

## International students' transfer between registered providers

**Written Direction No. WDCSG20316**

Approved by: Chief Operating Officer

Approval Date: 26 May 2020

Effective From: 3 June 2020

### 1. Introduction

The subject of this procedure is the assessment of the request for transfer of international students to or from TAFE NSW, before completing 6 months of their principle course of study.

### 2. Purpose

The purpose of this procedure is to support effective management of the assessment of international students' requests for transfer to other registered providers from TAFE NSW or to TAFE NSW from other registered providers, in compliance with Educational Services for Overseas Students (ESOS) Act 2000, [National Code 2018](#), Standard 7 and the *ELICOS Standards 2018*.

### 3. Scope

This procedure applies to international students on student visas, either enrolled in and Higher Education, VET and ELICOS courses at TAFE NSW or enrolled with another registered provider and who request transfer to or from TAFE NSW within the first 6 months of their principle course of study. The scope also includes TAFE NSW staff responsible for the assessment and management of the international students transfer requests.

### 4. Procedure

This procedure is based on TAFE NSW International Student Management Policy.

TAFE NSW International Unit will assess and process all applications for transfer.

#### 4.1 Accepting to enrol the international students transferring from other registered providers

4.1.1 The principal course of study refers to the main course of study to be undertaken by an overseas student. Where there are multiple courses of study, or a pathway for study, the principal course of study would normally be the final course of study.

The first six months is calculated as six calendar months from the date an overseas student commences, or is expected to commence, their principal course. The transfer restriction applies to international students during all courses they undertake prior to the principal course.

TAFE NSW International Student Unit will not accept to enrol an international student seeking to transfer from another registered provider's course prior to the international student completing six months of their principal course, except where any of the following circumstances apply in accordance with Standard 7.1, National Code 2018:

- a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered

- b. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency, that prevents the overseas student from continuing their course at that registered provider
  - c. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
  - d. 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
- 4.1.2 After completing the first six calendar months of the principal course, an overseas student can transfer to TAFE NSW from another registered provider without needing to meet one of these conditions.
- 4.1.3 The international student seeking to transfer to TAFE NSW from another registered provider must provide a written request for transfer to TAFE NSW International Student Unit and a Release from their current registered provider processed in PRISMS. International Student Unit will assess the request and issue a Letter of offer for enrolment at TAFE NSW, if transfer is granted.
- 4.1.4 If the international student is under 18 years of age:
- a. TAFE NSW, as a receiving provider, must have a written confirmation that the international student's parent or legal guardian supports the transfer
  - b. TAFE NSW, as a receiving provider, will confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with National Code, Standard 5
  - c. TAFE NSW as a receiving provider must check that:
    - i. The student has welfare arrangements approved by another registered provider, negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap in providing welfare for the student
    - ii. TAFE NSW will inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.
    - iii. Transfer of provider will not be approved if the student's offer at another provider is for a course offered in TAFE NSW.

## **4.2 Granting an international student's request to transfer from TAFE NSW to another registered provider**

### **4.2.1 During the first six months of the international student's principal course at TAFE NSW**

The transfer restriction applies to a student during all courses they undertake prior to the principal course and the first six months of the principal course.

Student wanting to transfer prior to the six months must submit a written request, including their reasons for transfer of provider, to TAFE NSW.

- a. TAFE NSW International Student Unit will only grant an international student's request to transfer to another registered provider, before they have completed the first six months of their principal course at TAFE NSW, in accordance with the TAFE NSW International Student Management Policy and the National Code 2018, Standard 7.

- b. The transfer of an international student from TAFE NSW to another registered provider will only be granted before they have completed the first six months of their principal course if the transfer is deemed in the student's best interest due to the any of the following circumstances:
- I. 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 TAFE NSW Intervention Strategy to assist the overseas student, in accordance with National Code, Standard 8
  - II. there is documented evidence of compassionate or compelling circumstances such as but not limited to:
    - serious illness or injury, documented by a medical certificate stating that the student was unable to attend classes due to a medical condition
    - bereavement of close family members, such as parents or grandparents, if possible, a death certificate should be provided, as documented evidence
    - major political upheaval or natural disaster in the home country requiring emergency travel on behalf of the student
    - 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 international student, as documented by official, police or psychologists' reports
  - III. where TAFE NSW was unable to offer a pre-requisite unit, or the international student has failed a prerequisite unit and, therefore, faces a shortage of relevant units for which they are eligible to enrol.
  - IV. TAFE NSW fails to deliver the course as outlined in the written agreement between TAFE NSW and the international student.
  - V. there is documented evidence that the overseas student's reasonable expectations about their current course are not being met
  - VI. there is documented evidence that the overseas student was misled by the TAFE NSW or an education agent regarding the TAFE NSW or its course and the course is therefore not suitable to their needs and/or study objectives
  - VII. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

4.2.2 After completing the first six months of the principal course, TAFE NSW International Students Unit will process international student's request for transfer to another registered provider. After 6 months student will not require TAFE NSW approval however best practice will involve citing a new offer from the provider. In these circumstances international student should be counselled on their obligation to continue to meet their visa conditions and advised to contact the Department of Home Affairs.

4.2.3 If the overseas student is under 18 years of age:

- TAFE NSW, as a current provider, must have written confirmation that the international student's parent or legal guardian supports the transfer
- TAFE NSW, as a current provider, will confirm that the receiving provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with National Code, Standard 5, before TAFE NSW issues a release letter
- The student has welfare arrangements approved by TAFE NSW; TAFE NSW will negotiate the transfer date for welfare arrangements with the receiving registered provider to ensure there is no gap in providing welfare for the student.

- TAFE NSW will inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

### **4.3 Processing an international student's request to transfer from TAFE NSW to another registered provider.**

- 4.3.1 Applications for transfer will be managed by TAFE NSW International Student Unit.
- 4.3.2 The international student must lodge a written request to transfer from TAFE NSW to another registered provider, accompanied by a valid letter of offer for enrolment from that registered provider to the International Student Unit.
- 4.3.3 TAFE NSW International Student Unit will advise the student that they must continue to attend the classes they are currently enrolled in until TAFE NSW International Student Unit notifies them of the resolution of their request for transfer in writing.
- 4.3.4 TAFE NSW International Student Unit will assess the international student's request for transfer and provide a reply to the student within five (5) working days of the lodgement of the application.

#### **If the request is granted:**

- a. On granting a request for release TAFE NSW International Student Unit will process a release through PRISMS as in d. below within five (5) working days of the lodgement of the application.
- b. TAFE NSW International Student Unit will not charge the overseas student for the granted release.
- c. TAFE NSW International Student Unit will advise the overseas student to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
- d. TAFE NSW International Student Unit will update student enrolment status on PRISMS following the Department of Education "[Manage Student Transfers Guide](#)" available on the PRISMS website.

#### **If the request for transfer is not granted:**

- a. If the request for transfer is not granted, TAFE NSW will inform the overseas student within (5) five working days of the lodgement of the application, in writing, of:
  - the reasons for the refusal
- b. The o/s student's right to an internal appeal, which must be lodged within 20 working days.
- c. The appeal must be submitted in writing to Lead Customer Experience – Raaziya.Ahmedi@tafensw.edu.au.
- d. The appeal will be assessed and the student will be advised of the outcome within 5 days.
- e. If the original decision is upheld by appeal then the student will be advised of the student's right to submit an external appeal to the NSW Ombudsman within 10 working days of the internal appeal outcome advice.

#### **Recording transfer request outcome in PRISMS**

- a. TAFE NSW International Student Unit will finalise the student's refusal status in PRISMS only in the following circumstances:
  - when the appeal finds in favour of TAFE NSW,
  - the overseas student has chosen not to access the internal appeals processes within the 20 working day period,
  - the overseas student withdraws from the process.

TAFE NSW International Student Unit will record transfer request outcome in PRISMS.

### Record keeping

TAFE NSW International Student Unit will keep the records of all requests and associated supported documents from international students for a release, the assessment and the decision regarding the request for seven years from the date the overseas student ceases to be a TAFE NSW accepted student.

## 5. Responsibilities

Position	Responsibility
Chief Operating Officer	The Chief Operating Officer is the Approver for this Procedure.
Head of International	Head of International is responsible for this Procedure
International Secretariat	Provides administrative support to the Head of International
All Employees of TAFE NSW	Employees of TAFE NSW are required to adhere to this procedure, i.e. to follow all tasks, business rules and controls outlined within.

## 6. Definitions

Term	Meaning
International Enrolment	Student has met all conditions of offer, signed the letter of offer to accept the place in the program, has paid fees, has been issued an electronic confirmation of enrolment and has been entered into a program by International Services Unit and enrolled into subjects/competencies.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
Department of Education and Training	Commonwealth Department of Education and Training
Department of Home Affairs	Commonwealth Department of Home Affairs. The Department overseas immigration.
ELICOS	English Language Intensive Courses for Overseas Students
ESOS Act	The Education Services for Overseas Students Act 2000 (ESOS Act) and related legislation is designed to protect the interests of students coming to Australia on student visas.
Full-time International student (Student visa)	A currently enrolled international student studying on a student visa must be enrolled in a full-time CRICOS approved course/s.
International/Overseas Students	A person (whether within or outside Australia) who holds a student visa, other than one exempted by the ESOS Regulations 2001. Students on other classes of visa are not included.  Note: International Students in the context of this policy are limited only to those students subject to the ESOS Act, that is, on a student visa.
The National Code 2018	National Code of Practice for and Providers of Education and Training to Overseas Students 2018 (The National Code 2018).

Term	Meaning
WWCC	Working With Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW.
Provider	(as defined in the ESOS Act) An institution or other body or person in Australia that provides or seeks to provide courses to overseas students. To provide courses, a provider must comply with State or Territory approval requirements and become registered on CRICOS.
Student Visa	A visa granted under the Migration Act 1958 to overseas students. The Department of Home Affairs administers the Act and issuing of visas.
PRISMS	Provider Registration and International Student Management System

## 7. Related documents

This procedure should be read in conjunction with the following related documents:

a. [Policy – International Student Management](#)

## 8. Contacts

Accountable Officer	Chief Operating Officer
Written Direction Officer	International Secretariat

## 9. Document information and review

This procedure document will be reviewed at least every eighteen months or in line with legislative changes.

Record No. DOC20/64381

Review Due: 3 DECEMBER 2021

### Approval History

No	Effective	Approved by	Amendment
1	n/a – not published	Chief Education & Training	Initial Procedure
2	3 JUNE 2020	Chief Operating Officer	Version 2.0. Amended Accountable Officer from CETO to COO.