

1 Purpose

The purpose of this policy is to ensure that Sunraysia Institute of TAFE is compliant with the current Education Services for Overseas Students Act 2000 and the relevant legislative requirements.

2 Scope

This policy applies to International students, and staff providing administrative and other support to prospective and enrolled International students at Sunraysia Institute of TAFE.

3 Policy

In accordance with Standard 7 of the National Code 2018 there are strict guidelines for the transfer of students FROM and TO the Institute.

3.1 International Students transferring TO the Institute.

3.1.1 The Institute must not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six calendar months of their principal course of study.

3.1.2 For an overseas student to transfer TO the Institute before completing six months of their principal course with another provider, the overseas student must:

3.1.2.1 Obtain a letter of release from their registered provider and supply this to SuniTAFE; or

3.1.2.2 Meet one of the following conditions:

- a) The releasing registered provider has ceased to be registered;
- b) The course in which the student was enrolled has ceased to be registered;
- c) The releasing registered provider has had a sanction imposed on its registration by the Australian Government or State or Territory Government which prevents the student from continuing their course with that registered provider;
- d) 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 interest.

3.2 International Students who wish to transfer FROM the Institute to another provider

3.2.1 International Students applying to transfer from the Institute must lodge a written request to transfer, including having a letter of offer from another registered provider

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and other information supporting their application to transfer to another registered provider.

3.2.2 The Institute is entitled to determine the circumstances in which it will provide or refuse to provide a Letter of Release. International Students must demonstrate that the transfer would be in their best interests.

3.2.3 Circumstances for which approval for transfer to another registered provider within the first 6 months will be granted include:

- a) Compassionate or Compelling circumstances beyond the student's control that cannot be addressed by the Institute's International Students Unit and Student Support Services and which have an impact upon the student's course progress or wellbeing.
- b) The overseas student has failed to achieve satisfactory course progress even where intervention strategy has been implemented.
- c) The Institute fails to deliver the course as outlined in the written agreement.
- d) There is evidence that the overseas student's reasonable expectation about their course is not being met.
- e) There is evidence that the overseas student was misled by the Institute or an education or migration agent regarding the Institute or the 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.

3.2.4 The institute will assess and reply to the overseas student's transfer request within 10 working days

3.2.5 No transfer will be granted where:

- the student has not completed the first 6 months of the principal course in which he or she is enrolled and has not accessed the full range of support services available at the Institute.
- the basis of the request is not considered an exceptional circumstance in relation to the welfare of the student.
- the Institute forms the view that the international student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet course attendance or satisfactory course progress requirements.
- the international student has outstanding debts for the current or previous semesters owed to the Institute.

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- the transfer is perceived as detrimental to the international student's future study (including unsuited to the student's academic abilities), wellbeing and/or career objectives.
- the transfer request is based on a change of course and said course is also offered at the Institute.
- the transfer may jeopardise the student's course progression through a package of courses.
- the student has simply changed their mind.
- the student has cited issues such as distance from the campus and travel difficulties.
- the documents provided by the student do not, in the Institute's opinion, provide adequate grounds to justify the transfer.
- the Institute reserves the right to take into consideration other circumstances which may not have been specified in item 3.2.5

3.3 Letter of Release

- 3.3.1 A letter of release, where granted, will be issued at no cost to the student.
- 3.3.2 The Institute will assess an international student's request for a Letter of Release on a case by case basis.
- 3.3.3 Students have 20 working days from receipt of refusal of a Letter of Release notification to access the Institute's complaints and appeals processes. Where 20 working days have passed and the appeals process has not been accessed by the student, all decisions will stand.
- 3.3.4 The Institute will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the Institute, or the student has not accessed the complaints and appeals processes.

4 Definitions

Acronym/Term	Definition
Compassionate or compelling circumstances	<p>'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> • serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes • bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided) • major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or • a traumatic experience, which could include:

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	<ul style="list-style-type: none"> ○ involvement in, or witnessing of a serious accident; or ○ witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports) ● where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
International Student	A Person holding an Australian Student visa and is defined as an 'Overseas Student' in the ESOS Act.
Registered Provider	An Australian educational institute listed in the Commonwealth Register of Institutes and CRICOS and therefore having a current CRICOS provider number/code.
Principal Course	The main or highest level of study to be undertaken by an International student visa holder where the enrolment covers multiple courses in its scope, e.g., where a student is enrolled in an ELICOS, Diploma and Advanced Diploma Course, the Advanced Diploma Course is the principal course.
Principal Institute	The registered provider from which the International student was originally granted a valid Confirmation of Enrolment and in which the student was actually enrolled.
Institute	Sunraysia Institute of TAFE
DHA	Department of Home Affairs
eCoE	Electronic Confirmation of Enrolment
Letter of Release	A letter authorising a student to be released from one registered provider so that they are able to enrol with another registered provider.
PRISMS	The Provider Registration and International Student Management System used to process information for Department of Home Affairs provided by registered providers

5 Legislative Context

- Education Services for Overseas Students Act 2000 (ESOS Act) and Legislative Instruments
- Education Services for Overseas Students Regulations 2001 (ESOS Regulations)
- Education Services for Overseas Students Legislation [TPS Levies] Act 2012 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2018).
- The Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

6 Associated documents

6.1.1 Associated Policies

- ESOS Compliance and Policy Framework

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- Complaints and Appeals Policy
- International Student Fee Refund Policy.

6.1.2 Associated Procedures

- Complaints and Appeals Procedure – Students and Community
- International Student Fee Refund Procedure

6.1.3 Associated Forms

- Application to Request Release Form
- International Student Offer and Acceptance Agreement

6.1.4 Other associated documents

- Nil

7 Responsibility

The General Manager Operations is responsible for ensuring compliance with this policy, and its associated procedures and systems.

8 Review Frequency

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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Authorised by: Board

Maintained by: General Manager, Operations

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