

Under the National Code 2007¹, education providers can not enrol students seeking to transfer from another provider before that student has completed **6 months** of their principal course of study except in some circumstances.

I haven't finished 6 months of my principal course, but I want to transfer. What can I do?

If you want to transfer before completing 6 months of your principal course, you need to ask your education provider for a letter of release. But you do not need a letter of release if:

- you have completed more than 6 months of your principal course;
- you are a government sponsored student, and your sponsor supports a transfer, or
- your current education provider or course has ceased to be registered or a sanction has been imposed that prevents your provider from continuing to deliver your principal course.

Have I completed six months of my principal course?

The six months is calculated as six calendar month from the first day of your principal course. Your principal course is usually the final course of study you will undertake. For example, if you are studying ELICOS followed by a Bachelors programme, the Bachelor degree is your principal course.

What's the process for getting a letter of release?

The National Code 2007 requires your education provider to have a written policy and procedure, which will tell you how to apply for a letter of release and how your provider will assess your transfer request. This policy and procedure must be made available to you. But before your current education provider can assess your request, you must give them a copy of the letter of offer you have received from the provider you want to transfer to. See the diagram overleaf for more information.

What if my request is declined?

If your education provider does not give you a letter of release, it must give you written reasons for refusing your request and inform of your right of appeal. All education providers must have a procedure for dealing with complaints and appeals and if you decide to use this system your education provider must deal with the complaint or appeal as soon as practicable.

The restriction has dropped from 12 to 6 months

Students are free to transfer to another education or training provider after completing six months of their principal course of study. Prior to 1 July 2007, students could not transfer to another provider before completing 12 months of their principal course of study unless the Department of Immigration and Citizenship released them from their visa condition.

Further information

- How the National Code affects you – <http://aei.dest.gov.au/AEI/ESOS/FAQs/>
- The National Code 2007 – <http://aei.dest.gov.au/AEI/ESOS/NationalCodeOfPractice2007/>
- Further explanation of the National Code 2007 – <http://aei.dest.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/>

If you think your education provider is not complying with the National Code 2007, you can contact DEST by emailing esosmailbox@dest.gov.au.

¹ The Education Services for Overseas Students (ESOS) National Code 2007 outlines the obligations your education provider must meet in providing you with education and training services. These obligations aim to provide an adequate consumer protection framework for students, support students achieve their education goals and support the integrity of the Australian Government's visa programme.

Transferring to another education provider to study

Have you completed six months of your principal course of study?

(Your principal course is usually the final course of study you will undertake. For example, if you are studying ELICOS followed by a Bachelors programme, the Bachelor degree is your principal course.)

Yes

You can transfer to another education or training provider without seeking permission from your current provider.

If you decide to transfer:

- 1) check your provider's refund policy to determine if you are entitled to any refund for monies paid, and
- 2) contact the Department of Immigration and Citizenship to check if you need a new student visa.

No

Government regulations prevent other education and training providers from enrolling you in one of their courses unless:

1. you have a letter of release from your current provider,
2. you are sponsored by a government and they consider that it is in your best interests to change provider,
3. your current provider or course is no longer registered, or
4. your current provider has been sanctioned for breaching its regulatory obligations.

If you haven't completed six months of your principal course and you need a letter of release, you need to...

1. Approach the other provider/s that you want to transfer to and request a letter of offer. Without a letter of offer, your current provider (the provider you are studying with now) is not able to release you.

2. Request a letter of release from your current provider and show that you have a letter of offer from another provider.

Your current provider will assess your request according to its transfer policy and procedure. Your provider is entitled to make a decision in accordance with its policy. However, your provider can not charge you for a letter of release and its assessment must be made in a reasonable timeframe.

The provider's transfer policy and procedure must be made available to you and will specify the circumstances in which a transfer will and will not be granted. If the policy is unreasonable, you can make a complaint to the Department of Education, Science and Training.

If your request is **granted**:

- 1) contact the Department of Immigration and Citizenship to check if you need a new student visa
- 2) check your current provider's policy to determine if you are entitled to a refund, and
- 3) show the letter of release to the provider you want to transfer to so they can enrol you.

If your request is **declined**, your current provider must:

- 1) give you written reasons for refusing your request, and

- 2) inform you that you can appeal the decision using the provider's complaints and appeals processes.