

## Transfer Between Registered Providers Policy

Approved by	Academic Board
Approval date	6 May 2024
Previous approval date(s)	5/6/2019, 24/1/2019, 15/10/2018, 1/6/2015
Date for Review	2029
Responsible Officer and Committee	SCD Registrar Academic Board
Related documents	ESOS Act (2000) National Code (2018)
Higher Education Standards (2021)	1.1 Admission 7.2. Information for Prospective and Current Students
National Code (2018)	Standard 7: Overseas student transfers

### 1. Purpose

- 1.1 This policy ensures that *Sydney College 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.
- 1.2 International students who wish to transfer from *Sydney College of Divinity* (SCD) to another Australian registered provider prior to completing the first six calendar months of their principal course of study must apply for approval from SCD to transfer and obtain release.
- 1.3 The National Code (2018), Standard 7, outlines that the registered provider:
- must have and implement a documented policy and process assessing overseas student transfer requests during the restriction period
  - outline in their policy the circumstances where transfers will be granted or refused
  - record all transfer request outcomes in the *Provider Registration International Student Management System* (PRISMS)
  - not finalise a refusal to release the overseas student until the student has had an opportunity to access the complaints and appeals process.

## 2. Scope

2.1 This policy and procedure applies to:

- (a) all staff of the Sydney College of Divinity and its Member Institutions involved in assessing student requests for a transfer between registered education providers; and
- (b) international students studying on a student visa, who request a transfer to another registered education provider *prior to completing six months of study in their principal course*.

2.2 This policy and procedure does not apply to:

- (a) those international students studying on a student visa, who have *completed six months of study in their principal course*.
- (b) international students under 18 years of age as *Sydney College of Divinity* does not enrol international students under the age of 18 years.

## 3. Definitions

3.1 The Policy Document Glossary applies to this policy.

3.2 The following definitions also apply to this policy:

Term	Definition
<i>Compassionate and compelling circumstances</i>	<p>Personal circumstances that are involuntary and outside the student's control such as medical, family, wellbeing, or enrolment reasons (such as course and/or unit progression). These circumstances present a student with limited or no choice but to vary their enrolment or intermit their studies. As outlined by the National Code of Practice (2018) these could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• serious illness or injury where the overseas student is unable to attend classes (medical certificates)</li> <li>• bereavement of close family members (possibly a death certificate)</li> <li>• major political upheaval or natural disaster in home country</li> <li>• a traumatic experience, for example involvement in or witnessing a serious accident/crime (police or psychologist report)</li> <li>• the SCD and its Member Institutions are unable to provide the pre-requisite units, or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol</li> <li>• inability to commence study on the commencement date due to visa delays</li> </ul>
<i>Confirmation of Enrolment (CoE)</i>	<p>A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.</p>
<i>CRICOS</i>	<p><i>Commonwealth Register of Institutions and Courses for Overseas Students</i></p> <p>A searchable database, run by the Australian Government, which lists all Australian education providers (and their courses) for people studying in Australia on student visas. The CRICOS database operates under the ESOS Act (2000), section 14a.</p>

Term	Definition
<i>Domestic Student (onshore or offshore)</i>	<p>Students classified as ‘domestic’ include:</p> <ul style="list-style-type: none"> <li>• Australian citizen (including Australian citizens with dual citizenship)</li> <li>• New Zealand citizen or a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative, excluding those with Australian citizenship (Note: includes any such persons who have Permanent Resident status)</li> <li>• a permanent humanitarian visa holder</li> <li>• a holder of a permanent visa other than a permanent humanitarian visa</li> </ul> <p>Additional rules:</p> <ul style="list-style-type: none"> <li>• IF an Australian or New Zealand citizen - does not require a visa to study ‘onshore’</li> <li>• IF an Australian citizen - and residing overseas classified as ‘domestic offshore’ and needs to be enrolled in an online award.</li> <li>• IF an Australian citizen is entitled to Fee-Help, but if residing overseas must complete at least one unit of study ‘onshore’ in Australia.</li> <li>• Only Australian citizens are entitled to Fee-Help</li> </ul>
<i>ESOS Act (2000)</i>	<p><i>Education Services for Overseas Students (ESOS) Act 2000</i></p> <p><i>The legal framework which governs the delivery of education to overseas students studying in Australia on a student visa. The framework sets out clear roles and responsibilities for providers of education and training to international students and complements Australia’s student visa laws.</i></p>
<i>International Student (offshore)</i>	<p>A non-domestic student who is residing overseas and studies wholly online and does not intend to come to Australia to study (classified as offshore).</p> <ul style="list-style-type: none"> <li>• Does not require a visa to study because they reside/study ‘offshore’</li> <li>• Is not entitled to Fee-Help</li> </ul>
<i>National Code (2018)</i>	<p><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></p> <p>Provides nationally consistent standards for the conduct of registered providers and the registration of their courses. These standards set out specifications and procedures to ensure that registered providers of education and training courses can clearly understand and comply with their obligations.</p>

<b>Term</b>	<b>Definition</b>
<i>Offer Letter</i>	A letter from a provider offering a student a place in an approved course of study.
<i>Offshore</i>	<ul style="list-style-type: none"> <li>• A student who is residing overseas for the teaching period.</li> <li>• Student can be either a <i>domestic</i> or <i>international</i> student.</li> </ul>
<i>Onshore</i>	<ul style="list-style-type: none"> <li>• A student who is residing in Australia for the teaching period and is undertaking a program of study through <i>Sydney College of Divinity</i>.</li> <li>• Student can be either a <i>domestic</i> or <i>overseas student</i>.</li> </ul>
<i>Original provider</i>	The education provider from whom a student is seeking to transfer.
<i>Overseas Student (onshore)</i>	<p>A Non-Australian Citizen who is a student residing in Australia during their course of study (classified as onshore). Includes those students 'intending to study' and are in the process of gaining a CoE and/or student visa.</p> <ul style="list-style-type: none"> <li>• Requires a visa to study 'onshore' (either a 'student' or 'other' visa type)</li> <li>• If on a 'student' visa (i.e. 500 subclass) must only be enrolled in a CRICOS registered award</li> <li>• Is subject to requirements as outlined in the ESOS Act (2000) and National Code (2018)</li> <li>• Is not entitled to Fee-Help</li> </ul>
<i>Principal course of study</i>	<p>As defined in the National Code (2018), 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 principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses and transfer requirements apply to all courses of study prior to the overseas student's principal course.</p> <p>The first 6 calendar months is calculated as six calendar months from the date an overseas student commences their principal course.</p>
<i>PRISMS</i>	<p><i>Provider Registration and International Students Management System</i></p> <p>A system operated by the Australian government that provides education providers with CoE facilities required for compliance with the ESOS legislation.</p>
<i>Provider default</i>	Where the registered provider fails to provide a course or ceases to provide a course to an overseas student within the meaning of section 46A of the ESOS Act.
<i>Receiving provider</i>	The provider with whom a student is intending to enrol following a transfer.

<b>Term</b>	<b>Definition</b>
<i>Registered provider</i>	<p>An institution recommended by a designated authority for registration under the ESOS Act to provide a specified course to overseas students; and the provider is registered on CRICOS.</p> <p>As defined in section 5 of the ESOS Act, the registered provider for a course for a location means a provider that is registered to provide the course at the location.</p>
<i>Release approval</i>	A confirmation of approval of release through PRISMS.
<i>Release letter</i>	A letter authorising a student be released from one registered education provider so that they are able to enrol with another registered education provider.
<i>Student</i>	<p>A person with a current course of enrolment with Sydney College of Divinity through one of its Member Institutions. Includes all types of students, in all modes of study, may or may not be a visa-holder, and studies either onshore or offshore.</p> <p>The following terms are used to identify 'types of students':</p> <ul style="list-style-type: none"> <li>• <i>domestic</i> student (onshore or offshore)</li> <li>• <i>international</i> student (offshore)</li> <li>• <i>overseas</i> student (onshore, holds either a 'student' or 'other' visa)</li> </ul>
<i>Student Contact Officer</i>	Employee(s) of <i>Sydney College of Divinity</i> and its Member Institutions deemed to have an appropriate level of skill, knowledge and expertise who are able to provide advice to overseas students on a range of matters. At SCD and its Member Institutions this is generally the Registrar and/or Academic Dean.
<i>Student Default</i>	Where an overseas student does not start a course or withdraws from a course as defined in section 47A(2) of the ESOS Act.
<i>Visa - (subclass 500)</i>	<p>Students on a student visa (subclass 500).</p> <ul style="list-style-type: none"> <li>• A visa granted to non-Australian citizens residing and studying in Australia full-time</li> <li>• Course of study must be CRICOS registered</li> <li>• Cannot study more than 1/3 of Course online</li> </ul>
<i>Visa - Other</i>	<ul style="list-style-type: none"> <li>• Other visas (excluding Humanitarian) that allow study in Australia (e.g. Occupational Trainee 407) where a student is studying as part of their work placement.</li> <li>• Course of study is not required to be CRICOS registered.</li> </ul>

## 4. Statements and Objectives

- 4.1 The *Sydney College of Divinity* (SCD) and its Member Institutions do not knowingly enrol overseas students wishing to transfer from another registered provider's course prior to the overseas student completing 6 months of their principal course of study except in certain circumstances. These circumstances include:
- (a) The overseas student obtains a release from their registered provider, OR
  - (b) The releasing registered provider or the course being offered to the overseas student has ceased to be registered, OR
  - (c) The releasing registered provider has had ESOS sanctions imposed on its registration, OR
  - (d) Any government sponsor of the overseas student considers the change to be in the overseas student's best interest and has provided written support for the change.
- 4.2 Students who have completed 6 months of the principal course can apply to transfer without having to meet any of the conditions noted in item 4.1.

### **As the releasing provider:**

- 4.3 If a student has completed less than six months of study with the SCD in their principal course, the SCD will release the overseas student provided that the student completes and submits an “Application for Release (Transfer to another Provider)” form. The application must include:
- (a) A letter of offer from another registered provider; and
  - (b) Any other supporting documentary evidence provided to support the claim being raised. A copy of these documents will be kept as part of the student record.
- 4.4 The circumstances in which the SCD will grant the transfer request in the student’s best interests include:
- (a) The overseas student is unable to achieve satisfactory course progress at the level they are studying even after engaging in an intervention strategy and stand to be reported. Evidence to be provided and kept.
  - (b) There is evidence of compassionate or compelling circumstances which are beyond the student’s control and have an impact on the overseas student’s course progress or wellbeing. As outlined in the National Code (2018), such circumstances might include:
    - serious illness or injury where the overseas student is unable to attend classes (medical certificates)
    - bereavement of close family members (possibly a death certificate)
    - major political upheaval or natural disaster in home country
    - a traumatic experience, for example involvement in or witnessing a serious accident/crime (police or psychologist report)
    - the SCD and its Member Institutions are unable to provide the pre-requisite units, or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol
    - inability to commence study on the commencement date due to visa delays
  - (c) The SCD fails to deliver the course as outlined in the written agreement between the student and the registered provider, OR
  - (d) There is evidence that the overseas student’s reasonable expectations about their current course are not being met, OR
  - (e) The overseas student was misled by the SCD regarding the releasing registered provider, or its course and the course has, therefore, been unsuitable to the student’s needs and/or study objectives, OR
  - (f) An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.



### **Decision for approval or rejection:**

- 4.5 The overseas student will be advised of the outcome of the transfer request in writing within 10 working days of the application being submitted and this assessment process is provided at no cost to the student.
- 4.6 If a release is granted, it is recommended that the student seeks advice from the Department of Home Affairs (DHA) as to whether a new student visa is required.
- 4.7 If the conditions above are not met, or the overseas student has not genuinely engaged in an intervention strategy, or it is considered that granting a release is detrimental to the student's best interest, the SCD will refuse to approve the release. In this case the student will be given a letter setting out the reason for such refusal and informing the student of his or her right to appeal the SCD's decision, in accordance with Standard 10 of the National Code 2018 within 20 working days.
- 4.8 Transfer request outcomes must be recorded in PRISMS by SCD. The record in PRISMS is not to be finalised until:
- (a) Any appeal against the refusal lodged by the overseas student is finalised, OR
  - (b) The overseas student does not access the complaints and appeals process within 20 working days of being notified of the refusal, OR
  - (c) The overseas student withdraws their appeal against the refusal.
- 4.9 The SCD will maintain records, for 2 years after a student graduates or ceases to be an accepted student. These records will include any requests from students for release, and the assessment of the requests and the decision regarding the request, along with any supporting documentation.

## **5. Related Procedures and Forms**

<b>Templates/Forms</b>	
Appendix A	Application for Release (Transfer to another Provider)
Appendix B	Release Letter - Granted
Appendix C	Release Letter - Refused



CRICOS Provider Code: 02948J

## APPLICATION FOR RELEASE (Transfer to Another Provider)

This form only applies to international students on a student visa who have applied to study at another institution within the first 6 months of their principal course at the Sydney College of Divinity (SCD) and require a Release from the SCD. Please ensure you have read and understand the SCD's ["Transfer Between Registered Providers Policy"](#) before completing and submitting this form.

### PERSONAL INFORMATION

Student Number: \_\_\_\_\_  
First Name: \_\_\_\_\_  
Family Name: \_\_\_\_\_  
Member Institution: \_\_\_\_\_  
Current Course: \_\_\_\_\_  
Start Date: \_\_\_\_\_

### TRANSFER DETAILS

Please provide details of the course and institution you would like to transfer to. **You will also be required to attach a copy of your Letter of Offer.**

Institution: \_\_\_\_\_  
CRICOS Provider Code: \_\_\_\_\_  
Course Name: \_\_\_\_\_  
Expected Start Date: \_\_\_\_\_

### REASON FOR TRANSFER REQUEST

Please select your reason for applying. **You will also be required to attach supporting documentation to support your request.**

- Course Progression** - unable to achieve satisfactory course progress at the level you are studying even after engaging in an intervention strategy and stand to be reported. Documentary evidence must be provided.
- Compassionate / Compelling Circumstances** - These circumstances must be beyond your control and have an impact on your course progress or wellbeing. Documentary evidence must be provided.
- Provider Default** - The SCD failed to deliver the course as outlined in the written agreement and / or reasonable expectations about your current course are not being met. Documentary evidence must be provided.
- Other (Please provide details with documentary evidence)** - \_\_\_\_\_

## STUDENT DECLARATION

- I have read and understood the SCD's "[Transfer Between Registered Providers Policy](#)".
- I understand that it may take up to ten working days to process my request; provided all relevant documents have been submitted.
- I am aware that approval of this application means that I cease to be a student of the SCD and am therefore not entitled to any benefits available to SCD students.
- I also understand approval of this application may affect my student visa and I should contact the Department of Home Affairs on 131 881 for further information.
- I declare the above information provided by me is true and completed in full.

Applicant signature: \_\_\_\_\_

Date: \_\_\_\_\_