

Transfer of Provider Policy

Purpose

- (1) This policy covers matters relating to the transfer of providers by students.
- (2) This policy should be read and understood in conjunction with SIBT policies, including, but not limited to the:
 - a. Admissions Policy
 - b. Assessment Policy
 - c. Enrolment Policy
 - d. Student Deferral or Withdrawal Policy
 - e. Refund Policy

Definitions

- (3) For the purpose of this policy:
 - a. AQF
Australian Quality Framework: The AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.
 - b. TEQSA
The Tertiary Education Quality and Standards Agency (TEQSA) is Australia's independent national regulator of the higher education sector.
 - c. The National Code of Practice
The National Code of Practice for Providers of Education and Training to Overseas Students 2018 ([National Code 2018](#)) sets nationally consistent standards for the delivery of courses to overseas students.
 - d. ESOS
The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to overseas students who are in Australia on a student visa. ESOS also provides tuition fee protection for overseas students.
 - e. Tuition Protection Service
The Tuition Protection Service (TPS) is a placement and refund service for overseas students.

Principal Course

Is the main course of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.

Policy Statement

- (4) The policy outlines the conditions and circumstances under which SIBT will consider a student request for transfer between registered providers.

Legislative Requirements

- (5) The Education Services for Overseas Students Act 2000 (ESOS Act) and Standard 7 of the associated National Code of Practice 2018 requires registered providers to assess requests from students for a transfer between registered providers prior to the student completing six months of their principal program. The principal program is the main program of study to be undertaken by an overseas student where the student visa has been issued for multiple courses, and is usually the final program of study (usually Western Sydney University degree program). The first six months is calculated as six calendar months from the date an overseas student commences their principal program. This means that transfer restrictions apply to an overseas student during all programs they undertake prior to the principal program. However, under Standard 7 of the National Code 2018, a student can transfer to another provider before they have completed six months of their principal course if the transfer is in the student's best interest. No restrictions apply after the student has completed six months of their principal program. Receiving providers must not knowingly enrol students in this situation, except where:
- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
 - the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
 - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider, or
 - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
- (6) SIBT will not seek to enrol a student wishing to transfer from another registered provider's program prior to the student completing six months of their principal course of study except where the situation falls within the above parameters.
- (7) Students considering transferring providers must ensure that they continue to meet the conditions of their student visa. More information can be found at <http://www.homeaffairs.gov.au/Trav/Stud/More/Changing-courses>

Request for transfer

- (8) SIBT markets itself as an education provider offering academic programs. Students are provided with a range of information outlining program structures and requirements and articulation pathways. In light of this, requests for student transfers will take into consideration the range of SIBT information provided to prospective students prior to application and enrolment at SIBT.
- (9) Students who wish to undertake a transfer of studies must complete an "application to transfer provider" form and outline the reasons for their transfer. Documentary evidence in support of the transfer must be attached to the application form and demonstrate how the transfer would be in the student's best interests. Students must also see a Student Advisor, depending on the institution to which the student is packaged, there may be additional forms to complete.
- (10) To be eligible to apply to transfer providers, a student must:
- hold a valid Letter of Offer from the receiving CRICOS provider, with a future start date;
 - provide documentation to support the application in accordance with Section 4;
 - provide written confirmation of approval to transfer from legal guardian/parent, if under 18; or
 - provide written confirmation of approval to transfer from government sponsor if a sponsored student;
 - have had or have a current Confirmation of Enrolment issued by SIBT (future, current and past student of SIBT); and

f. have paid all fees outstanding to SIBT.

(11) Circumstances which SIBT considers sufficient grounds to transfer

A student must satisfy SIBT that they have a genuine case to request to transfer. SIBT will consider the following circumstances as reasonable grounds for a transfer, provided they are accompanied by the required evidence:

Circumstances which SIBT considers sufficient grounds to transfer	Supporting documentation required
<p>The transfer represents an opportunity for the student to complete a higher level tertiary qualification with an entry point matching their academic and language levels.</p> <p>Packaged programs may not always be in the student's best interests (for example, where a student is currently studying a Diploma program and the new offer is for a package commencing with a Certificate IV program). However, pathway programs may not always be detrimental to a student (for example, where a Foundation course leads directly to a Bachelor or where the outcome leads to the same qualification ie Degree).</p>	<p>A letter of offer for a higher level tertiary qualification</p>
<p>The overseas student is unable to satisfy prescribed conditions stipulated in SIBT's letter of offer for admission and SIBT determines the student made a genuine attempt to meet the conditions.</p>	<p>Evidence such as an IELTS certificate and/or attendance and academic results from the pathway provider.</p>
<p>The overseas student's inability to begin studying on the program's commencement date due to a delay in receiving a student visa.</p>	<p>Evidence of student visa grant date.</p>
<p>The transfer is considered beneficial to the student's academic progression. Circumstances considered beneficial include:</p> <ul style="list-style-type: none"> a. The transfer represents an opportunity for the student to complete a higher level tertiary qualification; or b. The student is currently enrolled at SIBT and has applied to transfer to a discipline not offered by SIBT. 	<ul style="list-style-type: none"> a. An offer of letter from another registered provider, with a future start date. If the offer includes a pathway, it may or may not be detrimental depending on the type of qualification (pathway course); b. Evidence that the student has accessed academic support services provided by SIBT that have not improved the student's performance.
<p>The transfer is in the student's best interests. Circumstances considered to be in the student's best interest include:</p> <ul style="list-style-type: none"> a. the overseas student will be reported because they are unable to achieve satisfactory program progression at the level they are studying, even after engaging with SIBT's intervention strategy to assist the overseas student in accordance with 	<ul style="list-style-type: none"> a. Evidence that the student has accessed the support services and strategies provided by SIBT staff that have not improved the student's performance.

Circumstances which SIBT considers sufficient grounds to transfer	Supporting documentation required
<p>Standard 8 (Overseas student visa requirements); or</p> <p>b. the overseas student has experienced compassionate or compelling circumstances which are beyond the student's control (e.g. serious illness or injury, bereavement of a close family member, a major political upheaval or natural disaster in the international student's home country, or a traumatic experience); or</p> <p>c) SIBT is no longer able to provide the program in which the student is due to commence, or enrolled as outlined in the written agreement; or</p> <p>d) the government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change; or</p> <p>e) a parent or legal guardian of an overseas student under 18 years of age has provided written confirmation supporting the transfer. Where the overseas student is not being cared for in Australia by a parent/legal guardian, the new CRICOS registered institution has accepted responsibility for the student's accommodation, support and general welfare arrangements in accordance with the National Code of Practice 2018, Standard 5; or</p> <p>f) there is evidence that the overseas student's reasonable expectations about their current program are not being met; or</p> <p>g) there is evidence that the overseas student was misled by SIBT or an education or migration agent regarding SIBT or its program and the program is therefore unsuitable to their needs and/or study objectives; or</p> <p>h) SIBT has had a sanction imposed on its registration by TEQSA that prevents the overseas student from continuing their program with SIBT; or</p> <p>i) an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.</p>	<p>b. Evidence of the compassionate or compelling circumstances (e.g. medical documentation, death certificate, etc). For medical conditions a letter from a Specialist is required. AND Statement of how the transfer would improve the student's circumstances</p> <p>c) Nil</p> <p>d) Written support for the transfer from the government sponsor.</p> <p>e) Written support from parent/legal guardian and/or written support of accepted responsibility from new provider, demonstrating that there is no gap in the welfare arrangements. AND Acceptance of responsibility from the new CRICOS registered institution to provide support and general welfare arrangements in accordance with National Code of Practice 2018, Standard 5.</p> <p>f) Evidence to support the overseas student's reasons why the program is not meeting their expectations.</p> <p>g) Evidence of the misleading information that has been provided by the College or education agent (eg. correspondence or marketing materials).</p> <p>h) Nil.</p> <p>i) Evidence of the appeal outcome.</p>

(12) Circumstances which SIBT considers insufficient grounds to transfer

SIBT considers the following circumstances will have a detrimental impact on the educational outcomes for which the student's visa was granted, and will result in a request for transfer of providers being refused:

The transfer is detrimental to the student's academic progression, including:

- the student has not started studying, or has only recently started studying, and has not experienced the full range of academic and support services available at SIBT;
- the transfer may jeopardise the student's progression through a package of programs, or is not likely to provide adequate preparation for further study (eg the new program does not articulate into the principal provider);
- the student is applying to transfer to a qualification of a lower level or a vocational qualification for reasons other than academic ability;
- the student expresses difficulty with the program of study but has not sought assistance from SIBT Student Advisors or Program Convenors;
- the student has not attempted an in-session or end of session assessment item;
- the student has been warned for non-attendance;
- the student is experiencing Homestay or other accommodation problems;
- the student is experiencing program schedule conflict with personal, work or other non-study commitments;
- the student is experiencing adjustment difficulties moving to Australia;
- the student has changed his or her mind about the program;
- the student wants to live somewhere else (unless there are exceptional compassionate grounds where it can be determined that living somewhere else is in the student's best interest);
- the student wants to transfer to a provider with lower fees, or would lead to an overall reduction in costs to the student;
- SIBT forms the view that the student is trying to avoid being reported to the Department of Home Affairs (HA) for failure to meet attendance or academic progress requirements; and
- the student has 25% or less of the program to complete.

Outcome of transfer request

- (13) All requests for Transfer of Provider must be in writing using the appropriate Transfer of Provider forms from SIBT and, if packaged to another institution, the relevant form from the other institution.

There is no cost for application.

Students will be advised of the outcome of their request within 10 working days of the date of application.

In situations where a transfer is approved, the outcome will be effective from either the date of lodgement or the end of session, as nominated by the student on the application form. If no indication is given on the application form, the default effective date will be the date of lodgement of application.

Where a student's application cannot be considered, because the relevant documentation has not been attached, the student will be notified.

- (14) Where a request for Transfer of Provider has been approved, the student will be notified of the decision via their student email account. The student's enrolment at SIBT will be cancelled, and notification will

be provided to the Department of Education and Training (DET) and the Department of Home Affairs (HA) of the students cessation of studies at SIBT, by releasing the student from their Confirmation of Enrolment (CoE) in PRISMS. The student will incur no charges for processing their release. However, cancellation fees and penalties may be applied in accordance with SIBT's Refund Policy.

Where a student under the age of 18 has had a request for Transfer of Provider approved, SIBT will liaise with the other provider in regards to the transfer of care arrangements. As a guideline, SIBT will only continue care arrangements for the student for seven (7) days after the date of the Transfer of Provider was approved. Where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students). Further information regarding care arrangements for students under 18 years of age is available from SIBT's Overseas Under 18 Student Policy.

In all cases where a release is granted, SIBT will advise the student to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

- (15) Where a request for Transfer of Provider has been refused, the student's enrolment will remain current and the student will be advised in writing of the reasons for the refusal of the request, via their student email account. Students have the right to appeal the refusal as outlined in Section 8.

Packaged Offers with a Partner Institution

- (16) If a student has a packaged offer that includes both an SIBT program and a Partner Institution degree, a student must identify whether he or she wishes to be released from one or both programs.

The Partner Institution degree will be considered the principal program for the purposes of this policy.

SIBT will assess the request for the SIBT program and advise the student and the partner institution in writing of the outcome. If the student is seeking a transfer from the partner institution which is part of a packaged offer, that institution will assess the student under its own policies. SIBT will request advice from the partner institution as to the outcome, for the purposes of record keeping.

Appeals

- (17) Internal Appeal Process

Where a student's request for transfer has not been supported, the student can lodge a written appeal as per the SIBT Student Complaints and Appeals procedures.

- Students will have 20 working days from the outcome date to submit their appeal;
- SIBT will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

- (18) External Appeal Process

Following the outcome of an internal appeal, students have the ability to lodge an external appeal to the Overseas Student Ombudsman:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

- (19) Appeal Process at Partner Institution

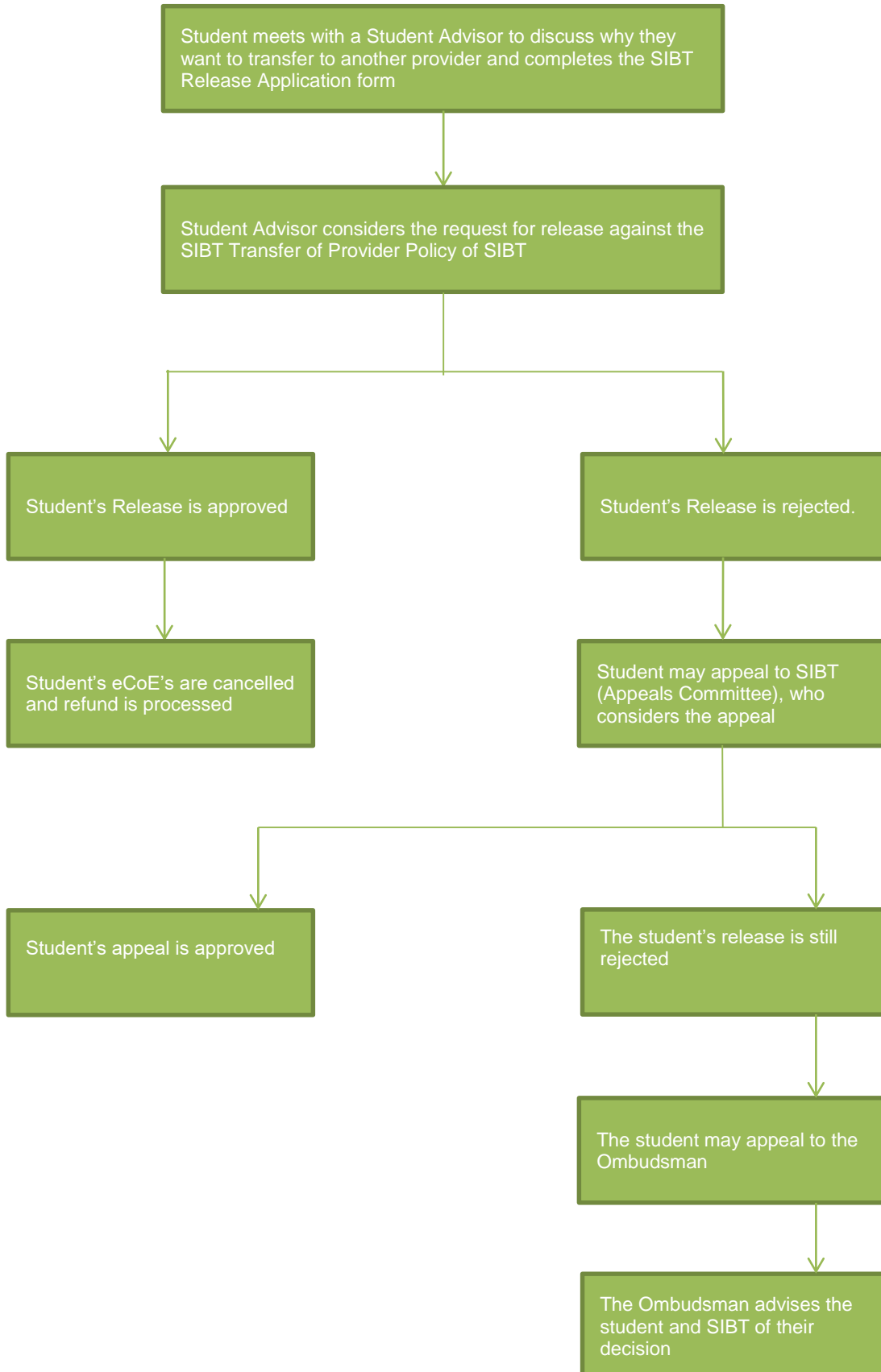
It is the student's responsibility to follow the process of the partner institution in terms of appeals.



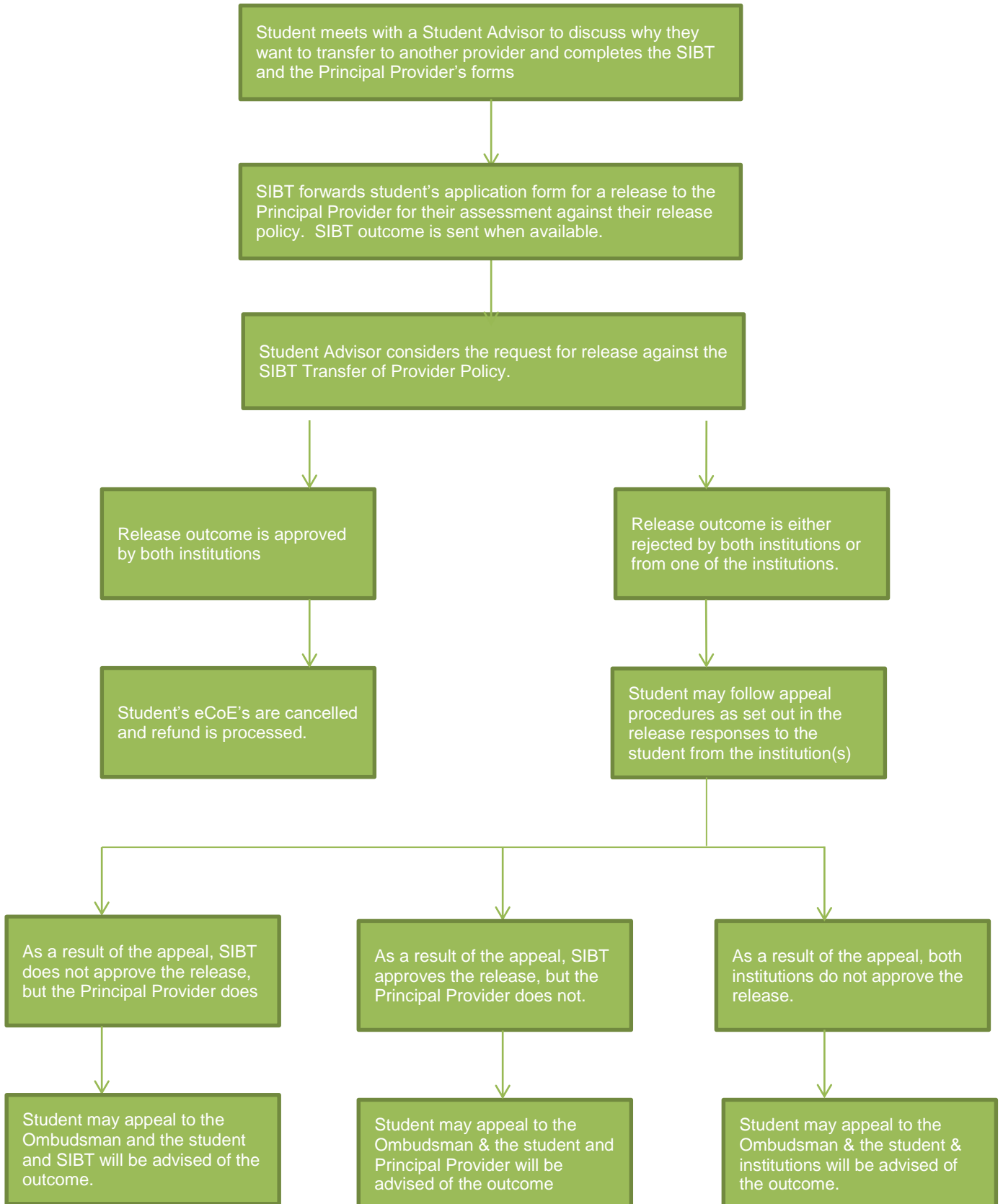
Transfer Request Records

- (20) SIBT maintains records of all requests from overseas students for a release and the assessment of, an decision regarding, the request for two years after the overseas student ceases to be an accepted student.

Appendix 1 – Summary of Student Applying for a Release with a Stand-a-lone SIBT offer



Appendix 2 – Summary of Student Applying for a Release with a Packaged offer





Amendment History

Department:	Student Services	
Approval Authority:	SMT	
Approval Date:	1 June 2018	
Date for Next Review:	1 June 2021	
Revision Date		
Version		
Summary of changes		
30/06/10	1	Formatted into new policy template
06/10/11	2	Reformatted in line with UPD
19/06/12	3	Added statement - <i>SIBT may commence applicable disciplinary procedures if a person to whom this policy applies breaches this policy (or any of its related procedures).</i>
28/06/13	4	Added statement - <i>If the student applies to transfer from a SIBT package that was processed under Streamlines Visa Processing (SVP) to a provider that is not eligible for SVP</i>
14/04/14	5	Review and revised the complete document to better align with MQ policy
22/03/16	6	Policy updated to represent SIBT's status as of 2016.
01/04/16	7	Policy updated to include the changes in processing and assessing release applications and title change.
06/05/16	8	Policy updated to include U18 in the general policy and process of students applying for a release with a packaged offer changed.
01/07/16	9	Policy updated to include a section on students transferring to another Navitas Business Unit.
10/02/17	10	Policy updated and reviewed.
01/06/18	11	Policy updated and reviewed due to legislation changes.