



# OVERSEAS STUDENT TRANSFER POLICY AND PROCEDURE

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## 1. Purpose

Throughout this document, Australia Institute of Business & Technology will be referred to as AIBT.

The purpose of this document is to outline AIBT's policy and procedure for assessing overseas student transfer requests to and from another registered education provider, to ensure compliance with the National Code of Practice for Providers of Education and Training for Overseas Students 2018 (**National Code 2018**).

## 2. Scope

This policy and procedure specifically relates to overseas students who:

- (i) are currently studying in Australia with a registered education provider; or
- (ii) have accepted an offer to study a course or courses in Australia with a registered education provider; and
- (iii) are subject to student visa; and
- (iv) wish to transfer from one registered education provider to another.

## 3. Policy statement

1. In accordance with the National Code 2018, a registered education provider, is only, in limited circumstances able to enrol or accept a transfer of a student who has not completed the first six (6) months of their principal course of study in Australia (being the main course for which the student visa was issued). This document provides guidance as to when those limited circumstances apply.
2. There are no restrictions to students who wish to transfer to or from another registered education provider after they have completed the first six (6) months of their principal course

## 4. Procedure

This procedure outlines the processes that are to be followed when assessing:

- (i) an enrolment application for a student seeking to transfer from another registered education provider to AIBT within the six (6) month period; or
- (ii) an application for a student to be released from AIBT and to transfer to another registered education provider (application for release), within the six (6) month period.

## 5. Students transferring to AIBT

1. AIBT can enrol a student transferring from their principal course of study from another registered education provider, within the six (6) month period, where:
  - i. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - ii. the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing with the course with that registered provider;
  - iii. the releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS;
  - iv. any government sponsor of the student considers the change to be in the student's best interests and has provided written support for the change.
2. If the student meets the criteria for transfer, AIBT will issue a letter of offer with condition(s) to the student, which is contingent on the student obtaining a release from the other registered education provider, which they are enrolled.
3. Once the release from the other registered education provider is received, AIBT will issue an unconditional letter of offer to the student, after which, the student is able to proceed with the enrolment process with AIBT.
4. If a release from the other registered education provider is not received by AIBT then the application will be closed.
5. In the case of students who are under 18 years of age, AIBT, will not accept an application for transfer unless written evidence is provided that the student's parent(s) or legal guardian(s) supports the transfer AND that arrangements have been made for accommodation, support, and welfare for the student until they turn 18 years of age.

## 6. AIBT students transferring to another provider

1. AIBT will assess a student's written request to be released from AIBT to transfer to another registered education provider, prior to completing six (6) months of their principal course (application for release), in the following circumstances:
  - i. as outlined in the circumstances outlined above at section 3; or
  - ii. the student provides a valid enrolment offer from another registered education provider; and
  - iii. the student has no outstanding debts with AIBT for any tuition or non-tuition fees; and

- iv. it is determined by AIBT that the transfer to the other registered education provider is in the best interests of the student, in particular, where:
  - the student's request to transfer relates to a course that is at a higher academic level and in discipline area not offered by AIBT; or
  - the student is unable to achieve satisfactory academic progression at the level they are studying at, despite the student being provided with academic assistance, tuition and strategies to assist in their study by AIBT; or
  - the student provides evidence of compassionate or compelling circumstances, which are outside the student's control and AIBT's support services are unable to assist the student to resolve the issues; or
  - the student provides evidence satisfactory to AIBT that the course in which the student is currently enrolled is not meeting their reasonable expectations; or
  - where there is evidence that the student was misled by either the registered education provider or an education or migration agent regarding the registered education provider and/or the course and the course is unsuitable to the student's needs or study objectives; or
  - where an appeal by the student (internal or external) on another matter results in a decision or recommendation to release the student from AIBT.
2. AIBT will undertake the assessment process of a student's application for release within fourteen (14) days of the date of receiving the application for release.
3. In the case of students who are under 18 years of age, AIBT will not grant an application for release unless written evidence is provided that the student's parent(s) or legal guardian(s) supports the transfer AND where appropriate, written confirmation has been received from the other registered education provider that it accepts responsibility for the student's accommodation, support and general welfare arrangements.
4. AIBT will record the release of the student on PRISMS within fourteen days (14) days of the grant of release.
5. Where a student fails to meet the criteria to be released they will be notified in writing of AIBT's decision, which will include information regarding AIBT's internal Complaints and Appeals process.
6. Government sponsored students will be released to another registered provider where AIBT has received written support from the relevant government agency supporting the release.

## 7. Refusal to release student

1. In certain circumstances AIBT may consider it reasonable to refuse the transfer of a student to another registered education provider. These circumstances may include, but are not limited to:
    - the student requesting a release to transfer to another registered education provider to undertake a lower level qualification or a discipline area offered by AIBT, without academic evidence to substantiate the change;
    - the student requesting a release to study the same qualification that the student is currently studying with AIBT;
    - AIBT is of the reasonable opinion that the student is trying to avoid being reported to Immigration (Department of Home Affairs), due to unsatisfactory attendance;
    - the student has already been reported to the Department of Home Affairs due to unsatisfactory attendance;
    - AIBT has not received any written confirmation of an offer from another registered education provider regarding the student's enrolment;
    - the student has changed their mind about the course and has not provided any evidence to support a claim that the course has not met their expectations;
    - the student has decided to reside elsewhere and has not provided any evidence to support a claim of compassionate or compelling circumstances;
    - the transfer of the student to another registered education provider would result in a breach of the student's visa conditions;
    - the student's request for a release to another registered education provider relates to a course or discipline level available at AIBT;
    - the student requesting the release to transfer to another registered education provider is under the age of 18 and has not provided any written evidence from:
      - the student's parent(s) or guardian(s) supporting the transfer; and
      - the other registered education provider that it accepts responsibility for the student's accommodation, support and general welfare requirements.
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## 8. Cancellation of enrolment and student refunds

1. Where AIBT decides to accept the release of a student to transfer to another registered education provider, the student's enrolment with AIBT will be cancelled and the cancellation will be recorded on PRISMS, within fourteen (14) days of the date of cancellation.
2. Where the student's enrolment is cancelled, academic or financial penalties may be applicable to the student.

3. Students should be aware that if they withdraw from their course with AIBT before receiving a decision from AIBT to accept the release of the student to transfer to another registered education provider they may be in breach of their student visa conditions.
4. Student refunds will be processed in accordance with its AIBT Refund Policy, which is accessible on the AIBT website, or a copy can be provided to the student at their request.

## 9. Appeal process

Should you wish to lodge a complaint or an appeal regarding a decision made under this policy and procedure it is to be done in accordance with the with the Complaints and Appeals policy which can be found at:

<https://aibtglobal.edu.au/support/student-forms/policies/>