

## POLICY AND PROCEDURE

<b>Overseas Student Transfers</b>		
<b>Version 1.0</b>	Issued on <b>12/08/2020</b>	Review by <b>12/08/2021</b>
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Refer to the following Legislative Frameworks		
<b>Standards for Registered Training Organisations 2015</b>	Clause 1.7, Clause 6.1 to Clause 6.6	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 7	
Other	Migration Act 1958 Student Identifiers Act 2014	
<b>Related Documents (Internal)</b>		
Australian International Institute of Technology Pre-Enrolment Fact Sheets Australian International Institute of Technology Student Handbook Australian International Institute of Technology Student Written Agreement Form: Withdrawal Request Letter: Release (Approved) Letter: Release (Rejected) Policy and Procedure: Complaints and Appeals Policy and Procedure: Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy and Procedure: Education Agents Policy and Procedure; Privacy Policy and Procedure: Refund Policy and Procedure: Tuition Fees and Charges Register (Complaints and Appeals) Register (Releases) Register (Tuition Fees and Charges)		
<b>Related Documents (External)</b>		
Statutory Declaration		

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## 1. Purpose

Under Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Registered Providers must not knowingly enrol a Student wishing to transfer from another Registered Provider's program prior to the Student completing **six (6) calendar months** of their Principal Program of study, except in limited circumstances as outlined in this policy and procedure.

Australian International Institute of Technology is entitled to determine the circumstances in which it will provide or refuse to provide a Release Letter. Where a Student requests a transfer within the period of **six (6) months** of commencement of their Principal Program, the Institute or its nominated officer will assess the request for transfer according to Overseas Student Transfer process. Students have the right to appeal any decisions made as per the *Complaints and Appeals policy and procedure*.

## 2. Scope

This policy and procedure are applied to all Australian International Institute of Technology's to prospective students and enrolled international students.

## 3. Definitions

**Application for Transfer Between Registered Providers** - an application for release or withdrawal by a Student for Transfer Between Registered Providers.

**International Student** - a student who is neither a permanent resident nor a citizen of a country. It is often treated as synonymous with *overseas student*. Most, but not all, international students are required to hold a student visa.

**Principal Program** - the main program of study to be undertaken by an overseas Student where a Student Visa has been issued for multiple programs of study. The principal program of study would normally be the final program of study where the overseas student arrives in Australia with a Student Visa that covers multiple programs.

**PRISMS** - Provider Registration and International Student Management System

## 4. General Guidelines

International Students must cooperate with Australian International Institute of Technology and attend any interviews or other appointments scheduled for them including in respect of support services provided.

Applying to Transfer Between Registered Training Providers does not preclude international students from the requirement to enrol on time. Non enrolment will not automatically result in a Transfer Between Registered Providers. It will however result in the student being reported via *Provider Registration and International Student Management System (PRISMS)* for failing to enrol.

No *Release Letter* will be required where:

- the student has completed at least **six (6) calendar months** study in their Principal Program
- the student is government sponsored and that government sponsor provides written support for the change as it considers the change to be in the student's best interests.
- Australian International Institute of Technology has ceased to be registered or the program in which the international student is enrolled has ceased to be registered.
- Australian International Institute of Technology has a regulatory sanction imposed on it that prevents the student from continuing their Principal Program.

## 5. Transfer between Registered Providers - Current Students (Within the first 6 months of the Primary Program)

5.1 To apply for transfer to another provider within the first **six (6) months** of the student's Principal Program, the student must demonstrate exceptional circumstances justifying the transfer request. Exceptional circumstances include:

- Medical reasons e.g. recent hospital admission; serious injury; debilitating illness; severe anxiety or depression.
- Loss or bereavement e.g. death of a close family member, or close friend; family or relationship breakdown.
- Hardship/trauma e.g. recent victim of crime; sudden loss of income or employment; severe disruption to domestic arrangements.
- Educational progression problems that cannot be addressed by the provider's resources.

Subject to the above, an Application for and Overseas Student Transfer or Withdrawal on the grounds of exceptional circumstances may be demonstrated by providing sufficient specific detailed information with relevant supporting documentation to support the Application, such as a medical certification stating in reasonable details:

- the dates of any relevant consultation or attendance
- if relevant, the nature of the complaint and the treatment
- a specific statement that in the medical or health care professional's opinion (not the student's opinion) that, because of the complaint or treatment, the student should be transferred.
- a Victorian Police Report or Statutory declaration.
- other relevant supporting documentation.

Finally, all documentation will be held in confidence and will be stored to ensure privacy as per the *Privacy policy and procedure*.

### 5.2 Rejected Transfers

No Transfer will be granted where:

- The student has not completed the first four (4) weeks of the principal program in which they are enrolled
- Australian International Institute of Technology or its nominated Case Manager forms the view that the student is trying to avoid being reported to the *Department of Home Affairs* for failure to meet course progression requirements or academic misconduct.
- The transfer may jeopardize the student's progression through a pathway package of programs
- The transfer would be detrimental to the student's future study and/or career objectives
- The student has not accessed student support or welfare services after having been advised to do so
- The documents provided by the student do not, in Australian International Institute of Technology or its nominated Case Manager's view, provide adequate grounds to justify the transfer
- The student has outstanding tuition fees.
- The student has not provided a *Letter of Offer* from another provider
- The student has not provided a *Statutory Declaration*
- The student has already cancelled their enrolment at Australian International Institute of Technology without permission or notification to Australian International Institute of Technology.

### 5.2 Procedural Actions

- Students should first discuss with the Student Services Manager or Academic Manager regarding their intention to transfer between providers.
- The Student Services Manager or Academic Manager should consider options to assist the student with their learning outcomes and refer the student to the appropriate support services for:
  - Academic Skills Support
  - Additional English Support
  - Mentoring

- Personal Counselling (External)
- Consideration of reduction in study load
- After this discussion, students who still want to transfer should submit to the Head of Student Services:
  - Application to Transfer Between Registered providers,
  - A Letter of Offer from the new provider
  - A Statutory Declaration explaining the reasons why they want to change
  - Any evidence to support the information provided
- The Student Services Manager will consult with Academic Manager when considering the student's application.
- The decision will be communicated to the international student in writing within **ten (10) working days** of receipt of a completed Overseas Transfer or Withdrawal Application. The decision and necessary forms will be sent to the student via email which include:
  - Release Letter (Approved)
  - Release Letter (Rejected)
- The documents related to any Application will be filed on the student's file and noted in the Student Management System.
- If the student is granted permission to transfer between registered providers, the student should complete within **ten (10) working days** the Overseas Transfer or Withdrawal Form.
- If the student is not granted permission to transfer, the student has the right to access the Appeals process within **twenty (20) working days** of the date of notification, as per the *Complaints and Appeals policy and procedure*.

#### **6. Transfer between Registered Providers - Prospective Students** (Within the first 6 months of the Primary Program)

Prospective students, who have enrolled with another Registered Provider but later apply to study an Australian International Institute of Technology program, must provide an original *Release Letter* from their Original Registered Provider at the time of accepting Australian International Institute of Technology's offer i.e. at the time of returning a signed *Student Written Agreement* and payment of tuition fees.

If any student cannot provide a *Release Letter* from their original Registered Provider, the Student Written Agreement and Tuition fee payment must not be accepted by Marketing and Recruitment or Student Services Administration.

If the Prospective Student is unable to provide a *Release Letter* and the circumstances are not covered by the exceptions above, the Marketing and Recruitment Manager or Student Services Manager will assess the specific circumstances of the prospective student and take into consideration any compelling reasons for the prospective student's desire to transfer. Before considering the Application, the prospective student must provide evidence of a cancelled *Confirmation of Enrolment (CoE)*.

#### **7. Responsibility**

The Student Services Manager are responsible for the effective implementation and management of this policy as well as provision of information on how to resolve complaints of breaches of this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to [ceo@aiit.vic.edu.au](mailto:ceo@aiit.vic.edu.au).

## 8. References

Source	Document Title	Version - Date
External	Commonwealth Ombudsman <a href="https://www.ombudsman.gov.au/">https://www.ombudsman.gov.au/</a>	(Accessed 12/08/2020)
	Data Provision Requirements 2012 <a href="https://www.legislation.gov.au/Details/F2013L00160">https://www.legislation.gov.au/Details/F2013L00160</a>	2012
	Department of Home Affairs <a href="https://www.homeaffairs.gov.au/">https://www.homeaffairs.gov.au/</a>	(Accessed 12/08/2020)
	Education Services for Overseas Students Act 2000 <a href="https://www.legislation.gov.au/Details/C2017C00263">https://www.legislation.gov.au/Details/C2017C00263</a>	2000
	Education Services for Overseas Students (ESOS) Regulations 2019 <a href="https://www.legislation.gov.au/Details/F2016C00681">https://www.legislation.gov.au/Details/F2016C00681</a>	2019
	Migration Act 1958 <a href="https://www.legislation.gov.au/Series/C1958A00062">https://www.legislation.gov.au/Series/C1958A00062</a>	1958
	the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)	2018
	NCVER Glossary of VET <a href="https://www.voced.edu.au/vet-knowledge-bank-glossary-vet-terms">https://www.voced.edu.au/vet-knowledge-bank-glossary-vet-terms</a>	(Accessed 12/08/2020)
	Privacy Act 1988 <a href="https://www.legislation.gov.au/Details/C2020C00025">https://www.legislation.gov.au/Details/C2020C00025</a>	1988
	Standards or Registered Training Organisations 2015	2015
	Student Identifiers Act 2014 <a href="https://www.legislation.gov.au/Details/F2014L01204">https://www.legislation.gov.au/Details/F2014L01204</a>	2014
	Users' Guide to the Standards for Registered Training Organisations 2015 <a href="https://www.asqa.gov.au/standards">https://www.asqa.gov.au/standards</a>	2015
	Unique Student Identifier (USI) Scheme Privacy Notice <a href="https://www.usi.gov.au/documents/privacy-notice-when-rto-applies-their-behalf">https://www.usi.gov.au/documents/privacy-notice-when-rto-applies-their-behalf</a>	(Accessed 18/05/2020)

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