



**EYNESBURY**  
**COLLEGE**

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# TRANSFER OF PROVIDER POLICY

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## SECTION A - INTRODUCTION

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### A.1 Purpose

The policy outlines the conditions under which Eynesbury College will consider a student's request for transfer between registered providers.

### A.2 Scope

This policy applies to all International students of any of the programs operated by Eynesbury College. It does not cover students in Eynesbury Senior College.

### A.3 Definitions

Word/Term	Definition
Australian Qualifications Framework	The Australian Qualifications Framework specifies the standards for educational qualifications in Australia
Compassionate or compelling circumstances	<p>Circumstances beyond the control of the student that have occurred since the student accepted an offer at Eynesbury College and have significantly impacted on the student's well-being or progress. This could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• serious illness or injury, where a medical certificate states that the overseas student is unable to attend classes</li> <li>• bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)</li> <li>• major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or</li> <li>• a traumatic experience, which could include: involvement in, or witnessing of a serious accident; or 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)</li> <li>• where Eynesbury College is 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</li> </ul>
Immigration	Department of Home Affairs
International student	A student or applicant for admission to an academic program who is not a citizen of Australia or New Zealand, or who does not hold Permanent Residency status in Australia

Legal Guardian	A person who has been appointed to take care of a minor child (under the age of 18 years) and/or manage that person's affairs. Legal guardianship remains in place until the child reaches 18
National Code of Practice	A set of national standards that governs the protection of overseas students and the delivery of programs to those students by providers registered on CRICOS. Only CRICOS registered programs of study can be offered to international students studying in Australia on a student visa
Principal program of study	The highest qualification (normally the last course) covered by a student's visa
Program	An approved combination of approved courses in which a student is enrolled
Simplified Student Visa Framework (SSVF)	This framework requires all international students to apply for a single student visa, regardless of their chosen course of study. This replaces the Streamlined Visa Framework (SVP)

#### **A.4 Acronyms**

<b>Abbreviation</b>	<b>Phrase or Word</b>
AQF	Australian Qualifications Framework
CoE	Confirmation of Enrolment
PRISMS	Provider Registration and International Student Management System
SSVF	Simplified Student Visa Framework

## SECTION B - POLICY STATEMENT

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### B.1 Principles

Eynesbury College is an accredited education provider offering English language and tertiary pathway academic courses and programs. Requests for student transfer will take into account:

- the range of information about Eynesbury College provided to prospective students prior to enrolment
- information about program structures and requirements and articulation pathways provided to students prior to enrolment
- whether the request is in the best interests of the student
- the potential effect on the status and reputation of Eynesbury College

### B.2 Policy

#### 1 Request for transfer

- 1.1** Students who have not completed six months of their principal program of study must outline the reasons for their requested transfer.
- 1.2** All applications will be automatically approved for students wishing to transfer after they have completed at least six months of their principal program of study.
- 1.3** In addition to the clauses above students who wish to transfer must complete the relevant application.
- 1.4** If a student has not completed six months of their principal program of study, documentary evidence in support of the transfer must be attached to the application and must include a copy of the enrolment offer from the receiving provider.
- 1.5** Students will receive written confirmation or rejection of their application.
- 1.6** If an appeal is in progress the processing of the application will be delayed until the appeal has been decided.

#### 2 Transfers before six months completion of the principal program of study

##### 2.1 Enrolling transfer students

- 2.1.1** A student wishing to transfer from another registered provider's program prior to the student completing six months of their principal program of study will not be enrolled unless the original registered provider:
  - a) has ceased to be registered or the program in which the student is enrolled has ceased to be registered
  - b) has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS
  - c) 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 program
 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 (release in PRISMS is still required from the previous registered provider).

## **2.2 Circumstances in which a transfer to another provider may be supported**

**2.2.1** A student must demonstrate that a genuine case for a transfer of provider exists.

**2.2.2** The following circumstances may be considered reasonable grounds for a transfer:

- the student has received a direct offer for a degree from their packaged university provider
- an application for transfer of provider is supported by the existing packaged university provider
- the program of study cannot continue to be provided
- the student is unable to achieve satisfactory course progress in accordance with policy, even after engaging with intervention strategies
- the student demonstrates they are experiencing a threat to their physical or mental health or safety and clearly demonstrates how this will be alleviated through a transfer
- the student is legally required to move interstate
- the program is not consistent with the documented course or program requested on the student's application
- There is evidence that the student was misled by Eynesbury College or an educational agent about their program or the provider and therefore, the program is unsuitable for their needs
- a government sponsor of the student considers the change to be in the student's best interest and has provided written, authorised support for that change
- an under 18 student's parent or legal guardian has requested the student's transfer of provider and provided written authorisation for the student's transfer. Written confirmation is also required that the new provider will accept responsibility for a student's accommodation, support and general welfare arrangements
- The student has an unrestricted Confirmation of Enrolment (CoE)
- An internal or external appeal on another matter has resulted in a decision or recommendation to release the student
- There is evidence of compassionate and compelling circumstances
- Eynesbury College fail to deliver the course as outlined in the written agreement
- There is evidence that the overseas student's reasonable expectations about their current course are not met

## **2.3 Circumstances in which approval for transfer to another provider may not be granted**

**2.3.1** The following circumstances may be considered reasonable grounds to decline a student request for transfer prior to completing the first six months of the principal program of study (this list is not exhaustive):

- the student has a change of mind
- the student has not passed an in-semester or end of semester assessment in the first semester of their program
- the student has expressed difficulty with the program but has not sought assistance from the relevant Academic adviser
- the student has not genuinely engaged with an intervention strategy
- the student has received warnings 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 owes fees

- it appears that the student is trying to avoid being reported to Immigration for failure to meet attendance or academic progress requirements
- it appears that the program detailed in the letter of offer for the other provider will not provide adequate preparation for further study, e.g. the other provider's program does not articulate into the principal program of study
- the student intends to transfer to a lower level of Australian Qualifications Framework (AQF) program than the registered program for which they were granted a visa

**2.3.2** A transfer will always be refused unless:

- a student has a valid enrolment offer from the receiving provider; and
- in the case of a student under the age of 18, there is written evidence that the student's parent or legal guardian supports the transfer AND written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements

**2.4 Simplified Student Visa Framework (SSVF)**

**2.4.1** Under the Simplified Student Visa Framework (SSVF), a combination of the immigration risk outcomes of a student's education provider and country of citizenship will determine whether the student needs to provide evidence of financial and English language capacity with their student visa application.

**2.4.2** Students who were granted a visa under the SSVF who wish to transfer to a new program of study must maintain enrolment in a registered program that is the same level as, or at a higher level than, the registered program for which they granted a visa in order to remain compliant with the conditions of their student visa.

**2.5 Packaged students wishing to transfer to another provider**

**2.5.1** Where a student has a packaged offer for a program and a university degree, the university degree is considered the principal program of study.

**2.5.2** A packaged student will not be deemed to have completed six months of their principal program until they have completed six months of the university degree program.

**2.5.3** All packaged students must direct their request for transfer to the university with which their offer is packaged. The packaged student is subject to the university's release policy and will only be released in these circumstances when requested to do so by the university.

**2.5.4** Where a student wishes to transfer to an alternative pathway institution, and that transfer maintains the integrity of the university package, the transfer may be approved and the university notified of the change of pathway provider.

**3 Notification of release**

**3.1** Student will be notified of approval or refusal of release.

**3.2** Notification of release will be provided to a student at no cost when the student's application for transfer has been approved.

**3.3** The notification of release will advise the student to contact Immigration to seek advice on whether a new student visa is required.

**4 Refund**

- 4.1 If a letter of release is issued the student may be entitled to a refund in accordance with the **Fee Refund Policy**.

## 5 Appeal against refusal of transfer

- 5.1 Where a student accesses the appeals process, the refusal of the release will not be finalised until the appeals process is complete.
- 5.2 Students who are refused a transfer may lodge an appeal within 20 working days in accordance with the **Student Grievances and Appeals Policy**.

## 6 Deferral, Leave of Absence, Withdrawal, Suspension and Cancellation

- 6.1 Students wishing to defer, withdraw or take a leave of absence need to apply under the **Deferral, Leave of Absence, Withdrawal, Suspension and Cancellation Policy**.
- 6.2 Students approved for deferral, leave of absence or withdrawal, or who have had their enrolment terminated, may not be granted subsequent approval to transfer.

## 7 Records of requests

- 7.1 Records will be maintained of all requests transfer and their assessment and outcomes in accordance with the **Navitas Records Management, Retention and Disposal Policy**.

## SECTION C - GOVERNANCE

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### C.1 Responsibility

<b>Identification</b>	Transfer of Provider Policy
<b>Policy Owner</b>	Academic Director Director of Studies
<b>Approving Authority</b>	Eynesbury Executive Group
<b>Initial Issue date</b>	December 2009
<b>Directory Location</b>	Academic Directorate, policies

### C.2 Version Control

<b>Current Version Number</b>	v3.5
<b>Date of Effect</b>	09/2020
<b>Review Date</b>	3/2021
<b>Privilege Level</b>	Public

### C.3 Legislative and Organisational Context

<b>Name</b>
<a href="#">Education Services for Overseas Students (ESOS)</a>
<a href="#">The National Code of Practice 2018</a>

## **SECTION D - PROCEDURE**

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### **D.1 Related Procedures**

Transfer of Provider Procedure

### **D.2 Related Policies**

Deferral, Leave of Absence, Withdrawal, Suspension and Cancellation Policy

Fee Refund Policy

Student Grievances and Appeals Policy

Navitas Records Management, Retention and Disposal Policy