

## Transfer by International Students Between Registered Providers

### 1. Purpose

This policy has been developed in accordance with *Standard 7 – Transfer Between Registered Providers of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code 2007). Under the terms of this legislation, students on an international student visa are required to remain with their education provider for the first six months of study of their principal course. However, the standard recognises overseas students as consumers and supports them in exercising choice whilst acknowledging that they may also be a group that requires support to transition to study in Australia.

This policy supports the intent of the standard and outlines the circumstances under which the Deakin College will permit the transfer by international students to another provider and the process by which each student’s request will be assessed. This policy also outlines the circumstances in which Deakin College will permit the enrolment of transferring students from another provider.

### 2. Scope

This policy relates to students studying in Australia on an international student visa.

### 3. Definitions

Key Term or Acronym	Definition
Course	A program of instruction.
CRICOS	<i>Commonwealth Register of Institutions and Courses for Overseas Students</i> . Database of every course and institution that recruits, enrolls and teaches overseas students.
Department of Immigration	Department of Immigration. The Australian Federal Government’s administrative division on all immigration and visa matters.
ESOS Act 2000	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to international students.
National Code 2007	The <i>National Code of Practice for Registration Authorities and Providers of Education and Training to</i>

	<i>Overseas Students 2007</i> . Nationally consistent standards and procedures for providers who deliver international educational services.
Principal course	The final or highest level of study to be undertaken by an international student. In all cases, the Diploma is the principal course unless packaged with a Deakin University undergraduate course.
Six months of study	Six calendar months from the commencement of the principal course. Where a deferment of study has been granted in the first semester, this absence is not included in the six months of study. Students are expected to complete their six months of study upon their return.

#### 4. Policy Statement

##### 4.1 Students transferring to Deakin College from another registered provider

Deakin College is restricted from enrolling students requesting to transfer from another registered provider within the first six months of commencement of their principal course, except in the following circumstances:

- 4.1.1 The original registered provider has ceased to be registered or the course in which the student was enrolled has ceased to be registered;
- 4.1.2 The original registered provider has provided a written letter of release;
- 4.1.3 The original 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 his or her principal course; or
- 4.1.4 A Government sponsor of the student considers the change to be in the student's best interest and has provided a written recommendation for that change.

##### 4.2 Circumstances for which approval for transfer to another registered provider will be granted

Deakin College supports the intent of Standard 7 of the National Code 2007 which recognises overseas students as consumers and supports them in exercising choice, whilst acknowledging that they may also be a group that requires support to transition to study in Australia.

In all instances, an application to transfer to another registered provider will be assessed enabling the individual circumstances of the student to be considered in order to determine if the transfer will be in the best interest of the student.

Circumstances in which a release letter will be granted include:

- 4.2.1 Any of the circumstances contained in 4.1.1, 4.1.3 or 4.1.4 above are applied to Deakin College;

- 4.2.2 The course the student wishes to transfer to better meets the aptitude or study capabilities of the student;
- 4.2.3 Compassionate or compelling personal or academic circumstances, with relevant supporting documents;

A student with an Deakin College/Deakin University packaged course will also need to apply for a release letter from Deakin International, the provider of the principal course.

#### **4.3 Circumstances for which approval for transfer to another registered provider will not be granted**

Deakin College will not issue a letter of release in any of the following circumstances:

- 4.3.1 When the transfer is considered detrimental to the student such as, the transfer may jeopardise the student's progression through a package of courses or, the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student;
- 4.3.2 The application does not have a valid enrolment offer from a CRICOS registered receiving provider;
- 4.3.3 If Deakin College forms the view that the student is trying to avoid being reported to the Department of Immigration for failure to meet attendance or satisfactory course progress requirements, as defined by the Deakin College *Satisfactory Course Progress* policy;
- 4.3.4 Financial difficulties or if the student has outstanding debts or fines to the Institute;
- 4.3.5 The student is under 18 and there is no written evidence that the parent or legal guardian supports the transfer; or if the student is not being cared for in Australia by a parent or suitable nominated relative, there is no written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements;
- 4.3.6 If the intended course will not provide adequate preparation for further study, nor be recognised by higher education or VET providers as meeting their entry requirements and the transfer would be detrimental to the student's future study plans.

#### **4.4 Processing a letter of release**

Applications will be assessed under items 4.2 and 4.3 of this policy. All enabling circumstances will be taken into consideration when assessing an application and an outcome will be advised in writing within 10 working days from the receipt of the application.

If approved, a letter of release will be issued at no charge with advice to contact the Department of Immigration to seek advice on whether a new visa is required.

Deakin College will only assess an application for a letter of release if the following are provided:

- 4.4.1 A valid enrolment offer from another CRICOS registered provider;
- 4.4.2 A completed *Application for Release Letter International Students* form;
- 4.4.3 Where the student is under 18, the student's parent or legal guardian supports the transfer or, if the student is not being cared for in Australia by a parent or legal guardian, the valid

letter of offer confirms that the registered provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements.

Where an application for a letter of release has been denied, written reasons for refusing the request will be provided to the student. Advice will also be given to students of their eligibility to access the Deakin College complaints and appeals process within ten working days.

Deakin College will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding the request on the student's file.

#### **4.5 Refunds**

If a student has been issued with a letter of release, he or she is subject to the conditions of the Deakin College Refund Policy.