
OVERSEAS STUDENT TRANSFERS

NATIONAL CODE STANDARD 7

The policy must support the intent of the standard which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia. It should guide decision making by pointing to the range of factors that ought to be taken into account. It should also enable the individual circumstances of the student to be considered in order to determine if the transfer will be to the detriment of the student.

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7.1 PURPOSE AND SCOPE

7.1.1 Pivotal Education is committed to ensuring that these requirements and standards are maintained, and that its policy and procedures comply with all legislative and regulatory requirements established under the:

- ESOS ACT;
- ESOS Regulations;
- The National Code 2018;
- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015
- Migration Act; and
- Migration Regulations.

7.1.2 The specific requirements are summarised under Standard 7, Overseas student transfers, of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, should be read in relation to policies and procedures relating to:

- National Code Standard 10, Complaints and Appeals
- National Code Standard 9, Deferring, suspending or cancelling the overseas student's enrolment.

7.1.3 These policies and procedures are designed to assist Pivotal Education staff:

- Assess, approve (or dis allow) and record applications from international students for a transfer to another provider; and/or
- Assess applications for study with Pivotal Education by international students enrolled with another registered provider, and to issue (or refuse to issue) a Letter of Offer to that applicant, and the reporting of the decisions via PRISMS.

7.1.4 It is recognised that there exists a potential for tension between:

- the obligations arising from the ESOS desire to guarantee international

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- students freedom of choice in selecting a suitable registered provider; and
- the obligations to the Department of Home Affairs to act to preserve the integrity of the issuing and administration of student visas.

7.1.5 These policies and procedures are therefore designed to ensure compliance with the National Code and to preserve the integrity of the international student visa.

7.2 POLICY

7.2.1 The receiving registered provider must not knowingly enroll the 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:

- a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- b. the original registered provider has provided a written Letter of Release
- c. 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; or
- d. 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.

7.2.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:

- a. the circumstances in which a transfer will be granted;
- b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student; and
- c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.

PRINCIPAL COURSE OF STUDY

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- 7.2.3 The Principal Course of Study refers to:
- the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
- 7.2.4 Progression from each course to the next of the sequenced package is generally dependent on the successful completion of that course as a prerequisite for the next, through to the final or Principal Course.
- 7.2.5 Where the sequenced package of courses is offered by a number of associated registered providers the Principal Course is defined as the course leading to the highest AQF qualification in the sequence, and not as the course leading to highest provided by each of the providers in the visa related sequenced package.

STUDENTS APPLYING FOR ENTRY TO PIVOTAL EDUCATION

- 7.2.6 Pivotal Education will not seek to recruit international students enrolled with another registered provider if they have not completed at least six calendar months of study of their principal course.
- 7.2.7 If an international student enrolled in a packaged sequence of courses with another provider (other providers) applies for a position in Pivotal Education course/s, that student will not be issued with a Letter of Offer unless the application is for enrolment in a packaged sequence with an equivalent principal course AQF qualification and:
- the student has completed at least six calendar months of their principal course with the registered provider of that course; or
 - where the student has not completed at least six months study in their Principal Course, the registered provider of the course in which they are enrolled has issued a Letter of Release to the student; or
 - the course in which the student is currently enrolled has ceased to be registered on CRICOS; or
 - the registered provider of the course in which they are enrolled has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course; or
 - 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.

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STUDENTS APPLYING FOR TRANSFER FROM PIVOTAL EDUCATION

- 7.2.8 An international student enrolled in a packaged sequence of courses with Pivotal Education and its associated providers can freely transfer to another provider and **does not need** to apply for a Release Letter if:
- they have completed six calendar months or more of their principal course; or
 - the student is a government sponsored student and the sponsor has provided written approval for the transfer as being in the student's best interests; or
 - the course for which the student has received an eCoE will not be offered by the registered provider.
- 7.2.9 The start date for calculating the six calendar months of a student's principal course is the enrolment date stated on the eCoE for that course with that registered provider.
- 7.2.10 Where a student has taken a break from their studies due to a deferment or leave of absence, the break period is not counted when determining whether or not the student has completed six calendar months of their principal course.
- 7.2.11 International student enrolled in a packaged sequence of courses with Pivotal Education wishing to transfer to another registered provider before completing six calendar months or more of their Principal Course can do so only if they apply for and receive a Letter of Release.
- 7.2.12 Applications for a transfer to another registered provider and Letter of Release will be assessed on a case by case basis.
- 7.2.13 If an international student enrolled in a packaged sequence of courses with Pivotal Education applies for a release to transfer to another registered provider before completing six calendar months or more of their Principal Course, a Release Letter will be provided if:
- a. the student has presented genuine Letters of Offer for an equivalent package of CRICOS registered courses from a CRICOS registered provider/s which stipulates an enrolment date and/or commencement date which falls after the date upon which the:
 - application is made and the letter received, and for which
 - leads to an AQF qualification equivalent to that provided by the student's current Principal Course; and,
 - b. the student has a Release Letter from the provider of their Principal Course student if that provider is not Pivotal Education; and

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- c. the student has demonstrated a genuine reason for the need to transfer and the requested transfer is determined to be in the student's best interests; or
- d. the course in which the student is currently enrolled or the principal course has ceased to be registered on CRICOS; or
- e. a sanction has been imposed on the registration of the provider of the principal course by the Australian Government or state or territory government that prevents the student from progressing to their principal course; or
- f. 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.

7.2.14 In considering whether or not a transfer to an identified registered provider would be in the student's best interests, genuine reasons may include, but are not limited to:

- a demonstrated inability to find suitable accommodation close to their main study campus;
- the course is not suited to the student's study or personal goals, and this is verified by the Pivotal Education;
- the transfer represents clear educational progression;
- the student demonstrates academic difficulties in their current course;
- medical, including psychological, reasons verified by a registered medical practitioner, psychologist or qualified counsellor/social worker;
- other compassionate or compelling reason/s verified by procedures relating to [Pivotal Education]'s policies on compassionate and compelling circumstances.

7.2.15 A Letter of Release may not be granted to international students in the following circumstances:

- the transfer is considered detrimental to the student's safety or their study or personal goals;
- the course from with the student is seeking a transfer is one of a sequenced package with a principal course for which the student has not been provided a Letter of Release;
- the student has not commenced any program of study with Pivotal Education, or has studied for less than four weeks and has not taken the opportunity to experience the program of study or the range of support services available;
- the student wishes to transfer to a lower level qualification in the same disciplinary area as their present course, or to a principal course with a lower

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level of qualification;

- the transfer may jeopardise the student's progression through a package of courses to their Principal Course if a Letter of Release has not been provided for that Principal Course;
- the student has unpaid tuition fees owing to Pivotal Education; and/or
- the student is attempting to avoid being reported to the Department of Immigration and Border Protection for failure to meet a condition of their student visa.

7.2.16 Pivotal Education will assess and respond to all written requests to transfer in accordance with these policies and procedures within ten working days from the date that the application is received by Student Services:

- A Letter of Release, if granted, must be issued at no cost to the student and must advise the student of the need to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
- Where the registered provider does not grant a Letter of Release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Pivotal Education's Policy and Procedures on Standard 10 (Complaints and Appeals).
- The registered provider must maintain records of all requests from students for a Letter of Release and the assessment of, and decision regarding, the request on the student's file.

7.2.17 Where it is decided to provide a Letter of Release, this will be issued at no cost to the student.

7.2.18 Where a student is granted a Letter of Release, their entitlement to a refund of course fees will be assessed in accordance with Pivotal Education's Refund Policy, published in the written agreement of each student's Letter of Offer and on the Pivotal Education's Website.

7.2.19 In the event of a Letter of Release not being granted, Pivotal Education will provide written reasons for the refusal to the student and inform the student of their right to lodge an internal appeal against the decision.

7.2.20 Records of all requests from students for a transfer and Letter of Release and the assessment of, and decision regarding, the request are placed in the student's file.

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7.3 PROCEDURES

- 7.3.1 Pivotal Education procedures for processing student applications for release from their Pivotal Education course to transfer to another registered provider before they have completed six months or more of studies in their Principal Course are designed to ensure compliance with the above policies.
- 7.3.2 When a student indicates, to a trainer or to student services, a desire to transfer to another registered provider they will be referred to Pivotal Education's Academic Coordinator for initial counselling and academic advice, with a view to ensuring the student is fully aware of Pivotal Education courses, options and policies and procedures relating to student transfers; and to providing support for the student to fulfil his/her CoE commitments.
- 7.3.3 If the student is not satisfied with Pivotal Education's service and intends to proceed with an application for transfer to another registered provider the Student Services Officer will refer the student to the Academic Coordinator for counselling and academic advice, with a view to identifying any unresolved problems and issues and strategies to address and resolve those problems and issues. The counselling is also designed to provide the student with a full understanding of their options and Pivotal Education policies and procedures relating to applications for transfer, and to the refund of pre-paid fees.
- 7.3.4 If the student intends to proceed with their application for transfer they will be referred to the Student Services Officer to submit a formal application and the related documentation.
- 7.3.5 Upon receipt of the Application and documentation the Academic Coordinator with the assistance of the Compliance Manager will assess the application against the established criteria (see Table 1 and Paragraphs 7.2.13 to 7.2.16).

TABLE 1: CRITERIA CHECKLIST FOR TRANSFER APPLICATIONS

Criteria	Assessment
Are Letter/s of Offer from the new provider/s attached?	YES / NO
Is the Letter of Offer Principal Course AQF equivalent to the present Principal Course qualification?	YES / NO

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If current course is part of a Package, has a Release Letter from the Principal Course been issued & attached?	YES / NO
Is the Letter of Offer for courses in a different occupational area than the present CoE?	YES / NO
Is the Letter of Offer for courses more relevant to student's career path?	YES / NO
Has the student paid all Fees and Charges?	YES / NO
Are the students Attendance and Course/Academic Progress Satisfactory?	YES / NO
Are there other Compassionate and Compelling circumstances?	YES / NO

- 7.3.6 If a transfer is approved Pivotal Education will prepare a Release Letter and send it to the applicant at no cost to the student.
- 7.3.7 The Release Letter will invite the student to make an application for an International Student Refund of Tuition Fees by submitting a completed International Student Refund Application Form to Student Services.
- 7.3.8 Upon receipt of a completed International Student Refund Application Form, the student's entitlement to a refund of course fees will be assessed by Accounts in accordance with Pivotal Education's Refund Policy, published in the written agreement of student's Letter of Offer and on the Pivotal Education Website.
- 7.3.9 If an application for transfer is rejected, Student Services will send the student a letter of rejection providing the reasons for the rejection, and informing the student of their right to lodge, and the means of lodging an internal appeal against the decision.
- 7.3.10 If an Internal Appeal is submitted it will be processed in accordance with established Pivotal Education Policies and Procedures for Standard 10 - Complaints and Appeals.
- 7.3.11 The student will be sent the outcome, and reasons for that outcome, of their appeal. Should the Internal Appeal be rejected they will be informed of their right to submit an external appeal to the International Students' Ombudsman, with information on how to submit such an appeal.
- 7.3.12 The outcome of any External Appeal will be conveyed to the student and Pivotal Education will comply with such findings.

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7.3.13 All records relating to student applications for Transfer and Refunds, and to possible internal and external appeals will be placed in the student's file.

DEFINITIONS

Course	A full-time registered program of education or training registered on CRICOS for the attainment of a testamur or certificate. Defined as course in the ESOS Act.
Department of Home Affairs	Department of Home Affairs (Government department)
Expected Duration	The duration of the course as registered on The Australian Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The expected duration for overseas students should not differ from the expected duration for domestic students.
International Student	A person who holds an Australian Student Visa, and is an 'overseas student' as defined by the ESOS Act.
Intervention Strategy	Any documented action targeted at addressing the needs of an 'at risk' student.
Program	A full-time registered program of education or training registered on CRICOS for the attainment of a testamur or certificate. Defined as course in the ESOS Act.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to Department of Home Affairs

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	and the Secretary of Department of Education and Training by registered providers.
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