

**Procedure Details**

Governing Instrument	Education Services for Overseas Students (ESOS) Act 2000		
Advisor	Manager, International Student Administration		
Approval Authority	Director, Support Services		
Approval Date	01/07/2014	Version Number	1.0
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**Purpose**

This document outlines the conditions under which TAFE Queensland Brisbane shall assess an international student's request for release (transfer between registered providers).

**Scope**

This policy applies to all staff assessing requests and international students requesting to either transfer their enrolment:

- to TAFE Queensland Brisbane from another registered provider or
- from TAFE Queensland Brisbane to another registered provider

**Procedure****1. How to apply for release**

Applications shall be made via the Application for Transfer between Registered Providers Form (FM475a) to the Manager, International Business. The onus is on the student to prove that it shall be detrimental to them in some way to remain in the program.

A valid offer letter from the receiving provider shall be attached.

Where the student is under 18, written evidence shall be provided that the student's parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new provider shall accept responsibility for approving a student's accommodation, support and general welfare arrangements as per Standard 5 (Younger Students) of the National Code 2007.

A release letter shall not be issued until all financial obligations/outstanding fees for the student's current study period with TAFE Queensland Brisbane have been finalised.

**Processing timescales**

Students should allow at least 10 business days for their application to be processed. Students shall be notified of the decision in writing to the mailing and email address entered on your application.

Where TAFE Queensland Brisbane has not approved a transfer request the student shall be provided with written reasons for the refusal and right of appeal in accordance with the TAFE Queensland Brisbane International appeals process. The appeal shall be lodged within 5 business days of the date the decision was communicated in writing.

When a letter of release is provided, it shall be at no cost to the student and shall refer the student to DIBP for advice on their student visa.

**2. Assessing Requests for Transfer****Request to transfer from TAFE Queensland Brisbane prior to commencing the Principal Program/University Bachelor Program**

TAFE Queensland Brisbane's assessment of transfer requests shall take into consideration the individual circumstances of each student. Prior to the student commencing their principal program requests for transfer to another provider shall **only** be considered in cases where the student can clearly demonstrate and provide **written documentary evidence of compassionate/compelling circumstances** which include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was/may be unable to attend classes
- Bereavement of close family members such as parents or grandparents
- Major political upheaval or natural disaster in the home country requiring emergency travel when this has impacted on the student's studies
- A traumatic experience which could include:
  - Involvement in, or witnessing of a serious accident
  - Witnessing or being the victim of a serious crime (these cases should be supported by police or psychologists' reports)
- Where TAFE Queensland Brisbane was unable to offer a pre-requisite unit and as a result, this prevents the student's academic progression
- The course accepted by the student shall no longer be offered
- 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
- The student can provide evidence that he or she was misled by the provider (TAFE Queensland Brisbane) or an education or migration agent regarding TAFE Queensland Brisbane or its program, which constitutes a breach of the ESOS Act.

### **Request to transfer from TAFE Queensland Brisbane within the first six months of a Principal Program**

TAFE Queensland Brisbane's assessment of transfer requests shall take into consideration the individual circumstances of each student. TAFE Queensland Brisbane shall provide a letter of release in cases where one of the following can be clearly demonstrated:

- If the student wishes to change course in order to get access to greater support. This may be through the services offered by another provider, which TAFE Queensland Brisbane are not able to provide. In such cases, the student shall provide evidence of the support being provided by the alternate provider
- If the student can provide evidence that his or her reasonable expectations about the current course are not being met
- If the student demonstrates that they are experiencing a threat to their physical or mental health or safety by remaining at TAFE Queensland Brisbane and demonstrate clearly how this shall be alleviated through a transfer
- The student is not coping in the program, despite having undertaken an individually tailored intervention strategy (refer to International Student Academic Progression Monitoring and Intervention) at TAFE Queensland Brisbane with no sign of improvement in their academic performance
- The student is required to move interstate
- The program of study is not consistent with the documented program requested on the student's application
- The student can provide evidence that he or she was misled by the provider (TAFE Queensland Brisbane) or an education or migration agent regarding TAFE Queensland Brisbane or its program, which constitutes a breach of the ESOS Act
- An appeal, whether internal or external, that may reasonably result in the student wishing to seek a transfer
- Compassionate/compelling circumstances (documented in writing and with any applicable supporting evidence supplied) which necessitate transfer to another provider.

Circumstances under which a transfer/letter of release shall not be granted:

- The transfer may jeopardise the student's progression through a package of courses
- If the student has not accessed TAFE Queensland Brisbane's support services for assistance with study or personal issues such as learning support; living a long distance away from campus, travel difficulties, difficulties adjusting to Brisbane life and the demands of academic work at TAFE Queensland Brisbane
- Student has simply changed their mind about their program of study. Due to the quality of the pre-enrolment information available from TAFE Queensland Brisbane's registered Education Agents, TAFE Queensland Brisbane International and the Institute website, it is expected that the student has made an informed decision prior to accepting their Offer of Place.
- Student has been issued with a formal letter of intent to report (eg for outstanding fees; academic progression; student misbehaviour – non bonafide student)
- TAFE Queensland Brisbane forms the view that the student is trying to avoid being reported to DIBP for failure to meet the provider's academic progress and attendance requirements
- The student does not have a valid enrolment offer from a CRICOS registered provider
- The student has outstanding fees for the current study period

- The course for which the student is intending to enrol in with the other provider, is similar to or the same as the course in which the student is currently enrolled at TAFE Queensland, Brisbane
- The student is experiencing home stay or other accommodation problems
- The student is experiencing course schedule conflict with personal, work, or other non-study commitments
- Where TAFE Queensland Brisbane believes that the student has made decisions post-enrolment regarding accommodation, employment or travel that are not aligned with the requirements of their course
- When TAFE Queensland Brisbane believes that a transfer at this time could be considered detrimental to the student
- When the Institute in good faith has processed the student's cancellation of enrolment due to their request to return to their home country and is then approached by another education provider to issue a letter of release.

### **Factors that may be considered to the student's detriment**

Factors that may be to the student's detriment should be considered in the light of the student's individual circumstances and a broader range of factors, such as, but are not limited to:

- If the transfer may jeopardise the student's progression through a package of courses
- If 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
- If the student has recently had an intervention strategy put in place and there has been insufficient time to assess whether or not this shall be an effective solution for the student.

### **When is a letter of release not required?**

You do not need a letter of release, either prior to or in the first six months of your principal program if:

- You do not meet the program entry requirements/conditions on your letter of offer/confirmation of enrolment and therefore cannot commence the program and an alternative program at TAFE Queensland Brisbane is not available.
- You are sponsored by your home government and they have written to TAFE Queensland Brisbane to support the transfer.
- The program for which your CoE was issued has discontinued and a similar substitute program is not available
- You wish to return to your home country and do not wish to continue studying in Australia. In this case, you are required to first meet with International Administration to advise them of your circumstances.

## **3. Accepting international students from another registered provider**

### **Prior to completing six months of their principal program of study**

In accordance with the National Code 2007, TAFE Queensland Brisbane shall not seek to enrol a student wishing to transfer from another registered provider prior to the student completing six months of their principal program of study except where:

- the original registered provider has ceased to be registered or the program in which the student is enrolled has ceased to be registered
- the original registered provider has provided a written letter of release
- the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal program
- 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.

### **After completing six months of their principal program of study**

If an international student accepts an offer to study with TAFE Queensland Brisbane and does not have a letter of release from their original education provider, they shall need to provide the following documentation for TAFE Queensland Brisbane to approve their transfer:

- Visa
- CoE (from the other education provider)
- Academic Transcript
- Evidence of application of termination of enrolment from their current education provider.

## **Records Management**

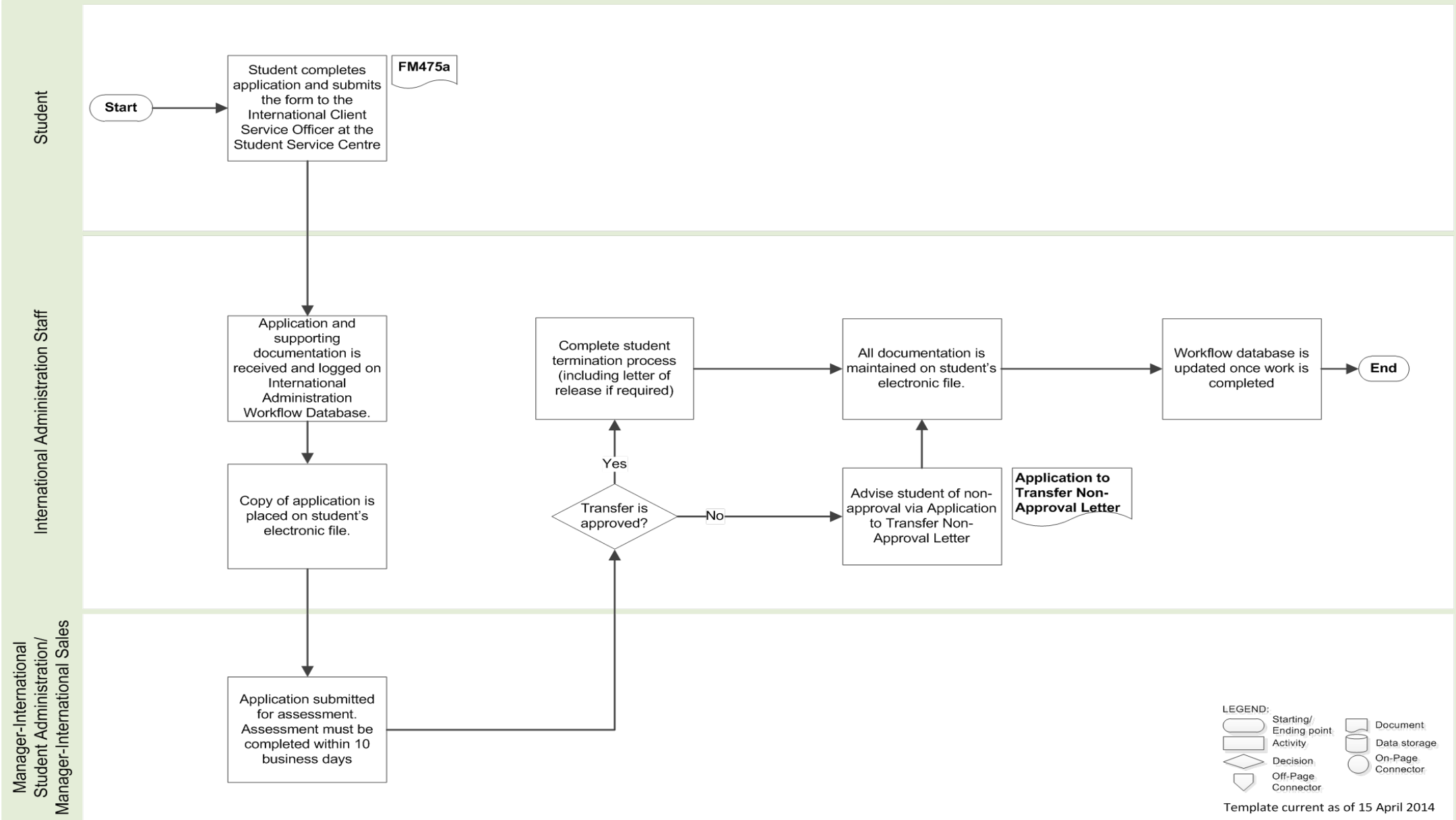
Records shall be retained in accordance with the Qld State Archives – General Retention and Disposal Schedule for Administrative Records ([QDAN249](#)).

All documents related to the International Student Request for Release shall be maintained on the student file and retained for a period of 7 years after the last action date.

# Procedure Flowchart

## International Student Application for Release

TAFE Queensland Brisbane



## Affiliated Documents / References

### Internal:

- WI350a - Student Appeals Work Instruction
- PR341 - Student Academic Progression Procedure
- PR474 - International Students Under the Age of 18 Care Arrangements
- FM475a - Application for Transfer between Registered Providers Form
- FM475b - International Student Terms and Conditions of Enrolment/Refund Conditions
- FS474a - Guidelines for Care Arrangements for International Students Under the age of 18

### External:

- [Education Services for Overseas Students \(ESOS\) Act 2000](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 – Standard 7 – Transfer between registered providers](#)
- [Migration Act 1958](#)
- [QDAN249](#) - Qld State Archives – General Retention and Disposal Schedule for Administrative Records

## Glossary of Terms / Definitions

TERM/S	DEFINITION/S
<b>APPEAL</b>	Request by a student to have a matter heard and/or re-considered after receiving an unfavourable decision
<b>CRICOS</b>	Commonwealth Register for Institutions and Courses for Overseas Students
<b>CoE</b>	A Confirmation of Enrolment is a document generated via PRISMS which confirms the enrolment of an international student at TAFE Queensland Brisbane. The CoE provides details of the program, duration of study, start and end dates and cost. International students require a CoE to obtain a Student Visa for travel to Australia.
<b>DIBP</b>	Department of Immigration and Border Protection
<b>ELICOS</b>	English Language Intensive Courses for Overseas Students
<b>INTERVENTION STRATEGY</b>	An individual plan to provide academic support and/or assistance to an international student identified as being “at risk” of not achieving satisfactory academic progression
<b>PRINCIPAL PROGRAM</b>	A principal program is the main course of study to be undertaken by an overseas student. Where a student visa has been issued for multiple courses of study, the principal program would normally be the final course or highest level program of study. <b>Example 1:</b> Streamlined Visa Processing Applicants (573 visa) Arrangements. Students who obtain their visa with SVP arrangements are granted a 573 Higher Education Visa. The principal program of study would be the Bachelor level (or higher) program. <b>Example 2:</b> VET Sector (572 visa) applicants. Student’s enrolled into a package of programs – eg ELICOS, Certificate and Diploma program. The Diploma is considered the principal program.
<b>PRISMS</b>	Provider Registration and International Students Management System The management system used by CRICOS and DIAC to record international student program enrolment details
<b>REGISTERED PROVIDER</b>	As defined in section 5 of the ESOS Act, the registered provider for a course for a state, means an approved provider that is registered on CRICOS as a provider for the course for the state
<b>RELEASE LETTER</b>	A letter supplied by a current provider of education indicating their agreement to release an international student to transfer to study at another institution. The international student may not have either commenced or yet completed the first six months of their principal program of study.
<b>STREAMLINED VISA PROCESSING</b>	Students granted a visa under SVP arrangements are granted a visa on an agreed study plan as determined by the Confirmation of Enrolments issued by TAFE Queensland Brisbane and the University Business Partner. SVP students have an TAFE Queensland Brisbane Diploma pathway to a Bachelor level program and are accepted Higher Education (University) students.

## Revision History

Revision Date	Summary of Amendments	Prepared By	Version
01/07/2014	Initial document	Manager, International Administration Services	1.0