International Student Transfer Request Policy

Responsible Officer
Deputy Vice-Chancellor (Students and Education)

Approved by
Vice-Chancellor

Approved and commenced
June, 2014

Review by
June, 2017

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle
Education Services for Overseas Students Act (2000)
University of Tasmania Act (1992)
Ordinance 8

Responsible Organisational Unit
Student Centre

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1 Objective

The objectives of this Policy are to:

- ensure compliance with Standard 7 of the National Code 2007, established by the Education Services for Overseas Students (ESOS) Act 2000.
- comply with the restrictions on enrolling transferring students prior to a student completing six months of their principal course of study at UTAS.
- outline the circumstances when a Transfer Request can be considered prior to an international student completing six months of study in their principal course of study at UTAS.

2 Scope

This policy applies to the following:

- International students studying on a student visa, who seek a Transfer Request to another registered provider prior to completing six months of their principle course of study at UTAS.
- UTAS Curriculum Compliance officers involved in assessing Transfer Requests.
- UTAS staff involved in the admission of international students to English Language Centre or a Foundation Study Program courses.
- UTAS staff involved with responsibility of international student recruitment.
- UTAS staff involved in a student advisory role with international students.

3 Policy Provisions

3.1 Statements

3.1.1 UTAS must not knowingly enrol international students who want to transfer from another registered provider's program within the first six months of the student completing their principal course of study except where the other provider has issued that student a release letter.

3.1.2 UTAS Curriculum Compliance officers are the decision makers who are accountable for the assessment of all Transfer Requests from international students and determine the circumstances in which a transfer request will be denied or approved in line with regulatory guidelines and related policies.

3.1.3 International Students must co-operate with UTAS staff and attend any interviews or appointments directed by UTAS staff in relation to support services provided by UTAS.

3.2 Enrolling and Attendance

3.2.1 The submission of a Transfer Request by an international student does not preclude the international student from enrolling at the time specified by UTAS, and thus meeting visa conditions. UTAS will report students who do not enrol and this may have implications for a student's visa status.

3.2.2 The submission of a Transfer Request by an international student does not preclude the international student from maintaining adequate course attendance, and thus
meeting visa conditions. UTAS will report students to DIBP who do not maintain adequate attendance, which may have implications for visa status.

3.3 Situations when Transfer Requests/Letters of Release are not required

A Transfer Request and Letter of Release are not required for an international student to change registered providers in the following circumstances:

3.3.1 The international student has completed at least six calendar months in their principal course of study at UTAS, or

3.3.2 UTAS has ceased to be registered, or the course in which the student is enrolled has ceased to be registered, or

3.3.3 UTAS has had a sanction imposed on it by the Australian Government or State or Territory Government that prevents the student from continuing their principal course, or

3.3.4 The international student has a government sponsor and the government sponsor considers the change to be in the best interests of the student and the government sponsor has provided written support for that change.

3.4 When UTAS may provide a Release Letter

UTAS may provide the international student with a release letter if a transfer is requested in the first six months of the international student completing their principal course of study at UTAS in the following circumstances:

3.4.1 The international student provides evidence that they were misled by UTAS or an education agent or a migration agent regarding UTAS or the course the student is undertaking, or

3.4.2 The international student demonstrates that the transfer would be in the best interest of the student, and

3.4.3 Where UTAS Curriculum Compliance officers assess that there are compassionate and compelling circumstances that exist for the student, and

3.4.4 The international student has evidence that they have accessed UTAS support services available to them, and

3.4.5 The international student has shown evidence of a genuine effort to engage with these support services to seek resolution of any difficulties they are encountering.

3.5 Evidence to be provided with Transfer Requests

In all circumstances in 3.4 where a Transfer Request is submitted it must have the following attachments:

3.5.1 Evidence of a letter of a valid enrolment offer from a registered provider, and

3.5.2 Evidence to support claims made by the international student in the Transfer Request.
3.6 Types of acceptable evidence in support of claims

3.6.1 Evidence to support claims that the client was misled regarding UTAS or the course the student is undertaking that relate to section 3.4.1.

3.6.2 Evidence to support claims for Transfer Requests would include documents from qualified counsellors, psychologists or medical practitioners stating any compassionate and compelling circumstances why a transfer is required in relation to section 3.4.3.

3.7 UTAS will provide a letter of release in the following circumstance

3.7.1 The student has provided a letter from another registered provider that confirms a valid enrolment offer has been made, and

3.7.2 UTAS Curriculum Compliance officers have assessed that compassionate and compelling circumstances exist as described in the regulatory guidelines, and

3.7.2 If the Student is under 18 years old they are required to provide written confirmation that the student’s parent or legal guardian supports the transfer, and

3.7.3 If the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment must confirm that the registered provider will accept the responsibility for approving the international student’s accommodation, support and general welfare.

3.8 Situations when UTAS may refuse a Transfer Request

3.8.1 An international student does not meet a requirement stated under 3.4, or

3.8.2 An international student does not provide adequate evidence as stated under 3.5, or

3.8.3 An international student has not commenced study in their enrolled course, or

3.8.4 An international student has not completed 4 weeks of study in their first 4 weeks of the principal course of study, or

3.8.5 An international student has not accessed, utilised or experienced the full range of UTAS support services available to them, or

3.8.6 An international student has applied for a course with another registered provider that has lower fees, or

3.8.7 An international student is attempting to avoid being reported to the DIBP for failure to meet UTAS attendance or academic progress requirements, or

3.8.8 An international student is applying to transfer to a program or course with a lower level of qualification, or

3.8.9 An international student has outstanding debts owed to UTAS, or

3.8.10 An international student changes their mind about the course they want to study, or
3.8.11 An international student has made decisions post their enrolment regarding accommodation, travel and employment that are not aligned with the international students course requirements.

3.8.12 An international student studying at UTAS as a result of Streamlined Visa Processing attempts to transfer to another registered provider that does not have Streamlined Visa Processing arrangements with the DIBP.

3.9 Actions following Transfer Request decision

3.9.1 UTAS Curriculum Compliance officers will document in a decision record the outcome of the Transfer Request. This decision record will outline the assessment and give reasons that substantiate the decision to the international student.

3.9.2 UTAS Curriculum Compliance officers will provide the international student with a Letter of Release by email if the Transfer Request is approved.

3.9.3 If the Letter of Release is provided it will advise the student of the need to contact the DIBP to seek advice if a new student visa is required.

3.9.4 UTAS will cancel the UTAS Confirmation of Enrolment (COE) of the student if the Transfer Request is approved.

3.9.5 If a Transfer Request is rejected UTAS Curriculum Compliance will inform the student by email and advise the student to contact an international student adviser to discuss their study options.

3.9.6 An international student can appeal the Transfer Request decision made by UTAS as outlined in Ordinance 8 Student Complaints. The appeal must be made 20 working days after the student has received notification of the Transfer Request decision.

3.9.7 The international student is deemed to have received the Transfer Request decision on the day the email was sent notifying the international student of the decision.

3.9.8 UTAS will not charge any monies to an international student to request a transfer, provide a Letter of Release or to appeal the decision.

3.9.9 Transfer Requests will be recorded on the international student’s file by UTAS Curriculum Compliance.

3.9.10 Decision records will be recorded on the international student’s file by UTAS Curriculum Compliance.

3.9.11 Letters of Release will be recorded on the international student’s file by UTAS Curriculum Compliance.

4 Responsibilities

International Students are responsible for:

- reading and understanding this policy prior to lodging a Transfer Request,
- completing the Transfer Request form and providing all necessary documentation in support of the Transfer Request, and
- submitting the Transfer Request form.
Curriculum Compliance Officers are responsible for:

- reading and understanding this policy prior to making a Transfer Request decision,
- acknowledging the receipt of the submission of the form by email or letter within 5 working days,
- assessing and recording the outcome of the Transfer Request,
- responding to the student when a Transfer Request decision has been made, and
- recording all information in relation to this policy in accordance with UTAS Records Management Policy and Guidelines.

International Student Advisers are responsible for:

- reading and understanding this policy and guidelines prior to advising international students on Transfer Requests,
- providing assistance and support to international students if they are required to do so by an international student.

5 Definitions and Acronyms

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<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Organisational Unit</td>
<td>Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise</td>
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<tr>
<td>UTAS</td>
<td>The University of Tasmania, CRICOS Provider Code 00586B (and any other associated organisation that uses CRICOS Provider Code 00586B).</td>
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<tr>
<td>DIBP</td>
<td>Department of Immigration and Border Protection</td>
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<tr>
<td>International Student</td>
<td>A student who has been granted a visa by the DIBP which gives the student study rights.</td>
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<td>PRISMS</td>
<td>The Provider Registration and International Student Management System. This system is owned by the Department of Education.</td>
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<tr>
<td>Principal course of study</td>
<td>The main course of study leading to the highest qualification on the student’s current visa. If the student is on a packaged course, the course leading to the highest qualification will be the student’s principal course and the restriction will apply to the first six months of that course and any packaged courses before it.</td>
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<td>UTAS Support Services</td>
<td>Includes UTAS Counselling Services and International Student Advisers</td>
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<td>UTAS Curriculum Compliance Officer</td>
<td>A UTAS employee who is employed in the Curriculum Compliance team.</td>
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<tr>
<td>Transfer Request</td>
<td>A form completed by a student when a student requests a</td>
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transfer from a registered provider to another registered provider

Release Letter
A letter provided by the UTAS or another registered provider authorising a student to be released from one registered provider so they are able to be enrolled with another registered provider.

CoE
Confirmation of Enrolment

6 Supporting Documentation
- UTAS Records Management Policy
- UTAS Records Management Guidelines.

7 Versioning

<table>
<thead>
<tr>
<th>Current Version(s)</th>
<th>International Student Transfer Request Policy ; approved June 2014</th>
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