

Overseas Student Transfer Policy and Procedure

Institution	Universal Higher Education (UHE)
Policy Name	Overseas Student Transfer Policy and Procedure
Policy Governance	Academic Board

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 7.

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

2. Policy

UHE will always 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)**, UHE is bound by the National Code and in particular Standard 7 relating to the Transfer of Students between Registered providers, the ESOS Act and the requirements of the Australian Department of Home Affairs (DHA).

UHE 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, UHE 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 UHE 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 if UHE 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 UHEUniversal Institute of Technology will assess Transfer of Provider requests in accordance with the National Code 2018.

UHEUniversal Institute of Technology will assess each request on an individual student basis, considering all supporting documentation of the request. This procedure relates to all overseas students at UHE.

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 2000 (cth) as amended from time to time.

Overseas Student: International students with an overseas passport with a Student Visa issued by the Department of Home Affairs

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 7 also applies to all courses of study prior to the student's principal course.

PRISMS: Provider Registration and Overseas Student Management System used to interface and process student information between DHA and the provider (UHE).

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 UHE from another educational provider.

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

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 college at which they were originally registered. Specifically, it means that an overseas student must stay with Universal Higher Education 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 college for the length of the prerequisite courses, and then the first 6 months of the main course.

In addition, UHE 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"¹. 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 UHE, 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 Admissions Policy).

6.3 UHE will NOT 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 UHE Admissions Office may use UHE application form, PRISMS or a copy of the student's

¹ <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-temporary-entrant>

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.

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 on CRICOS
- 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 relevant course coordinator to confirm that:

- i) there are no outstanding fees owing to UHE
- 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 Academic Registrar by providing additional information or attending meetings as requested.

7.6 The Academic Registrar must consider the request and provide a written response using standardised template 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.

7.7 Grounds for GRANT of a Transfer Out/ Release Letter

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

- i. UHE will assess the circumstances in which it shall grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where UHE has assessed that;
 - a. There is evidence 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 UHE'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. There is evidence that UHE failed to deliver the course as outlined in the written agreement.
 - d. There is evidence that the student's reasonable expectations of the course are not met.
 - e. There is 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
 - f. If an internal or external appeal or another matter results in a decision or recommends release letter.
- ii. If the Academic Registrar is satisfied with the above requirements, then the **Transfer OUT/release letter is provided**

7.8 Grounds for REFUSAL of a Transfer Out/ Release Letter

UHE may not issue a release letter if any of the following are true:

- i. The student has outstanding fees owed to UHE.
- ii. There is a 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 are on going. Further in case of disagreement, the student can access UHE's complaints and appeal policy to lodge an internal or external appeal in accordance with Standard 7.2.2.
- iii. The primary reason for the request is based on a personal preference, such as

wishing to study with friends enrolled at another registered provider or live in another city in Australia.

- iv. Required evidence (including supplementary evidence requested) is not provided to adequately support the request.
- v. UHE honestly believes that granting the request would be detrimental to the student.
- vi. The new course provider is not registered on CRICOS.

8. Notification of Transfer Request Outcome

8.1 The Academic Registrar 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) Advise in writing that the overseas student has the right to access the provider's complaints and appeals process, in accordance with Standard 7.2.2 (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 UHE 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:
 - informing DHA via PRISMS of the student ceasing to be enrolled and why, and
 - cancelling their current and future (if any) eCoE relating to UHE, and
 - 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 UHE 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 refuse a Letter of Release, the appeal shall be heard by the Appeals committee in accordance with the Complaints and Appeals Policy.

11. Responsibility

Academic Registrar

12. Related Documents

- Transfer Request Form

- Letter of Transfer OUT_Denial
- Letter for Transfer OUT_Approval
- Complaints and Appeals policy