

# Transfer of Provider (GC)

Queensland Institute of Business Technology Pty Ltd  
ABN 38 076 195 027

## Document

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| <b>Document Name</b>      | Transfer of Provider (GC)  |
| <b>Brief Description</b>  | The Policy outlines the conditions under which Griffith College will consider a student request for a transfer between registered providers. |
| <b>Responsibility</b>     | Director, Student & Academic Services  |
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| <b>Authorising Body</b>   | Management Committee   |

## Version Control

| <b>Date</b> | <b>Version No.</b> | <b>Summary of Changes</b>                                   | <b>Reviewer Name and Department/Office</b> |
|-------------|--------------------|---|--|
| 17/04/2018  | 11                 | Policy changes prior to December 2019 are found on H drive. | College Director and Principal             |
| 17/08/2022  | 12                 | Updates as part of review and move to the new template      | Quality & Compliance Manager               |

## Related Documents

| <b>Name</b>   | <b>Location</b>                  |
|---|----------------------------------|
| Welfare Arrangements for Under 18 International Students studying at Griffith College policy. | <a href="#">Policy HUB</a>       |
| Student Complaints and Appeals Procedure  | <a href="#">Policy HUB</a>       |
| Refund Policy   | <a href="#">Policy HUB</a>       |
| Transfer of Provider Form   | <a href="#">Online Form</a>      |
| Transfer of Provider Flowchart  | <a href="#">Document library</a> |

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## 1 Purpose and Scope

### 1.1 Introduction

This Transfer of Provider Policy sets out the approach of Griffith College relating to the management of students requesting for a transfer between registered providers.

### 1.2 Purpose

The purpose of this Policy is to outline the conditions under which Griffith College will consider a student request for a transfer between registered providers.

### 1.3 Scope

This Policy has been prepared in accordance with the Welfare Arrangements for Under 18 International Students studying at Griffith College Policy and the Student Complaints and Appeals Procedure.

## 2 Policy Statement

### 2.1 Legislative Requirements

The [Education Services for Overseas Students Act 2000 \(Cth\)](#) (“**ESOS Act**”) and Standard 7 of the associated [National Code of Practice 2018](#) requires registered providers to assess requests from students for a transfer between registered providers prior to the student completing six months of their principal program. The principal program is the main program of study to be undertaken by an international student where the student visa has been issued for multiple courses and is usually the final program of study (usually the Griffith University degree program). The first six months is calculated as six calendar months from the date an international student commences their principal program. This means that transfer restrictions apply to an international student during all programs they undertake prior to the principal program. No restrictions apply after the student has completed six months of their principal program. Receiving providers must not knowingly enrol students in this situation, except where:

- a. the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- b. the releasing registered provider has agreed to the overseas student’s release and recorded the date of effect and reason for release in PRISMS;
- c. 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 course at that registered provider, or
- d. 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.

Griffith College will not seek to enrol a student wishing to transfer from another registered provider's program prior to the student completing six months of their principal course of study except where the situation falls within the above parameters.

Students considering transferring providers must ensure that they continue to meet the conditions of their student visa. More information can be found at <http://www.homeaffairs.gov.au/Trav/Stud/More/Changing-courses>

### 2.2 Request for Transfer

Griffith College markets itself as an education provider offering academic programs. Students are provided with a range of information outlining program structures and requirements and articulation pathways. In light of this, requests for student transfers will take into consideration the range of Griffith College information provided to prospective students prior to application and enrolment at the College.

Students who wish to undertake a transfer of provider must complete a Transfer of Provider form and outline the reasons for their transfer. Documentary evidence in support of the transfer must be attached to the application form and demonstrate how the transfer would be in the student's best interests.

To be eligible to apply to transfer providers, a student must:

- hold a valid unconditional enrolment offer from the receiving CRICOS registered provider, with a future start date; and
- provide documentation to support their application in accordance with Section 3.1; and
- provide written confirmation of approval to transfer from legal guardian/parent, if under 18; or
- provide written confirmation of approval to transfer from government sponsor if a sponsored student; and
- have paid all fees outstanding to the College.

### 2.2.1 Circumstances Which Griffith College Considers Sufficient Grounds to Transfer

A student must satisfy Griffith College that they have a genuine case to request a transfer. Griffith College will consider the following circumstances as reasonable grounds for a transfer, provided they are accompanied by the required evidence:

| Circumstances which Griffith College considers sufficient grounds to transfer   | Supporting Documentation Required  |
|---|--|
| The student has received a direct offer for a Griffith University Bachelor program  | An unconditional offer letter for a Griffith University Bachelor program   |
| The international student is unable to satisfy prescribed conditions stipulated in the College's letter of offer and the College determines the student made a genuine attempt to meet the conditions.  | Evidence such as an IELTS certificate and/or attendance and academic results from pathway provider.  |
| The international student's inability to begin studying on the program's commencement date due to a delay in receiving a student visa.  | Evidence of student visa grant date.   |
| The transfer is considered beneficial to the student's academic progression. Circumstances considered beneficial include: <ul style="list-style-type: none"> <li>a) the transfer represents an opportunity for the student to complete a higher-level tertiary qualification, not delivered at Griffith University; or</li> <li>b) the student is currently enrolled at Griffith College, and has applied to transfer to a discipline not offered by the College,</li> </ul>                                      | <ul style="list-style-type: none"> <li>a) An unconditional offer letter (not packaged with any pathway program);</li> <li>b) Evidence that the student has accessed academic support services provided by Griffith College staff that have not improved the student's performance.</li> </ul>  |
| The transfer is in the international student's best interests. Circumstances considered to be in the student's best interest include: <ul style="list-style-type: none"> <li>a) the international student will be reported because they are unable to achieve satisfactory program progression at the level they are studying, even after engaging with the College's intervention strategy to assist the international student in accordance with Standard 8 (Overseas student visa requirements); or</li> </ul> | <ul style="list-style-type: none"> <li>a) Evidence that the student has accessed the support services and strategies provided by Griffith College staff that have not improved the student's performance.</li> <li>b) Evidence of the compassionate or compelling circumstances (e.g. medical documentation, death certificate, etc)</li> </ul> <p>AND</p> |

| Circumstances which Griffith College considers sufficient grounds to transfer   | Supporting Documentation Required  |
|---|--|
| <ul style="list-style-type: none"> <li>b) the international student has experienced compassionate or compelling circumstances which are beyond the student's control (e.g. serious illness or injury, bereavement of a close family member, a major political upheaval or natural disaster in the international student's home country, or a traumatic experience); or</li> <li>c) the College is no longer able to provide the program in which the student is due to commence, or enrolled as outlined in the initial letter of offer; or</li> <li>d) the government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change; or</li> <li>e) a parent or legal guardian of an international student under 18 years of age has provided written confirmation supporting the transfer. Where the international student is not being cared for in Australia by a parent/legal guardian, the new CRICOS registered institution has accepted responsibility for the student's accommodation, support and general welfare arrangements in accordance with the National Code of Practice 2018, Standard 5; or</li> <li>f) there is evidence that the international student's reasonable expectations about their current program are not being met; or</li> <li>g) there is evidence that the international student was misled by the College or an education or migration agent regarding the College or its program and the program is therefore unsuitable to their needs and/or study objectives; or</li> <li>h) the College has had a sanction imposed on its registration by TEQSA that prevents the international student from continuing their program with the College; or</li> <li>i) an appeal (internal or external) on another matter results in a decision or recommendation to release the international student.</li> </ul> | <p>Statement of how the transfer would improve the student's circumstances.</p> <ul style="list-style-type: none"> <li>c) Nil.</li> <li>d) Written support for the transfer from the government sponsor.</li> <li>e) Written support from parent/legal guardian and/or written support of accepted responsibility from new provider, demonstrating that there is no gap in the welfare arrangements.</li> </ul> <p>AND</p> <p>Acceptance of responsibility from the new CRICOS registered institution to provide support and general welfare arrangements in accordance with National Code of Practice 2018, Standard 5.</p> <ul style="list-style-type: none"> <li>f) Evidence to support the international student's reasons why the program is not meeting their expectations.</li> <li>g) Evidence of the misleading information that has been provided by the College or education agent (eg. correspondence or marketing materials).</li> <li>h) Nil.</li> <li>i) Evidence of the appeal outcome.</li> </ul> |

## 2.2.2 Circumstances Which Griffith College Considers Insufficient Grounds to Transfer

Griffith College considers the following circumstances will have a detrimental impact on the educational outcomes for which the student's visa was granted, and will result in a request for transfer of providers being refused:

- The transfer is considered detrimental to the student's academic progression, including:
  - The student has not started studying, or has only recently started studying, and has not experienced the full range of academic and support services available at the College;
  - The transfer may jeopardise the student's progression through a package of programs, or is not likely to provide adequate preparation for further study (e.g. the new program does not articulate into the principal program);
  - The student is downgrading to a lower level qualification or vocational qualification, for reasons other than academic ability;
- The student expresses difficulty with the program of study but has not sought assistance from Griffith College Advisors or Program Convenors;
- The student has not passed an in-Trimester or end of Trimester assessment item;
- The student has been warned for non-attendance;
- 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 experiencing adjustment difficulties moving to Australia;
- The student has changed his or her mind about the program;
- The student wants to live somewhere else (unless there are compassionate grounds);
- The student wants to transfer to a provider with lower fees, or would lead to an overall reduction in costs to the student;
- Griffith College forms the view that the student is trying to avoid being reported to Department of Home Affairs (HA) for failure to meet attendance or academic progress requirements;
- Griffith College considers the student has taken advantage of the Simplified Student Visa Framework (SSVF) arrangements to obtain a student visa and enter Australia and has requested to transfer to another provider without making a genuine effort to undertake their study at Griffith College.

## 2.3 Outcome of Transfer Request

All requests for Transfer of Provider must be submitted via the online application form and will be considered by the Student & Academic Services Manager. There is no cost for application. Students will be advised of the outcome of their request within 10 working days of the date of application. In situations where a transfer is approved, the outcome will be effective from either the date of lodgement or the end of Trimester, as nominated by the student on the application form. If no indication is given on the application form, the default effective date will be the date of lodgement of application.

Where a student's application cannot be considered, because the relevant documentation has not been provided, the student will be notified.

Where a request for Transfer of Provider has been approved, the student will be notified of the decision via their student e-mail account. The student's enrolment at Griffith College will be cancelled, and a notification will be provided to Department of Education and Training (DET) and Department of Home Affairs (HA) of the student's cessation of studies at Griffith College, by releasing the student from their Confirmation of Enrolment (CoE) in PRISMS. The student will incur no charges for processing their release. However, cancellation fees and penalties may be applied in accordance with Griffith College's Refund Policy.

Where a student under the age of 18 has had a request for Transfer of Provider approved, Griffith College will liaise with the other provider in regard to the transfer of care arrangements. As a guideline, Griffith College will only continue care arrangements for the student for seven (7) days after the date of the Transfer of Provider was approved. 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). Further information regarding care arrangements for students under 18 years of age is available from the [Welfare Arrangements for Under 18 International Students Studying at Griffith College Policy](#).

In all cases where a release is granted, Griffith College will advise in the outcome notification for the international student to contact Immigration to seek advice on whether a new student visa is required.

Where a request for Transfer of Provider has been refused, the student's enrolment will remain current and the student will be advised in writing of the reasons for the refusal of the request, via their student e-mail account. Students have the right to appeal the refusal as outlined in Section 2.5.

#### 2.4 Packaged Offers with Griffith University

In situations where a student has a packaged offer including a Griffith College program and a Griffith University degree, a student must identify whether he/she wishes to be released from one or both programs. The Griffith University degree will be considered the principal program for the purposes of this policy.

Griffith University has delegated decision making on requests for transfer while at Griffith College to Griffith College's College Director and Principal (or nominee). If Griffith College approves the student transfer, Griffith College will advise Griffith University of the decision to grant the transfer request. From this advice, Griffith University will cancel any relevant Confirmation of Enrolments issued for a Griffith University program packaged with the Griffith College program of study.

#### 2.5 Appeal Against Refusal of Transfer

Where a student's request for transfer has not been supported, the student can lodge an appeal in accordance with the [Student Complaints and Appeals Procedures](#). Students will have 20 working days from the outcome date, to submit their appeal. Griffith College will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.

#### 2.6 Transfer Request Records

Griffith College maintains a register of transfer requests and records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student

### 3 Responsibilities

| Responsibility  | CDP | CFM | QCM | AD | DSAS | Mgr SAS | SAS | All |
|---|-----|-----|-----|----|------|---------|-----|-----|
| Maintain currency of policy   | A   |     | C   |    | R    |         |     | I   |
| Review and assess application and associated documentation  |     |     |     |    | A    | R       |     |     |
| Determine outcome of application  |     |     | C   | C  | S    | R       | I   |     |
| Advise outcome of decision and appeal process   |     | I   |     |    | I    | A       | R   |     |
| Notify relevant stakeholders of decision (Griffith Uni, DET, HA)  |     |     |     |    |      | A       | R   |     |
| Update student records relevant to decision   |     | I   |     |    |      | A       | R   |     |
| <p>CDP = College Director &amp; Principal, CFM = College Finance Manager, QCM = Quality &amp; Compliance Manager, AD = Academic Director, DSAS = Director, Student &amp; Academic Services, DMA = Director, Marketing &amp; Admissions, AB = Academic Board, All = Staff, PC = Program Convenor, PAC = Program Advisory Committee</p> <p>R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed</p> |     |     |     |    |      |         |     |     |

### 4 Compliance

#### 4.1 General

The Director, Student & Academic Services will ensure staff are informed about this Policy through staff meetings and communications.

Students will be made aware of this Policy through the Digital Campus and Policy Library on the website and at Orientation sessions. Agents who recruit International students will also be advised of any updates to policy and respective information.

#### 4.2 Relevant Legislation

Griffith College is required to comply with a range of legislation and regulation both at a state and a federal level. Policies and procedures developed within Griffith College are done so in accordance with the legislative framework within which the College operates. Griffith College has a responsibility to satisfy state and federal legislation and regulation including, but not limited to:

- [Education Services for Overseas Students Act 2000 \(Cth\)](#)
- [National Code of Practice 2018](#)



#### 4.3 Review

This Policy is tested and reviewed at least every 24 months and when at the time of any changes to the regulatory compliance requirements, legislation, regulation and guidelines. This review process aims to ensure alignment to appropriate strategic direction of Griffith College and continued relevance to Navitas' current and planned operations.

#### 4.4 Records Management

All records in relation to this document will be managed as follows:

| <b>Record type</b> | <b>Owner</b>                          | <b>Location</b> | <b>Retention</b>                                | <b>Disposal</b>    |
|--------------------|---------------------------------------|-----------------|---|--------------------|
| Policy             | Director, Student & Academic Services | Policy Hub      | Permanently with control in place for revisions | Policy Hub archive |