

## 1. Requirements of National Code Standards 1 and 7

Under Standard 1 (1.3) of the Code a provider may not actively recruit a student who has not completed six months in their principal course. A provider may not enrol a student (i.e. issue an eCoE) if the student has not obtained a letter of release from their current provider.

Under Standard 7 of the Code, providers may not enrol transferring students prior to the student completing six months in their principal course, except where:

- a) the original provider or course has ceased to be registered; or
- b) the student's government sponsor supports the change; or
- c) the original provider has sanctions imposed on their registration; or
- d) the original provider has provided a letter of release.

Providers must have an assessment policy and procedure for transfer requests which is available to staff and students.

## 2. Guidelines for students transferring to TAFE NSW from another provider before the six month period

**2.1** Active recruitment is defined by the Department of Education as the promotion by TAFE NSW staff or agents of a TAFE NSW course as superior to and/or cheaper than the student's current course, with the intention of encouraging the student to transfer from his or her current provider. A letter of offer issued in response to an application received independently of such promotion is not considered as active recruitment: Standard 7 states that a letter of offer is a requirement for a letter of release to be issued.

Procedure for students transferring to TAFE NSW before the six month period

**2.2** Any offers issued to students enrolled at another provider who have not completed six months in the principal course must request a letter of release and ask the student not to pay fees unless a letter of release is provided [unless (a) - (c) above apply].

**2.3** An eCoE must not be issued to any students to whom the six month restriction applies without a letter of release from the current provider.

## 3. Guidelines for students transferring from TAFE NSW to another provider before the six month period

Students are responsible for comparing courses, including fees and pathways before enrolling with TAFE NSW.

Approval will not be given for a transfer of provider based on lower fees, or shorter completion times offered by another provider.

**3.1** Requests for transfer will be approved in the following circumstances to students who have not completed six months of enrolment in their principal course at TAFE NSW:

- (i) The student has special learning difficulties, identified at least four weeks after commencement of the course, which cannot be accommodated within TAFE NSW.
- (ii) For students in package ELICOS and vocational programs, where the student has completed a period of ELICOS but, despite satisfactory attendance, has not met the English language entry requirements for the vocational course and TAFE NSW is unable to offer them a vocational course after a proposed further period of ELICOS.
- (iii) A student under 18 has a relative guardian whose residence has changed and there is no TAFE NSW college offering the same course within reasonable distance of the new residence.
- (iv) Where the individual request is based on other circumstances which TAFE NSW considers sufficient to approve a transfer of provider.
- (v) Where TAFE NSW considers there are other circumstances which merit approving a transfer of provider.

**3.2** Requests for transfer will not be approved in the following circumstances:

- (i) Where none of the circumstances in 3.1 is demonstrated in the student's request.
- (ii) Where, if the student has commenced studies, TAFE NSW forms the view that the request for transfer is a means of to avoid being reported to DIBP for a breach of visa condition.
- (ii) Where TAFE NSW considers that the request for transfer is detrimental to the student, e.g. in the case of students with ELICOS and vocational packages, if a transfer is requested to an English language provider who is not recognised for entry to the vocational course.

### Notes:

- a) The restriction comes into effect once a visa has been granted against the TAFE NSW eCoE.
- b) Six months of enrolment is defined as six calendar months from the start date the principal course commences (Note: If a student starts a course in February and completes at the end of June, TAFE NSW may allow the transfer as the student has completed one semester).
- c) 'Principal course' is the highest qualification (normally the last course), where the student visa covers multiple courses.

- d) Students in Diploma-to-Degree packages, where the principal course is the degree course, who wish to withdraw from the degree course but continue in the TAFE NSW course, will be referred to the university.
- e) Students in ELICOS and TAFE NSW vocational package programs must request transfers from the relevant TAFE NSW Institute (not the TELC).

#### **4. Procedure for students transferring to another provider before the six month period**

**4.1** A student who wishes to transfer to another provider before they have completed six months in their principal course at TAFE NSW must submit a written request to the international manager of their TAFE NSW Institute. A valid letter of offer from the new provider must be provided with the request. If the student is under 18, the request must be supported by the parent/guardian and the new provider must confirm that it accepts responsibility for the student's welfare and care arrangements. In cases where the request is received before the student has commenced the course, request may be assessed by DEC International.

**4.2** Institute forwards the request to DEC International within five working days with a recommendation based on the Guidelines in 3 above. It is recommended that, if possible, the student is interviewed to assess the circumstances in which they have been made an offer by the other provider and to provide them with appropriate counselling.

**4.3** If the request is approved, DEC International will issue a letter of release within five working days of receiving the request from the Institute.

**4.4** If the request is not approved then DEC International will advise the student within five working days of the outcome, together with the reasons for refusal and information regarding the student's right of appeal. Appeals relating to change of provider will be directed to the Director, DEC International.

**4.5** Refund requests in case of transfer will be considered according to the refund policy of TAFE NSW.

**4.6** Appeals submitted to the Director, DEC International will be decided within five working days of the receipt of the appeal.

#### **Note:**

Student may transfer to another provider after six months without a letter of release from TAFE NSW. Students who transfer must advise DEC International through their college that they are withdrawing from their TAFE NSW course in order to transfer to another provider.

Student visa condition 8533 requires students to notify their current provider of a change of education provider within seven days of receiving another eCoE.