

International Student Transfer Policy

Version number	3
Approved by	Academic Board
Date of approval	5/6/2023

Purpose

Standard 7 of the *National Code 2018* provides for the transfer of international students between registered providers.

The *International Student Transfer Policy* sets out the means by which Sydney Institute of Higher Education (SIHE) handles student transfer and assesses student transfer requests for students seeking to transfer from another registered provider to SIHE, or from SIHE to another registered provider.

Principles

Students seeking to transfer between registered providers prior to completing six months of the principal program of study must seek approval to do so from the provider of their principal program of study.

The principal program is the final course of study to be undertaken as recorded on the student visa.

The six months is calculated as six calendar months from the first day of the principal program.

Application

(1) This policy applies to international students who:

- a. hold a student visa;
- b. have accepted a firm offer, or an offer for a package of programs, to study at SIHE; and
- c. wish to transfer to another provider before completing the first six months of their principal course of study.

(2) This policy does not apply to:

- a. students on other temporary visas;
- b. domestic students.

(3) SIHE does not enrol any student under the age of 18 years.

Procedures

Transfer to SIHE from Another Provider

SIHE will not knowingly enrol an international student seeking to transfer from another registered provider's program prior to the student completing six months of his or her principal program of study except as follows:

- The original registered provider has agreed to the student's release and recorded the date of effect and the reason for release in PRISMS
- The original registered provider has ceased to be registered
- The program in which the student is enrolled has ceased to be registered
- The original registered provider has had a sanction imposed on its registration by the ESOS Agency that prevents the student from continuing his or her principal program at that provider
- 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.

An international student who wishes to transfer to SIHE before completing six months of their principal program of study must ask their provider for a release. If agreed, the first provider will then cancel the student's CoE and record the agreement on PRISMS.

When applying to SIHE to transfer from another provider, the student must provide to SIHE:

- a. a letter stating that the current registered provider is willing to grant a release;
- b. a certified copy of the identification page from the student's current passport;
- c. a statement, signed by the student setting out the reasons for the request;
- d. permission for SIHE to verify the information and documents with the issuing agency or institution;

Approval is not needed to transfer to another provider if:

- a. the student has completed more than six months of their principal program;
- b. where an eCoE has been issued for a registered course; and,
- c. where the Australian or state government imposes a sanction that prevents the student from continuing in their principal course.

Transfer within SIHE

International students who wish to transfer to another program within SIHE and have studied a minimum of one semester of their principal program with SIHE can request an internal transfer to a program of equivalent or lower AQF level.

Any such transfer will be assessed and approved by each Program Director of the relevant program.

Where an internal transfer is approved, any prepaid tuition fee will be credited to the new program.

Students may apply for Recognition of Prior Learning at the time of the internal transfer request in accordance with the *Recognition of Prior Learning Policy*.

Transfer from SIHE to Another Provider

International students who wish to transfer to another registered provider and have studied a minimum of six (6) months of their principal program with SIHE do not require a letter of release from SIHE.

International students who want to transfer from the Institute to another CRICOS registered provider before completing the first six months of their principal course must submit a *Release Request Form* for assessment.

The form must be accompanied by:

- (a) a firm offer from another CRICOS registered provider;
- (b) a certified copy of the identification page from the student's current passport;
- (c) a statement, signed by the student setting out the reasons for the request;
- (d) permission for the Institute to verify the information and documents with the issuing agency or institution;

The Institute will use its best endeavours to process and determine such applications within 10 working days from the date a student submits a complete application.

Sydney Institute will not charge the student for any costs associated with the release process.

SIHE will issue a release approval if SIHE is satisfied that:

1. the student has provided documentary evidence that transferring to another institution is in their best interests because:
 - the student has provided convincing evidence of benefits of enrolling in the alternate program and that this is not detrimental to their future studies and welfare
 - where SIHE cannot satisfactorily resolve any personal difficulties or educational problems which the students have encountered, for example, if the student cannot attend SIHE because of the student's medical conditions

And

2. a course for which SIHE has issued an eCoE to a student will no longer be offered or has ceased to be registered on CRICOS;
 1. SIHE fails to deliver the program as outlined in the written agreement with the student
 2. There is evidence that the student's reasonable expectation about SIHE are not being met confirmed by correspondence with SIHE or SIHE marketing materials provided before the student's enrolment
 3. There is evidence that the student was misled by SIHE or by an education agent acting

on behalf of SIHE and that the program is unsuitable to the needs and/or study objectives of the student

4. The student will be reported for failing to achieve satisfactory academic progress at the level at which they are studying
5. SIHE is unable to provide a core subject
6. The student has failed a core subject and there is a shortage of relevant subjects in which the student is eligible to enrol
 - There are compassionate or compelling circumstances that are beyond the student's control and which emerged after accepting the offer of enrolment from SIHE
 - An appeal (internal or external) on another matter results in a decision or recommendation to release the student
 - Where a student is financially sponsored by any government, the sponsor considers the change to be in the student's best interest and has provided written support for the change.

SIHE will not grant a release in the following circumstances:

1. Where SIHE considers that such a transfer can be detrimental to the future study plans or welfare of the student
2. Where SIHE is able to arrange reasonable instruction for the student and the student is likely to succeed
3. Where the circumstances forming the basis of the request were known to the student before accepting the offer of enrolment at SIHE and the student was given adequate information at the time of enrolment to make an informed decision to undertake the program
4. Where the student gave false or misleading information to SIHE when applying to study or when requesting a release
5. Where the transfer would result in a breach of the student's mandatory or discretionary visa conditions:
 - no firm offer from another CRICOS registered provider has been provided
 - the student has already been identified for unsatisfactory attendance or unsatisfactory progress and has received advice to that effect
 - the student has been reported in PRISMS for unsatisfactory attendance or unsatisfactory progression
 - SIHE is satisfied that the student intends to return to their home country. In this case, SIHE must cancel the CoE..

Timeframes and conditions

Where all necessary supporting documentation has been submitted with the written request, SIHE will respond to the request within ten (10) working days.

SIHE will not make any charge for considering or approving a request for a release.

The non-refundable component of pre-paid tuition fees will remain non-refundable even if a release is granted. Other unused fees may be refunded in accordance with SIHE's *Program Modification and Tuition Fee Refund Policy* and *Student Fees and Charges Policy*. Separate applications must be made for refund requests.

Outcomes

Successful outcomes

Where a release is granted, SIHE will advise the student and cancel the student's confirmation of enrolment.

SIHE will report the release to the Department of Home Affairs (DoHA) by identifying the receiving provider, the program, the effective date and the reason for release on PRISMS.

SIHE will advise the student of the need to contact the DoHA to seek advice on whether a new student visa is required.

Unsuccessful outcomes

If a release is not granted, SIHE will provide the student with written reasons for refusing the request and will inform the student of his or her right to appeal against this decision.

Documentation

SIHE will maintain on the student file a record of all requests for letters of release, the assessment of such requests and the decisions regarding such requests for a period not less than two (2) years.

Complaints and appeals

Details of SIHE's appeals processes are provided in the *Student Complaints and Appeals Policy*. SIHE has provisions for both internal appeals and external appeals. For more information please refer to the *Student Complaints and Appeals Policy*.

- A student whose application for a release approval is refused may lodge an appeal.
- Appeals must be lodged:
 1. in writing with SIHE; and
 2. be lodged within 20 working days of the date on which the appellant was notified of the outcome of the release application.
 - In exceptional circumstances, as determined by the Executive Director, Operations & Compliance in their absolute discretion, the Executive Director, Operations & Compliance may accept an appeal lodged out of time.
 - Students must set out in their written appeal their reasons for believing that due

process has not been observed in the consideration of their release application.

1. The Executive Director, Operations & Compliance or a person nominated will:

- assess whether an appeal has been validly made; and
- must notify the student of the outcome of this assessment

2. Except at the absolute discretion of the person considering the appeal:

- appeals will be conducted on the basis of documentary evidence; and
- the scope of an appeal will be limited to a review of the release application process.

Where reasonable, the appeal should be considered within 20 working days of lodgement. Where 20 working days is not reasonable, the Executive Director, Operations & Compliance will advise the appellant of the reasons for the delay, and of the projected timeframe for consideration of the appeal.

3. At the conclusion of the appeal, the person considering the appeal must provide the appellant with a written statement of the outcome of the appeal, including:

- reasons for the outcome;
- details of any rights to make an external appeal; and
- provide a copy of this advice to the Compliance Unit within SIHE.

A student who is not satisfied with the outcome of an internal appeal may lodge a further appeal with the Resolution Institute at no cost to the student. The Resolution Institute shall mediate the appeal in accordance with The Resolution Institute Mediation Rules. A student lodging an external appeal must inform SIHE of their intention to do so, in writing, within 10 working days of being informed of the outcome of the internal appeal.

Refusal by SIHE to grant a release will not be recorded on confirmation of enrolment until the available appeals processes have been concluded or the student has not accessed the complaints and appeals within the 20 working day (or longer depending on the appeal period allowed by the Executive Director, Operations & Compliance).

Policy Implementation and Monitoring

The Academic Board delegates responsibility for the day-to-day implementation of this policy to the Dean.

The Audit and Risk Committee will review this every three (3) years and will monitor activity via spot checks.

Definitions

compassionate and compelling circumstances means circumstances generally beyond a student's control which have a significant impact upon a student's course progress or wellbeing.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students which is maintained by the Australian Department of Education, Skills and Employment

eCoE means electronic confirmation of enrolment

documentary evidence means a statement of reasons provided in a statutory declaration; and original documents that support the facts made in a statutory declaration; or copies of original documents certified by a Justice of the Peace or an Australian Legal Practitioner. **Note:** Documents issued in a language other than English must be translated into English by an interpreter certified by the National Accreditation Authority for Translators and Interpreters.

firm offer means a valid and unconditional offer of admission from a CRICOS registered provider.

international student means a student who is a temporary student visa holder, and is not:

- a holder of a temporary visa of any other category;
- a holder of a permanent humanitarian visa;
- an Australian citizen;
- a permanent resident of Australia; or
- a New Zealand citizen.

National Code: National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under subsection 33(1) the *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*.

ESOS Agency for higher education providers: Tertiary Education Quality and Standards Agency (TEQSA)

Principal course of study means the highest qualification covered by the student's visa, normally the last course where the visa has been issued for multiple courses of study.

PRISMS: Provider Registration and International Student Management System

release approval means a written communication, from an authorised representative, stating SIHE's permission for a student to transfer to another registered CRICOS provider.

student visa means any of the subclasses of temporary visas provided in section 1.03 of the *Migration Regulations 1994 (Cth)*.

Review schedule

This policy will be reviewed by the *Academic Board* every three years.

Version History				
Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	Academic Board	27/4/2018		27/4/2021
2	Academic Board	29/7/2020	Revised to comply with Standard 7 of National Code 2018	29/7/2023













3	Academic Board	5/6/2023	Transfer within SIHE	5/6/2026
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End of document: "International Student Transfer Policy"

Document ID: 10213, Revision No : (11), Created : March 20, 2020 2:35 pm, By : Nigel Finch, Last updated : August 24, 2023 3:44 pm, Updated by : courtney.nelson@sydneyinstitute.edu.au, Next Review by : Nigel, , Review Scheduled For : (not set)

Produced & Printed : Thursday 24th of August 2023 05:44:49 AM "Sydney Institute of Higher Education ABN 49 618 742 813 TEQSA PRV14323 CRICOS 03866C"

Linked Documents

		Program Modification and Tuition Fee Refund Policy
		Data and Records Integrity Policy
		Recognition of Prior Learning Policy
		Student Fees and Charges Policy
		Schedule of Fees
		Withdraw from Program Form