

Policy Number	NAC06
Approving Authority	NIDA Academic Board
Date Implemented	August 2022
Current Version	2.0
Date of Review	August 2026
Contact Officer	Director Learning and Innovation
Related Policies, Procedures and Documents	<ul style="list-style-type: none">• Student Handbook• Admissions Policy• NIDA Student Charter, including the NIDA Code of Conduct• Grievances, Complaints, Misconduct and Appeals Procedure – Non-Academic• Fee Policy (International Students)• Credit Transfer and Recognition of Prior Learning Policy and Procedure• Course Regulation Documents

1. SCOPE OF POLICY

This policy provides the framework for managing the transfer of international students from another provider to NIDA or from NIDA to another provider.

Director Learning and Innovation is responsible for:

- Ensuring the accessibility of this policy by staff and students.
- Implementation of this policy.

2. PRINCIPLES

NIDA is committed to supporting students to achieve their learning goals.

The principles that underpin the transfer of international students are:

- Compliance with legislation.
- Equity and fairness.
- The safety and well-being of NIDA community members are fundamental in decision-making.
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the

National Code) (Cwlth) prescribes the requirements higher education institutions must follow when assessing student requests for transfer between registered education providers (hereafter called 'registered providers').

- In accordance with the National Code, NIDA is restricted from enrolling transferring students who have not completed six months of their principal course (that is, the highest-level course for which the student visa was granted), except in limited circumstances. These circumstances are set out in this document. No restrictions apply after the student has completed six months of their principal course.

3. POLICY

3.1 NIDA will manage transfers to or from NIDA by international students only in line with Standard 7 of the National Code.

3.2 Transfer from another provider to NIDA:

NIDA will not knowingly enrol an international student wishing to transfer from another registered education provider (the principal provider) before the student has completed six calendar months of their course with the principal provider, except where:

- The releasing registered provider has supplied a written letter of release and recorded the date of effect and reason for release in PRISMS; or
- The releasing registered provider loses registration and or the course of enrolment is deregistered; or
- Government sanctions on the releasing registered provider prevent the student from continuing their studies; or
- There is written support from a government sponsor that the change of provider is in the best interests of the student.

3.3 Transfer from NIDA as principal education provider to another registered provider.

3.3.1 Transfer before the completion of 6 months in the principal NIDA course.

3.3.1.1 International students may request to transfer from NIDA to another provider before they have completed 6 months of their enrolled course.

3.3.1.2 Requests to transfer must be made via the NIDA "Letter of Release Application Form" on the policy page of the NIDA website.

3.3.1.3 Requests to transfer within the first six months of an enrolled course will be considered by the Director Learning and Innovation, and a determination will be made within ten (10) working days of the request being submitted, where:

- The student has provided verifiable evidence of a valid enrolment offer from another registered education provider; and
- NIDA is satisfied with the evidence submitted that the NIDA course is not in the best interests of the student or there are compassionate and compelling circumstances to support the student to transfer to another provider.

3.3.1.4 The assessment of a transfer request will consider the circumstances in which a transfer request is in the student's best interests, including but not limited to:

- Circumstances where the overseas student will be reported because they are unable to achieve satisfactory course progress at the level at which they are studying, even after engaging with the provider's intervention strategy to assist the student.
- The registered provider fails to deliver the course as outlined in the written agreement.
- There is evidence that the overseas student's reasonable expectations about their current course are not being met.
- There is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives.
- An appeal (internal or external) on another matter results in a decision or recommendation release the overseas student.

3.3.1.5 Students who are granted permission to transfer within the first six months of their enrolled course will be provided with a letter of release at no cost to the student. The letter will inform the student of the student's obligation to contact the Department of Home Affairs to get advice on whether a new student visa is required.

3.3.1.6 The granting of a release letter within the first six months of a course is not automatic, as students granted a student visa to study at NIDA are assessed as genuine temporary entrants for the purpose of studying at NIDA. The student's informed decision in choosing their course and choosing NIDA as their provider when applying for a visa is understood to be genuine.

3.3.1.7 Transfers within the first six months of a course are not likely to be granted where NIDA considers:

- The student has not accessed or engaged with all the support services available to assist with academic and personal issues.
- The student's actions have led to the opinion that they are not a genuine student; or
- The course the student seeking to transfer to is a lower Australian Qualifications Framework (AQF) level than the one into which they are enrolled at NIDA; or
- The reason given is financial hardship and the student is seeking a course where they pay lower fees; or
- It is believed that the student is seeking to avoid visa cancellation for breach of a visa condition, such as NIDA attendance or academic progress requirements.

3.3.1.8 Where a request to transfer is not granted, NIDA will provide the student with a letter stating the reasons why the request was refused and will provide information about the rights of the student to appeal and the process by which to appeal within 20 working days. The appeal process is via the NIDA Non-Academic Complaints and Appeals Policy and Procedure to be found on NIDA's Student policy page.

3.3.1.9 In the case of an appeal, NIDA will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the student withdraws from the process.

3.3.1.10 If the overseas student is under 18 years of age, the registered provider must have written confirmation that the overseas student's parent or legal guardian supports the transfer, and where the overseas student is not being cared for in Australia by a parent or relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with the National Code Standard 5 (younger overseas students).

3.3.2 Transfer after the completion of six months in the principal NIDA course.

Students may transfer to another educational provider if they have completed six months of their principal course at NIDA, and have a valid enrolment offer from the provider they intend to study with.

3.4 Support

Students seeking guidance on this policy or advice as to how to submit a request for a release letter can either visit Student Services between 9 am and 5 pm Monday - Friday or email for assistance via education@nida.edu.au

Students with serious issues around treatment by a provider or seeking more information about the regulations can also contact the Commonwealth Ombudsman <https://www.ombudsman.gov.au/>

3.5 Grievance and Appeals

3.5.1 Grievances and appeals must be lodged in writing and will be managed in accordance with the Non-academic Complaints and Appeals Policy and Procedure.

3.6 Record Keeping

Records of all transfer requests from students, assessments of requests and decisions regarding a request will be kept on the student's file and will be kept for at least two years after the overseas student ceases to be an accepted student.

4. DEFINITIONS

Term	Definition
Accredited Program	A program that is recognised under the Australian Quality Framework (AQF) and is registered with one of the two main regulatory agencies, being TEQSA (Tertiary Education Quality Standards Authority) for Higher Education and ASQA (Australian Skills Quality Authority) for Vocational programs. An accredited course is one that leads to the conferral of a degree or the award of a certificate or diploma.
ESOS Act	Education Services for Overseas Students Act 2000 (Cth).
HES Framework	Higher Education Standards Framework (Threshold Standards) 2015.
National Code	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000.
NIDA Code of Conduct	The Code outlining the rights and responsibilities of all members of the NIDA community in terms of behaviour whilst at NIDA, working for NIDA or involved in NIDA related activities offsite.
Offer	The written advice to an applicant that NIDA is offering them a place in an accredited program of study.
PRISMS	Provider Registration and International Students Management System (PRISMS). A government portal for providing education providers with the Confirmation-of- Enrolment (CoE) and reporting facilities required for compliance with the Education Services for Overseas Students (ESOS) Legislation.

5. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
July 2024	Reformatted. Added: - information about the Commonwealth Ombudsman - information on Grievances	Policy review	Learning and Innovation	2.0
July 2022	New policy	Policy requirements	Learning and Innovation	1.0

6. CONSULTATION/BENCHMARKING

Benchmarked against policies and practice from several higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- Avondale University
- Macquarie University
- University of NSW

Legislation and Regulatory Frameworks	Australian Qualifications Framework Higher Education Threshold Standards 2021 Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Privacy and Personal Information Protection Act 1998
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