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## TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

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**POLICY TITLE:** TRANSFER BETWEEN REGISTERED PROVIDERS POLICY  
**POLICY NUMBER:** WIP0910 - 009  
**POLICY DATE:** 1 JULY 2016  
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**RESPONSIBILITY:** MANAGER STUDENT ADMINISTRATION

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### Background

Standard 7 of the National Code recognises overseas students as consumers and supports them to exercise choice, while acknowledging the need to support students to transition to study and life in Australia.

This intent is reflected in the introductory text to the standard:

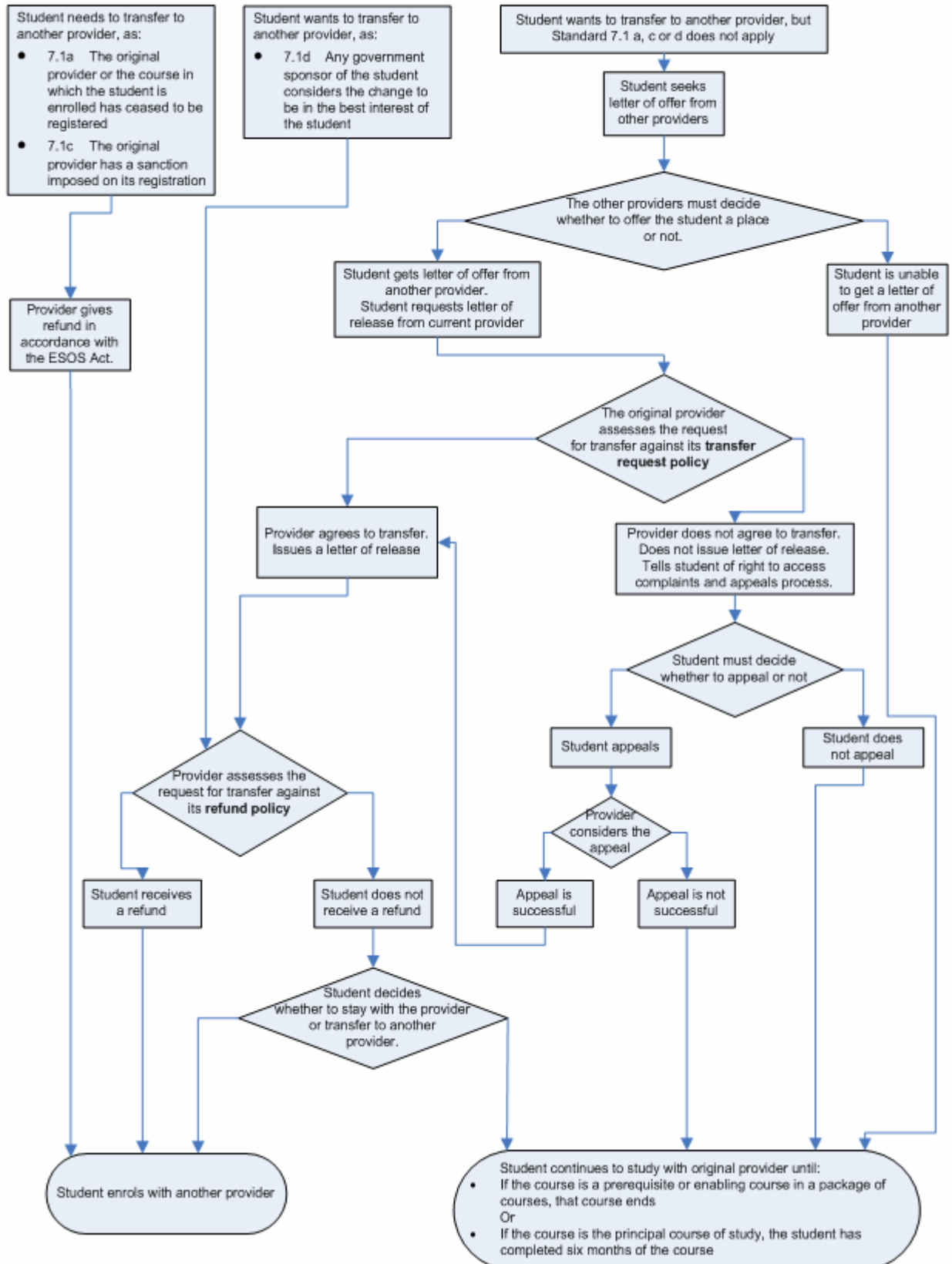
*“Registered providers, from whom the student is seeking to transfer, are responsible for assessing the student’s request to transfer within the restricted period. **It is expected that the student’s request will be granted where the transfer will not be to the detriment of the student.**”*

Education providers are restricted from enrolling transferring Student s prior to the Student completing 6 months of their Principal course except for the circumstances outlined in this policy. *After the first six months of the principal course no restrictions apply.*

The National Code illustrates the procedure for transferring between providers as follows:

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## TRANSFER BETWEEN REGISTERED PROVIDERS





## PROCEDURES

This policy details the procedures for assessing applications to transfer within this period in accordance with the requirements of Standard 7 of the National Code.

*Students who have studied for longer than this period can apply to WAIFS as normal and no letters of release need to be sighted or produced.*

The policy of **WAIFS** is to ensure that it does not enrol any transferring international Student prior to the 6 months of their Principal course being completed, unless that Student has a valid letter of release agreeing to such a transfer or one of the following applies:

- 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 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*
- c. *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.*

### Approximations of a letter of release

WAIFS may enrol a student if they have documentation that approximates the letter of release (e.g. the student has evidence their CoE was conditional on meeting certain entry requirements and they did not meet the requirements).

*A student wanting a CoE for the purposes of applying for a new visa is not considered to be a circumstance that would constitute an approximation of a letter of release.*

### Letters of release and packaged courses

Students in a package of courses must complete six months of the principal course – the course leading to the highest qualification – plus all preliminary courses before they can transfer to another provider unless one of the exceptions is satisfied.

Students can transfer from a preliminary course (with a release letter from the provider of the preliminary course) but they must maintain their enrolment with the subsequent providers in the package (unless they gain release letters from these providers or unless the course change is no longer a legitimate pathway).

If a transfer affects the start dates of any subsequent courses in the package the student will be required to produce:

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1. A letter of release from the providers of these courses, or
2. Agreement from these providers to delay the Confirmation of Enrolment (CoE) commencement dates.

Note: WAIFS' administration staff can assist with the provision of these documents for e.g. if a student was to be studying at ECU and the enrolment will affect the start date with Edith Cowan University "ECU" then the Head of Administration/Administration Office can contact ECU and explain the situation and request that the CoE be amended to a later start date. A staff member cannot insist that this be done.

The Manager, Student Administration Services/CEO/Administration officer MUST inform ALL students enrolled in a package course that changing their preliminary course(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.

An example from the National Code Explanatory Guide:

### **Student in a preliminary course requests a transfer**

*Jenny is enrolled in a package of courses comprising*

- *English language (six months) – Provider A*
- *Foundation programme (12 months) – Provider B, and*
- *Bachelor Degree (three years) – Provider C*

*Jenny's principal course is the Bachelor's degree as this is the last and the highest qualification covered by her visa.*

*Jenny seeks a transfer from Provider A to a different English Language course with Provider X. Provider A assesses Jenny's request against its transfer policy and provides her with a letter of release. Jenny does not need to get a letter of release from Provider B or C, as her transfer does not affect the start date of these courses.*

*While studying with Provider X, Jenny discovers an alternative two-year programme in the VET sector with Provider Y. As Jenny has not completed six months of her principal course, Provider Y needs to see a letter of release in order to enrol Jenny in its course. As Provider Y's course covers the period of the foundation programme and then part of the Bachelor programme, Jenny needs to request a letter of release from both Provider B and Provider C. Alternatively, Provider C can decide to defer the start date of the Bachelor programme for Jenny. If the proposed change to the student's course/s does not affect the start date of the principal course, then Provider C would not need to consider the letter of release request.*

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### **WAIFS' Policy on issuing letters of release to students**

WAIFS' broad policy is to agree to transfer requests unless they are considered to be to the detriment of the student and/or there are some particular factors that need to be taken into consideration.

These include:

- (i) WAIFS has reason to believe that the Student requesting a transfer does not have an accurate understanding of what the transfer represents to their study options;
- (ii) the transfer may jeopardise the student's progression through a package of courses;
- (iii) that the student owes tuition and/or other fees to WAIFS;
- (iv) if the new course/(s) suggested will take longer or cost more for the student and WAIFS does not consider the outcome will be more beneficial for the student;
- (v) If the student has only recently applied for an initial student visa with WAIFS as the principal course provider and the student has not been studying the course for an amount of time considered reasonable to make the decision to change;
- (vi) If the student's request is based on reasons such as "my spouse has been offered a potential sponsorship in another state" and they are the principal visa holder;
- (vii) If the student request includes reasons such as "I cannot find work" – they have stated they can afford to live and work in Australia for their course duration at WAIFS. This is particularly relevant for requests made in the first 12 months of their courses at WAIFS;
- (viii) If the student has only recently started studying the course and the full range of support services are yet to be provided or offered to the student;
- (ix) that WAIFS considers the transfer to be to the detriment of the student—reasons for this need to be documented and retained along with any refusal letter which is issued (if appropriate);
- (x) that it is suspected that the student is seeking to transfer only to avoid being reported to the Department of Education for failure to meet academic progress requirements. This includes students on an intervention and/or a Notice of Intention to Report – where these have been/about to be issued.

If a refusal decision is made, The Manager, Student Administration Services (or appropriate alternative) will then write to the student informing them of the refusal decision and the reason for the refusal. An email is adequate for this purpose. A copy of this decision is to be placed on the Student's individual file (electronic file or hard copy file).

Letters of release will always be provided when or if:

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1. WAIFS' registration or that of the Program in which the Student is enrolled has been revoked;
2. Sanctions have been imposed on WAIFS by the Australian government preventing the Student from continuing in the course;
3. A government sponsor deems that the transfer is in the best interest of their Student.
4. a student can provide evidence that he or she was misled by WAIFS or an education or migration agent regarding WAIFS or its course, which constitutes a breach of the ESOS Act, or
5. an appeal (internal or external) on a matter has reasonably resulted in the student wishing to seek a transfer.

Approved letters of release are to be sent to the student (an email is sufficient for this purpose and a copy is to be kept in the student file (electronic file or hard copy file).

#### ***Procedure for assessing Students wishing to transfer INTO WAIFS***

- Student Administration Services receives an application from a Student who is on-shore and who has indicated that they are currently studying at another institution.
- Student Administration Services uses PRISMS to decide if the Student has completed 6 months of their Principal course. Note: PRISMS will assist receiving providers to determine if a student has not completed six months of the principal course. When providers attempt to create a new Confirmation of Enrolment ([CoE](#)), PRISMS will usually advise them 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.
- If the Student has completed 6 months of their Principal Course, the application process proceeds as normal.
- If the Student has not completed 6 months of their Principal Course, the Student should be asked to provide an appropriate letter of release in support of their application.
- The Student can be provided with a “conditional” offer which clearly states that an offer of a place is contingent on their obtaining a letter of release.
- *If the Student is in receipt of a Government scholarship, they should provide written support from their government agreeing to the change which will stand in lieu of any letter of release.*

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- If such a letter of release is received and the Student does not knowingly have outstanding fees to be paid to the prior institution, or other outstanding matters of concern, the application proceeds as for all off-shore applicants.
- If no satisfactory letter of release is obtained from a Student, the application process is halted and the Student should be informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6 month period has passed or they provide a valid letter of release.
- Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the Student to continue with the course, no letter of release is required.

#### **Procedure for assessing transfer applications from Students wishing to transfer OUT of WAIFS**

- Students make a written request to the Manager, Student Administration Services or any appropriate WAIFS' member of staff in administration or marketing to transfer to another provider. The request must be completed on an Enrolment Variation Form "EVF" which is available from WAIFS' Administration Department or WAIFS' website. The student must complete the reason for their request for a transfer on the EVF form. Appropriate supporting evidence must be included (e.g. Letter of offer from another provider). If the supporting information is not provided then the student is requested to provide it.
- No decision will be made until the appropriate documentation is received and the EVF is not considered to have been received until the appropriate documentation is received by WAIFS.
- With these documents sighted the Manager, Student Administration Services or appropriate alternative will assess the transfer request considering the factors that need to be taken into consideration on page 4.
- If the answers to these questions are satisfactory and in accordance with policy, the letter of release will be granted at no charge to the Student (See Appendix A). A copy of the letter will be placed on the student file (electronic or hard copy file) as well as emailed to the student as a pdf attachment. The letter can be issued by the Manager, Student Administration Services, CEO or Managing Director and can be emailed by any appropriate employee in administration or marketing.
- The Student will also be advised of the need to contact DIBP to ensure they remain in Australia on a valid student visa;

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- The Manager, Student Administration Services or appropriate alternative with appropriate PRISMS access reports Student's termination of studies through PRISMS.
- The Manager, Student Administration Services or appropriate alternative will make a recommendation if they believe the request should be refused.
- If the Manager, Student Administration Services or appropriate alternative consider the reasons for the request to be unclear or they believe an interview with the student would assist the parties in reaching a decision, an appropriate administration or marketing person will be requested to interview the Student in person/request additional information by email to gain a fuller understanding of the circumstances.
- The Manager, Student Administration Services or appropriate alternative will make a decision on whether to refuse a transfer request. This decision will be in writing with reasons for the decision.
- Once the decision is made, the Manager, Student Administration Services or appropriate alternative will inform the student of the refusal and the reasons for it.
- An email is adequate for this purpose - an example of appropriate wording for the refusal decision is included in Appendix A. This does not have to be used but any correspondence with the student must include the reason for the decision and that the Student can access the Student appeal process as detailed in WAIFS' policy on appeals.
- A copy of the letter of release/refusal to issue a letter of release must be maintained on the student's hard copy or electronic file.

#### Under-18 students

- Under-18 students must have written confirmation from their **legal guardian or parent** to transfer (this may not be the person they are living with in Australia). 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.
- A letter of release should not be issued to a student who is under 18 without all of the above being received by WAIFS.
- A student under-18 should not be enrolled by WAIFS on a transfer from another provider unless the written confirmation supporting the transfer from the legal guardian/parent is received by WAIFS.

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**Notes:**

- ❖ The above assessment ***procedure should not take more than 10 working days*** once the Student has provided ALL of the necessary documentation although there may be occasions when this is not possible.
- ❖ All requests, considerations, decisions and copies of letters of release should be placed on the Student's file, and
- ❖ The approval of transfer of a Student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy which is independent of this policy.
- ❖ Students should be informed of this in the letter of release and informed that they should review the Refunds Policy and request a Refund in writing in accordance with the refund policy if they consider they are eligible under the Refund Policy.

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**Sample letter of release to advise students who have been granted release prior to completing 6 months of their principal course of study.**

[Date]

[Student name]

[Student No.]

[Address]

**Letter of Release**

Dear [Student name]

I have received your application for a Letter of Release. As the reasons stated in your application fall within the Institute's *Transfer between Registered Providers Policy*, your request has been granted.

You should be aware that your decision to transfer to a different education provider may have visa implications and you should contact the nearest Department of Immigration and Border Protection (DIBP) office as soon as possible to seek advice on whether a new student visa is required.

*(For students on a packaged course – Delete if not applicable)* You should also be aware that your decision to transfer to a different education provider may exclude you from admission to your principal course. You should contact the provider of your principal course for further information. In the event that a pathway agreement has been arranged through WAIFS, WAIFS will also notify the pathway provider of your decision to transfer to an alternative provider.

*(Delete if not applicable)*

If you wish to seek a refund of fees, please refer to the Institute's *International Student Refund Policy* to see if you are eligible to seek a refund. If you would like to apply for a refund, please follow the appropriate procedure outlined in the policy.

Yours sincerely,

XXXXXX

Manager, Student Administration Services

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**Sample letter of release to advise students who have not been granted release prior to completing 6 months of their principal course of study.**

[Date]

[Student name]

[Student No.]

[Address]

**Refusal to Release**

Dear [Student name]

I have received your application for a Letter of Release. As the reasons stated in your application do not fall within the Institute's *Transfer between Registered Providers Policy*, your request has been refused.

Specifically the reasons for refusing to grant your request are [insert reasons].

You have the right to appeal this decision in accordance with the process described in the WAIFS Complaints and Appeals Policy and Procedures, within 20 working days, as outlined in on the WAIFS website at [www.waifs.wa.edu.au/policies](http://www.waifs.wa.edu.au/policies).

If you choose to appeal, until the process is complete, you must continue to maintain your enrolment and attend at all classes as normal.

If you wish to discuss this matter further, please make an appointment to see me.

You can bring a support person with you to this meeting if you wish.

Yours sincerely,

XXXXXXX

Manager, Student Administration Services

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