

## INTERNATIONAL STUDENT TRANSFERS POLICY AND PROCEDURES 2023

### 1 Name of policy

This is the International Student Transfers Policy and Procedures 2023.

### 2 Commencement

This policy commences the day after the day on which it is registered.

### 3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds Navitas Australia Pty Limited (formerly named Study Group Australia Pty Limited) (CRICOS Provider Code: 01682E) trading as Taylor's College Sydney (the College), staff, students and affiliates.

### 4 Overview

This policy (and its procedures) outlines the circumstances under which Taylor's College Sydney will permit an overseas student to transfer between a registered provider when the student has completed less than six months in their principal program.

### 5 Application

This policy and its procedures apply to students enrolled in an English Language Intensive Courses for Overseas Students (ELICOS) course delivered by Navitas Australia Pty Limited (CRICOS Provider Code: 01682E) trading as Taylor's College Sydney (the College).

### 6 Definitions

<b>Affiliates</b>	means consultants and contractors to the College, members of the College Committees; and any other persons appointed or engaged by the College.
<b>Conditional Offer</b>	means a restriction(s) placed on the applicant's offer of enrolment, which remains in place until it has been determined by a Provider's Admissions team.
<b>The College</b>	means Taylor's College Sydney, including its staff, affiliates and contractors.
<b>College Director</b>	means the most senior staff member for the College (or their delegate).
<b>Compassionate and Compelling</b>	means circumstances generally beyond a student's control which have a significant impact upon a student's course progress or wellbeing.

<b>Course</b>	means a sequence of academic subjects to achieve stated learning outcomes. An ELICOS course must have a minimum of 20 hours face-to-face scheduled course contact per week.
<b>CRICOS</b>	means Commonwealth Register of Institutions and Courses for Overseas Students.
<b>Delegate</b>	means a person authorised to perform a specific responsibility.
<b>Department of Home Affairs (DHA)</b>	means the Australian Government department responsible for issuance of student visa and provision of student visa services ( <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a> ).
<b>eCoE</b>	means an electronic Confirmation of Enrolment (eCoE) issued by an education provider to verify a student's enrolment in a course.
<b>ELICOS</b>	means English Language Intensive Courses for Overseas Students, an English language course.
<b>Enrolment</b>	means confirmed acceptance into a course where a student is progressing towards the completion of the course requirements.
<b>ESOS Act</b>	means the <i>Education Services for Overseas Student Act 2000</i> .
<b>International student/overseas student</b>	means a person (whether physically located within or outside Australia) who holds or needs a visa with rights to study in Australia, and who has the right to enroll at the College.
<b>National Code</b>	means the <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a> made under subsection 33(1) of the <a href="#">Education Services for Overseas Students (ESOS) Act 2000 (Cth)</a> , which outlines nationally consistent standards for the conduct of registered providers and the registration of their programs.
<b>Offer</b>	means the formal offer of enrolment made to an applicant to commence a course at a College.
<b>Packaged Offer</b>	means 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.
<b>Principal Course</b>	means the main course of study to be undertaken by an overseas student. If the student visa has been issued for multiple courses of study (a 'package' of courses), the principal course would normally be the final course of study that leads to the highest qualification in the 'package'. Where a student visa has been issued for only one course, that course is the student's principal course of study.
<b>PRISMS</b>	means the Provider Registration and International Student Management System.

**Responsible Officer**

means staff member or delegate with responsibility for handling a complaint or appeal. A Responsible Officer must not review a decision they were involved in making and must occupy a position that is senior or equal to that occupied by any person involved in making the original decision (see Appendix B: College Responsible Officers and External Appeal Options of the Taylor's College Complaints and Appeals Policy and Procedure).

**Student**

means a person who is currently an enrolled student in a Taylor's College course (this does not include former students).

## 7 General principles

- (1) Taylor's College Sydney will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course, except in certain circumstances permitted under Standard 7 of the National Code.
- (2) Taylor's College Sydney will consider all requests for transfer to or from another provider fairly and take into consideration the individual circumstances of each student consistent with Standard 7 of the National Code.

## 8 Records Management

Records in association with this policy will be kept in accordance with the Records Management Policy and Procedures. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

## 9 Policy

### Transfers from another registered provider to Taylor's College Sydney

- (1) Overseas students cannot transfer between registered providers prior to completing six calendar months of their principal course. The first six months is calculated as six calendar months from the date an overseas student commences their principal course.
- (2) The College will not enrol any overseas student visa holders who seek to transfer from another registered provider prior to their having completed six months of their principal course at that provider, except where:
  - the releasing registered provider or course in which the overseas student is enrolled has ceased to be registered, or
  - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider; or
  - the releasing registered provider has agreed to the overseas student's release having deemed the transfer in the overseas student's best interest consistent with the policy herein, notified the student of the release and confirmed release of the student in PRISMS; or

- 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
- (3) If the overseas student is under the age of 18, the College must have written confirmation that the overseas student's parent or legal guardian supports the transfer. If the overseas student does not have a parent or legal guardian caring for them in Australia, the College must also be satisfied it is able to accept responsibility for the student's accommodation and welfare arrangements in accordance with Standard 5 and that there are no gaps in the welfare arrangements. After completing six calendar months of the principal course, an overseas student can transfer to Taylors College Sydney without needing to meet one of the transfer requirements stated above.
  - (4) The College can limit the number of places in a course at its discretion.

## **Transfers from Taylors College Sydney to another registered provider**

- (1) The National Code requires the College to assess requests from students for a transfer to another registered provider if the students have not completed six months of their principal course of study and Taylors College is the principal provider.
- (2) The College will consider all requests for transfer fairly and take into consideration the individual circumstances of each student.
- (3) Requests for transfer within the restricted period will be refused where the College considers the transfer to be detrimental to the student. This may include (but is not limited to):
  - when the transfer may jeopardise the student's progression through a package of courses;
  - 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 course material but has failed to submit assessments that would have provided formative feedback to support the student;
    - where the student has not provided sufficient evidence to support their stated reason/s for transferring;
  - the student is experiencing program schedule conflict with personal, work, or other non-study commitments;
  - claims financial hardship, which is contrary to evidence supplied for their visa application or transferring to a provider with lower tuition fees;
  - where the College forms the view that the student is deliberately trying to work around the Australian student visa system;
  - where the student is under the age of 18 and has not provided the required documentation set out below.
- (4) The College will grant the transfer request if the transfer is in the student's best interests, including but not limited to cases below:

- the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy to assist the student in accordance with Standard 8 (Overseas student visa requirements)
  - there is evidence of compassionate or compelling circumstances
  - The College fails to deliver the course as outlined in the overseas student's written agreement
  - there is evidence that the overseas student's reasonable expectations about their current course are not being met
  - there is evidence that the overseas student was misled by the College or an education or migration agent regarding the College 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 overseas student. Requests for transfer release within the restricted period will be refused unless the overseas student has provided to the College:
    - a valid letter of offer of enrolment • another registered provider for another eligible program or package of programs, and the College forms the view that the student is genuinely intending to study with that provider; and
    - if the overseas student is under 18 years of age:
      - written evidence that the student's parent or legal guardian supports the transfer; and
      - where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger Overseas students) of the National Code.
- (5) The welfare period nominated by the new provider must be at least the length of the student's Confirmation of Enrolment (CoE) plus 7 days at the end of the CoE, or until the student turns 18.
- (6) Provision of these essential documents does not preclude the College from refusing to release the student if the College believes the transfer would be to the detriment of the student.

## **Transfer release requests and packaged courses**

- (1) If a transfer will affect the start dates of any subsequent courses covered by the visa, the overseas student is responsible for requesting release from those courses as necessary to allow their next enrolment to be approved or gain the subsequent registered providers' agreement to delay the start of those courses.
- (2) When there is a packaged offer, whereby a student has an offer for a Taylors College Sydney program followed by a conditional offer into a principal course with another non-Taylors College Sydney partner institution, the College cannot grant release the overseas student from that principal course. The student must seek permission to cancel the principal course directly from the provider of that course. The College will not issue a release for the preliminary course without the releasing provider having released the student from their principal course in PRISMS.
- (3) Students enrolled in a package should note that changing their preliminary courses(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.

## Other provisions

- (1) The College's approval of transfer release of a student to another institution does not remove the requirement for the student to pay any outstanding fees to the College, nor does it indicate the agreement of the College to provide any refund. Refer to the Taylors College Cancellation and Refund Policy for information on any applicable refunds following a cancellation.

## 10 Procedures

### Transfer from Taylors College Sydney Release Requests

- (1) For a request for transfer release to be considered, it must be submitted in writing (e.g. email from students College email account) to the College Director (or delegate) and include detailed reasons and supporting evidence for the transfer request.
- (2) The student will be given the opportunity to discuss the reasons for the request with the College Director (or delegate), who will make the decision as to whether a release will be provided. The College Director (or delegate) will ensure that the overseas students group for requesting a transfer are adequately supported and evidenced. The evidence will be retained on the student's file.
- (3) The following information is to be provided to the College to enable the application to be assessed:
  - A written request to the 'Transfer Provider';
  - A valid letter of offer from another CRICOS registered provider;
  - Supporting evidence if the student is citing compassionate or compelling circumstances for transferring providers;
  - Where the student is a sponsored student, a supporting letter from the sponsor is included; and
  - 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  
<https://immi.homeaffairs.gov.au/change-in-situation/study-situation>

- (4) Students will be provided with written advice of the outcome of their request to their email address within 10 working days of the College's receipt of application.

### Approved Transfer Release

- (1) Where the transfer release request is agreed, the student will be notified that a release has been granted at no cost to the student and advised of the need to contact the Department of Home Affairs to ascertain whether a new visa is required. The College will record the granting of the transfer request in PRISMS, the date of effect of the release and the reason for granting the release.

## Refused Transfer Release

- (1) If the request for transfer is refused, the College will provide the student with written notice of intention to refuse the release, inclusive of reasons for the refusal. This notice will advise of the student's right to appeal the decision to refuse release in the manner described in the Taylor's College Complaints and Appeals Policy.
- (2) The student has 20 working days after being notified of the intended decision to lodge a written appeal that sets out the student's reason for appealing the intended decision. The appeal will be handled by the Responsible Officer designated in accordance with the Taylor's College Complaints and Appeals Policy and Procedure.
- (3) If the outcome of the appeal is that the College's intended decision to refuse the release is upheld or if the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student has withdrawn from the process, the College will record the refusal of the transfer request in PRISMS, the date of effect of the refusal, and the reason for refusing the release.

## 11 Rescissions and replacements

This document replaces the following, which are rescinded as from the date of commencement of this document:

Nil

## NOTES

International Student Transfers Policy and Procedures 2023

Date adopted: 20 November 2023

Date registered: 20 November 2023

Date commenced: 27 November 2023

Administrator: Principal Executive Officer

Review date: At least once every 5 years from the date of commencement.

Rescinded documents: Not applicable

Related documents:

- (1) Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- (2) Education Services for Overseas Students Regulations 2019 (Cth)
- (3) ELICOS Standard 2018
- (4) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)
- (5) Privacy Act 1988 (Cth)
- (6) Admissions Policy and Procedures

- (7) Attendance Policy and Procedures
- (8) Cancellation and Refunds Policy and Procedures
- (9) Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy and Procedures
- (10) Progression, Exclusion and Completion Policy and Procedures
- (11) Records Management Policy and Procedures
- (12) Safety, Wellbeing and Accommodation of Under 18 Students Policy and Procedures
- (13) Student Code of Conduct
- (14) Student Complaints and Appeals Policy and Procedures
- (15) Student Privacy Policy