

## Overseas Students Transfers Policy & Procedure National Code Standard 7

Federation Technology Institute (FTI) distinguishes student transfers into two categories incoming and outgoing students.

Federation Technology Institute (FTI) **will ensure all students; staff and agents have access to our Overseas Student Transfer Policy and Procedure.**

Federation Technology Institute (FTI) **acknowledges students can transfer with no restrictions once they have completed 6 months of their principal course.**

***Principal course is defined by Department of Education and Training and Department of Home Affairs as...***

*The principal course is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.*

**FTI may request permission from students to contact their previous institution to gain further information on their previous enrolment. Such permission will be requested in writing and signed by the student.**

### **INCOMING STUDENTS**

1. The College will not enrol a student wishing to transfer from another institution prior to the student completing 6 months of their Principal Course except where any of the following apply:
  - a. the original CRICOS provider (releasing provider) has agreed to the overseas student's release and recorded release in PRISMS
  - b. the original CRICOS provider (releasing provider), or the course in which the overseas student is enrolled, has ceased to be registered
  - c. the original provider has 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
  - d. A Government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

**FTI will check in Provider Registration and International Student Management System (PRISMS) to see if the student is Released by the original provider.**

**FTI will not** proceed with the Confirmation of Enrolment (CoE) upon receiving a warning 'Potential Standard 7 breach' (Standard 7 of the National Code) in PRISMS.

**FTI will refer student to the original provider where the releasing provider has not recorded Release in PRISMS.**

## **OUTGOING STUDENTS**

FTI **will not grant** a Release to any student who does not have a valid Letter of Offer within the first 6 calendar months from the date of the commencement of their principal course. If the student has had a break in their enrolment due to a deferment or suspension, the break period will not be counted as part of their 6 months of completed study.

FTI **will not grant a Release** where the transfer will be to the detriment of the student.

Some examples of what may be considered detrimental to the student are:

- if the transfer may jeopardize the student's progression through a package of courses; or
- 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); or
- If the student is not genuinely engaging with FTI's intervention strategy with the intention of failing and being released.

Students wanting to be released from FTI will be required to firstly request an appointment with the CEO/ Compliance Manager/ Student Welfare Officer. FTI will ensure a meeting is offered within 48 hours of the request. Student will be encouraged to consider whether a change in enrolment breaches a visa condition. Student will be referred to the Department of Home Affairs (DHA) for further advice. After the meeting, the student will be required to complete an application form with reasons of why they want to leave, and then sign and lodge the form with the administration desk.

All documentary evidence supporting the request must be submitted with the form.

No request will be considered until the student produces a valid Letter of Offer from another CRICOS registered provider.

**No restrictions apply to students who have completed the first 6 months of their principal course.**

FTI **WILL NOT** grant Release if a student has unpaid course fees for the current study period. The current study period is determined as the study period in which the student applies for a Release. If this falls during holiday break the release will be determined as being the previous study period.

FTI will advise the student in writing (email) the outcome of the transfer request application within 9 working days of receipt of the signed application. If the request is approved, the student will be advised of the requirement to contact the DHA to seek advice on whether a new visa is required. The release approval will be recorded in PRISMS.

If the transfer request is denied, the student will be advised in writing of the information /circumstances taken into account, the reasons for the decision and their right to appeal the decision in accordance with FTI's Complaints and Appeals Policy.

**All records and processes which form part of the decision will be kept on the student's file.**

**Circumstances where transfers will be granted are deemed to be made with the best interest of the student in mind. The circumstances assessed include, but are not limited to:**

- **Failure to meet Conditions of Offer**  
FTI will grant release to students who have attempted and not successfully completed their prerequisite course (entry requirement conditions of the principal course) as per the condition(s) of their Letter of offer.
- **Unsatisfactory Course Progress**  
FTI will grant release where the student is unable to achieve satisfactory course progress even after engaging in FTI's intervention strategies and made a genuine effort with their studies at FTI in accordance with FTI's Overseas Student Visa Requirements policy.
- **Compassionate or Compelling Circumstances**  
Students will be granted release if they can demonstrate compassionate or compelling personal reasons or academic circumstances. It will normally be expected that such circumstances were unexpected and beyond the control of the student. The student must provide relevant supporting documentary evidence which might include a personal statement and a statement of support from an independent professional (e.g. medical, legal, counselling, academic).
- **Offer Letter Not Detrimental**  
Students will be granted release where a student submits a transfer that is accompanied by a letter of offer that is not considered detrimental to the student.
- **Failure to deliver the course as per the written agreement**  
Students will be granted release if FTI fails to deliver the course as outlined in the written agreement.
- **Course expectations are not met**  
FTI will grant release where there is evidence (such as correspondence between the student and FTI or marketing materials given to the student prior to enrolment, and setting particular expectations about the course) that the student's reasonable expectations about their current course are not being met.
- **Misleading conduct by FTI or an education or migration agent**  
FTI will grant release if there is evidence that the course is unsuitable to student needs and/or study objectives due to being misled by FTI or an education or migration agent regarding the college or its courses.
- **Internals/External Appeals**  
FTI will grant release if an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

### **Refunds**

*If a student has been granted Release, he / she is subject to the conditions of the FTI's Refund Policy.*

## **TRANSFER PROCEDURE:**

### **INCOMING STUDENTS**

#### **STEPS TO BE FOLLOWED -**

1. **FTI will not** enrol a student transferring from their principal course of study from another registered provider unless circumstances at 1 a, b, c, or d in the Transfer Policy are proven.
2. If the transfer will affect the start dates of any subsequent courses covered by the visa, the student needs to obtain release for those courses or gain the providers' agreement to delay the start of those subsequent courses.
3. CoE administrator staff **MUST NOT** approve the CoE if PRISMS warns of a 'Potential Standard 7 breach'. Seek advice from CEO/Compliance Manager.
4. Where applicable, FTI staff will advise students that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).
5. All documentation will be kept on the student's file

### **OUTGOING STUDENTS**

#### **STEPS TO BE FOLLOWED -**

1. Student to complete a 'Request for Transfer form' and provide letter of offer from another registered provider. This application will include the student's rights to appeal a refusal decision as per *FTI's Complaints and Appeals Policy*.
2. Staff is to check if any outstanding fees are owed.
3. FTI to provide acknowledgement of the completed application.
4. FTI will assess the application, make a decision and inform students in writing (email) within 9 working days of receipt of the signed application.
5. FTI will cancel the CoE(s) of student whose request for release (transfer) to another provider is approved, and will record Release in PRISMS.
6. All Release granted are provided at no extra cost and students will be advised to contact DHA to seek advice on whether a new student visa is required.
7. If the transfer request is denied, the student will be advised in writing the information /circumstances taken into account, the reasons for the decision and their right to appeal the decision in accordance with *FTI's Complaints and Appeals Policy*.
8. FTI will include advice if there are any outstanding fees for the current study period, that a release will not be granted until they are paid, as per the Transfer Policy.
9. FTI will not cancel student's enrolment (CoE) or finalise the student's release refusal status in PRISMS until any of the following:
  - a. any appeal against the refusal lodged by the student is finalised and upholds FTI's decision not to release the student; or
  - b. the overseas student fails to access the *FTI's Complaints and Appeals processes* within 20 working days of being notified of the refusal; or
  - c. the overseas student withdraws their appeal against the refusal.
10. All documentation (including any appeal) will be kept on the student's file for audit.

FTI MUST maintain records of all requests from students for Release, the assessment process, and decision regarding the request, and keep evidence on the student's file for two years after the student ceases to be an accepted student.

**National Code Standard 7 must be adhered to at all times.**

REFER:

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

## **FORMS/LETTERS /TEMPLATES FOR POLICY/PROCEDURE**

*Request for transfer form*