



Transfer Between Providers Policy and Procedure

Purpose

1. This Policy and Procedure outlines the principles and processes employed by the Australian International Institute of Higher Education ('the Institute') when considering transfer requests from international students, in order to meet its obligations under Standard 7 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)* (the National Code).

Scope

2. This Policy and Procedure applies to:
 - a) all prospective and currently enrolled international students only;
 - b) staff with responsibilities under this Policy.

Definitions

3. For the purposes of this Policy:
 - a) **Confirmation of Enrolment (CoE)** is an electronic document issued by the Institute to a prospective international student applying for a student visa to the Department of Home Affairs to confirm the student's eligibility to enrol into a course offered by the Institute.
 - b) **Credit for Prior Learning** is the recognition of relevant and equivalent prior study or informal learning completed by students which may lead to a reduction in the number of academic subjects or credit points that are required to successfully complete a course at the Institute;
 - c) **CRICOS** is the Commonwealth Register of Institutions and Courses for Overseas Students.
 - d) **Domestic student** is a student who is an Australian or New Zealand citizen, or holds an Australian permanent visa.
 - e) **ESOS agency** is either the Tertiary Education Quality and Standards Agency (TEQSA) or the Australian Skills Quality Authority (ASQA), which have direct powers to regulate higher education and vocational education and training providers respectively under the *Education Services for Overseas Students Act 2000* (ESOS Act).
 - f) **International student** means any overseas student, including those who have student visas, temporary residency, bridging visas and provisional residency (as falling under the ESOS Act). Unless otherwise specified in this Policy, 'student' refers to an international student.
 - g) **Letter of Offer** is a document issued by the Institute to offer a student a place in a course at the Institute.
 - h) **Principal course of study** is the main course of study to be undertaken by an international student where a student visa has been issued for multiple courses of study, i.e. the course leading to the highest AQF qualification or, if there is more than one enrolment at the highest AQF qualification, the course with the earliest proposed start date.



- i) **PRISMS** is the Provider Registration International Student Management System, a secure database owned and maintained by the Department of Education, Skills and Employment for the purposes of administering the Education Services for Overseas Students Act 2000.
- j) **Registered provider** is an institution providing courses to international students as listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
- k) **Release** is the permission given by the Institute to an international student to transfer to another registered provider during the restriction period.
- l) **Restriction Period** is a length of time during which international students may not transfer between registered providers except in specified circumstances.
- m) **Student visa** is an authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the *Migration Act 1958*.

Policy

Policy statement

- 4. The Institute will not enrol international students wishing to transfer from another registered provider's course prior to the students completing six (6) months of their principal course of study, unless certain limited circumstances outlined in this Policy apply.
- 5. The Institute will not recruit an international student during their Restriction Period and will take reasonable steps to check whether an international student is enrolled with another registered provider before completing the student's enrolment at the Institute.
- 6. The Institute will assess whether a transfer during the Restriction Period is in the international student's best interests.

Principles

- 7. In order to act in the best interests of students and fulfil its obligations under the National Code the Institute will:
 - a) maximise positive educational outcomes by promoting student mobility across providers while safeguarding students' best interests;
 - b) only accept student transfers from, and only allow transfers to, other registered providers where the conditions specified in the National Code are met;
 - c) review and respond to a transfer request promptly and keep the student updated on progress;
 - d) release students to another registered provider at no cost to the student.

Procedure

General transfer provisions

- 8. A student may not transfer to the Institute if the student has not completed at least six (6) months of the principal course of study, except in the limited circumstances outlined below.
- 9. After having completed six (6) months of their principal course, a student may transfer from the Institute to another registered provider at no cost and without requiring the Institute's



permission.

10. Students should note that transferring between providers may have an impact on their student visa and should seek the Department of Home Affairs' advice on the matter.

Application of Restriction Period

11. The Restriction Period starts from the date the student's visa is granted and ends six (6) calendar months from the date a student commences their principal course.
12. The student need not be enrolled in the principal course of study for the Restriction Period to apply as the Restriction Period covers all courses they undertake prior to the principal course.
13. The Restriction Period changes with the principal course start date: if the principal course is postponed, the restriction period is extended by the same period.

Circumstances in which transfer may be allowed during the Restriction Period

Transfer from another provider

14. The Institute will only accept a student to the Institute during the Restriction Period if:
 - a) the provider, or the course in which the student is enrolled, has ceased to be registered;
 - b) the provider has had a sanction imposed on its registration by an ESOS agency that prevents the student from continuing their course at the provider;
 - c) the releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS; or
 - d) any government sponsor of the student considers the transfer to be in the student's best interests and has provided written support for the transfer. This usually applies where the student's study in Australia is sponsored by the government of another country.

Transfer to another provider

15. Circumstances where a student may transfer during the Restriction Period without obtaining prior permission from the Institute include:
 - a) the Institute, or the course in which the student is enrolled, has ceased to be registered;
 - b) the Institute has had a sanction imposed on its registration by TEQSA (the nominated ESOS agency for higher education) that prevents the student from continuing their course with the Institute; or
 - c) any government sponsor of the student considers the transfer to be in the student's best interests and has provided written support for the transfer.
16. Circumstances where the Institute will grant a release because it is in the student's best interests include:
 - a) the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the Institute's intervention strategy to assist the student in accordance with Standard 8 (Overseas student visa requirements) of the National Code;
 - b) the Institute fails to deliver the course as outlined in the Written Agreement;
 - c) there is evidence that the student's reasonable expectations about their current course are not being met;
 - d) there is evidence that the student was misled by the Institute or an education or migration



agent regarding the Institute or its course and the course is therefore unsuitable to their needs and/or study objectives;

- e) an appeal (internal or external) on another matter results in a decision or recommendation to release the student;
- f) there is evidence of compassionate or compelling circumstances, including:
 - i. serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - ii. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - iii. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
 - iv. a traumatic experience, which could include involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports);
 - v. where the Institute was unable to offer a prerequisite subject, or the student has failed a prerequisite subject and therefore faces a shortage of relevant subjects for which they are eligible to enrol.

17. Circumstances where the Institute will refuse a release include:

- a) the student has provided false or misleading information in support of their transfer request or admission to the Institute;
- b) the student does not provide a full letter of offer from another registered provider;
- c) there is no evidence of compassionate or compelling circumstances;
- d) the student is not genuinely engaging with an intervention strategy as a result of unsatisfactory progress;
- e) the student is seeking to avoid disciplinary action or being reported as being in breach of visa requirements;
- f) the student has outstanding fees owed to the Institute;
- g) the student has simply changed their mind about studying at the Institute;
- h) the student's enrolment is currently deferred, or the student was suspended or excluded for misconduct;
- i) the transfer would result in a breach of the student's visa requirements;
- j) the transfer is not in the student's best interests and considered detrimental to the student, including:
 - i. the student has not yet or only recently commenced the course;
 - ii. the student has not yet been able to use the Institute's academic and general support services; or
 - iii. the course to be transferred to does not meet the educational goals of the student.

Intention to refuse a release

18. If the outcome of the review is that the transfer is to be refused, the student will be given the opportunity to access the Institute's internal and external appeals process before the decision is



finalised and communicated to Australian government authorities via PRISMS.

Procedure for initiating a transfer after the Restriction Period

19. For a transfer to the Institute, the student should apply for admission to the Institute in accordance with the *Admission Policy and Procedure*. Requests for credit for prior learning should be made at the same time as applying for admission in accordance with the *Credit Policy and Procedure*.
20. For a transfer to another registered provider, the student should discontinue their enrolment at the Institute by lodging a *Discontinuation of Enrolment Form* in accordance with the *International Student Enrolment Policy and Procedure*.
21. The discontinuation of enrolment will be recorded in PRISMS to allow another registered provider to issue a new Confirmation of Enrolment.
22. The student will be advised to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

Procedures for requesting a transfer between providers during the Restriction Period

Transferring to the Institute

23. Students wishing to transfer to the Institute should apply for admission to the Institute in accordance with the *Admission Policy and Procedure*. Requests for credit for prior learning should be made at the same time as applying for admission in accordance with the *Credit Policy and Procedure*.
24. The application should refer to the reason for the transfer and include as appropriate:
 - a) evidence of release from the previous registered provider, such as a letter of release or other notification of release;
 - b) evidence of deregistration of the provider or course in which they were enrolled;
 - c) evidence of sanction imposed by the relevant ESOS agency on the provider's registration preventing the student from continuing the course; or
 - d) written support of a relevant government sponsor for the transfer.
25. The Student Services Manager or their nominee will:
 - a) review the request for the transfer and reason for the request;
 - b) verify the authenticity of the information provided;
 - c) confirm that the student meets one of the conditions for a transfer during the Restriction Period (refer to Clause 16 of this Policy), including referring to PRISMS for current enrolment status;
 - d) confirm applicable policies and/or legislation and precedents; and
 - e) confirm the eligibility of the student for a place in the chosen course at the Institute.
26. If the Student Services Manager or their nominee finds that the student is not eligible for a transfer during the Restriction Period, a response will be sent to the student, including reasons for refusing the transfer. The student will be advised to re-apply after the Restriction Period as appropriate.
27. If the student is eligible for a transfer, the Student Services Manager or their nominee will proceed with reviewing the student's application for admission in accordance with the



Admission Policy and Procedure.

Transferring to another provider where the Institute's permission is not required

28. The student should confirm that one of the conditions under which the student is eligible to transfer to another provider without seeking the Institute's permission applies prior to lodging a request (refer to Clause 15 a-c). Student Services provides student advocacy services and can assist with understanding the requirements of this Policy.
29. The student should discontinue their enrolment at the Institute by lodging a *Discontinuation of Enrolment Form* in accordance with the *International Students Enrolment Policy and Procedure*.
30. Where a transfer is sought based on a government sponsor being supportive of the transfer, the student must provide written evidence of the support for the transfer when lodging the *Discontinuation of Enrolment Form*.
31. The student's enrolment at the Institute will be discontinued. The discontinuation will be promptly recorded on PRISMS for the new provider to issue a new Confirmation of Enrolment.

Transferring to another provider where the Institute's permission is required (Release)

32. The student should confirm the existence of circumstances in which a student is eligible for a release prior to lodging a request. Student Services provides student advocacy services and can assist with understanding the requirements of this Policy.
33. The student should complete the *Release Request Form* and ensure that the information provided is accurate and complete. Any request for release must be made in reference to the circumstances for granting a release as listed in Clause 16 of this Policy and Procedure, and relevant evidence must be provided to support the request. A valid letter of offer from another registered provider must also be provided at the time the request is submitted.
34. The completed form and supporting documentation should be submitted to the Student Services Manager.
35. The Student Services Manager or nominee will acknowledge receipt of the request within five (5) business days, confirming that a response will be provided within ten (10) business days. The Student Services Manager or nominee will keep the student informed of any delays in responding to the request.
36. The Student Administration Officer will:
 - a) review the request and verify the authenticity of information provided;
 - b) consult with staff members as appropriate to confirm that all conditions for a transfer are met, in particular with the relevant Course Coordinator to advise on any potential detriment to the student's educational goals;
 - c) confirm applicable policies and/or legislation and precedents; and
 - d) consider the availability of services at the Institute which could assist the student in achieving their educational goals.
37. The Student Administration Officer may require additional information or for the student to attend an interview as deemed necessary to make a recommendation on the request. An interview may take place over the phone. The student may request to have a person attending the interview for support or advocacy.
38. The Student Administration Officer will provide a draft response to the Student Services



Manager, including a recommendation for approval or refusal of release and the rationale for the recommendation.

39. Within ten (10) days of application, a written notification of the outcome of the review of the release request will be sent to the student, including:
- the outcome of the review;
 - in the event of a release refusal, the reason for refusing the release, the option to wait until the end of the Restriction Period for the transfer, and the student's right to access the Institute's internal appeals process within twenty (20) working days;
 - staff contact for answering any questions the student may have on the notification; and
 - information on available support.
40. In the event of a release, the student's enrolment will be discontinued, a notification of release issued to the student, the release recorded in PRISMS, and the student advised on processes relating to discontinuation of enrolment, such as fee refunds. The student will be advised:
- that if a transfer affects the start dates of any subsequent courses covered by the visa, the student will need to be released from those courses by the relevant registered providers or receive their approval to postpone the start of those courses;
 - that changes to their preliminary courses may have ramifications for their admission to their principal course, for example if a preliminary course is a prerequisite entry requirement to the principal course;
 - to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
41. In the event of a release refusal, the Student Services Manager will not record the decision to refuse the release in PRISMS unless the outcome of any internal or external appeals process confirms the Institute's decision.

Appeals

42. A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.

Records and reporting

43. The Institute will record all transfer request outcomes in PRISMS.
44. In the event of a release not requiring the Institute's permission, the student's release or discontinuation of enrolment will be promptly recorded in PRISMS.
45. In the event of a refusal and where the student chooses to access the internal and external appeals process within twenty (20) days of notification of the decision:
- if the internal and/or external appeals find in favour of the Institute, or if the student withdraws from the appeals process before its conclusion, the decision not to release the student will be promptly recorded in PRISMS; or
 - if the internal or external appeal finds in favour of the student, the decision to release the student will be promptly recorded in PRISMS.
46. In the event of a refusal and where the student does not access the internal and external appeals process within twenty (20) days of notification of the decision, the decision to not release the student will be promptly recorded in PRISMS.



47. A record of all transfer requests, supporting documentation, assessment and outcomes will be created and stored for a period of at least two (2) years after the student ceases to become an accepted student at the Institute.

Monitoring and improvement

48. The Institute collects data on transfers to and from the Institute. Student feedback is sought on their experience at the Institute, including on processes relating to admission and discontinuation of enrolment.
49. The Institute uses the collected data to monitor trends in international students requesting transfers to and from the Institute, including on transfers taking place within the Restriction Period.
50. The Institute will improve its transfer request assessment process based on the collected data.
51. The Institute will benchmark its international student attrition rate, including by transfers, against relevant industry data and will establish targets as appropriate.
52. The Governing Council receives an annual report on international student attrition and related procedures, including the effectiveness of its transfer procedures.

Responsibilities

53. The Student Services Manager is responsible for:
- a) approving or refusing transfer requests;
 - b) ensuring students are informed of all their rights and obligations under this and related Institute policies, including the right to appeal;
 - c) ensuring that all appropriate records are updated, and evidence is stored for the requisite periods;
 - d) providing an annual report on international student attrition to the Governing Council.



Associated information

Approving body	Governing Council
Date approved	23 October 2020
Date of effect	Commencement of operation
Next scheduled review	Two years from when policy commence
Policy owner	Chief Executive Officer
Policy contact	Chief Executive Officer
Related AIIHE Documents	<i>Admission Policy and Procedure</i> <i>Credit Policy and Procedure</i> <i>Domestic Enrolment Policy and Procedure</i> <i>Discontinuation of Enrolment Form</i> <i>International Student Enrolment Policy and Procedure</i> <i>Refund Policy and Procedure</i> <i>Release Request Form</i> <i>Student Code of Conduct</i> <i>Student Appeals Policy and Procedure</i>
Higher Education Standards Framework (Threshold Standards) 2015 (Cth)	Standard 7.2, ss2 Standard 7.3, ss2
Other related external instruments/documents	Related Legislation <ul style="list-style-type: none">• <i>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</i>• <i>Education Services for Overseas Students Act 2000 (Cth)</i>• <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i>• <i>Migration Act 1958 (Cth)</i>• <i>Privacy Act 1988 (Cth)</i> Good Practice Documents <ul style="list-style-type: none">• <i>National Code 2018 Factsheets: Standard 7</i>

Document history

Version	Author	Changes	Approval Date
1.0	Not applicable	Original version	23 October 2020

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