
La Trobe Melbourne

Transfer Between Providers Policy

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Transfer by International Students Between Registered Providers

1. Purpose

This policy has been developed in accordance with *Standard 7 - Transfer Between Registered Providers* of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code 2007). Under the terms of this legislation, students on an international student visa are required to remain with their education provider for the first six months of study of their principal course. However, the standard recognises overseas students as consumers and supports them in exercising choice whilst acknowledging that they may also be a group that requires support to transition to study in Australia.

This policy supports the intent of the standard and outlines the circumstances under which Navitas Bundoora Pty Ltd, trading as La Trobe Melbourne, will permit the transfer by international students to another provider and the process by which each student's request will be assessed. This policy also outlines the circumstances in which La Trobe Melbourne will permit the enrolment of transferring students from another provider.

2. Scope

This policy relates to students studying in Australia on an international student visa.

3. Definitions

Key Term or Acronym	Definition
Course	A program of instruction
CRICOS	<i>Commonwealth Register of Institutions and Courses for Overseas Students</i> . Database of every course and institution that recruits, enrolls and teaches overseas students.
DIBP	Department of Immigration and Border Protection. The Australian Federal Government's administrative division on all immigration and visa matters.
ESOS Act 2000	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to international students.
National Code 2007	The <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i> . Nationally consistent standards and procedures for providers who deliver international educational services.
Principal course	The final or highest level of study to be undertaken by an international student. In many cases, the principal course is the degree program at La Trobe University when students are on a packaged program.
Six months of study	Six calendar months from the commencement of the principal course. Where a deferment of study has been granted in the first semester, this absence is not included in the six months of study. Students are expected to complete their six months of study upon their return.

SSVF Arrangements	Simplified Student Visa Framework Arrangements. Under this arrangement, an overseas applicant for a student visa with a CoE from a participating University and its eligible and nominated business partner (s) will be treated by DIBP as a low migration risk.
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4. Policy Statement

4.1 Students transferring to La Trobe Melbourne from another registered provider

La Trobe Melbourne is restricted from enrolling students requesting to transfer from another registered provider within the first six months of commencement of their principal course, except in the circumstances listed from 4.1.1 to 4.1.7:

- 4.1.1 The original registered provider has ceased to be registered or the course in which the student was enrolled has ceased to be registered;
- 4.1.2 The original registered provider has provided a written letter of release;
- 4.1.3 The original registered provider has had a sanction imposed on its registration by the Australian Government or State or Territory Government which prevents the student from continuing his or her principal course; or
- 4.1.4 A Government sponsor of the student considers the change to be in the student's best interest and has provided a written recommendation for that change.
- 4.1.5 Student does not have a history of transfer to more than two educational institutions in Australia.
- 4.1.6 Refer to Enrolment Policy for details of requirements for students from other providers wishing to transfer into LTM Diploma.
- 4.1.7 Students under 18 years of age must obtain approval from their parents in writing before applying for a transfer.

4.2 Circumstances for which approval for transfer to another registered provider will be granted

La Trobe Melbourne supports the intent of Standard 7 of the National Code 2007 which recognises overseas students as consumers and supports them in exercising choice, whilst acknowledging that they may also be a group that requires support to transition to study in Australia.

In all instances, an application to transfer to another registered provider will be assessed enabling the individual circumstances of the student to be considered in order to determine if the transfer will not be detrimental to the academic future of the student.

Circumstances in which a release letter will be granted include:

- 4.2.1 Any of the circumstances contained in 4.1.1, 4.1.3 or 4.1.4 as applied to La Trobe Melbourne;
- 4.2.2 If in the view of La Trobe Melbourne, the course the student wishes to transfer to is of a higher standing than what LTU/LTM has offered;

- 4.2.3 Compassionate or compelling personal or academic circumstances, with relevant supporting documents, including but not restricted to:
- a) unexpected severe illness or death of a family member;
 - b) the student or accompanying family member has an acute medical condition requiring treatment;
 - c) the student has been involved in legal proceedings where the timing is beyond the student's control;
 - d) the student has been caught up in a natural disaster, political uprising or other similar event;
 - e) the student has an accident, falls seriously ill or contracts a serious medical condition after arriving in Australia.
- 4.2.4 La Trobe University no longer offers the principal course of the student's choice.
- 4.2.5 The student is no longer eligible to enroll in the principal course at La Trobe University.

A student with a La Trobe Melbourne/La Trobe University packaged course will also need to gain a release letter from La Trobe International as LTU is the provider of the principal course.

A student under the age of 18 must have written evidence that the 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, written confirmation is required that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements.

A student who is sponsored must have written approval that the sponsor has approved the transfer to another provider.

4.3 Circumstances for which approval for transfer to another registered provider will not be granted

La Trobe Melbourne **will not** issue a letter of release in any of the following circumstances:

- 4.3.1 When the transfer is considered detrimental to the student; for example, the transfer may jeopardise the student's progression through a package of courses or, the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student;
- 4.3.2 If the student applies to transfer from a La Trobe Melbourne package that was processed under Simplified Student Visa Framework (SSVF) to a provider that is not eligible for SSVF;
- 4.3.3 The application does not have a valid enrolment offer from a CRICOS registered receiving provider;
- 4.3.4 If La Trobe Melbourne forms the view that the student is trying to avoid being reported to the Department of Immigration and Border Protection (DIBP) for failure to meet attendance or satisfactory course progress requirements, as defined by the La Trobe Melbourne *Course Progress Policy* or *Attendance Policy*;
- 4.3.5 Financial difficulties or **if** the student has outstanding debts or fines to La Trobe Melbourne;

- 4.3.6 The student is under 18 and there is no written evidence that the 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, there is no written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements;
- 4.3.7 If the intended course will not provide adequate preparation for further study, nor be recognised by higher education or VET providers as meeting their entry requirements and the transfer would be detrimental to the student's future study plans;
- 4.3.8 The student is a victim of inappropriate agent pressure or education agent's error;
- 4.3.9 Change of mind. Students are able to apply for transfer to other programs within La Trobe Melbourne, but will not be granted a release on the basis of simply changing their mind;
- 4.3.10 Claims of homesickness. La Trobe Melbourne considers students need some time to settle into their programs and the Australian education system and for the student to use and benefit from La Trobe Melbourne's student support services;
- 4.3.11 Student claims difficulty with the program but has not accessed the additional academic support available at La Trobe Melbourne;
- 4.3.12 Student claims difficulty with the program; however, La Trobe Melbourne believes student is capable with extra support and effort;
- 4.3.14 Poor application to course work;
- 4.3.15 Accommodation difficulties – distance; transport; living arrangements;
- 4.3.16 Distance from employment
- 4.3.17 Student is deemed capable by his/her teachers of completing the LTM course within the expected duration;
- 4.3.18 If the student is sponsored, and the sponsor has not approved the transfer to another provider;
- 4.3.19 Student has a history of release applications with La Trobe University.

La Trobe Melbourne reserves the right to take into consideration other factors, including individual circumstances of a student, which may not have been specified above.

4.4 Processing a request for letter of release

All staff must remind students to continue to attend class until their transfer/release is approved or refused.

Applications will be assessed and processed by the Student and Academic Services Officer under items 4.2 and 4.3 of this policy. The final decision is made by the Director, Student Services for ELICOS students' requests and the Academic Director for Foundation Studies and Diploma Programs students' requests. All enabling circumstances will be taken into consideration when assessing an application and an outcome will be advised in writing within 10 working days from the receipt of the application.

If the student is on a packaged visa including a La Trobe University degree program, the Director, Student Services or the Academic Director will make a recommendation

on approval/refusal to La Trobe International (LTI). LTI will have the final say in these circumstances on whether a student will be granted a letter of release.

If approved, a letter of release will be issued at no charge with advice to contact the Department of Immigration and Border Protection (DIBP) to seek advice on whether a new visa is required.

La Trobe Melbourne will only assess an application for a letter of release if the following are provided:

- 4.4.1 A valid enrolment offer from another CRICOS registered provider;
- 4.4.2 A completed *Request for Transfer to another Registered Provider* form available at reception;
- 4.4.3 Where the student is under 18 years of age, the student's parent or legal guardian supports the transfer in writing or, if the student is not being cared for in Australia by a parent or legal guardian, the valid letter of offer confirms that the registered provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements. The gap/break between the courses of the two providers should be 7 days. If the gap is longer, the child is to return to his/her parent's care.
- 4.4.4 Where a student is sponsored, written confirmation from the sponsor that they support the change and consider it to be in the student's best interests.

Where an application for a letter of release has been denied, written reasons for refusing the request will be provided to the student. Advice will also be given to students of their eligibility to access the La Trobe Melbourne Student Grievance Policy within ten working days. For students with offers packaged with LTU, requests for appeal are to be sent to LTI Director, and subsequently to the LTU Ombudsman.

4.5 Refunds

If a student has been issued with a letter of release, he or she is subject to the conditions of the La Trobe Melbourne Refund Policy which can be found on the La Trobe Melbourne website: www.latrobemelbourne.edu.au/policies

4.6 Records

La Trobe Melbourne will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding the request on the student's file.

Policy Title	Transfer between Providers Policy	
Policy Owners	Director, Student Services and Academic Director	
Contact Persons	Usha Rao and Jacqueline Tulk	
Key Stakeholders	Student and Academic Services Officers LTI	
Approval Body	LTM Management Meeting	Approved on January 12 2012
	LTM Executive Committee	November 12 2014
	LTM Executive Committee	August 16 2017
Relevant Legislation	National Code 2007	
Related Policies	Student Grievance Policy Refund Policy	
Related Guidelines		
File information	TBC	Version number V1.4
Date Effective	12 September 2013	Next Review Date August 2019
Amendment History		
Revision Date	Version	Summary of changes
12/4/16	1.4	Section 4.4 amended to replace Admissions Manager function with separate ELICOS and FSDP accountabilities.
15/08/2017	4.2.5	Change to name of principal provider.
	4.4	Accountability changed to Student and Academic Services Officer.
	4.4.4	Redundant words removed.