



**AUSTRALIAN
TRADE
SKILLS**

TRANSFER BETWEEN PROVIDERS

Standards for RTOs 2015 and ESOS Act

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POLICY DEFINITION

This policy states the circumstance under which Australian Trade Skills will allow both the enrolment of transferring international students and the release of international students from the college to another provider.

Under the National code 2018 in standard 7 the college is restricted from enrolling transferring students within the six months from the commencement for the student's principal program, excepted in limited circumstances.

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

STUDENT TRANSFERRING TO AUSTRALIAN TRADE SKILLS FROM ANOTHER REGISTERED PROVIDER

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

1. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
2. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
3. the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
4. any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

In relation to an overseas student who has been enrolled in another provider in a relevant course-but did not complete the relevant course, Australian Trade Skills will not admit the student to a Australian Trade Skills course unless Australian Trade Skills is given a letter of release about the student for the relevant course.

In relation to an overseas student who has previously completed the relevant course, Australian Trade Skills will not admit the student to a course unless it is satisfied that the student demonstrated a commitment to studies during the course, had a good attendance records for the course and paid all fees for the course.

Letter of release means a letter from the provider of a relevant course about a student that provides information about whether or not the student-

1. demonstrated a commitment to the student's studies during the course; and
2. had a good attendance record for the course; and
3. paid all fees for the course.

CIRCUMSTANCES FOR WHICH APPROVAL FOR TRANSFER TO ANOTHER REGISTERED PROVIDER WILL BE GRANTED

Australian Trade Skills supports the intent of the standard 7 of the National Code 2018 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 including but not limited to:

- the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
- there is evidence of compassionate or compelling circumstances
- the registered provider fails to deliver the course as outlined in the written agreement
- there is evidence that the overseas student's reasonable expectations about their current course are not being met
- there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

CIRCUMSTANCES IN WHICH A RELEASE LETTER WILL BE GRANTED INCLUDE:

1. Any of the circumstances contained in 1, 3, or 4 above are applied to Australian Trade Skills;
2. The course the student wishes to transfer to better meets the aptitude or study capabilities of the student;
3. Compassionate or compelling personal or academic circumstances, with relevant supporting documents;

A student with a packaged course will also need to apply for a release letter from another principal provider of the course.

CIRCUMSTANCES FOR WHICH APPROVAL FOR TRANSFER TO ANOTHER REGISTERED PROVIDER WILL NOT BE GRANTED

Australian Trade Skills will not issue a letter of release in any of the following circumstances;

1. When the transfer is considered detrimental to the student such as, the transfer may jeopardise the students 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;
2. The application does not have a valid enrolment offer from a CRICOS registered receiving provider;
3. If Australian Trade Skills forms the view that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet the attendance or satisfactory course progress requirements, as defined by the Australian Trade Skills Course Progress Policy;
4. 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.

5. 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.

In this case, the overseas student has the right to access the complaints and appeals process within 20 working days. Australian Trade Skills will not finalise the student's refusal status in PRISMS until the appeal finds in favour of Australian Trade Skills, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

PROCESSING A LETTER OF RELEASE

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 and Border Protection (DEPARTMENT OF HOME AFFAIRS) to seek advice on whether a new visa is required.

Australian Trade Skills will only assess an application for a letter of release if the following are provided:

- A valid enrolment offer from another CRICOS registered provider;
- A completed Application for Release Letter International Students form;
- 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 refusing the request will be provided to the student. Advice will also be given to students of their eligibility to access Australian Trade Skills complaints and appeals process within ten working days.

If the letter of release is given, then it is granted at no extra cost and students are advised that they need to contact DEPARTMENT OF HOME AFFAIRS to seek advice on whether a new student visa is required.

REFUNDS

If a student has been issued with a letter of release, he or she is subject to the conditions of Australian Trade Skills Refund's Policy.

Australian Trade Skills maintains 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.

This policy applies to both commencing and extending students.

The word "Course" refers to the whole period for which the Confirmation of Enrolment or letter of offer is issued. All requests for a refund must be submitted on the appropriate application form, to the College Administration Office. If the student is unable to access the refund form the refund request should be made in writing and emailed, faxed or posted to the College Administration Office.

The request must be accompanied by official documentary evidence of the grounds for the request and an appointment must be made with Accounts Officer. Refunds will only be paid to the applicant in the same currency in which the fees were paid.

The College is required to notify the Department of Home Affairs, if an applicant cancels their course or transfers to another institution in the case of international student. The refund will only be made in the name of the person who paid the student fees unless the student gives a written direction to the provider to pay the refund to someone else. Refunds are made in accordance with the policy below and full refunds of amounts owed to the students will be made within 28 days.

RELEASE OF STUDENTS UNDER 18 YEARS

In the case of a student under the age of 18 years of age, only grant a letter of release where the students parent or legal guardians have confirmed in writing their support for the transfer or in the case where the welfare of the student is supervised by the registered provider. Valid enrolment from the new course provider will also confirm their acceptance of the welfare responsibilities of the student.

Issue a letter of release at no charge to the student informing the student that they should contact DIBT for further information concerning their student visa requirements.

Provide advice of AUSTRALIAN TRADE SKILLS complaints and appeals process should a release refusal letter be issued.

Ensure that all records associated with a transfer application are filed within AUSTRALIAN TRADE SKILLSs student records system or hard copies kept in the students file.

Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, Australian Trade Skills accepts responsibility for approving the student's accommodation, support and general welfare arrangements.

Where Australian Trade Skills takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements (but not including guardianship, which is a legal relationship not able to be created or entered into by a registered provider) for a student who is under 18 years of age, Australian Trade Skills will:

- nominate the dates for which Australian Trade Skills accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advise Immigration, which is responsible for administering the Migration Regulations, of the dates in the form required by that department
- ensure any adults involved in or providing accommodation and welfare arrangements to the student have all working with children clearances (or equivalent) appropriate to the jurisdiction(s) in which the registered provider operates
- have and implement documented processes for verifying that the student's accommodation is appropriate to the student's age and needs:
 - ✓ prior to the accommodation being approved
 - ✓ at least every six months thereafter.
- maintain up-to-date records of the student's contact details including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare
- advise Immigration in the form required by that department:
 - ✓ as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required
 - ✓ within 24 hours if the registered provider is no longer able to approve the student's welfare arrangements

If Australian Trade Skills is no longer able to approve the welfare arrangements of a student, Australian Trade Skills will make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.

Australian Trade Skills suspends or cancels the enrolment of the overseas student, the registered provider must continue to approve the welfare arrangements for that student until any of the following applies:

- the student has alternative welfare arrangements approved by another registered provider
- care of the student by a parent or nominated relative is approved by Immigration
- the student leaves Australia
- Australian Trade Skills has notified Immigration that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student.

If the student under 18 years of age who has welfare arrangements approved by another registered provider, Australian Trade Skills will:

- negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
- inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

TIMELINES

If Australian Trade Skills grants your application for a release, you will be:

- advised to contact the Department of Home Affairs
- to seek advice about student visa requirements;
- sent a withdrawal form from the studies/course/subjects; and
- Advised about the extent of your entitlement (if any) to a refund of tuition fees
- under Australian Trade Skills Refund Policy.

If Australian Trade Skills refuses your application for a release, you will be:
provided with written reasons for the refusal; and

- that the student will be given 20 days to access the Australian Trade Skills complaints and appeals process. When the appeals process is initiated, Australian Trade Skills will maintain the students enrolment until the appeals process is complete. Refer to the Australian Trade Skills Complaint and Appeals Policy for further details.

EVIDENCE TO BE PROVIDED:

- letter of release if required
- copies of any related documents as to the students cancellation of their enrolment at another college, other provider sanction notices
- Letters of release refused and documented notes
- evidence that the provider's transfer policy and procedure is available to staff and students request from students for a letter of release, e.g. the provider's request for release form
- completed and signed by the students
- the assessment of the request, e.g. the provider's decision written on the request form
- a copy of the letter informing the student of the decision and reasons if the student's request is refused
- if there is an appeal, evidence that the appeal was conducted in accordance with the provider's appeal processes outlined in Standard 8
- if the student is under 18, written confirmation that the student's parent or legal guardian supports the transfer
- if the student is under 18 and is not being cared for in Australia by a parent or suitable nominated relative, a valid enrolment offer confirming that the receiving provider will accept responsibility for approving the students accommodation, support and general welfare arrangements as per Standard 5; and
- a copy of a letter of release for any student it has enrolled before the student had completed six months of the principal course of study.