

# Overseas Student Factsheet: Transferring Your Course or Education Provider

## Introduction

Sometimes students change their minds about what they would like to study. If you want to transfer to another education provider or course, or change the qualification you want to attain (e.g. Diploma to a Bachelor's Degree), there are many matters you should consider.

In dealing with your request to transfer, the education provider must follow the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (**National Code**).

The ESOS Act and National Code set out the steps that must be met before an education provider can release a student, or accept a student from another provider.

## How do I transfer my studies?

Each provider may have different rules about transferring to another education provider. However, *provided you have completed at least six months of your main course of study*, the steps are similar:

1. Read your student agreement, especially the section on

transferring to another course, level of qualification, or education provider;

2. Contact your provider for more information and to talk to them about their release policy - let them know that you would like to change courses or study providers;
3. Contact the provider you would like to move to, and get a new letter of offer;
4. Seek permission from your current education provider to transfer to your new provider - you may have to sign some documents;
5. Your current provider will then assess your situation for changing against their policies - there should be no cost to you in doing so (National Code, 7.4).
6. There are two outcomes:
  - (a) Request for transfer is granted, or
  - (b) Request for transfer is refused – see below.

7. If your request is granted, make sure you contact the Department of Home Affairs to update your details and confirm your visa situation.

There are extra steps to follow if you are under 18 years of age. You should seek specialised legal advice if you are under 18 years of age and wish to transfer your enrolment.

### **If you have not finished 6 months of study**

Generally, you cannot transfer courses prior to completing six calendar months of your main course of study.

If you want to transfer before you have finished the first six months of your principal course of study, you must contact your current provider for a release letter (unless exceptional circumstances exist) (National Code, 7.1).

### ***Exceptional Circumstances - No release required***

You may not need a release letter to transfer within the first six months of your study if (National Code, 7.1):

- Your original educational provider, or your original course, is no longer registered with the government;
- Sanctions are imposed on your educational provider's registration that stop you from continuing your studies; and/or
- Any government sponsor thinks the transfer is in the student's best interest and has written a letter to support the transfer.

### ***Release required - Provider's assessment***

If no exceptional circumstances apply, you need a letter from your current educational provider releasing you from your studies.

In deciding whether to grant a release, the educational provider will assess your case against their transfer policy and procedure, to determine whether it is in your best interests to grant the transfer (National Code, 7.2). Although the decision depends on your institution's specific policies, transfer may be granted where:

- You are unable to achieve satisfactory course progress at the level you are studying;
- There is evidence of compassionate or compelling circumstances;
- The registered provider failed to deliver the course as outlined in the written agreement;
- There is evidence that your reasonable expectations about your course are not being met; and/or
- There is evidence that you were misled by the educational provider or an education or migration agent, and the course is therefore unsuitable to your needs and/or study objectives.

If you have completed six calendar months of your main course of study, you can transfer without needing to meet one of these conditions.

### **What if my educational provider wants to refuse my transfer request?**

If the provider is intending to refuse your transfer request, they must (National Code, 7.5):

- tell you in writing;
- give reasons why the transfer is being refused; and
- advise you that you can use the provider's internal complaints and appeals process, within 20 days.

For more information about your options in this process, please see the Redfern Legal Centre factsheets on 'Making a complaint about your education provider' (see: <https://bit.ly/RLC-self-help>).

### Will my transfer need a new visa?

Some transfers may require you to apply for a new visa. For more information, you will need to contact the Department of Home Affairs.

Generally, you might need to apply for a new visa if:

- Your transfer is to a course that is NOT covered by the type of visa you have.
  - *Example:* If you have a visa subclass 573 Higher Education student visa, you cannot transfer to a vocational diploma of study
- You want to change to a NEW education sector and you hold a student visa subclass 570 to 576:
  - Education sectors in Australia include:
    - > English Language Intensive Course for Overseas Students (ELICOS) sector
    - > Schools sector (primary and secondary)
    - > Vocational Education and Training sector
    - > Higher Education sector
    - > Postgraduate Research sector
    - > Non Award sector
    - > Foreign Affairs or Defence sector

- You were granted your visa under the Streamlined visa processing, in which case you have to meet the following requirements for a grant of visa:
  - You cannot transfer to within the first 12 months of your visa
  - The provider has to be an eligible provider.

### Tips

- Make sure you have written down all the reasons why you would like to transfer -it is important to show your provider how important this transfer is for your future goals and why it is in your best interests.
- If your provider has refused your request to transfer, they must give you written reasons why they have refused. Make sure you keep a copy of the provider's reasons.
- Always keep your details up to date and notify the Department of any changes to your enrolment.
- Some transfers will require a new student visa – make sure you understand your current visa conditions and contact the Department of Home Affairs promptly if you have any concerns.
- If you are under 18 years of age, there are extra rules to follow and you should seek legal advice before making any changes to your enrolment.

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This factsheet is not a substitute for legal advice. If you have a problem, please contact RLC's International Student Legal Service NSW at [www.rlc.org.au/contact](http://www.rlc.org.au/contact) or phone 02 9698 7645.