

P.20.01b Overseas Student Transfers Policy and Procedures

1.0 INTRODUCTION

1.1 In line with the National Code of Practice for Providers of Education and Training to Overseas Students - National Code 2018, Standard 7, AVETA has specifically design this policy and procedure to ensure that AVETA will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of their principal course except where any of the following may apply:

- 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 ASQA that prevents the overseas student from continuing their 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.

1.2 AVETA will make this policy available to AVETA staff and overseas students and will implement this policy for assessing an overseas student transfer request prior to the overseas student completing six months of their principal course:

- Where the overseas student is seeking to enrol at AVETA the student must lodge a written request to transfer from another registered provider together with the release letter from that provider
- Where an enrolled AVETA overseas student is seeking to transfer to another registered provider the student must lodge a written request to transfer to another registered provider and provide a valid enrolment offer from the other registered provider:
 - In this circumstance AVETA may grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where AVETA has assessed that:
 - 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 AVETA'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
 - AVETA fails to deliver the course as outlined in the written agreement with the overseas student
 - there is evidence that the overseas student's reasonable expectations about their current course are not being met by AVETA
 - there is evidence that the overseas student was misled by AVETA or an AVETA approved education agent regarding AVETA or its course/s and the course/s 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.

1.3 If AVETA refuses a request to transfer to another registered provider AVETA will outline in a letter to the student the circumstances that AVETA considers are reasonable grounds to refuse the transfer (within a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period); and the overseas student's right to access AVETA's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

1.4 AVETA will not finalise the student's refusal status in PRISMS until the appeal finds in favour of AVETA, 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.

1.5 If AVETA grants a release it will be at no cost to the overseas student and will advise the overseas student that they should contact Immigration to seek advice on whether a new student visa is required.

1.6 AVETA will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

2.0 REFERENCES

- ESOS Act (2018)
- ESOS National Code (2018): Standard 7

3.0 TRANSFER TO AVETA FROM ANOTHER PROVIDER

3.1 POLICY

- a) In accordance with Standard 7 of the ESOS National Code 2018, AVETA will not knowingly enrol any 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 original registered provider has ceased to be registered or the course 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 course
 - 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
- b) If any of the conditions listed in a. apply, AVETA will enrol a student before they have completed six months of their principal course.
- c) AVETA will not actively recruit a student before the student has completed six months of his or her principal course. These restrictions also apply to any courses undertaken before the principal course. A student must remain with his or her provider for all of his or her courses before the principal course unless conditions listed in a. apply.

3.2 PROCEDURE

- a) Any student wishing to transfer to AVETA from another provider must provide proof of completion of six months of their principal course of study or a release letter from the original registered provider at the time of application
- b) In instances of the exceptions detailed in 5.1 a), documented proof must be provided
- c) If applicable, the student will be asked to complete a National Recognition Application Form at the time of enrolment

Note – a) AVETA's Provider Registration and International Student Management System (PRISMS) will assist AVETA in determining whether a student has not completed six months of the principal course.

- b) When AVETA attempts to create a new Confirmation of Enrolment (eCoE), PRISMS will usually advise AVETA if the student has **not** completed six months of the principal course. PRISMS will alert that the student is enrolled elsewhere, but not identify the provider.
- c) If AVETA wishes to issue a eCoE for a student who has not completed the first six months of his or her principal course, PRISMS will ask AVETA one or more questions:

Does the student require a letter of release?

[Answer: Yes or No]

The answer will be 'Yes' unless the circumstances listed in 5.1 have occurred.

If the answer is 'No', the response is recorded and the provider will be allowed to continue with creating the eCoE.

If the answer is 'Yes' the provider will be asked the following question:

Have you sighted the letter of release from the previous provider? [Answer: Yes or No]

If the provider answers 'Yes', the response will be recorded and the provider will be allowed to continue with creating the CoE.

If the answer is 'No', the provider will be shown the following warning:

It would appear that you may be in breach of the requirements in Standard 7 should you continue to create the CoE for this student. This information will be recorded. Do you wish to create the CoE?

[Answer: Yes or No]

If the provider answers 'Yes', the provider will be required to enter reasons for doing so (in the mandatory comments field).

If the provider answers 'No', the CoE approval process will be cancelled.

4.0 TRANSFER FROM AVETA TO ANOTHER PROVIDER (Student Request)

4.1 POLICY	4.2 PROCEDURE
<p>a) Where a student wishes to transfer from AVETA to another registered provider, AVETA may issue a release letter on any of the following grounds:</p> <ol style="list-style-type: none"> i. Where the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made and the student has completed 6 months of their principal course of study at AVETA, or ii. Where a student can provide evidence that they were misled by AVETA or an education or migration agent regarding AVETA or its courses, which constitutes a breach of the ESOS Act, or iii. An appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer supports the student. iv. The only time the 6 months requirement does not apply is where if the course the student wishes to transfer to: <ol style="list-style-type: none"> a. better meets the study capabilities of the student b. better meets the long term goals of the student, whether these relate to future work, education or personal aspirations c. If the student wishes to change course in order to get access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network) d. If the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met. if the transfer may jeopardise the student's progression through a package of courses e. 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 (it is good practice to revisit the issue within a timeframe negotiated with the student); and f. if the student is trying to avoid being reported to DIBP for failure to meet the provider's attendance or academic progress requirements. <p>b) If AVETA refuses to issue a release letter it will:</p> <ol style="list-style-type: none"> i. Provide the student with written reasons for refusing the request and will inform the student of their right to appeal AVETA's decision in accordance with Standard 8 of the National Code (Complaints and appeals). 	<ol style="list-style-type: none"> a) Students wishing to obtain a Letter of Release from AVETA must complete, sign, date and lodge a Release Letter Request Form to AVETA's Administration Department. b) The student must supply a letter from another registered provider confirming that a valid enrolment offer has been made. c) The Administration Department will assess a student's request for a Letter of Release. The application for release will be assessed to ensure that the transfer will not be detrimental to the student's future and that all support options at AVETA have been explored. d) If necessary, the Administration Department will liaise with the Teaching area, and the Finance Department and AVETA's CEO before making a final decision. e) If the application is successful, a Release Letter will be provided within 10 working days of receiving the request at no extra cost to the student. This letter will inform the student that they should contact DIBP for further information concerning their student visa requirements and that their CoE with AVETA has been cancelled. f) If the application is unsuccessful, AVETA will notify the student in writing of the reasons why the student's request for transfer has been refused and the student's right to access AVETA's Complaints and Appeals process. g) Records of requests for letters of release and the corresponding letter(s) should be maintained on the student's individual file, in addition to evidence of the process used to make a decision in relation to the request. h) Upon the granting of a release, AVETA's Administration Department will ask the student to attend a meeting with AVETA's CEO to discuss the matter and/or complete a Student Exit Interview Form i) Student Exit Interview Forms will be maintained on the student's individual file.

<ul style="list-style-type: none"> ii. AVETA may refuse to issue a release letter to a student if there is an issue surrounding that student's enrolment that is in the process of being resolved. A release letter may be granted consequent to the resolution of the issue. iii. AVETA can refuse to issue a release letter if a student has outstanding fees. iv. Requests can be refused for reasons consistent with Standard 7 of The National Code 2007. Notice of the refusal must be given to the student in writing. v. If AVETA refuses to release a student or does not respond during the timeframe set out in this policy, the student can appeal through AVETA's Complaints and Appeals process. 	
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5.0 REFUNDS

The student may apply for a refund in accordance with AVETA's Refund Policy and Procedure.

6.0 APPEALS

Students can choose to appeal any decision made by AVETA in relation to granting release in accordance with the Complaints and Appeals Policy and Procedure within 20 working days of the decision being made.