of Students between Registered RTOs, the ESOS Act and the requirements of the Australian Department of Home affairs (DHA).

UIT must not knowingly enroll a student wishing to Transfer IN from another registered provider prior to the student completing at least six calendar months of their principal program of study, except in limited circumstances listed below.

For Students requesting to Transfer OUT prior to completing six months of their principal course, UIT is entitled to determine the circumstances in which it will provide or refuse to provide a release letter together with the evidence it may require to make such a decision.

Students must co-operate with UIT staff to assist in making any determination and must attend any interviews when requested to do. This may include a request to meet with welfare staff as UIT requires.

All decisions will be communicated in writing to the student within 10 working days of the application being lodged at reception.

## 3. Scope

This policy outlines the circumstances in which UIT Universal Institute of Technology will assess Transfer of Provider requests in accordance with the National Code. UIT Universal Institute of



Technology will assess each request on an individual student basis, taking into account all supporting documentation of the request. This procedure relates to all international students at UIT.

#### 4. Definitions

**Compassionate or compelling circumstances:** Circumstances generally out of the control of the student which

will have a negative impact on the student's ability to progress in their course or their wellbeing.

**DHA:** Australian Department of Home Affairs

**ESOS Act:** The Education Services for Overseas Act 200 (cth) as amended from time to time.

**International Student:** students with an international passport with a Student Visa issued by the Department of Immigration and Border Protection

**National Code:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

**Principal course:** The principal course of study is the highest qualification (normally the last course) covered by the student's visa. Standard 6 also applies to all courses of study prior to the student's principal course.

**PRISMS:** Provider Registration and International Student Management System used to interface and process student information between DHA and the RTO (UIT).

**Six months of principal course:** This means completion of six calendar months of the principal course of study from the date that the student commences that course.

**Transfer IN:** Process of a student transferring into UIT from another educational provider.

**Transfer OUT:** process of student transferring to another education institution from UIT.

#### 5. General Information

All student visas are granted with the 'No Change of Provider' condition. In general, a student is expected to stay at the RTO (or RTOs) at which they were originally registered. Specifically, it means that an international student must stay with Universal Institute of Technology for at least the first 6 months of their principal course. If the student is enrolled in a package of courses, they must stay with the institute for the length of the prerequisite courses, and then the first 6 months of the main course.

In addition, Universal Institute of Technology will not knowingly enroll 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.



Students are reminded that consideration for granting a Student Visa in the first place by DHA included a consideration of whether the applicant was a “Genuine Temporary Entrant”<sup>1</sup>. Students who fail to live up to their declared primary driver of improving themselves through education are at risk of having their visa cancelled.

## 6. Transfer IN

6.1 To be considered for enrolment at UIT, a student who wishes to leave another education provider may be issued with a conditional letter of offer. This requires the applicant to have Release granted from their current provider or to demonstrate that they have completed at least 6 months of their principle course of study.

6.2 Once the Release granted has been sighted on PRISMS then the enrolment may be processed in the normal way (see International Admissions Policy).

6.3 UIT will do nothing to encourage a student to move away from their current provider unnecessarily or in a way that might be to the detriment of the student (either educationally or for their welfare).

6.4 Applicants will not be required to meet the six-month rule or have a Release granted when:

- 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
- 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

6.5 An Admissions Manager/ Officer may use UIT application form, PRISMS or a copy of the student’s visa in the passport to ascertain the principal course and whether they satisfy the 6-month ruling.

## 7. Transfer OUT

7.1 Prior to applying for transfer, students should be encouraged to read this policy and associated procedure in full.

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<sup>1</sup> Details available at <http://www.homeaffairs.gov.au/Trav/Stud/More/Genuine-Temporary-Entrant> including a link to the Ministerial Direction that includes - “...decision makers must also have regard to the value of the course to the applicant’s future.”



7.2 Students wishing to transfer to another institution must apply in writing for a letter of release using the Release Letter Request Form.

7.3 In addition the student must provide any additional evidence required. This may include (depending upon the circumstances):

- i) Valid enrolment offer letter from another registered provider
- ii) Additional documentary evidence of reasons for change (e.g. how change of course would benefit the student)
- iii) Medical or other evidence as appropriate

7.4 The Admission Department will immediately contact the finance department and the Academic coordinator to confirm that:

- i) there are no outstanding fees owing to UIT
- ii) there are no issues relating to course work, course progress and or attendance relating to the student.

7.5 The student must cooperate with the International Admissions Manager/officer by providing additional information or attending meetings as requested.

7.6 The Admissions department must consider the request and provide a written response to the request within 10 working days of the Form and evidence being received. If additional information is requested, then the determination will be made within 10 working days of receipt of that evidence.

7.6 In reviewing an application to Transfer OUT from UIT the following factors will be considered:

- i. Is the request to transfer away from UIT in the best interests of the student - for example is the intended course at the same level or higher than that currently being undertaken or is it lower – if so why?
- ii. Has the student given due consideration, with valid reasons explaining why they have chosen a different study / career path
- iii. Has the student presented a valid enrolment offer letter of offer from another RTO?
- iv. Has the student paid all fees or other charges that are due according to UIT Fees and Charges policy
- v. Is the student trying to avoid disciplinary or other action being taken against them?
- vi. Are they currently under a support arrangement for not meeting the Course Progress requirements?
- vii. Is the student trying to avoid being reported to DHA for failure to meet attendance or course progress requirements?
- viii. If the requested transfer is to a course at a lower level than currently being undertaken then is the student currently enrolled on a course beyond their capabilities or are they



failing to meet course progress at the level they are studying, even after engaging with UHE's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)

In these cases the International Admissions Manager/officer may seek feedback from the Student Counsellor prior to making a decision. This may lead to the student being asked to meet with the UIT Student Counsellor before their feedback is given.

- ix. Has UHE failed to deliver the course as outlined in the written agreement?
- x. Is there any evidence from the student that the reasonable expectations of the course are not met? In which case the Admissions Manager will investigate case by case.
- xi. Is there any evidence that the overseas student was misled by UHE 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

If the admissions officer is satisfied with the above requirements, then the **Transfer OUT/release letter is provided based on:**

- i) Compassionate and Compelling grounds if enough evidences are provided eg., medical documents or related documents. The student must be prepared to provide supplementary evidence or for others involved to be asked to corroborate the request.
- ii) UIT fails to deliver the course as outlined in the offer letter.
- iii) Evidence from the student when the course expectations are not met. In which case the Academic manager will investigate case by case.
- iv) If internal or external appeal recommends release letter.

7.7 Transfer Out requests **will not be granted** if any of the following are true:

- i. Outstanding fees due to UIT.
- ii. There is any disciplinary or other process in place – e.g. an Intervention Plan based on not meeting course progress requirements (see Course Progress, attendance and course duration Policy), or disciplinary procedures on going. Student can do internal or external appeal.
- iii. The request is based on a trivial request e.g. “my friend studies at another college”
- iv. Required evidence (including supplementary evidence requested) is not provided to adequately support the request.
- v. UIT honestly believes that granting the request would be detrimental to the student.
- vi. The request is within six months of commencement of the principal program with UIT
- vii. The new course provider is not a CRICOS provider

## 8. Notification of Transfer Request Outcome

8.1 The Admissions Manager/officer will provide the applicant with a written determination within 10 working days of the receipt of their request form.

8.2 This response may be sent to either their last recorded home address in Australia or via email to their registered email address.



### 8.3 The response is to include the following:

- i) The **decision** to provide a Letter of Release or not.
- ii) If the request has been **denied** then:
  - a) Detailed reasons as to why the request has been denied. These should detail the specific circumstances and reasons for the refusal.
  - b) Advising the 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.
  - c) Details of any evidence that was NOT provided e.g. enrolment offer Letter, or evidence to support compelling reasons request.
  - d) Details of the appeals process and how to access it.
- iii) If the request has been **accepted** then UIT will document:
  - a) how the student may grant their Release,
  - b) the date on which the enrolment will be cancelled,
  - c) how cancellation of their enrolment may affect their visa by:
    - (a) informing DHA via PRISMS of the student ceasing to be enrolled and why, and
    - (b) cancelling their current and future (if any) eCoE relating to UIT, and
    - (c) provide information to the student that they should contact DHA to seek advice on whether a new student visa is required.

## 9. Administration

- 9.1 Where a release letter has been granted, the Admissions Department will submit a course variation through PRISMS using the 'transferred to another provider variation'. A copy of course variation is to be placed in students file.
- 9.2 Where a release has been granted, it will be issued at no cost to the student. The letter will contain information relating to the student's need to contact DHA to seek advice on whether a new student visa is required.
- 9.3 UIT will retain records of all requests from overseas students for a letter of release and the assessment of, and decisions regarding, the request for two years after the overseas student ceases to be an accepted student on the students file in accordance with the Records Management Policy for the period of two years.

## 10. Appeal Process



If the student appeals against a decision to refusal a Letter of Release, the appeal shall be heard by the Appeals Committee in accordance with the Complaints and Appeals Policy.

## **11.Responsibility**

Admissions Manager/ officer

## **12.Related Documents**

- Transfer Request Form
- Letter of Transfer OUT\_Denial
- Letter for Transfer OUT\_Approval
- Complaints and Appeals policy