

# International Student Transfer Between Registered Providers Policy

## Navitas Professional Institute

### Document

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### Version Control

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August 2007	Initial approval	August 2012
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19 November 2014	Review and minor amendment	November 2019
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# International Student Transfer Between Registered Providers Policy

## 1. Purpose and Scope

This policy outlines the circumstances under which the College will allow both the enrolment of international students transferring from another Registered Provider into the College and the release of students from the College to another Registered Provider and the procedures for assessing such requests for transfer. This statement applies to international students studying in Australia, with a student visa, who wish to transfer between Registered Providers.

## 2. Policy

### 2.1 Policy Overview

Under the Education Services for Overseas Students Act 2000 and the associated requirements of Standard 7 of the National Code of Practice 2007 the College is restricted from enrolling transferring international students within the first six months from the commencement of the student's principal program except in limited circumstances.

If you are an international student you must complete six months of your principal course before you can transfer to another Registered Provider.

If you have not completed six months of your course, your application to transfer may be refused, except in the limited circumstances as outlined in this policy. International students transferring to another provider within the first six months of their principal course without obtaining a letter of release are also at risk of having their visa cancelled by the Department of Immigration and Border Protection (DIBP).

International students enrolled with the College who have completed six months of their principal course of study who wish to transfer to another place of study must follow the College's course withdrawal procedures to do so.

If you wish to change your study plans, do promptly contact your ACAP campus International Student Contact Officer to discuss the impact of your plans on your student visa and the various options that may be available to you. For further information on how changes to your course may impact your visa refer also to the Department of Immigration and Border Protection's website information on Changing Courses at <https://www.border.gov.au/>.

### 2.2 Calculating the six months

The start date for calculating the six (6) calendar months is from the date when the student commences their principal course.

### 2.3 Circumstances in which transfer to the College from another Registered Provider will be permitted prior to a student completing 6 months of their principal course

The College will not actively recruit an international student wishing to transfer from another Registered Provider's course prior to the student completing six (6) calendar months of their principal course.

The College will also not knowingly enrol the student wishing to transfer from another Registered Provider's course prior to the student completing six months of his or her principal course of study except where:

- 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.

If the student is under the age of 18, written evidence is also required that:

- the student's parent or legal guardian supports the transfer; and
- the College being transferred to has put arrangements in place for approving a student's accommodation, support and general welfare; and
- the request is accompanied with the student's signed ACAP or NCPS *Letter of Offer-Agreement*.

Only in the excepted circumstances listed immediately above will the College issue a Conditional Letter of Offer-Agreement to the student, which will also make clear that enrolment is conditional on the students attaining a Letter of Release from their current provider. A Confirmation of Enrolment (CoE) will not be issued by the College until the student has provided an appropriate Letter of Release.

#### **2.4 Circumstances in which transfer from the College to another Registered Provider will be permitted prior to a student completing 6 months of their principal course**

International students seeking to transfer from the College to another Registered Provider prior to completion of the first six (6) months of their principal course must seek approval to transfer and obtain a *Letter of Release* from the College in accordance with College procedure.

The College recognises overseas students as consumers and supports them to exercise choice and that some international students may require support to transition to study in Australia. The College will take into consideration the individual circumstances of the student when determining whether or not the transfer will be detrimental to the student and whether or not a *Letter of Release* will be issued to the student. When making such judgements the College will ensure the reasons are adequately supported.

#### **2.5 College Grounds for Granting the Issue of a Letter of Release**

The College will issue a Letter of Release if:

- (a) the student's enrolled course is deemed by the College as academically unsuitable for the student. The range of factors may include:

- if the course the student wishes to transfer to:
  - 2.1. better meets the study capabilities of the student
  - 2.2. better meets the long term goals of the student, whether these relate to future work, education or personal aspirations
- if the student wishes to change course in order to get access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network)
- if the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met;

or

- (b) the student can demonstrate compassionate or compelling circumstances which necessitate transfer to another provider and these circumstances:

- are beyond the student's control, and
- have not made their full impact on the student until after the acceptance of their offer or their formal enrolment in their course, and
- make it impractical for the person to complete six (6) months of study at the College.

In determining requests for release from a student with a package offer, the College will take into account the recommendation of the package provider; however the College reserves the right to differ with the recommendation and the decision of the College will be final.

## **2.6 College Grounds for Refusal to Issue a Letter of Release**

The College will refuse to issue a Letter of Release unless:

- (a) the student has a valid enrolment offer from the receiving Registered Provider; and
- (b) the student, if under 18, has provided to the College written evidence that their parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new Registered Provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code.

The College will also refuse to issue a Letter of Release when the transfer is considered detrimental to the student. Factors that would be considered detrimental to the student include (but are not limited to):

- (a) a transfer would jeopardise a student's progress through a package of courses; or
- (b) the student has not identified plausible benefits which will accrue from the transfer; or
- (c) the student has recently had an intervention strategy put in place and there has been insufficient time to assess whether or not this will be an effective solution for the student; or
- (d) the College forms the view that the student is avoiding being reported to DIBP for breaching any student obligations or student visa conditions.

## **3. Procedure**

### **3.1 Procedure to apply to transfer to the College within six (6) months of commencing a principal course with another Registered Provider**

#### *Application Lodgement*

To apply for transfer to the College within six (6) months of commencing a principal course with another Registered Provider the international student must initially, complete the College's normal course admissions process for international students, indicating that they are also applying to transfer within the first six (6) months of their principal course with another Registered Provider.

Upon receipt of an application the College will identify through PRISMS whether the international student is currently enrolled with another Registered Provider and seeking transfer within the first six (6) months of their current principal course.

#### *College Issuance of Conditional Letter of Offer-Agreement*

If the student is found to be currently enrolled with another Registered Provider seeking to transfer within the first six (6) months of their current principal course, the College will only issue the student a Conditional Letter of Offer-Agreement if both the exceptional circumstances warranting transfer outlined at item 4.3 above apply and if the College has deemed the student is eligible for course admission. The issued Conditional Letter of Offer-Agreement will make clear that enrolment is conditional on the students attaining a Letter of Release from their current provider.

If the student is found to not be currently enrolled with another Registered Provider or not seeking to transfer within the first six (6) months of their current principal course, the College's standard international student admissions processes will apply.

### *College Issuance of Confirmation of Enrolment*

The College will only issue an international student enrolled with another Registered Provider seeking to transfer within the first six (6) months of their current principal course, their Confirmation of Enrolment (CoE), when the international student provides to the College:

- a 'Letter of Release' from the other Registered Provider;
- their signed Letter of Offer-Agreement; and
- following the College's receipt of any due monies as listed in the College Letter of Offer-Agreement.

### *College Issuance of 'Unsuccessful' Letter*

The College will issue an 'Unsuccessful' Letter to any student who has applied to enroll with the College who is also seeking to transfer within the first six (6) months of their current principal course if the College has deemed:

- that the exceptional circumstances warranting transfer outlined at item 4.3 above do not apply to the student; and/or
- that the student is not eligible for course admission.

The student is welcome to re-apply for enrolment with the College once the six (6) month period has passed.

## **3.2 Procedure from students enrolled with the College to apply for a Letter of Release to another Registered Provider**

### *Application Lodgement*

An international student seeking to apply for transfer from the College within six (6) months of commencing their principal course to another Registered Provider must do so by submitting a completed College 'Application for Letter of Release - International Students' form, as instructed in the form and supply with the application the required information and supporting documents.

The following supporting information and documentation is required to be submitted with the application:

- a statement of reasons for the release request with evidence to support one of the eligible criteria for release,
- a copy of a valid enrolment offer (e.g. Letter of Offer) from the intended Registered Provider, and if the student is under 18:
  - written confirmation that the student's parents support the transfer, and
  - where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the Registered Provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code.

(Note: International students under 18 are not normally enrolled in College courses except in College authorised exceptional circumstances).

The 'Application for Letter of Release - International Students' form can be downloaded from the College website:

ACAP: <http://www.acap.edu.au/current-students/managing-my-course/a-z-forms/>

NCPS: <http://www.ncps.edu.au/policies-and-forms>

### *College Issuance of Letter of Release*

The Letter of Release will be granted to a student who has been determined under the policy to be eligible for release. The Letter of Release will advise the student to consult DIBP (<https://www.border.gov.au/>) to seek advice on whether a new Student Visa is required. The College will notify DIBP of the student's withdrawal from their course via PRISMS and the student's CoE with the College will be cancelled upon completion of this withdrawal process.

### *College Issuance of Letter Requesting Further Information*

If the student does not supply all required documents with the Application for Release, the Registrar (or designated officer) will issue the student a letter requesting further information. If the student does not reply to the letter within 10 working days, the Registrar (or designated officer) will issue the student a Letter of Refusal to Release.

### *College Issuance of Letter of Refusal to Release*

If the College has not approved the request to transfer to another education provider, the student will be informed of the reasons for this decision in writing and reminded that they may freely transfer between institutions after six (6) months of study at the College. The notification of refusal will also advise the student of their right to appeal the decision within 10 working days of receipt of the Letter of Refusal to Release.

## **3.3 Application Fees and Charges**

Applications for Transfer to the College or Transfer from the College within the first six (6) months of their current principal course do not incur any administration or processing charges. Students applying to transfer to the College are advised that a non-refundable administrative enrolment fee applies to the College's international student course applicants on acceptance of their letter of offer-agreement. For further details refer to:

ACAP: <http://www.acap.edu.au/international-students/how-to-apply-international/>

NCPS: <http://www.ncps.edu.au/international-students/how-to-apply/>

## **3.4 Application Processing Timeframes**

The College will normally assess and respond to Applications within 10 business days of receipt of a complete application.

## **3.5 Right of Appeal**

If an international student feels aggrieved by any decision of the College made in relation to a Transfer Request between Registered Providers, the student may appeal the decision through the College's Non-Academic Grievances and Appeals Policy and Procedure:

ACAP: <http://www.acap.edu.au/current-students/managing-my-course/student-handbook/grievances-and-appeals-policies-and-procedures/>

NCPS: <http://www.ncps.edu.au/assets/NCPS-Policies/NCPS-Non-Academic-Grievances-Complaints-and-Appeals-PolicyAndProced.pdf>

## **3.6 Outstanding Fees and Refunds**

If the student transfers from the College owing fees, the College is entitled to pursue payment with the student. Any student tuition fee refunds in connection with a student transfer to another institution are governed by the College's Refund Policy which is available on the College website:

ACAP: <http://www.acap.edu.au/current-students/managing-my-course/a-z-policies/>

NCPS: <http://www.ncps.edu.au/policies-and-forms>

### 3.7 Records Management

The Registrar (or designated officer) is responsible for ensuring all records associated with this policy are kept as per requirements of National Code Standard 7.6. A copy of all relevant documentation relating to the student's request for transfer will be included in the student's record.

## 4. Responsibilities

The Registrar is accountable for the ongoing development, approval, implementation, awareness and effectiveness of this Policy.

Executive members, Heads of School and functional managers are responsible for ensuring their employees are aware of this Policy and their responsibilities defined herein.

Academic and professional staff are responsible for being aware of and complying with this Policy.

Students are responsible for being aware of and complying with this Policy, and should seek assistance from appropriate sources in respect of this policy where necessary.

## 5. Definitions

Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

**Academic staff/teaching staff** refers to permanent and casual employees engaged in teaching and assessment of courses at the institution.

**Confirmation of Enrolment (CoE)** refers to a document provided electronically, which is issued by a Registered Provider to intending overseas students and which must accompany their application for a student visa. It confirms the international student's eligibility to enrol in a particular course offered by the Registered Provider.

**Compassionate grounds** refers to family, medical or 'wellbeing' reasons for supporting a transfer

**Compelling grounds** refers to circumstances that are involuntary and such that the applicant has little or no alternative.

**DIBP** refers to the Department of Immigration and Border Protection

**ESOS** refers to the Education Services Overseas Students Act (2000)

**Institution (the)/College (the)** means the Navitas Professional Institute and its colleges (see registration information below).

**International student/Overseas student** as defined in the ESOS Act, refers to a person studying in Australia on a student visa.

**Intervention Strategy** refers to an individual plan to provide academic support and/or assistance to an international student identified as being 'at risk' of not achieving satisfactory academic progression.

**Letter of Release** refers to a letter issued by a CRICOS Registered Provider to confirm approval for an international student to be released from that provider to study with another provider.

**Letter of Offer** refers to a statement issued by an education provider which confirms its approval for an international student to enrol in the course(s) indicated on the letter.

**National Code** refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2007 (as updated from time to time)

**Packaged program** refers to students studying an ELICOS or VET program explicitly packaged with an ACAP or NCPS higher education course.

**Principal Course/Program** refers to the principal course/program of study refers to the main program of study to be undertaken by an overseas student where a student visa has been issued for multiple programs of study. The principal program of study would normally be the final program of study where the overseas student arrives in Australia with a student visa that covers multiple programs.

**PRISMS** refers to the Provider Registration and International Students Management System

**Registered Provider** refers to a university, TAFE or private educational institution listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to offer courses to people studying in Australia on student visas.

**Student** in this policy refers to an international or overseas student studying in Australia on a student visa.

**Unit** means a unit of study in a higher education course or a unit of study, subject, module and/or unit of competency in a vocational education and training course.

## 6. Review

This policy is reviewed at a minimum of every 5 years by the policy owner (or designate) to ensure alignment to appropriate strategic direction and its continued relevance to Navitas' current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

## 7. Records

Records in association with this policy will be kept in accordance with the institution's Records Management Policy and Records Retention and Disposal Schedule. Confidential files related to the implementation of the policy must be maintained according to relevant privacy processes.

## 8. Related documents

Refund Policy; Admissions and Enrolment Policy; International Student Course Progression Policy; Non-Academic Grievance and Appeals Procedures; Application for Letter of Release - International Students' form, Letter of Release to Transfer between Registered Providers (template); Letter of Refusal to Release (template); Letter Requesting Further Information in connection with request for Letter of Release (template); International Student Applicant "Unsuccessful Letter" (template).

## 9. Related legislation

Higher Education Support Act 2003; Tertiary Education Quality and Standards Agency Act 2011; Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007; and associated Commonwealth and State legislation; and Australian Qualifications Framework.

## Registration information

The Navitas Professional Institute is a group of colleges in the Navitas Professional and English Programs (PEP) Division of Navitas Limited the colleges being the Australian College of Applied Psychology (ACAP), Navitas College of Public Safety (NCPS), Health Skills Australia (HSA), and the Australian TESOL Training Centre (ATTC) with respect to ATTC's 39296QLD Graduate Certificate in TESOL and 39297QLD Graduate Diploma in TESOL courses. Navitas Professional Institute Pty Ltd (NPI Pty Ltd), ABN 94 057 495 299, National CRICOS Provider Code 01328A, TEQSA HE Provider Registration Code 12009, RTO 0500. Health Skills Australia Pty Ltd ABN 53 123 479 201, RTO 21646.