

## International Student Transfer of Education Providers

Approved by: Executive Director Education Enablement, Learning and Teaching Group

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## Section 1. Purpose

- 1.1 The purpose of this procedure is to support effective management of the assessment of international students' requests for transfer to other registered providers from TAFE NSW or to TAFE NSW from other registered providers, in compliance with the:
- [Educational Services for Overseas Students \(ESOS\) Act 2000](#),
  - [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(National Code\)](#), in particular Standard 7, and
  - [ELICOS Standards 2018](#).

## Section 2. Scope and Audience

- 2.1 This procedure applies to international students on student visas, either enrolled in Higher Education, VET and ELICOS courses at TAFE NSW or enrolled with another registered provider and who request transfer to or from TAFE NSW within the first 6 months of their principal course of study.
- 2.2 The scope also includes TAFE NSW staff responsible for the assessment and management of the international students transfer requests.

## Section 3. Procedure

- 3.1 This procedure aligns with the TAFE NSWs [International Student Management Policy](#). The TAFE NSW International Unit are responsible for assessing and processing all applications for transfer.
- 3.2 The principal course of study refers to the main course of study to be undertaken by an international student. Where there are multiple courses of study, or a pathway for study, the principal course of study would normally be defined as the highest-level qualification covered by your student visa.
- 3.3 The first six months are calculated as six calendar months from the date an international student commences, or is expected to commence, their principal course. The transfer restriction applies to international students during all courses they undertake prior to the principal course.
- 3.4 Students in TAFE to University pathway packages, who wish to withdraw from the degree course but continue in the TAFE NSW course, will be referred to the university to be assessed as per the university's transfer of education provider policies.

### **Accepting enrolment of an international student transferring from other registered providers**

- 3.5 TAFE NSW will not enrol an international student seeking to transfer from another registered provider's course prior to the international student completing six months of their principal

course except where any of the following circumstances apply, in accordance with Standard 7.1 of the National Code 2018:

- a the releasing registered provider, or the course on which the international student is enrolled, has ceased to be registered
- b the releasing registered provider has had a sanction imposed on its registration by the ESOS agency, that prevents the international student from continuing their course at that registered provider
- c any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change
- d the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS. Registered providers must have an implemented policy and process for assessing international student transfer requests prior to the international student completing six months of their principal course.

3.6 After completing the first six calendar months of the principal course, an international student can transfer to TAFE NSW from another registered provider without needing to meet one of these conditions.

3.7 The international student seeking to transfer to TAFE NSW from another registered provider must provide a written request for transfer to TAFE NSW International Student Unit and a Release from their current registered provider processed in PRISMS. The International Unit will assess the request and, if the transfer is granted, issue a Letter of Offer for enrolment at TAFE NSW.

3.8 If the international student is under 18 years of age:

- a TAFE NSW, as a receiving provider, must have written confirmation that the international student's parent or legal guardian supports the transfer.
- b TAFE NSW, as a receiving provider, will confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with the National Code, Standard 5.
- c TAFE NSW as a receiving provider must undertake the checks specified in clauses 3.8-3.10.
- d The Under 18 students' details will be recorded in a welfare log.

3.9 TAFE NSW will check the student has welfare arrangements approved by another registered provider, negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap in providing welfare for the student.

3.10 TAFE NSW will inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

3.11 Transfer of provider will not be approved if the student's offer at another provider is for a course that is offered in TAFE NSW.

## Requests to transfer from TAFE NSW to another registered provider

- 3.12 During the first six months of the international student's principal course at TAFE NSW the transfer restriction applies to a student and all courses they undertake prior to the principal course and the first six months of the principal course.
- 3.13 Students wanting to transfer prior to the six months must submit a written request, ([Transfer of Education Provider form](#)) including stating their reasons for the transfer request, to TAFE NSW.
- 3.14 TAFE NSW International Unit will only grant an international student's request to transfer to another registered provider before they have completed the first six months of their principal course at TAFE NSW in accordance with the TAFE NSW [International Student Management Policy](#) , the National Code 2018, Standard 7.
- 3.15 The transfer of an international student from TAFE NSW to another registered provider will only be granted before they have completed the first six months of their principal course if the transfer is deemed in the student's best interest due to any of the following circumstances:
- a The international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with TAFE NSW Intervention Strategy to assist the international student, in accordance with National Code, Standard 8
  - b There is documented evidence of compassionate or compelling circumstances. Refer to clause 3.15 for more information about compassionate or compelling circumstances.
  - c Where TAFE NSW was unable to offer a prerequisite unit, or the international student has failed a prerequisite unit and, therefore, faces a shortage of relevant units for which they are eligible to enroll.
  - d TAFE NSW fails to deliver the course as outlined in the written agreement between TAFE NSW and the international student.
  - e There is documented evidence that the international students' reasonable expectations about their current course are not being met
  - f There is documented evidence that the international student was misled by the TAFE NSW or an education agent regarding the TAFE NSW or its course and the course is therefore not suitable for their needs and/or study objectives
  - g An appeal (internal or external) on another matter results in a decision or recommendation to release the international student.
- 3.16 Compassionate or compelling circumstances may include, but are not limited to:
- a Serious illness or injury, documented by a medical certificate stating that the student was unable to attend classes due to medical condition.
  - b Bereavement of close family members, such as parents or grandparents, if possible, a death certificate should be provided, as documented evidence.

- c Major political upheaval or natural disaster in the home country requires emergency travel on behalf of the student.
- d A traumatic experience, which could include involvement in, or witnessing of a serious accident; or
- e Witnessing or being the victim of a serious crime, and this has impacted on the international student, as documented by official, police or psychologists' reports.

3.17 If the international student is under 18 years of age:

- a TAFE NSW, as a current provider, must have written confirmation that the international student's parent or legal guardian supports the transfer.
- b TAFE NSW, as a current provider, will confirm that the receiving provider accepts responsibility for approving the students' accommodation, support and general welfare arrangements in accordance with the National Code, Standard 5, before TAFE NSW issues a release letter.
- c The student has welfare arrangements approved by TAFE NSW; TAFE NSW will negotiate the transfer date for welfare arrangements with the receiving registered provider to ensure there is no gap in providing welfare for the student.
- d TAFE NSW will inform the students of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

3.18 Transfer requests submitted after the 6-month restriction period will be processed by the TAFE NSW International Recruitment & Conversion Team. Students do not require TAFE NSW approval; however, the best practice will involve citing a new offer from the provider. In these circumstances international students should be counselled on their obligation to continue to meet their visa conditions and advised to contact the Department of Home Affairs.

## **Processing a request to transfer from TAFE NSW to another registered provider**

- 3.19 Applications for transfer will be managed by TAFE NSW International Customer Experience Coordinators (ICEC) under the How Do I manage International Student Transfer Between Registered Providers Process.
- 3.20 The international student must lodge a written request to transfer from TAFE NSW to another registered provider, as per clause 3.12 accompanied by a valid letter of offer for enrolment from that registered provider to the ICEC.
- 3.21 TAFE NSW International Customer Experience Coordinator will advise the student that they must continue to attend the classes they are currently enrolled in until TAFE NSW International Customer Experience Unit notifies them of the resolution of their request for transfer in writing.
- 3.22 TAFE NSW International Customer Experience Unit will assess the international students' request for transfer and provide a reply to the student within five (5) working days of the lodgement of the application.

## If the transfer request is granted

- 3.23 On granting a request for release TAFE NSW International Student Unit will notify the student and process a release through PRISMS within five (5) working days of the lodgement of the application.
- TAFE NSW will not charge the international student for the granted release.
  - TAFE NSW International Student Unit will advise the international student to contact the Department of Home Affairs to seek advice.
  - TAFE NSW International Student Unit will update student enrolment status on PRISMS following the Department of Education “Manage Student Transfers Guide” available on the PRISMS website.

## If the transfer request is not granted

- 3.24 If the request for transfer is not granted, TAFE NSW will inform the international student within (5) five working days of the lodgement of the application, in writing, of:
- the reasons for the refusal
  - The international students’ right to an internal appeal, at no cost, which must be lodged within 20 working days.
- 3.25 Appeals must be submitted in writing to International Customer Experience Lead, who will assess the appeal and advise the student of the outcome, in writing, within 5 workings days. The advice will include the reasons for the outcome.
- 3.26 Students will be given the opportunity to present their case, may have a support person present at any meetings that take place regarding the appeal and appeals will be managed by the Customer Experience Lead with confidentiality and professionalism and in a fair and transparent manner.
- 3.27 If the appeal is found in favour of the student, they will be advised of any rectifications that will occur and TAFE NSW will commence the implementation of those rectifications immediately.
- 3.28 If the original decision is upheld, then the student will be advised of their right to submit an external appeal to the NSW Ombudsman within 10 working days of the internal appeal outcome advice. Contact details for the NSW Ombudsmen will be provided to the student.
- 3.29 All records relating to transfers requests and appeals are to be retained by TAFE NSW for two years after the student ceases to be enrolled at TAFE NSW.

## Recording transfer request outcome in PRISMS

- 3.30 TAFE NSW International Customer Experience Coordinators (ICEC) will finalise the students’ refusal status in PRISMS in line with TAFE NSW [International Student Management Policy](#) and in accordance with Standard 7.6 only in the following circumstances:
- If the student has lodged an appeal and the appeal finds in favour of TAFE NSW.

- b The international student has chosen not to access the TAFE NSW Internal appeals process within the 20-working day period.
- c the international student withdraws from the appeal process.

3.31 TAFE NSW must maintain records of all requests from international students for a release and the assessment of, and decision regarding, the request for two years after the international student ceases to be an accepted student. International Customer Experience Coordinators (ICEC) are responsible for recording transfer request outcome in PRISMS.

## Section 4. Monitoring

- 4.1 The Responsible Officer will receive feedback and monitor the effectiveness of this procedure and the provisions therein, making recommendations for amendments to the Accountable Officer as required.
- 4.2 This procedure will undergo formal review every two years.

## Section 5. Responsibilities

Position	Responsibility
Executive Director Education Enablement (Accountable Officer)	Oversight of the development, review and amendment of this procedure, with the authority to approve revisions to the procedure to ensure alignment with regulatory and legislative requirements and current TAFE NSW operations.
Director, International (Responsible Officer)	Supports the Accountable Officer in the development, monitoring, review, amendment of this procedure, to ensure alignment with regulatory and legislative requirements and current TAFE NSW operations.
International Unit (and teams therein)	In alignment with the legislative requirements and TAFE NSW policy and procedure, they are responsible for the assessment, management and administration of international student transfer requests, including managing student appeals and maintaining PRISMS reporting.
International Students	Access and, where relevant, adhere to the requirements of this procedure.

## Section 6. Governance information

Governance	Details
Related policies	This procedure is governed by the following: <a href="#">International Student Management Policy</a> <a href="#">TAFE NSW Customer Complaints Policy</a>
Related documents	This procedure is to be read together with: <a href="#">TAFE NSW Internal appeals process</a> <a href="#">Manage Student Transfers Guide</a> <a href="#">How Do I manage International student transfer between registered providers</a> <a href="#">Transfer of Education Provider form</a> <a href="#">NSW Ombudsman</a>
Accountable Officer	Executive Director Education Enablement
Responsible Officer	Director, International
Content Manager number	[Provided on uploading to the Policy & Procedure Hub.
Next review date	[2 years from the approval date, unless legislation states otherwise]

## Section 7. Definitions

Word	Definition
ELICOS	English Language Intensive Courses for Overseas Students.
ESOS Act	The Education Services for Overseas Students Act 2000 (ESOS Act) and related legislation are designed to protect the interests of students coming to Australia on student visas.
Full-time International student (Student visa)	A currently enrolled international student studying on a student visa must be, enrolled in full-time CRICOS approved course/s.
International/Overseas Students	A person (whether within or outside Australia) who holds a student visa, other than one exempted by the ESOS Regulations 2001. Students in other classes of visa are not included. Note: International Students in the context of this policy are limited to those students subject to the ESOS Act, that is, on a student visa.

Word	Definition
The National Code 2018	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018).
Provider	(as defined in the ESOS Act) An institution or other body or person in Australia that provides or seeks to provide courses to international students. To provide courses, a provider must comply with State or Territory approval requirements and become registered on CRICOS.
Student Visa	A visa granted under the Migration Act 1958 to overseas students. The Department of Home Affairs administers the Act and issuing of visas.

## Section 8. Document history

No.	Effective	Approved by	Amendment
1		Chief Education and Training	Initial Procedure
2.	3 June 2020	Chief Operating Officer	Version 2.0 Changed Accountable Officer to COO.
3.	June 2025	Executive Director, Education Enablement	Formal review and update to reflect operational changes, minor change to title, and policy and procedure consolidations.