# ISP Transfer Policy

## Purpose

This policy outlines the approach of the Department of Education and Training (International Education Division) (DET (IED)) in assessing international student applications for transfers as part of the International Student Program (ISP):

* Between ISP-accredited Victorian Government Schools (an ‘internal transfer’)
* From an ISP-accredited Victorian Government School to another provider registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) (a ‘withdrawal’).

This policy does not deal with transfers from another CRICOS-registered provider to an ISP-accredited Victorian Government School – this is an ‘enrolment’ and is covered in the [ISP Admissions and Enrolment Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Admissions_and_Enrolment_Policy.docx).

This policy should be read in conjunction with the [ISP Transfer Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Transfer_Procedure.docx), and is for DET (IED) staff, international students and their parents, education agents and schools.

## Scope

This policy applies to international students participating in the ISP as the primary holder of a subclass 500 Student – Schools visa.

## Internal transfers between ISP-accredited Victorian Government Schools

A student may apply to transfer their enrolment from one ISP-accredited Victorian government school to another ISP-accredited Victorian government school.

DET (IED) will assess an application for an internal transfer when it receives a completed [Application for Internal Transfer to Another Accredited Victorian Government School](https://www.study.vic.gov.au/Shared%20Documents/en/Transfer-Application-Form.pdf) Form and the student has paid the Transfer Fee.

DET (IED) will approve an internal transfer when:

* For applications made after six months (two terms) of enrolment:
	+ the student submits a completed [Application for Internal Transfer to Another Accredited Victorian Government School](https://www.study.vic.gov.au/Shared%20Documents/en/Transfer-Application-Form.pdf) Form, within the time period outlined on the Form
	+ the transfer is supported by a parent, in writing
	+ the transfer is endorsed by the Current Host School and the New Host School
	+ the New Host School is an ISP-accredited school and has capacity for the student, and (if applicable) can provide a DET-approved homestay to ensure there is no gap between homestay arrangements finishing at the Current Host School and the New Host School
	+ there are no outstanding fees owed to DET or the Current Host School in relation to the student’s enrolment
	+ the student is not on a Compliance Contract for course progress, attendance or misbehaviour
	+ the transfer is in the student’s best interests.
* For applications made less than six months (two terms) after commencement, the above conditions are met, and also:
	+ there is evidence of compassionate or compelling circumstances.

If the conditions above are not met, DET (IED) will refuse the internal transfer request.

DET (IED) advises the student and parent of the decision, in writing. A transfer can only occur after DET (IED) has issued a Confirmation of Transfer Letter.

If DET (IED) refuses an internal transfer request, it provides the reasons for refusal and advises the student of their right to appeal as outlined in the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx.), within 20 working days.

In considering transfers between Victorian Government schools, the Current Host School and New Host School must comply with the [Enrolment Policy (PAL)- student transfers between schools](https://www2.education.vic.gov.au/pal/enrolment/guidance/student-transfers-between-schools).

DET (IED) maintains records of all internal transfer requests, and DET (IED)’s assessment and decision in accordance with the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

## Transfers from a Victorian Government School to a different CRICOS provider

A student may apply to transfer from an ISP-accredited Victorian government school to a different CRICOS provider (a ‘withdrawal’).

DET (IED) will assess and approve an application for a transfer to a different CRICOS provider when:

* For applications made after six months (two terms) of enrolment:
	+ the student submits a completed [Withdrawal Form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf), signed by the parent and Principal (or delegate) of the Current Host School
	+ the student provides a valid written enrolment offer from a different provider registered on CRICOS
	+ the other CRICOS-registered provider confirms it accepts responsibility for approving the student’s welfare arrangements and facilitates a transfer of welfare arrangements to ensure that there will be no gap in the timing of welfare provision (if applicable)
	+ there are no outstanding fees owed to DET or an ISP school in relation to the student’s enrolment
	+ the transfer is in the student’s best interests.
* For applications made less than six months (two terms) after commencement, the above conditions are met, and any one of the following conditions applies:
	+ there is evidence of compassionate or compelling circumstances
	+ DET fails to deliver the course as outlined in the Written Agreement
	+ there is evidence that the student’s reasonable expectations about their current course are not being met
	+ there is evidence that the student was misled by DET or an education agent regarding DET, or its course and the course is therefore unsuitable to their needs and/or study objectives
	+ an appeal (internal or external) or another matter results in a decision or recommendation to release the student
	+ consistent with the [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx), the student is unable to satisfactorily complete the course within the approved duration, even after engaging with the ISP schools’ intervention strategy, noting that this will result in DET (IED) reporting the student to the Department of Home Affairs (DHA).

If the conditions above are not met, DET (IED) will refuse the request to transfer to another registered CRICOS provider.

DET (IED) advises the student and parent of the decision, in writing. A transfer to a different CRICOS provider can only occur after DET (IED) has issued a Confirmation of Withdrawal Letter.

If DET (IED) refuses a request to transfer to another registered CRICOS provider, it provides the reasons for the refusal and advises the student of their right to appeal as outlined in the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx.), within 20 working days. DET (IED) does not finalise the refusal status in Provider Registration and International Student Management System (PRISMS) until the appeal finds in favour of DET (IED), or the student has chosen not to access the complaints and appeals processes within the 20-working day period, or the student withdraws from the process.

School staff notify DET (IED) as soon as possible (and within two working days) after becoming aware that a student has left the school to become enrolled with another CRICOS provider.

DET (IED) notifies DHA about the cancellation of the student’s enrolment by entering the information in PRISMS within the sooner of 14 days of becoming aware that the student has left the school to become enrolled with another CRICOS provider, or 14 days after approving a request to transfer to another registered CRICOS provider.

In accordance with the [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx), when DET (IED) suspends or cancels the enrolment of an international student on a CAAW, DET (IED) continues to approve the welfare arrangements for that student until the international student has approved welfare arrangements in place by another CRICOS-registered provider, DHA approves care of the student by a parent or nominated relative, the student leaves Australia, or DET (IED) notifies DHA that it is no longer able to approve the student’s welfare arrangements or is unable to contact the student after taking all reasonable efforts to contact them.

In the unlikely event that DET or the course in which the international student is enrolled ceases to be appropriately registered, DET will arrange for students to be offered a place in an alternative course at DET’s expense. In these circumstances, the student may accept, in writing, this offer of a place noting that the requirements above for transfers to a different CRICOS provider do not apply.

DET (IED) maintains records of all transfer requests and DET (IED)’s assessments and decisions in accordance with the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

## Legislation

* *Education Services for Overseas Students Act 2000* (Cth)
* *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
* *Migration Act 1958* (Cth)
* *Education and Training Reform Act 2006* (Vic)
* *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)

## Associated documents

* [ISP Transfer Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Transfer_Procedure.docx)
* [Application for Internal Transfer to Another Accredited Victorian Government School](https://www.study.vic.gov.au/Shared%20Documents/en/Transfer-Application-Form.pdf)
* [Withdrawal Form](https://www.study.vic.gov.au/Shared%20Documents/en/Withdrawal-Application-Form.pdf)
* [ISP Admissions and Enrolment Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Admissions_and_Enrolment_Policy.docx)
* [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx.)
* [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx)
* [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx)
* [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Policy.docx)
* [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx)
* [ISP Terms, Conditions and Policies](https://www.study.vic.gov.au/en/brochures-and-forms/Pages/BrochureForms.aspx)
* [ISP Toolkit- Section 8](https://www2.education.vic.gov.au/pal/international-student-program/guidance/transfers-and-cancellations-section-8)

## [Enrolment Policy (PAL)- student transfers between schools](https://www2.education.vic.gov.au/pal/enrolment/guidance/student-transfers-between-schools) Definitions

* **Compassionate circumstances** refers to circumstances that are not in the student’s control or created by the student and adversely impact on student welfare or course progress (for example, illness, bereavement or traumatic events may qualify), as assessed on a case-by-case basis.
* **Compelling circumstances** are circumstances which in the opinion of DET (IED) are in the student’s best interests, as assessed on a case-by-case basis.
* **Course** refers to a course registered on CRICOS offered by the Department of Education and Training (under DET (IED)).
* **Current Host School** refers to the school which a student is applying to be transferred from
* **DET (IED)** – Department of Education and Training – International Education Division. IED is the division in DET that administers the International Student Program in Victorian government schools. IED is not a separate entity to DET. DET is the CRICOS registered provider.
* **DET (IED) staff** includes the Executive Officers, managers and employees (full time, part time, ongoing, fixed term, casual and contractor) of DET who work directly or indirectly with the ISP. This excludes school staff.
* **Education Agents** are accredited by DET (IED) to recruit students for an ISP course.
* **Homestays** are international student accommodation arranged by schools where DET (IED) is responsible for the welfare of the student at all times, including outside school hours.
* **International Student Program (ISP)** for the purpose of this policy is defined as the program administered by the DET International Education Division (IED).
* **International students (students)** for the purpose of this policy are defined as students participating in the ISP who are applying for, or hold, a subclass 500 Student – Schools visa.
* **New Host School** refers to the school which a student is applying to be transferred to.
* **Parent** refers to the parent of an international student.
* **School** **(or ISP-accredited school)** for the purpose of this document is defined as a school accredited by DET (IED) to deliver an ISP.
* **School staff** are employees of schools, for example – International Student Coordinator, Homestay Coordinator, Head of Department, Deputy Principal, and Principal.
* **Written Agreement** is an agreement with the international student or intending international student and their parent(s) or legal guardian(s), which includes Standard Terms and Conditions; signed by the international student as well as parent(s) or legal guardian(s). The Written Agreement cannot be signed or accepted on behalf of the student or their parent(s) or legal guardian(s) by an education agent.

## Policy contact

For further information, please contact the DET (IED) School Support Team on + 61 3 7022 1000.

## Policy maintenance officer

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## Authorised

Linda Vaughan, Executive Director, International Education Division

**Date of authorisation**: 19/04/2022

**Review frequency**: This policy will be reviewed at minimum every 12 months or when any changes arise impacting its currency, including legislative or regulation change.