



Policy and Procedures –

International Students Transfer Request between Registered Providers

PENDING APPROVAL

THE INSTITUTE OF INTERNATIONAL STUDIES



1. Overview

This *Policy and Procedures* supports the requirements of Standard 7 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* (Transfer between Registered Providers).

2. Policy Coverage/Scope

This *Policy and Procedures* applies to all Student Visa holders requesting a transfer between Registered Providers prior to completing six months of their Principal Course. The Institute of International Studies (“TIIS”) will not **willingly** release students to a provider that is not CRICOS registered.

Under the National Code, Registered Providers must assess requests from Students applying to transfer between Registered Providers prior to the Student completing six months of the Principal Course in accordance with their documented procedures. Students who have completed over six months of their Principal Course are not required to formally seek permission to transfer between providers.

As a first principle, TIIS recognises that overseas students are consumers and supports them in their exercise of choice.

3. Definitions

Award – a qualification issued under the Australian Qualifications Framework (AQF) which is the result of completing an accredited course of learning that is certified by TIIS **via a testamur**.

ELICOS Courses – English Language Intensive Courses for Overseas Students.

Letter of Release – a statement from the Student’s current education provider approving their transfer to a new education provider.

ESOS Legislative Framework – the legislative instruments which govern the provision of education to overseas students in Australia.

Packaged Offer means an offer of admission for two or more Courses bundled together, e.g.:

- a. ELICOS + Principal Course of Study;
- b. Two academic Courses (Graduate Certificate + Master’s Degree);
- c. ELICOS + two academic Courses (ELICOS + Graduate Certificate + Masters).

Principal Course – primary course a student has applied to undertake, usually a Bachelors or Masters course. For Students at TIIS on a packaged offer (e.g., ELICOS followed by a Graduate Certificate, followed by a Masters), the Principal Course refers to the highest or last Course.

Course – an approved course of learning **leading to an Award from TIIS**.

Registered Provider – an Australian educational institution listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and therefore having a current CRICOS provider number/code.

Candidate – a person who has applied to study at TIIS.

Student – a person who has commenced studies at TIIS.

International Student – a student who holds a Student Visa and has commenced studies at TIIS.

Confirmation of Enrolment (CoE) – document issued to international students by an Australian higher education provider/institution, confirming they have been offered a place to study.

4. Procedures

- a. Students seeking a *Letter of Release* from TIIS on academic or language grounds must first access the internal support services offered by TIIS.
- b. Students must apply for a Letter of Release in writing using the designated *Application for Letter of Release* form.
- c. The *Application for Letter of Release* should be submitted directly to TIIS administration once completed. Applications which are not complete, including supporting documentation not attached, will automatically be returned to the student.
- d. If the Student is an ELICOS or TIIS Student who has accepted a Packaged Offer, release must be obtained from ELICOS before an *Application for Letter of Release Form* is submitted to TIIS. Copies of the ELICOS release must be attached to the Application.

5. Unacceptable Reasons for Transfer from TIIS

The following circumstances are not considered acceptable reasons for release:

- a. The student does not have a valid offer from another provider; and
- b. In unusual situations where, in the professional judgement of the CEO/Registrar/Program Coordinator, that such a change is not in the best interests of the student. For example, where TIIS considers the student has taken advantage of the Student Visa Framework to obtain a student visa to enter Australia, and has requested to transfer without making a genuine effort to commence their study at TIIS.

6. Acceptable Reasons for Transfer from TIIS

- a. 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 TIIS's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
- b. There is evidence of compassionate or compelling circumstances
- c. TIIS fails to deliver the course as outlined in the written agreement
- d. There is evidence that the overseas student's reasonable expectations about their current course are not being met
- e. There is evidence that the overseas student was misled by TIIS or an education or migration agent regarding TIIS or its course and the course is therefore unsuitable to their needs and/or study objectives
- f. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

TIIS will also issue a Letter of Release in the following circumstances including where:

- a. The student has failed to complete at least two trimesters at a pathway provider (if in a packaged Course);
- b. The distance from the student's residential address to the campus of study is problematic;
- c. The student wants to live somewhere else in a different city or state with supporting evidence;
- d. TIIS has cancelled or ceased to offer the Student's course;
- e. The student did not meet academic or language requirements for entry into the course or the course was academically unsuitable (e.g. the Student is better suited to a different

learning environment or the course does not meet their educational development needs);

- f. The student has a government sponsor who considers the change to be in the Student's best interests; and
- g. TIIS is unable to offer the Course which the student has accepted.
- h. Under these circumstances, TIIS will notify the student of the decision in writing.

7. Supporting Documentation

- a. All Students applying for a *Letter of Release* must attach a valid offer from their new education provider to their Application.
- b. Additional information will be required depending on the reason why the Student wants to transfer to another provider, and their individual circumstances, including:
 - i. A copy of advice or confirmation that TIIS has cancelled or ceased to offer the Student's accepted Course (Academic Director)
 - ii. Advice from the TIIS (Program Coordinator) that the Student has not met academic or language requirements for entry into the Course;
 - iii. Advice from TIIS (Program Coordinator) that the Student is better suited to a different learning environment or that the Course does not meet their educational development needs;
 - iv. Evidence of Approval to Withdraw from ELICOS or evidence of release from TIIS if they have accepted a Packaged Offer;
 - v. A copy of written support from their sponsor if they are a Sponsored Student which outlines why the Sponsor considers the change to be in their best interests.
- c. All documentation submitted with the Application must be in English.

8. Reasons for Refusal

An Application for a Letter of Release will be refused if the student does not have an acceptable reason for transfer as noted above (5). Further, TIIS will refuse an application if:

- a. The student is indebted to TIIS; and
- b. TIIS believes the student is trying to avoid being reported to the Australian Government for failing to meet their Student Visa obligations.

9. Notification of Decision

- a. The student will be notified by TIIS of the outcome of the *Application for Letter of Release* within 10 working days from the date when all documentation was received and completed.
- b. The notification will be emailed to the Student's Email account.
- c. The notification will include information for the student regarding their obligations following the decision.
- d. There is no cost at TIIS to the overseas student in the processing of the release application.
- e. If the transfer is approved:
 - i. TIIS will issue a *Letter of Release*;
 - ii. The Student is responsible to formally withdraw from their Course at TIIS. The notification document will set out the steps the Student should take in order to complete this process;
 - iii. TIIS will notify relevant Australian Government authorities including comments specifying the reason for release;

- iv. The Confirmation of Enrolment (CoE) for the Student’s Course at TIIS will be cancelled.
- v. The overseas student is advised to contact Department of Home Affairs Immigration and Citizenship to seek advice on their student visa, as required by **Standard 7.4** of National Code 2018.
- f. If the transfer is **not** approved the Notification will set out:
 - i. The reason/s for the decision; and
 - ii. The student’s right of appeal and how to lodge an appeal according to TIIS student grievances handling policy.
 - iii. The overseas student is advised to contact Department of Home Affairs Immigration and Citizenship to seek advice on their student visa, as required by **Standard 7.4** of National Code 2018.

10. Documentation

Copies of all documentation relating to the transfer request, including the decision of TIIS, will be retained in accordance with *Policy and Procedures – Records Management and Security*.

11. Version History

Version	Approved by	Approval date	Details
1.0	Board of Directors	15 February 2018	Document Creation
1.1	Executive Management Committee	22 December 2020	Minor changes
2.0	Executive Management Committee	To be approved.	Minor changes

Document owner: CEO