

# International Student Transfer Request Procedure

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## Purpose

This Procedure outlines the process by which the University assesses requests from international students wishing to transfer to or from a University of Tasmania course, prior to students completing 6 months of their principal course of study as specified in their Confirmation of Enrolment (CoE).

## Applicable governance instruments

| Instrument  | Section   | Principles |
|---|---|------------|
| <i>National Code of Practice for Providers of Education and Training to Overseas Students, 2018 (Cth)</i> | Standard 7: Overseas Students Transfers<br>Standard 8: Overseas Student Visa Requirements | N/A        |

## Procedure

### 1. Introduction

This Procedure is in accordance with the Education Services for Overseas Students [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

It applies to:

- a) all prospective international onshore students requesting to transfer to the University of Tasmania; and

Definitions and acronyms can be found at: <https://www.utas.edu.au/policy/policy-definitions>

Related policy and procedures can be found at: <https://www.utas.edu.au/policy>

- b) all University of Tasmania international students studying on a student visa, who request to transfer to another registered education provider prior to completion of the first 6 months of their principal course of study.

## 2. Request to Transfer In (to the University of Tasmania from another provider)

### 2.1. Requirements

In accordance with the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), the University will not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the overseas student completing the Restricted Period of study (6 calendar months) from commencement of their principal course of study, except where any of the following apply:

- a) the releasing registered provider, or the course in which the international student is enrolled, has ceased to be registered; or
- b) the releasing registered provider has had a sanction imposed on its registration that prevents the international student from continuing his or her course at that registered provider; or
- c) the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in Provider Registration International Students Management System (PRISMS); or
- d) 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.

### 2.2. Assessment of requests

Students coming to the University of Tasmania from another registered provider are required to provide documentation supporting their transfer during the admissions process.

Admissions staff validate students' eligibility to transfer to the University of Tasmania via PRISMS.

The Executive Director Student Services or the Director, Academic Quality Standards or their nominee will review all applications from international students requesting to transfer to the University within the Restricted Period to determine their eligibility to transfer to the University.

The review must:

- a) establish whether the student is enrolled at another education provider, and if so determine, using the Visa Entitlement Verification Online (VEVO) system, whether the student is the holder of a visa. If so, documentation will be sought from the student confirming the visa status; and
- b) establish whether the original education provider has agreed to the student's release and record the date of effect and reason for release on PRISMS; and
- c) assess the student's time spent in Australia to ensure there has been proper disclosure of previous studies (including any gaps in study) with all other Australian education providers.

For students under the age of 18, applications will only be approved where:

- a) the student's parent or guardian has approved the transfer in writing; and
- b) if the student is not being cared for in Australia by a parent or suitable nominated relative, the University is willing to accept responsibility for the student's accommodation, support and general welfare arrangements; and
- c) if the student is on scholarship, the sponsoring organisation has approved the transfer in writing.

Where the University accepts responsibility for a student's welfare, the University will:

- a) negotiate the transfer date for welfare arrangements with the original education provider to ensure there is no gap; and
- b) inform the student, and their parent or guardian where the student is under the age of 18, of their visa obligation to:
  - i. maintain their current welfare arrangements until the transfer date; and
  - ii. have alternate welfare arrangements approved and, if necessary, return to their home country until the new approved welfare arrangements take effect; and
  - iii. acknowledge this assumption of responsibility in any letter of offer provided by the University to the student.

Where it is determined that an applicant is enrolled with another education provider, the letter of offer must state that enrolment will be conditional on the student being released by their current provider and a copy of their passport and visa being submitted.

Where a University staff member is alerted by PRISMS, while in the process of raising a Confirmation of Enrolment (CoE), that a student is enrolled at another education provider the staff member must:

- a) not proceed with the CoE; and
- b) notify the applicant in writing that the CoE will only proceed once the University has confirmed that the original education provider has agreed to the student's release and recorded the date of effect and reason for release on PRISMS.

The staff member responsible for processing the application should ensure that the date of effect and the reason for release recorded on PRISMS by the releasing education provider is copied and placed on the student's file.

### **3. Request to Transfer Out (from the University of Tasmania to another provider)**

#### **3.1. Situations where requests are not required**

A transfer request is not required for an international student to change registered providers in the following circumstances:

- a) the student has completed at least 6 calendar months from the commencement of their principal course of study at the University of Tasmania; or
- b) the University of Tasmania has ceased to be registered, or the course in which the student is enrolled has ceased to be registered; or
- c) the University of Tasmania 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.

In all other circumstances a transfer request will be required.

#### **3.2. Restricted period (6 month requirement)**

If a student is studying on a student visa and has not yet completed 6 months of their principal course at the University, they must apply and be approved for release from the University before they can enrol at another Australian institution.

The 6 month requirement refers to 6 calendar months exactly from the start date of the principal course, and *not* one study period. Therefore, even if the student has completed one semester of the course, they may not satisfy the 6 month requirement and will therefore require release approval from the University to transfer to another Australian institution.

### 3.3. Maintaining enrolment and attendance

Students must remain enrolled in their course until final decision is determined. This is a student visa condition. If the student does not maintain enrolment, their CoE will be cancelled for that reason. The release request is considered separately and may still be refused.

The submission of a transfer request does not preclude the student from maintaining adequate course attendance, and thus meeting visa conditions. The University will, however report students who do not maintain adequate attendance to Department of Home Affairs, which may have implications for visa status.

### 3.4. Circumstances in which requests will generally be approved

The University will grant the transfer request when the transfer is in the student's best interests, including but not limited to where the University has assessed that:

- a) the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, despite engaging with the University's intervention and support strategies to assist the student; or
- b) there is evidence of compassionate or compelling circumstances that are beyond the student's control and which emerged after accepting the current offer from the University; or
- c) the University has failed to deliver the course as outlined in the written agreement with the student; or
- d) there is evidence that the student's reasonable expectations about their current course are not being met; or
- e) there is evidence that the student was misled by the University of Tasmania or an education or migration agent regarding the University or its course, and the course is therefore unsuitable to their needs or study objectives; or
- f) an appeal on another matter results in a decision or recommendation to release the student; or
- g) the 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.

A release will only be provided to a student claiming financial hardship where the student can reasonably demonstrate deterioration in their financial position from that which prevailed at the time the student was assessed as a Genuine Temporary Entry applicant and accepted the offer of enrolment from the University.

A release will only be provided to a student claiming a failure by the University to meet expectations or of being misled by agent representations, where the student can provide evidence of being misled. All students are advised in the letter of offer from the University to refer to the University's website before accepting the offer as information provided from other third party sources, and relied on in choosing the University, should be verified from the University web resources.

### 3.5. Circumstances in which requests may be denied

Requests for transfer will generally be denied in cases where:

- a) the student has not commenced study in their admitted/enrolled course;
- b) the University considers the change of course to detrimental to the student;
- c) the student has not provided the necessary documentation and supporting evidence required;
- d) the student provides, false or misleading information with their transfer release request;

- e) 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;
- f) the student has not genuinely engaged with a University intervention strategy with the intention of failing and being released;
- g) the transfer may jeopardise a student's progression through a package of courses;
- h) the student applies to transfer to another provider in a different education sector, or another course level and the University determines that the transfer will not be in the student's best interests;
- i) the University forms the view that the student is deliberately trying to manipulate the Australian student visa system;
- j) the University forms the view that the student is deliberately trying to avoid being reported to the Department of Home Affairs for failure to meet the University's academic progress requirements;
- k) the student is studying at the University of Tasmania because of the Simplified Student Visa Framework attempts to transfer to another registered provider that does not have the Simplified Student Visa Framework arrangements with the Department of Home Affairs;
- l) the student has made decisions post their enrolment regarding accommodation, travel and employment that are not aligned with the student's course requirements;
- m) the proposed transfer is demonstrably unlikely to deliver the career qualification or work outcomes the student aims to achieve;
- n) the request is received after the census date for that semester;
- o) the student wishes to change to a similar program with lower fees;
- p) the student has a tuition fee or other debt owing to the University.

#### 4. How to a Request a Transfer

##### 4.1. Documents required

When requesting release from the University, students must submit the following documents:

- a) a completed Transfer Education Provider and Release Request Application Form; and
- b) a written statement detailing the compelling reasons for transferring to an alternate education provider explaining how the student expects to benefit from the transfer. Students may also attach additional documents in support of their request.
- c) a copy of a valid offer letter from the other institution confirming that the student has been offered an unconditional place; and
- d) if the student is on scholarship, written advice from the sponsoring organisation approving the transfer.

Under 18 students must include additional documents:

- a) written confirmation that the parent or legal guardian supports the transfer; and
- b) confirmation from the new provider that they will provide an accommodation and welfare guarantee, where applicable, without any gaps.

Applications should be emailed to [U.Connect@utas.edu.au](mailto:U.Connect@utas.edu.au)

4.2. Acceptable evidence in support of claims

Types of acceptable evidence in support of claims may include, but are not limited to:

- a) evidence to support claims that the student was misled regarding the University or the course the student is undertaking;
- b) documents from qualified counsellors, psychologists or medical practitioners stating any compassionate and compelling circumstances as to why a transfer release is required;
- c) evidence of a medical treatment plan or details of medical treatment if a medical condition is listed in a transfer release request;
- d) a letter from the University academic unit to demonstrate a genuine efforts to engage with a College-managed support plan.

4.3. Examples of 'compassionate or compelling circumstances'

Evidence of compassionate or compelling circumstances may include, but is not limited to:

- a) serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- b) the death of a student's close family members such as parents or grandparents (where possible a death certificate should be provided);
- c) major political upheaval or natural disaster in the home country requiring emergency travel or impacting the student's ability to study;
- d) a traumatic experience, which could include: involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports);
- e) where the University or one of its pathway partners is unable to offer a pre-requisite unit or course;
- f) where a student has failed a prerequisite unit and as a result faces a shortage of relevant units for which they are eligible to enrol.

## 5. Assessment and Notification of Request Outcome

The Executive Director Student Services or the Director, Academic Quality Standards or their nominee will review the request and make a determination based on the contents of the application and the listed criteria.

A student who applies for release may be requested to meet with University staff to discuss the reasons for their request and to review all options to resolve any problems or issues the student may have that are impacting on the decision to pursue a transfer.

The student will be notified of the outcome of their request within 10 working days of submitting their request.

The student is deemed to have received the transfer release request decision on the day the email was sent notifying the student of the decision.

5.1. Successful outcome

If the request is granted, the University will:

- a) advise the student to contact the Department of Home Affairs to seek advice on whether a new student visa is required; and
- b) within 5 days of the date the release is granted, report the Release, and then cancel the student's CoE on PRISMS.

Any refunds of course fees paid to the University will be made in accordance with the International Student Fee Refund Procedure and the Tuition Protection provisions of the [Education Services for Overseas Students Act, 2000](#).

There will be no cost to the student in relation to the request for transfer.

#### 5.2. Unsuccessful outcome

Where a request is refused, the University's written response will detail the reasons for the refusal. The reasons for refusal should be sufficiently detailed to enable the student to make an informed decision with respect to any appeal of the decision.

The notification of refusal will also advise the student:

- a) of the University's review processes and avenues for appeal; and
- b) that any appeal must be lodged within 20 working days of the date of the notification

The University will not report the student's Transfer Release refusal in PRISMS until:

- a) 20 working days have passed after the date of notification of refusal and the student has not accessed the review and appeals processes; or
- b) If the student lodges an appeal, the appeal is heard and the University's decision to refuse the request for release is upheld; or
- c) the student withdraws from the appeal process.

## 6. Recordkeeping

University staff will document in a decision-record the outcome of the transfer release request. This decision-record will include the outcome and reasons that substantiate the decision. Transfer release requests and outcomes will be recorded on the student's file.

University staff must ensure that all requests for release to transfer, any associated correspondence, and a copy of the notification of the decision are retained on the student's file for at least two years after the student ceases to be a student at the University.

## 7. Appeals Process

If a transfer request is refused, the student has the right to appeal the decision made.

A student can appeal by sending an email to [International.Compliance@utas.edu.au](mailto:International.Compliance@utas.edu.au) with any additional supporting documentation they wish to be considered. A review of the decision made takes place at the local level, by the Head of Applicant Services.

The student will be notified of the outcome within 10 University business days.

The appeal decision is final. If the student continues to be dissatisfied with the outcome, they may refer the matter to an external agency, for example the Tasmanian State Ombudsman

## Related Procedures

N/A

## Versions

| <u>Version</u> | Action   | Approved by                                      | Business Owner/s   | Approval Date |
|----------------|----------|--|--|---------------|
| 3              | Approved | Head Student Services and Operations             | Executive Director Student Services<br>Director, Academic Quality Standards          | 21 May 2023   |
| 2              | Approved | Vice President, Strategy, Finance, and Marketing | Director, Student Systems and Administration<br>Director, Academic Quality Standards | 18 May 2022   |
| 1              | Approved | Chief Marketing Officer                          | Executive Director Student Operations  | 21 Dec 2020   |

## Definitions

[census date](#) | [Confirmation of Enrolment \(CoE\)](#) | [principal course of study](#) | [study period](#) | [tuition fee](#) |