

TRANSFER BETWEEN REGISTERED PROVIDERS POLICY



Current version in effect from: 10 Nov 2022
Approved by Council: 15 Aug 2012
Revised by Council: 22 Apr 2014, 4 Dec 2019, 9 Nov 2022

Related documents

National Code of Practice 2018, Standard 7

Education Services for Overseas Students Act 2000

Education Services for Overseas Students Regulations 2019

Appeals Policy

1. Purpose

- 1.1 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 2018 for administering requests from international students holding a student visa and seeking a transfer between registered providers.

2. Scope

- 2.1 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

- 3.2 **Compassionate or Compelling circumstance:** 'Compassionate or compelling' circumstances as defined by the National Code of Practice for Providers of Education and Training to Overseas Students 2018 are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:
- a) serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
 - b) bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - c) major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
 - d) a traumatic experience, which could include:
 - i) involvement in, or witnessing of a serious accident; or
 - ii) witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports);

e) where the University of Divinity was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

3.2 **CRICOS:** Commonwealth Register of Institutions and Courses for Overseas Students.

3.3 **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.

3.4 **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.

3.5 **ESOS:** Education Services for Overseas Students Act 2000 (ESOS Act).

3.6 **Government Sponsored:** An Australian or foreign Government sponsored student for study in Australia.

3.7 **Letter of Offer:** A letter from a provider offering a student a place in an approved course of study.

3.8 **Letter of Release:** A letter authorising a student to be released from one provider so that they are able to enrol with another provider.

3.9 **National Code 2018:** The National Code of Practice for Providers of Education and Training to Overseas Students 2018 is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students.

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 first 6 calendar months is calculated as six calendar months from the date an overseas student commences their principal course. The transfer restriction applies to a student during all courses they undertake prior to the principal course.

3.12 **PRISMS:** The Provider Registration and International Student Management System (PRISMS) is an Australian Government secure online system that allows providers to issue confirmations of enrolment (CoEs).

3.13 **Receiving provider:** The provider with whom the student is intending to enrol.

3.14 **Student Visa:** Students on a student visa (subclass 500).

3.15 **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 Dean of Academic Programs, with the assistance of staff at the University's Colleges.

4.2 Students seeking to transfer from the University (outbound transfer)

4.2.1 International students seeking to transfer from the University to another registered provider prior to completion of the first 6 (six) calendar months of their principal course must seek approval to transfer. If approved, the Dean of Academic Programs will issue a Letter of Release. The University will issue a Letter of Release only if it determines that a release is in the student's best interests, including where:

- a) Remaining in the course with the University would be detrimental to the student's wellbeing
- b) The student has requested a transfer to a course with another registered provider that is considered by the University of Divinity to be better suited to the student's academic capabilities, study plans or career aspirations. This includes
 - i) where a student wishes to transfer from a higher-level qualification to a lower-level qualification; or
 - ii) where a student changes a field of studies; or
 - iii) where the student is unable to achieve satisfactory course progress, despite support strategies provided by the University; or
 - iv) there is evidence that the student's reasonable expectations about their current course are not being met;
- c) There is evidence of compassionate or compelling circumstances to support the requested transfer.

Where appropriate the University will counsel students, to consider their personal or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within the University and/or the recommendation of the course advisor as an alternative to the transfer. Where the student is eligible for a release, this will not affect their right to transfer.

After completing six calendar months of the principal course, an overseas student can transfer without needing to meet any of the above conditions.

4.2.2 As required by the National Code 2018, S7.2.1, 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 National Code 2018, S7.2.3, the Institution will refuse to issue a Letter of Release if

- a) The transfer is considered detrimental to the student. Factors that would be considered detrimental to the student include:
 - i) A transfer would jeopardise a student's progress through a package of courses.

ii) 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.

b) Circumstances for approving the granting of a Letter of Release have not been satisfied.

c) A student has unpaid course fees for the current study period

4.2.4 National Code 2018, S7.4 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 (inbound transfer)

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 Conditional 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.

5. Procedures for Transfer Between Registered Providers

5.1 Students wishing to transfer from the University (outbound transfer)

5.1.1 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/ Registrar at their College.

5.1.2 The application must be submitted as follows:

a) The student must lodge an application using the [Enrolment Variation Form](#), requesting 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.

5.1.3 The application will be assessed by the Academic Dean only if the student provides complete documentation as outlined above.

- 5.1.4 If the application is complete the College must forward it to the Dean of Academic Programs, University of Divinity, 90 Albion Rd, Box Hill VIC 3128. The Dean must refer the application to the Dean of the School of Graduate Research when appropriate.
- 5.1.5 The Dean of Academic Programs 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.
- 5.1.6 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
- 5.1.7 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 the National Code 2018, S10.2.3, the appeal must be made within 10 (ten) working days and every effort be taken to finalise the process expeditiously.
- 5.1.8 If a student is dissatisfied with the decision, or by the way an appeal has been handled by the University, the student may lodge an external appeal in accordance with the University's Complaints Policy outlining the avenues for an external appeal and the University will maintain the student's enrolment until the external complaints process is completed.
- 5.1.9 In accordance with the National Code 2018, S7.1.3, the University should record the overseas student's release the date of effect and reason for release in PRISMS.
- 5.2 Students wishing to transfer to the University (inbound transfer)
- 5.2.1 The student must:
- a) Lodge the application with the Dean of Academic Programs, University of Divinity, 90 Albion Rd, Box Hill VIC 3128 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.
- 5.2.2 The application will be assessed by the University only if the student provides complete documentation as outlined above.
- 5.2.3 The Dean of Academic Programs must refer the application to the Dean of the School of Graduate Research when appropriate.

- 5.2.4 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) Sign 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.

6. Date of Next Review

- 6.1 This policy is to be reviewed no later than 31 December 2029.

APPENDIX 1: LETTER OF RELEASE SAMPLE

Approved by: Dean of Academic Programs

Approved on: 21 Oct 2022

Student First Name, Surname

Street

Suburb

Postcode

Re: Request for Release letter

Student First Name, Surname (DOB: XX/XX/XXXX) (ID: 20XXXXXXX)

Dear Student First Name,

In response to your request for release from the course, this letter confirms that the University of Divinity approves your release.

Please note that the Department of Home Affairs (DHA) will be advised of the discontinuation of your studies at the University of Divinity and any COEs issued by the University of Divinity will be cancelled.

You are advised to contact DHA for advice regarding your student visa status.

Yours sincerely,

Student Services Manager

University of Divinity

Telephone: 9087 5408

Email: academicservices@divinity.edu.au

CC:

College Principal

College Academic Dean