

Transfer Between Registered Providers Policy

Policy Owner	Academic Director
Contact Officer:	Student & Academic Services Manager
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Approved by:	College Leadership Group
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Related Documents:	Complaints Policy Deferral, Suspension and Cancellation Policy Enrolment Policy Refund Policy Transferring Provider Form

1. Overview

- 1.1. This policy has been developed in line with Standard 7 – Transfer between Registered Providers of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the National Code 2018). Under the terms of this legislation, students on an international student visa are required to remain with their education provider for the first six months of study of their principal program.
- 1.2. The policy outlines the conditions under which Curtin College will consider a student's request for a transfer between registered providers. This policy should be read in conjunction with the policies outlined above.
- 1.3. The packaged offer that Curtin College makes usually contains an offer to enrol at Curtin University after completing studies at Curtin College. In these circumstances, ***Curtin University is the provider of the principal program.*** Curtin University has delegated authority to issue Letters of Release on its behalf to Curtin College but Curtin University does retain the right to rescind this authority at any time. This policy takes reference from Curtin University's student release policy and other sources.

2. Organisational Scope

- 2.1. This policy applies to all international students enrolled Curtin College who hold a student visa to study in Australia.

3. Definitions

- 3.1. **Compassionate and compelling circumstances** are generally those beyond the control of the international student and which have an impact upon their course progress or wellbeing. These could include but are not limited to:
 - evidence of serious illness or injury, where a medical certificate states that the international student was unable to attend classes
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the international student's studies; or
 - 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)
 - where the registered provider was unable to offer a pre-requisite unit, or the international student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

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- 3.2. **CRICOS:** Commonwealth Register of Institutions and Courses for Overseas Students. Database of every program and institution that recruits enrolls and teaches overseas students.
- 3.3. **Immigration:** Refers to the Department of Home Affairs, which is the Australian government agency responsible for multicultural affairs, immigration and border-related functions and agencies. The Department of Home Affairs is responsible for issuing Student Visas.
- 3.4. **Enrolled:** A student is deemed to have enrolled once subjects have been selected for the current study period (Status = current).
- 3.5. **International Student:** For the purpose of this policy, an International student is defined as one who is not an Australian or New Zealand citizen or the holder of a permanent residency or humanitarian visa. For the purposes of this policy, students who are in Australia, as a result of their parents/legal guardians being on a temporary business visa (e.g. visa subclass 457, TSS), are also regarded as an international student.
- 3.6. **Letter of Offer:** A Formal offer of a place at Curtin College in a nominated program.
- 3.7. **National Code of Practice:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018), which outlines nationally consistent standards for the conduct of registered providers and the registration of their programs.
- 3.8. **Package Offer** A letter of offer to a student containing two or more programs. Usually completion of earlier programs at a certain level of attainment is a requirement for progressing to the next program.
- 3.9. **Principal Program of Study:** For students on a 'packaged offer' their 'principal program of study' is with Curtin University. Where a student has received a 'stand-alone offer' to study at Curtin College, the College is the provider of their 'principal program of study'.
- 3.10. **Six months of study:** Six calendar months of the principal program of study from the date that the student commences the program. Where a deferment of study has been granted in the first study period, the deferred period or leave of absence is not included in the six months. Students are expected to complete their six months of study upon their return.

4. Policy Principles

- 4.1. This policy has been developed in line with requirements set out in the:
 - Education Services for Overseas (ESOS) Act 2000 (and its amendments)
 - The National Code 2018 which complements existing national quality assurance frameworks in education and training including the Higher Education Standards Framework 2015 (Threshold Standards) and the Australian Qualifications Framework (AQF)
 - Tuition Protection Service (TPS)
- 4.2. It is an Australian regulatory requirement that students must complete six months of their "principal program of study" before changing or transferring between registered providers unless the principal provider or authorised person grants a release or where compelling and compassionate reasons exist.
- 4.3. In complying with Standard 7 Curtin College requires students transferring from another registered provider to complete six months of their principal program of study prior to their enrolment at the college, except where:
 - the releasing registered provider, or the program in which the overseas student is enrolled, has ceased to be registered;
 - 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 program at that registered provider;
 - the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
 - 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.

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4.4. In the event of a request for early release, a student must lodge a written request to transfer and provide sufficient evidence to satisfy Curtin College management that they have a genuine case for transferring to another Provider. Circumstances in which Curtin College will grant approval for a transfer include but are not limited to the following:

- The student has received a direct offer for a Curtin University degree;
- Curtin College is unable to continue to provide the program;
- Curtin University is unable to provide the principal program;
- The student demonstrates they are experiencing threat to their physical or mental health or safety by remaining at the College and demonstrates clearly how this will be alleviated through a transfer;
- The government sponsor of a student considers the change to be in the student's best interest and has provided written, authorised support for that change;
- The student is genuinely unable to achieve satisfactory program progress, even after engaging with the College's intervention strategies and support systems and their academic performance has not improved;
- The student has compassionate or compelling circumstances that suggest transferring to another provider is in the student's best interest;
- There is evidence that the overseas student's reasonable expectations about their current program are not being met;
- Student can provide evidence that the College or an education or migration agent misled them regarding Curtin College or its programs, constituting a breach of the ESOS Act. In such cases, documentary evidence is to be provided to support the claim;
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

4.5. A letter from another registered provider confirming that a valid enrolment offer for another eligible program or package of programs has been provided to Curtin College and the College forms the view that the student is genuinely intending to study with that provider. Curtin College deems the following circumstances to be reasonable grounds to decline a request for transfer prior to completing the first six months of the Principal Program of study:

- The student does not have a valid enrolment offer from another CRICOS registered receiving provider;
- Where the primary reason for the request is based on a personal preference, such as wishing to experience living in another city in Australia, or wishing to live and/or study with friends enrolled at another registered provider;
- Where the student has not made a genuine attempt to participate in the program, including accessing support programs to achieve academic success;
- Where the student expresses difficulty with the Program material but has failed to submit assessments that would have provided formative feedback to support the student;
- The student has not provided sufficient evidence to support their stated reason/s for transferring;
- The student has a change of mind. Students are able to apply to transfer to other programs within Curtin College or Curtin, but will not be granted a release to enrol with another provider on the basis of a change of mind;
- Request to downgrade to a lower AQF qualification or another field of study not offered by Curtin College for reasons unrelated to the student's academic ability;
- Where the student's visa application included information that is inconsistent to the claim made in a Transfer of Provider application;
- The program for which the student is intending to enrol in with the other provider, is similar to or the same as the programs offered at Curtin College;
- 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 a sponsored student and has not provided a letter of support from the sponsor;

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- Claims financial hardship, which is contrary to evidence supplied for their visa application or transferring to a provider with lower tuition fees;
- The student has outstanding debts or fines to Curtin College or Curtin University;
- Where the student does not meet the entry requirements for the program with the new provider;
- Where the College forms the view that the student is deliberately trying to work around the Australian student visa system;
- The student is under the age of 18 and has not provided the documentation noted in point 4.7.

4.6. Students under the age of 18 must have:

- 4.6.1. Written confirmation from their parents or legal guardian supporting the transfer;
- 4.6.2. 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).

4.7. Students who apply to transfer after accepting their offer (signed Letter of Acceptance), but before starting classes, will not be approved except in extreme circumstances such as:

- 4.7.1. Inability to secure an Australian visa;
- 4.7.2. Compassionate and compelling circumstances (refer Point 3.1)

4.8. Simplified Student Visa Framework (SSVF)

- 4.8.1. 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.
- 4.8.2. 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

4.9. Complaints

- A student may lodge an appeal within 20 working days, after being advised that their transfer request has been denied, in accordance with the *Curtin College Complaints Policy* located on www.curtincollege.edu.au
- The complaint should address the reason(s) noted in the refusal letter and be submitted on the Complaint form and sent to complaints@curtincollege.edu.au (refer point 5.5)
- The Quality and Compliance Manager or nominee, will consider the request and advise the student of the outcome within 10 working days.

Version	Last changes:
V3.1 Feb '21	<ul style="list-style-type: none"> • Definitions Updated • Added 4.8 • Changed of position title 4.9

5. Policy Implementation

- 5.1. It is recognised that students who have completed six months of a principal program are not required to request a formal release by an institution and as such are free to enrol wherever they choose.
- 5.2. International students seeking to transfer from Curtin College to another registered provider, who have not yet completed six months of study in their *principal program*, are to complete a Transferring Provider Form (available from the Student Portal or Reception) and email this along

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with a valid Letter of Offer to help@curtincollege.edu.au or a hard copy can be handed in at reception.

- 5.3. Students should familiarise themselves with the Refund Policy in regard to fee penalties, located <https://www.curtincollege.edu.au/about-curtin-college/policies-procedures/>
- 5.4. Students enrolled with Curtin College, who have not yet completed six months of their principal program of study, will not be approved to transfer to another registered provider unless it is deemed by the College to be in the student's best interest (refer point 4.4).
- 5.5. Students who are unsuccessful in their request to transfer prior to completing 6 months of their principal program may appeal that decision by reading the Complaints Policy and completing a 'Complaint' form located on the Curtin College <https://www.curtincollege.edu.au/about-curtin-college/policies-procedures/>
- 5.6. A student requesting a transfer must satisfy Curtin College that they have a genuine and legitimate basis for such a request. Curtin College will assess and respond to the student's request within 10 working days of receiving the Transferring Provider form.

6. Overseas Student Transfers

- 6.1. Applications to transfer will be assessed under points section 4 of this Policy. All enabling circumstances will be taken into consideration when assessing an application.
- 6.2. If approved the student will be released from the College and advised to contact Immigration to seek advice as to whether a new student visa is required.
- 6.3. If release is not granted a 'refusal' letter will be issued to the student advising them of the grounds on which the release was not granted and how to access the College's Complaints process.
- 6.4. Students who do not advise the College that they are intending to transfer provider and are terminated, withdraw or do not re-enrol will not be granted a release once the reporting process has been completed.
- 6.5. The following are to be provided to Curtin College, before the College will assess the application:
 - A valid letter of offer from another CRICOS registered provider;
 - A completed 'Transfer of Provider' form;
 - Supporting evidence if the student is citing compelling or compassionate reasons for transferring providers
 - Where the student is a sponsored student, a supporting letter from the sponsor is required
 - Where the student is under 18, the student's parent or legal guardian supports the transfer; or if the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment letter confirms that the registered provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements.

For more information on a student's eligibility to transfer to another institution refer to the Australian's Government Department of Home Affairs website <http://www.homeaffairs.gov.au/trav/stud/more/changing-courses>

7. Transferring to Curtin College from another Registered Provider

- 7.1. Students wishing to transfer to Curtin College from another provider before completing six months of their principal program, must have been released from their principle provider. Curtin College will issue an Offer Letter prior to receiving confirmation of release form the principle provider.

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8. Administrative procedures

- 8.1. This policy and related documentation is accessible through the Curtin College website at: <http://www.curtincollege.edu.au>
- 8.2. Academic notes via Student Management System to be updated with any changes made to a student's enrolment.
- 8.3. Completed forms to be placed on student's electronic file once all actions have been completed.
- 8.4. Copies of letters issued will be maintained on the Student file, the outcome recorded in PRISMS and in the College's student management system.
- 8.5. Records will be maintained of all requests for transfer, the assessment and outcome.

Version	Last changes:
V3.1 Feb '21	<ul style="list-style-type: none"> • Updated section 8
V3.0 2018	<ul style="list-style-type: none"> • Policy reviewed in its entirety to ensure it complies with the National Code 2018