
Transfer Between Registered Providers Policy



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Introduction

Australia-International Institute of Workplace Training (AIWT) ensures that it only accepts the enrolment of international students who are eligible for release or have completed at least six (6) months of their principal course of study. In accordance with National Code 2018, a Letter of Release is no longer required to be provided as this is now an administrative function that occurs on PRISMS once an application for release has been approved by AIWT however approval must still be sought by the international student.

Purpose

To ensure that AIWT assesses requests from students for a transfer between registered providers prior to the student completing six (6) months of his or her principal course of study in accordance with their documented procedures.

Scope

This policy and procedure apply to international students seeking to transfer their enrolment to AIWT or those students seeking to transfer out of AIWT.

Responsibilities

Student Services, Management.

Definitions

Accepted student for AIWT means accepted student of the CRICOS registered course and not 'accepted student of the provider' until such time as further guidance is provided. The reason for this is that AIWT recognises that an international student might be an accepted international student for multiple courses with AIWT spanning any number of months or years. Where, for example, an international student has a total pathway duration of six (6) years, if the term 'accepted student' were to be interpreted as a literal 'accepted student of the provider', this would mean that the provider would need to maintain those records for potentially eight (8) years.

International student means international students or intending international students on a student visa under the Migration Act 1958.

Policy Statement

This policy is applicable to A.I.W.T Pty Ltd trading as Australia-International Institute of Workplace Training (AIWT) and applies to international students on a student visa only.

AIWT will not approve a release for any international student where fees are owing to AIWT.

According to the National Code 2018 and the ESOS Act, overseas students cannot transfer between registered providers prior to completing six calendar months of studies in their principal course.

The principal course is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses and is usually the final course of study

unless the student has a packaged pathway with another CRICOS provider (see packaged pathways).

The first six months is calculated as six calendar months from the date an overseas student commences their principal course.

If a student has a packaged program with another CRICOS provider (prior or post AIWT) and is seeking to transfer to another provider, the student must apply for a letter of release from the provider who is delivering the principal course of study. Students are encouraged to speak to AIWT student services to discuss their concerns and situation.

Where an international student wishes to transfer to another CRICOS registered course that is at a lower level of the Australian Qualifications Framework (AQF) than the international student's current enrolment, the international student will need to apply for a new student visa.

1. AIWT will not enrol a student unless the student can provide a letter of release from another registered provider.

AIWT will ensure that they do not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six (6) months of his or her principal course of study except where:

- a) The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- b) The original registered provider has had a sanction imposed on its registration by the ESOS Agency that prevents the international student from continuing their course with the registered provider;
 - o The original registered provider has provided a written letter of release and recorded the date of effect and reason for release in PRISMS; or
 - o Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

2. AIWT will consider a request to transfer to another registered provider prior to the completion of the principal course and granting a student a Letter of Release in certain circumstances, including but not limited to:

- a. The student provides evidence that he/she has encountered exceptional circumstances which may include:
 - i. Compassionate and compelling circumstances beyond the student's control
 - ii. The general wellbeing of the student is affected
 - iii. The application is not detrimental to the student. Factors that may be considered to the student's detriment:
 - The student has not accessed support and/or assistance from Student Services after being requested to do so
 - The transfer may jeopardise the student's progression through a package of programs

- The student is trying to avoid being reported to DOHA due to non-progression or non-payment of fees
 - personal circumstances, study capabilities and/or the student's long-term goals into consideration.
- b. The student can evidence that his/her reasonable expectations about the current course are not being met
 - c. The student has been misled by the provider or the education agent
3. AIWT will grant a student a Letter of Release in the following circumstances:
- a. AIWT is unable to continue to offer the course of study as per the written agreement
 - b. AIWT has been imposed with sanctions or is ceasing its operation as a provider
 - c. AIWT is unable to deliver pre-requisite units of study
4. If a student's application is to the student detriment, AIWT will not consider releasing a student: Examples are
- a. The student is looking for a cheaper or easier course of study
 - b. The student is looking to transfer to a similar stream with another provider
 - c. The student is in breach with their student visa conditions
5. Student enrolled at AIWT must follow this policy and procedure to apply for a transfer to another provider:
- a. The student must apply in writing to transfer to another CRICOS registered provider and must meet the following requirements
 - i. Complete the Application form to transfer to another provider
 - ii. Attach a valid Letter of Offer/ Enrolment from a suitable provider
 - iii. All outstanding fees are paid in full
 - iv. The cancellation policy has been considered and applied
 - b. AIWT must assess the student request within 7 days of application and reply in writing if the application has been approved or rejected

AIWT have and implement its documented student transfer request and assessment policy and procedure, which is available to staff and students. The policy must be available to all staff and international students and specify:

- a) The steps for lodging a written request to transfer, including that they must provide a valid offer of enrolment from another registered provider;
- b) The circumstances in which a transfer will be considered because the transfer is in the international student's best interests, including but not limited to where AIWT has assessed that:

- i. The international student will be reported because they are unable to achieve satisfactory course progress at the level that they are studying, even after engaging with AIWT's intervention strategy to assist the international student to meet the requirements of National Code 2018, Part B, Standard 8 – Overseas student visa requirements;
 - ii. There is evidence of compassionate and compelling circumstances and the student can demonstrate and evidence those;
 - iii. AIWT fails to deliver the CRICOS registered course as outlined in the written agreement;
 - iv. There is reasonable evidence that the international student's reasonable expectations about their current course were not being met by AIWT;
 - v. There is evidence that the international student was misled by AIWT or a representative of AIWT regarding AIWT or the CRICOS registered course/s being offered by AIWT and it is / they are unsuitable to the international student's needs and/or study objectives;
 - vi. An appeal (internal or external) on another matter results in a decision or recommendation to release the international student;
- c) The circumstances AIWT considers as providing reasonable grounds for refusing the student's request; and
- d) A reasonable timeframe for assessing and replying to the student's transfer request having regard to the restriction period.

Where an international student is younger than 18 years of age, AIWT must:

- a) Have written confirmation from the international student's parent or legal guardian confirming that they support the transfer request; and
- b) Ensure where the international student is not being cared for in Australia by a parent or suitable nominated relative, that AIWT confirms it accepts the responsibility for approving the international student's accommodation, support and general welfare arrangements in accordance with National Code 2018, Part B, Standard 5 – Younger overseas students.

Release, if granted by AIWT, must be provided at no cost to the international student and AIWT must advise the international student of the need to contact the Department of Home Affairs (DOHA) to seek advice on whether a new student visa is required.

Where AIWT does not grant a release, the international student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the AIWT's decision in accordance with Standard 10: Complaints and Appeals from the National Code 2018.

Where AIWT refuses to issue a release letter after an application has been made by an international student and that application has been assessed by AIWT, AIWT must not finalise an international student's refusal status in PRISMS until an appeal finds in favour of AIWT, or the

international student has chosen not to access the complaints and appeals processes within the twenty (20) working day period, or the international student withdraws from the complaints and appeals process.

All release outcomes must be recorded in PRISMS. While a Letter of Release or other formal documentation is no longer required, it is best practice to notify the international student of the outcome of their application in writing, as well as advice that if granted, it is strongly recommended that they contact DOHA to confirm if their student visa is affected.

AIWT must maintain records of all requests from international students for a release and the assessment of, and decision regarding, the request for two (2) years after the international student has ceased to be an accepted student of AIWT.

An international student who has completed at least six (6) months of their principal course (except for the schools sector as previously documented) does not need to apply for release but they must apply for a cancellation of their enrolment.

Further information on managing student transfers is available on PRISMS.

AIWT's general policy in relation to approving requests to transfer enrolment is that:

1. Provided international students meet the requirements of this policy and procedure, the release will be approved;
2. An international student is expected to provide a fully and accurately completed application to transfer or other variation as relevant to their enrolment;
3. An international student will not be approved for a release just because they have changed their mind. AIWT provides adequate pre-enrolment information to international students as well as through their education agent network to enable international students to make an informed decision about the course that they wish to study and AIWT itself. Where an international student can provide evidence that they believe that they have been misled or the course or AIWT is not what they were led to believe, AIWT will assess the application on its merits and in accordance with any evidence provided to support the application for release on these grounds;
4. Where a course is removed from any skills occupation list that could lead to a migration outcome, this will not be considered as a compassionate and compelling circumstance for a release or cancellation of enrolment;
5. Where any of the following circumstances apply, AIWT is not likely to approve an application for release (each individual application will however be assessed on its individual merits):
 - a) A transfer may impact the international student's progression through a packaged pathway;
 - b) The international student owes fees to AIWT;
 - c) The international student states that they can no longer continue their enrolment because for example, they cannot find work to pay their fees live in Australia.International students have, in order to apply for enrolment and their student visa,

confirmed that they had sufficient financial capacity to undertake the course and maintain compliance with their student visa);

d) The international student has only recently commenced their enrolment or only recently come to the attention of AIWT as experiencing difficulty and AIWT has not yet had the opportunity to implement its intervention strategies.

Procedure

Student Transfer Request

Where AIWT is the Principal Course Provider

The international student must submit an 'Application for Release Form' via email to studentservices@aiwt.edu.au so that there is no dispute about when or how an application for release has submitted. Each page of the application and its supporting evidence must be numbered to ensure that there is no dispute about how many pages were submitted and 'a page has disappeared'.

The international student must also attach a copy of a valid Letter of Offer from the proposed institution and any supportive documents such as a medical certificate, other compassionate and compelling circumstances or other evidence that meets the grounds for a release under this policy.

If a request for refund of fees also applies, the student must attach this to the application as well.

A copy of all documentation must be maintained on the international student's file for at least two (2) years after the international student ceases to be an accepted student of AIWT.

Where AIWT is NOT the Principal Course Provider

The international student must be referred to the principal course provider with whom the offer is packaged and the student is subject to the other provider's release policy.

Where an international student wishes to transfer between AIWT and a related institution, and that transfer maintains the integrity of the university or principal course package, AIWT will approve the transfer and notify the university/other provider of the change of provider in writing. A copy of such notification will also be retained within the relevant international student file. It should be noted that a cancelled Confirmation of Enrolment (CoE) is NOT an approval of release.

A copy of all documentation must be maintained on the international student's file for at least two (2) years after the international student ceases to be an accepted student of AIWT.

Student Transfer Request to Enrol with AIWT

Where six (6) months has not elapsed in the international student's principal course, the student must be referred to the principal course provider and is subject to the other provider's release policy.

If the other provider indicates it will release the international student, AIWT will assess the application and determine if it will issue a Letter of Offer in accordance with this policy.

Any Letter of Offer that is issued to an international student in this scenario must be conditional upon the following circumstances which include, but are not limited to:

- a) The issue of a student visa that allows for the course to be completed within the expected duration; and
- b) The international student's accommodation, support and general welfare requirements are met in accordance with National Code, Part B, Standard 5 – Younger students.

Outcome of Student Transfer Request

International students will be advised of the outcome of their request within seven (7) working days of the request in writing.

Where a transfer request has been approved:

- The international student's enrolment at AIWT will be cancelled and notification will be provided to DOHA of the international student's cessation of studies at AIWT. Where relevant, cancellation fees and penalties will be applied in accordance with AIWT's Refund Policy; and
- Where an International Student Transfer Request has been declined, the international student's enrolment will remain current, and the international student will be advised of the reason for the refusal of the request in writing and their ability to lodge a complaint or appeal regarding the decision in accordance with the Complaints and Appeals Policy and Procedure at AIWT.

A copy of all documentation must be maintained on the international student's file for at least two (2) years after the international student ceases to be an accepted student of AIWT.

Appeal Against Student Transfer Request

Where a Student Transfer Request has not been supported, the international student can lodge an appeal in accordance with AIWT's Complaints and Appeals Policy.