

TRANSFER BETWEEN REGISTERED PROVIDERS POLICY



Approved by Council: 15 August 2012
Revised by Council: 22 April 2014

Related documents

National Code of Practice, Standard 7

Education Services for Overseas Students Act 2000

Appeals Policy

1. Purpose

This policy ensures that the University of Divinity complies with the Education Services for Overseas Students Act 2000 and the requirements of Standard 7 of the National Code of Practice 2007 for administering requests from international students holding a student visa and seeking a transfer between registered providers.

2. Scope

These procedures apply to international students holding a student visa and seeking to transfer within the first 6 months of their principal course of study. The University does not enrol international students under 18 years of age.

3. Definitions

- 3.1 Compassionate: Family, medical or 'wellbeing' reasons for supporting a transfer.
- 3.2 Compelling: Circumstances that are involuntary and such that the applicant has little or no alternative.
- 3.3 CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students.
- 3.4 Current Study Period: The study period in which the student applies for a Letter of Release or the previous study period if the application is made between semesters.
- 3.5 Enrolled: Where a student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards completion of course requirements.
- 3.6 ESOS: Education Services for Overseas Students Act 2000 (ESOS Act).
- 3.7 Government Sponsored: An Australian or foreign Government sponsored student for study in Australia.
- 3.8 Letter of Offer: A letter from a provider offering a student a place in an approved course of study.
- 3.9 Letter of Release: A letter authorising a student to be released from one provider so that they are able to enrol with another provider.

- 3.10 Original provider: Education provider from whom a student is seeking to transfer.
- 3.11 Principal course of study: The main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study is the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
- 3.12 Receiving provider: The provider with whom the student is intending to enrol.
- 3.13 Student Visa: A visa described in the Migration Regulations 1994 as a Student (Temporary) (Class TU) visa, other than such a visa for:
- a) A person who satisfies the secondary criteria, but not the primary criteria, under those Regulations for the granting of the visa; or
 - b) An exchange student or AusAID student within the meaning of those Regulations; or
 - c) An overseas student who has been approved by the Minister for Defence to undertake a course of study or training under a scholarship scheme or training program approved by the Minister for Defence; or
 - d) An overseas student who has been approved under another scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia.
- 3.14 Transfer between registered providers: An international student who applies to transfer to or from another CRICOS registered provider.

4. Policy Statement

4.1 Responsibility for Implementation

Approval, refusal, and / or processing of transfer requests for students who hold a student visa is the responsibility of the University's Director of Academic Services, with the assistance of staff at the University's Colleges.

4.2 Students seeking to transfer from the University

- 4.2.1 International students seeking to transfer from the Institution to another registered provider prior to completion of the first 6 calendar months of their principal course must seek approval to transfer. If approved, the Director of Academic Services will issue a Letter of Release. The University will issue a Letter of Release only if:
- a) The current course is academically unsuitable for a student – i.e. where a student is better suited to a different learning environment or the course does not meet the student's educational or developmental needs, or
 - b) Compassionate or compelling reasons for the transfer exist.
- 4.2.2 As required by ESOS NC07, S7.3, before the Letter of Release is issued the student must present a valid Letter of Offer of enrolment with the receiving provider.
- 4.2.3 In accordance with ESOS NC07, S7.2 (b), the Institution will refuse to issue a Letter of Release if the transfer is considered detrimental to the student or the circumstances for approving the granting of a Letter of Release have not been satisfied. A student who

has unpaid course fees for the current study period will be refused a Letter of Release. Factors that would be considered detrimental to the student include:

- a) A transfer would jeopardise a student's progress through a package of courses
- b) A student requires or has access to particular support services that will not be delivered by the receiving provider or accessible by the student following the transfer.

4.2.4 ESOS NC07, S7 states that the Letter of Release, if granted, must be issued at no cost to the student. Where a request for a Letter of Release is refused, the student must be advised in writing of the reasons for the refusal and of the right to appeal the decision. Records of all requests for Letters of Release, the assessment of the application and decision will be maintained on file at the Office of the Vice-Chancellor.

4.2.5 The University will assess and respond to the application within 10 working days.

4.3 Students seeking to transfer to the University

4.3.1 International students within the scope of this policy who seek to transfer to the Institution prior to completion of the first 6 calendar months of their principal course will be provided with a Letter of Offer. However, a Confirmation of Enrolment (CoE) will be issued only if:

- a) The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
- b) The original registered provider has provided a written Letter of Release;
- c) The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
- d) Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

TRANSFER BETWEEN REGISTERED PROVIDERS PROCEDURES

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1. Students wishing to transfer from the University

- 1.1 Students who have not yet commenced their principal course at the University and students who have commenced their principal course at the University but have not completed 6 (six) calendar months of that course submit their application to the International Student Contact Officer at their College.
- 1.2 The application must be submitted as follows:
 - a) The student must lodge an application comprising a written request for a Letter of Release including a statement of reasons thereof; and
 - b) Include a copy of the Letter of Offer from the new registered provider.
- 1.3 The application will be assessed by the University only if the student provides complete documentation as outlined above.
- 1.4 If the application is complete the College must forward it to the Director of Academic Services, University of Divinity, 21 Highbury Grove, Kew Victoria 3101. The Director must refer the application to the Director of Research when appropriate.
- 1.5 The Director of Academic Services must ensure:
 - a) a decision is made on the application and a response is provided to the student within 5 (five) working days of receipt;
 - b) the decision and reasons for it are recorded in the student record system.
- 1.6 The University must issue an approval or refusal letter to the student subsequent to the determination of the application and include in the student's file:
 - a) a copy of the application
 - b) a copy of internal communication regarding the decision
 - c) a copy of the letter issued to the student
- 1.7 If the application for a Letter of Release is refused, the student can lodge an appeal in accordance with the University's Appeals Policy. In compliance with standard 8 of the National Code 2007 the appeal process must commence within 10 working days of the formal lodgment of the appeal and every effort be taken to finalise the process expeditiously.
- 1.8 If a student is dissatisfied with the decision, or by the way an appeal has been handled by the University, the student may make a complaint to the Ombudsman.

2. Students wishing to transfer to the University

- 2.1 The student must:

- a) Lodge the application with the International Student Contact Officer of a College of the University indicating whether he or she is applying to transfer within the first 6 (six) months of their principal course;
 - b) Present the University's Letter of Offer to the original registered provider when applying for a Letter of Release;
 - c) Submit their Letter of Release from the original registered provider to the Institution.
- 2.2 The application will be assessed by the University only if the student provides complete documentation as outlined above.
- 2.3 If the application is complete the College must forward it to the Director of Academic Services, University of Divinity, 21 Highbury Grove, Kew Victoria 3101. The Director must refer the application to the Director of Research when appropriate.
- 2.4 If the student is seeking to transfer within the first 6 (six) months of the principal course, the University must:
- a) Check PRISMS and the International Application form to determine whether or not the student is currently studying with another provider;
 - b) Provide a Letter of Offer to the student;
 - c) Sight the Letter of Release issued to the student;
 - d) Issue a CoE if release is confirmed and if the student is eligible for the course for which they have applied and has an offer for said course.