

## TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

|   |   |
|---|---|
| <b>Policy / Document Approval Body:</b> | Academic Board  |
| <b>Date Created:</b>                    | 19 May 2016   |
| <b>Policy Custodian:</b>                | Dean of Engineering   |
| <b>Policy Contact:</b>                  | Accreditation Manager   |
| <b>File Location:</b>                   | W:\Data - ALL.Standard\Policies and Procedures\EIT Policies and Procedures  |
| <b>Location on EIT website:</b>         | <a href="https://www.eit.edu.au/about/policies-procedures/">https://www.eit.edu.au/about/policies-procedures/</a> |
| <b>Review Period:</b>                   | Three years   |
| <b>Revision No:</b>                     | 3   |
| <b>Date of Revision:</b>                | 16 March 2022   |
| <b>Date Approved:</b>                   | 22 March 2022   |
| <b>Date Commenced:</b>                  | 24 May 2022   |

### 1.0 Purpose

This policy aims to ensure that Engineering Institute of Technology (EIT) comply with Standard 7 of the National Code - Overseas Student Transfers.

This means that EIT:

- does not knowingly enrol any CRICOS student seeking to transfer from another provider's course prior to the student completing six months of their principal course assesses student transfer requests in accordance with this policy and the associated procedure
- provides a written response to student requests for transfer
- enable students to appeal through the grievance policy and procedure
- keeps copies of all documents.

### 2.0 Scope

This policy applies to all EIT CRICOS students studying on student visas.

### 3.0 Compliance Requirements

National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)

### 4.0 Policy

EIT will not knowingly enroll students seeking to transfer from another registered provider's course prior to the student completing six months of their principal course, except where:

- the releasing provider, or the course in which the 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 student from continuing their course at that registered provider
- the releasing registered provider has agreed to the student's release and recorded the date of effect and reason for release in PRISMS
- any government sponsor of the student considers the change to be in the student's best interests and has provided written support for the change.

This policy details acceptable reasons for transfer within this period and the procedures for assessing applications to transfer. Students who have studied longer than this period can use the normal application process for a transfer and no release needs to be granted.

1. All current CRICOS students seeking to transfer to other providers within 6 months of commencement of their principal course will need to be granted a release to be able to enrol in another registered provider's course.
2. A CRICOS student must apply for a release using the approved 'Application for Release' form. An application for a release will only be considered if:
  - A student is eligible under the policies and procedures of EIT;
  - All supporting documents have been attached, as follows:
    - A copy of an offer letter from another Australian CRICOS registered education provider;
    - A separate and signed personal statement from the student providing the reason(s) for their Application for Release (this must include written consent allowing EIT to contact the new education provider to confirm the offer letter details);
    - Relevant evidence to support the claim e.g. medical certificate, death certificate or statutory declaration;
    - A copy of the identification page from the student's current and valid passport;
    - A letter of approval from the government/other sponsor supporting the proposed transfer (applicable for sponsored students only).
3. An application for release is processed free of charge, but will only be granted in compassionate and/or compelling circumstances relating to the welfare of the student
4. Compassionate and/or compelling circumstances are defined as a sudden change of circumstances beyond the student's control that impact plans for on-campus study in Australia. Such circumstances must be supported by documentary evidence. These factors include, but are not limited to:
  - compassionate grounds, e.g. illness of the student or illness or death of a close family member
  - exceptional circumstances, e.g. family emergency, natural disaster
  - ability of EIT to meet the student's requirements.
5. The following circumstances will not generally be considered compassionate or compelling circumstances:
  - A lack of understanding of EIT policies and procedures;
  - The distance of your residential address from the campus at which you study;
  - A desire to change to a new course with lower fees or claims of financial hardship;
  - Where a spouse who has accompanied the student to Australia because they were included in the student's visa application opts to move to another city.

- The student has changed their mind. Students will not be granted a release to enrol with another provider on the basis of change of mind.
  - A cancelled CoE for non-commencement or for an inactive enrolment status;
  - A desire to move to another training provider to be with friends;
  - Matters not related to your study with EIT (such as accommodation issues, personal matters not affecting your study);
  - Outstanding student fees.
6. EIT will grant a transfer request where EIT considers that the transfer is in the student's best interests, including, but not limited to, where EIT has assessed that:
- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with EIT's intervention strategy to assist the student
  - there is evidence of compassionate or compelling circumstances
  - EIT fails to deliver the course as outlined in the written agreement
  - there is evidence that the student's reasonable expectations about their current course are not being met
  - there is evidence that the student was misled by EIT or an education or migration agent regarding EIT or its course and the course is therefore unsuitable to their needs and/or study objectives
  - an appeal (internal or external) on another matter results in a decision or recommendation to release the student.
7. A release would always be granted when or if:
- EIT registration or the course to be offered has been revoked, or the course has been removed from EIT's scope of registration
  - Sanctions imposed on EIT by the Tertiary Education Quality and Standards Agency (TEQSA) prevent the student from continuing in the course
  - a government sponsor deems that the transfer is in the best interest of their student.
8. A release cannot be approved by EIT if:
- A student has an outstanding debt to EIT
  - A student has not exhausted the full range of academic and support services available at EIT for academic or personal issues
  - A student is deemed not to have fully used the support services and intervention strategies put in place by EIT to ensure success in their study outcomes
  - The request to transfer would result in a breach of the student's mandatory or discretionary visa conditions
  - A student requests to transfer to another provider to study essentially the same course offered by EIT
  - A student wants to downgrade to a qualification or another field of study not offered by EIT for reasons unrelated to the student's academic ability
  - A request is made where a student has not commenced study or has been enrolled less than 6 weeks of a course beginning. EIT may consider that the student needs time to settle in to the course and time to access and benefit from student support services
  - EIT withdrew its offer of admission due to the submission of fraudulent, incomplete, or inconsistent documents with the student's application for admission; or if the student did not meet their attendance requirements, obligations or other key provider requirements
  - Where EIT forms the view that the student is deliberately trying to manipulate the Australian student visa system

- Where information provided by the student and/or spouse does not match the information given to EIT when the student initially applied
  - A student does not have a valid offer from a CRICOS registered provider
  - The student does not attach all the required supporting documents with the Application for Release;
  - The student withdraws or discontinues their studies to return to their home country;
  - The request does not meet the conditions for release stated in EIT's policies and procedures.
9. Applications may take up to ten (10) business days to process. During the assessment process EIT may ask the student to attend an interview.
10. The Higher Education Manager and/or Accreditation and Compliance Manager will make any final decision as to whether to grant a release to any student.
11. If a release is granted it does not indicate an agreement for EIT to provide any refund. Refunds are governed by EIT's refund policy, independent of this policy and must be applied for separately.
12. If a release is granted EIT will advise the student to contact Immigration to seek advice on whether a new student visa is required.
13. If EIT intends to refuse a transfer request, the student will be informed in writing of:
- the reasons for the refusal
  - the student's right to access EIT's complaints and appeals process within 20 working days.
14. EIT will not finalise a student's refusal status in PRISMS until the appeal finds in favour of EIT, or the student has chosen not to access the complaints and appeals processes within the 20 working day period, or the student withdraws from the process.
15. EIT will maintain records of all requests from students for a release and the assessment of, and decision regarding, the request for two years after the student ceases to be an accepted student.
16. EIT may issue conditional Letters of Offer to students wishing to transfer from other providers, subject to the current provider granting the student a release. Confirmation of enrolment cannot be provided to a student unless their current provider grants a release.
17. No confirmation of enrolment will be issued until a student has provided EIT with the original or certified copy of the academic transcript/statement of results from the other provider, and it has been assessed by the EIT Admissions Team.

## **5.0 Related Documents:**

- Transfer Between Registered Providers Procedure.HE
- Student Complaints, Grievances and Appeals Policy.HE
- Student Complaints, Grievances and Appeals and Procedure.HE
- Application for Release form
- Transfer Register
- National Code 2018