

### Introduction

CRICOS providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study, except in certain circumstances. Providers, from whom a student is seeking to transfer, are responsible for assessing the student's request for transfer within the restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student.

After the first six months of the principal course no restrictions apply.

### Key requirements for all sectors

- Registered providers must not enrol a transferring student before the student has completed six months of the student's principal course of study except for the circumstances outlined in Standard 7 of the National Code.
- The restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the principal course.
- When a student wants to transfer before completing six months of his or her principal course, the provider must assess the student's request against its documented transfer policy and procedures.
- Requests can be refused, but the reasons must be consistent with the intent of the standard, the provider's documented transfer policy and given to the student in writing.
- If a provider refuses to release a student or the provider does not respond during the timeframe set out in the policy, the student can appeal through the provider's complaints and appeal process.
- The new provider must have issued a valid enrolment offer for a student's request for a letter of release to be considered.
- A provider must not charge the student for the release.
- Under-18 students must have written confirmation from their legal guardian or parent to transfer. If the student is not being cared for in Australia by a parent or suitable nominated relative, the receiving registered provider must accept responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5. The letter of offer must note this responsibility.
- Providers must keep records of requests for release and the process used to make a decision in relation to the request.
- A provider must not enrol a transferring student before the student has completed six months of his or her principal course unless the following exceptions in Standard 7.1 are satisfied.
- the releasing registered provider, or the course in which the overseas student is enrolled, has

ceased to be registered

- 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
  - the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
  - 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.
- Students can apply to transfer before they have completed six months of their principal course.
  - The provider must have documented policies and procedures for assessing applications for transfer.
  - Providers must accept responsibility for assessing applications to transfer.
  - If a student's request for release is refused, the student must be informed in writing of the reasons for the refusal and his or her right to appeal the decision

(Source: <https://internationaleducation.gov.au/Regulatory-Information/Documents/National%20Code%202018%20Factsheets/Standard%207.pdf>)

## **Legislation**

- National Code 2018
  - Standard 7

## **Transfer Policy**

Overseas students are restricted from transferring from their principal course of study for a period of six months. This restriction also applies to any course(s) packaged with their principal course of study.

### [Transferring to ACTB from another provider](#)

ACTB will not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- 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
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS

- 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.

#### [Transferring from ACTB to another provider](#)

Students can apply for release to enable them to transfer to another education provider.

- Applications for transfer from a student must:
  - Be in writing or via email ([info@actb.com.au](mailto:info@actb.com.au)) on the prescribed ACTB's 'Transfer of Provider Form';
  - Relate to and provide details about the student's individual circumstances;
  - Provide details as to the reasons why the application should be approved.
- In order to apply for a release, students must provide a valid enrolment offer from the receiving provider.

Students under 18 years of age MUST also have;

- Written evidence that the student's parent(s)/legal guardian supports the transfer
- Written confirmation that the new provider will accept responsibility for approving the student's accommodation, support, and general welfare arrangements where the student is not living with a parent(s)/legal guardian or a suitable nominated relative
- Evidence that the student is always in DHA approved welfare and accommodation arrangements

All applications for transfer will be considered within 10 working days and the applicant notified of the decision. This period may be extended if the applicant fails to provide all relevant information/documentation, however in such instances ACTB will advise the student of the additional information/documentation required to make the decision.

Applications to transfer to another registered provider may have visa implications. The student is advised to contact the Department of Home Affairs office as soon as possible to discuss any implications.

Contact details are:

- Tel: 131 881
- E: [studentvisa@immi.gov.au](mailto:studentvisa@immi.gov.au)

#### [Release will be considered on the following grounds:](#)

A release will be granted when ACTB is satisfied that:

- A course is academically unsuitable for the student; or
- The course the student wishes to transfer to better meets the long term goals of the student, whether these relate to future work, education etc; or
- The student has not been able to achieve satisfactory course progress even after participating actively in the ACTB academic intervention policy; or
- Compassionate or compelling reasons for the transfer exist; or
- ACTB fails to deliver the course outlined in the written agreement; or
- There is evidence that the student's reasonable expectations about their current course are not being met; or
- The student can provide evidence that he/she was misled by ACTB or its appointed representative regarding the course or ACTB; or
- An internal or external appeal results in a decision or recommendation to release the student.

If the application is successful ACTB will:

- Process the release of the student via PRISMS at no cost to the student
- advise the student to contact the Department of Immigration to seek advice on whether a new student visa is required
- update PRISMS to indicate that the release has been granted against the relevant COE

#### [Release not granted](#)

A release will be refused if a student is unable to provide satisfactory evidence that his/her course does not meet the long-term goals of the student or it is academically unsuitable, or that the student cannot demonstrate compassionate or compelling circumstances for the transfer exit.

Specifically, a release request will not be granted if:

- ACTB forms the view that the student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet the provider's attendance or academic progress requirements (in cases where the student has not fully engaged with the academic intervention opportunities provided by ACTB);
- The transfer may jeopardise the student's progressions through a package of courses; or
- 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.
- ACTB fees for the course that the student is currently enrolled in have not been paid in full. This includes any balance instalment payments applicable to the course. (Students are advised to read the ACTB Refund Policy prior to seeking a release, as any pre-paid fees for future courses within a packaged program will not be refunded after the student has commenced their study

at ACTB)

Students whose request for transfer has been refused will be informed in writing of:

- The outcome and the reasons for the decision and the factors taken into consideration given the student's individual circumstances.
- Their right to appeal the decision within 20 working days in accordance with ACTB complaints and appeals policy.

#### Administrative Actions

- ACTB must not finalise the student's refusal status in PRISMS until:
  - The appeal finds in favour of ACTB; or
  - The student has chosen not to access the complaints and appeals process within 20 working days; or
  - The student withdraws from the process.
- All relevant documents related to the release will be retained in the student's file for a minimum period of two years from the date the student ceases to be an accepted student at ACTB.

