

# Transfer of Provider Policy

## Document

<b>Document Name</b>	Transfer of Provider Policy
<b>Brief Description</b>	This policy provides information and guidelines on matters relating to the transfer of providers by international students at the Sydney Institute of Business and Technology (SIBT).
<b>Responsibility</b>	Senior Management Team
<b>Initial Issue Date</b>	30 June 2010
<b>Date for Next Review:</b>	25 September 2025

## Version Control

<b>Date/Approval</b>	<b>Version No.</b>	<b>Summary of Changes</b>	<b>Reviewer Name and Department/Office</b>
30/06/10	1	Formatted into new policy template	Senior Management Team
06/10/11	2	Reformatted in line with UPD	Senior Management Team
19/06/12	3	Added statement - <i>SIBT may commence applicable disciplinary procedures if a person to whom this policy applies breaches this policy (or any of its related procedures).</i>	Senior Management Team
28/06/13	4	Added statement - <i>If the student applies to transfer from a SIBT package that was processed under Streamlines Visa Processing (SVP) to a provider that is not eligible for SVP</i>	Senior Management Team
14/04/14	5	Review and revised the complete document to better align with MQ policy	Senior Management Team
22/03/16	6	Policy updated to represent SIBT's status as of 2016.	Senior Management Team
01/04/16	7	Policy updated to include the changes in processing and assessing release applications and title change.	Senior Management Team
06/05/16	8	Policy updated to include U18 in the general policy and process of students applying for a release with a packaged offer changed.	Senior Management Team
01/07/16	9	Policy updated to include a section on students transferring to another Navitas Business Unit.	Senior Management Team
10/02/17	10	Policy updated and reviewed.	Senior Management Team
01/06/18	11	Policy updated and reviewed due to legislation changes.	Senior Management Team
14/9/23	12	Transferred to the new template. Application section added. Clarification	Senior Management Team

Date/Approval	Version No.	Summary of Changes	Reviewer Name and Department/Office
		to the Policy Statement. Shortage of relevant units for which a student is eligible to enrol added to the Sufficient Grounds to Transfer section. Appeal section simplified and user is referred to the relevant Policy. Summary of Student Applying for a Release with a Packaged offer removed. Appendices A and B added.	

### Related Documents

Name	Location
Student Complaints and Appeals Policy	<a href="#">SIBT Website</a>
Admissions Policy	<a href="#">SIBT Website</a>
Assessment Policy	<a href="#">SIBT Website</a>
Enrolment Policy	<a href="#">SIBT Website</a>
Deferring, Leave of Absence, and Cancelling Student's Enrolment Policy	<a href="#">SIBT Website</a>
Refund Policy	<a href="#">SIBT Website</a>
Special Consideration Policy	<a href="#">SIBT Website</a>
Application for Transfer to another Provider	<a href="#">SIBT Website</a>
International Student Transfer Procedure	<a href="#">WSU Website</a>
Higher Education Support Act 2003	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Higher Education Standards Framework (Threshold Standards) 2021	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Education Services for Overseas Students Act 2000	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
National Code of Practice for Providers of Education and Training to Overseas Students 2018	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>



## Contents

1. Purpose.....	4
2. Definitions .....	4
3. Application .....	4
4. Policy Statement .....	4
5. Request for Transfer .....	5
6. Grounds for Transfer between Registered Providers .....	6
6.1 Sufficient Grounds to Transfer .....	6
6.2 Insufficient Grounds to Transfer .....	8
7. Outcome of Transfer Request .....	8
8. Transfer Request Records.....	9
9. Appeal .....	9
Appendix A: Extenuating (Compassionate and Compelling) Circumstances .....	10
Appendix B: Acceptable Supporting Documentation .....	11
Appendix C: Student Applying for a Release.....	12

## 1. Purpose

- a) The purpose of the Transfer of Provider Policy is to outline the conditions under which Sydney Institute of Business and Technology (SIBT) will consider a student's request for a transfer between registered providers.

## 2. Definitions

Term	Meaning
<b>AQF</b>	Australian Quality Framework: The AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.
<b>TEQSA</b>	The Tertiary Education Quality and Standards Agency (TEQSA) is Australia's independent national regulator of the higher education sector.
<b>The National Code of Practice</b>	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) sets nationally consistent standards for the delivery of programs to international students.
<b>ESOS</b>	The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering programs to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.
<b>DHA</b>	Department of Home Affairs
<b>Tuition Protection Service</b>	The Tuition Protection Service (TPS) is a placement and refund service for international students.
<b>Principal Program</b>	Is the main program of study to be undertaken by an international student where the student visa has been issued for multiple programs and is usually the final program of study (usually Western Sydney University degree program).
<b>PRISMS</b>	Provider Registration and International Student Management System.
<b>Releasing Registered Provider</b>	Sydney Institute of Business and Technology or SIBT.
<b>Six Months of Principal Program</b>	The first six (6) months is calculated as six (6) calendar months from the date an international student commences their principal program. Where a deferment of study has been granted in the first study period, the deferred period or leave of absence is not included in the six months. Students are expected to complete their six months of study upon their return.

## 3. Application

- a) The Transfer of Provider Policy applies to all international students enrolled at Sydney Institute of Business and Technology (SIBT) who hold a student visa to study in Australia.

## 4. Policy Statement

- a) This policy has been developed in line 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 2018 (the National Code 2018). Under the terms of this legislation, students on an international student visa

are required to remain with their education provider for the first six (6) months of study of their principal program.

- b) The transfer restrictions apply to an international student during all programs they undertake prior to the principal program.
- c) Under Standard 7 of the National Code 2018, a student can transfer to another provider before they have completed six (6) months of their principal program if the transfer is in the student's best interest. No restrictions apply after the student has completed six (6) months of their principal program.
- d) SIBT will not knowingly enrol students wishing to transfer from another registered provider's program prior to the student completing six (6) months of their principal program of study, except where:
  - i. The releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS;
  - ii. The releasing registered provider, or the program in which the international student is enrolled, has ceased to be registered;
  - iii. The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing their program at SIBT; or
  - iv. Any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change.
- e) Students considering transferring providers must continue to meet the conditions of their current enrolment and student visa. More information can be found at <https://www.homeaffairs.gov.au>.
- f) Student that are packaged to a Bachelor's program at Western Sydney University, Sydney City Campus (WSUSCC) are considered to be WSUSCC students and will be assessed according to the University's International Student Transfer Procedure.

## 5. Request for Transfer

- a) SIBT 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. Requests for student transfers will take into consideration the range of SIBT information provided to prospective students prior to application and enrolment at SIBT.
- b) Students wishing to transfer providers must:
  - i. Complete an Application to Transfer Provider form available on SIBT website and outline the reasons for their request to transfer;
  - ii. Attach documentary evidence in support of the transfer to the application form and demonstrate how the transfer would be in the student's best interests. Refer to section 6.1;
  - iii. Make an appointment with a Student Learning Advisor to seek support with the application process. Depending on the institution to which the student is packaged, there may be additional requirements and/or forms to complete;
  - iv. Hold a valid Letter of Offer from the receiving CRICOS provider, with a future start date;
  - v. Provide written confirmation of approval to transfer from legal guardian/parent, if under 18 years of age; or
  - vi. Provide written confirmation of approval to transfer from government sponsor if a sponsored student;
  - vii. Have had or have a current Confirmation of Enrolment issued by SIBT (future, current and past student of SIBT); and
  - viii. Have paid all outstanding fees to SIBT.

## 6. Grounds for Transfer between Registered Providers

### 6.1 Sufficient Grounds to Transfer

Circumstances which SIBT considers sufficient grounds to transfer	Supporting documentation required
<p>The transfer represents an opportunity for the student to complete a higher-level tertiary qualification with an entry point matching their academic and language levels.</p> <p>Packaged programs may not always be in the student's best interests (for example, where a student is currently studying a Diploma program and the new offer is for a package commencing with a Certificate IV program). However, pathway programs may not always be detrimental to a student (for example, where a Foundation program leads directly to a Bachelor or where the outcome leads to the same qualification i.e., Degree).</p>	<p>A valid Letter of Offer for a higher-level tertiary qualification</p>
<p>The international student is unable to satisfy prescribed conditions stipulated in SIBT's letter of offer for admission and SIBT determines the student made a genuine attempt to meet the conditions.</p>	<p>Evidence such as an IELTS certificate and/or attendance and academic results from the pathway provider.</p> <p>AND</p> <p>A valid Letter of Offer from another registered provider student wishes to transfer to.</p>
<p>The international student's inability to begin studying on the program's commencement date due to a delay in receiving a student visa.</p>	<p>Evidence of student visa grant date.</p> <p>AND</p> <p>A valid Letter of Offer from another registered provider student wishes to transfer to.</p>
<p>The transfer is considered beneficial to the student's academic progress. Circumstances considered beneficial include:</p> <ul style="list-style-type: none"> <li>a) The transfer represents an opportunity for the student to complete a higher-level tertiary qualification; or</li> <li>b) The student is currently enrolled at SIBT and has applied to transfer to a discipline not offered by SIBT.</li> </ul>	<ul style="list-style-type: none"> <li>a) A valid Letter of Offer from another registered provider, with a future start date. If the offer includes a pathway, it may or may not be detrimental depending on the type of qualification (pathway program);</li> <li>b) Evidence that the student has accessed academic support services provided by SIBT that have not improved the student's performance. A valid Letter of Offer from another registered provider student wishes to transfer to.</li> </ul>
<p>The transfer is in the student's best interests. Circumstances considered to be in the student's best interest include:</p> <ul style="list-style-type: none"> <li>a) The international student will be reported because they are unable to achieve satisfactory program progress at the level they are studying, even after engaging with SIBT's intervention strategy to assist the international student in accordance with Standard 8 (International student visa</li> </ul>	<ul style="list-style-type: none"> <li>a) Evidence that the student has accessed the support services and strategies provided by SIBT staff that have not improved the student's performance.</li> </ul> <p>AND</p> <p>A valid Letter of Offer from another registered provider student wishes to transfer to.</p>

Circumstances which SIBT considers sufficient grounds to transfer	Supporting documentation required
<p>requirements); or</p> <p>b) The international student has experienced extenuating (compassionate and compelling) circumstances which are beyond the student's control. Refer to Appendix A; or</p> <p>c) SIBT is no longer able to provide the program in which the student is due to commence, or enrolled as outlined in the written agreement; or</p> <p>d) SIBT is unable to offer a pre-requisite unit, or the international student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.</p> <p>e) 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</p> <p>f) 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</p> <p>g) There is evidence that the international student's reasonable expectations about their current program are not being met; or</p> <p>h) There is evidence that the international student was misled by SIBT or an education or migration agent regarding SIBT or its program and the program is therefore unsuitable to their needs and/or study objectives; or</p> <p>i) SIBT has had a sanction imposed on its registration by TEQSA that prevents the international student from continuing their program with SIBT; or</p>	<p>b) Evidence of the extenuating (compassionate and compelling) circumstances Refer to Appendix B. AND Statement of how the transfer would improve the student's circumstances. AND A valid Letter of Offer from another registered provider student wishes to transfer to.</p> <p>c) Nil</p> <p>d) Nil</p> <p>e) Written support for the transfer from the government sponsor.</p> <p>f) 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. AND 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. AND A valid Letter of Offer from another registered provider student wishes to transfer to.</p> <p>g) Evidence to support the international student's reasons why the program is not meeting their expectations.</p> <p>h) Evidence of the misleading information that has been provided by SIBT or education agent (e.g., correspondence or marketing materials).</p> <p>i) Nil.</p>



Circumstances which SIBT considers sufficient grounds to transfer	Supporting documentation required
j) An appeal (internal or external) on another matter results in a decision or recommendation to release the international student.	j) Evidence of the appeal outcome.

## 6.2 Insufficient Grounds to Transfer

- a) SIBT considers the following (but not limited to) 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:
- i. 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 SIBT;
  - ii. The transfer may jeopardise the student's progress 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 provider);
  - iii. The student is applying to transfer to a qualification of a lower AQF level or a vocational qualification for reasons other than academic ability;
  - iv. The student expresses difficulty with the program of study but has not sought assistance from SIBT Student Learning Advisors or Program Convenors;
  - v. The student has not attempted an assessment item;
  - vi. The student has been warned for non-attendance;
  - vii. The student is experiencing homestay or other accommodation problems;
  - viii. The student is experiencing program schedule conflict with personal, work, or other non-study commitments;
  - ix. The student is experiencing adjustment difficulties moving to Australia;
  - x. The student has changed their mind about the program;
  - xi. The student wants to live somewhere else (unless there are extenuating (compassionate and compelling) circumstances where it can be determined that living somewhere else is in the student's best interest);
  - xii. The student wants to transfer to a provider with lower fees, or would lead to an overall reduction in costs to the student;
  - xiii. SIBT forms the view that the student is trying to avoid being reported to the Department of Home Affairs (DHA) for failure to meet attendance or academic progress requirements; and
  - xiv. The student has 25% or less of the program to complete.

## 7. Outcome of Transfer Request

- a) All requests for Transfer of Provider must be in writing using the appropriate SIBT Application to Transfer Provider form and, if packaged to another institution, the relevant form from the other institution.
- b) There is no cost for application.
- c) Transfer of Provider applications are considered by the Student and Academic Services Manager in accordance with Transfer of Provider Policy usually within 10 working days.
- d) Where a request for Transfer of Provider has been approved, the outcome will be effective from either the date of lodgement or the end of study period, 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.
- e) Where a student's application cannot be considered because the relevant documentation has not been attached, the student will be notified.
- f) Where a request for Transfer of Provider has been approved, the student will be notified of the decision via their student email account. The student's enrolment at



SIBT will be cancelled, and notification will be provided to the Department of Education and the Department of Home Affairs (DHA) of the student's cessation of studies at SIBT, 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 SIBT's Refund Policy.

- g) Where a student under the age of 18 has had a request for Transfer of Provider approved, SIBT will liaise with the other provider in regard to the transfer of care arrangements. Refer to the International Under 18 Student Policy.
- h) In all cases where a release is granted, SIBT will advise the student to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
- i) 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 email account.

## 8. Transfer Request Records

- a) SIBT maintains records of all requests from international students for a release and the assessment of, and decision regarding, the request for two (2) years after the international student ceases to be an accepted student.

## 9. Appeal

- a) Students can appeal any decision made under this policy within 20 working days from the receipt of the notification in accordance with the Student Complaints and Appeals Policy.
- b) SIBT will not finalise the student's refusal status in PRISMS until:
  - i. The appeal outcome upholds the registered provider's decision; or
  - ii. The international student has chosen not to access the complaints and appeals processes within 20 working days of being notified of the refusal; or
  - iii. The international student withdraws from the appeal process.

## Appendix A: Extenuating (Compassionate and Compelling) Circumstances

- a) Extenuating (compassionate and compelling) circumstances are unusual or abnormal events or situations that:
  - i. Occurred on or after the Financial Census Date, or the impact of which was realised on or after Financial Census Date;
  - ii. Are beyond a student's control and could not reasonably have been foreseen or prevented; and
  - iii. Have been severe enough to prevent them from successfully completing their unit of study.
- b) Extenuating (compassionate and compelling) circumstances include, but are not limited to:
  - i. Serious illness or injury, including deterioration of a pre-existing health condition;
  - ii. Family or personal circumstances which have severely impacted the student's ability to continue with study;
  - iii. Bereavement of close family members such as parents or grandparents;
  - iv. Major political upheaval or natural disaster, in the case of international students this may include such situations occurring in their home country requiring emergency travel where this has impacted on the international student's studies;
  - v. A traumatic experience, which could include:
    - Involvement in, or witnessing of a serious accident; or
    - Witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports);
  - vi. Where SIBT was unable to offer a pre-requisite unit, or the international student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- c) Students whose circumstances are outside the ones listed above should seek assistance from the Student Support or other professional services and attach supporting documentation obtained from them.
- d) Students will need to be able to prove their claim for extenuating (compassionate and compelling) circumstances by providing appropriate supporting documentation (see Appendix B).

## Appendix B: Acceptable Supporting Documentation

Circumstances	Documents
<b>Medical and Health</b>	<ul style="list-style-type: none"> <li>• An original certificate/letter/report from a doctor or registered treating health professional on a letterhead, including signature or providers stamp, provider's number, and a statement that student was unable to attend classes;</li> <li>• A medical certificate stating just "illness" or "medical condition" or "medical reason" may not be sufficient.</li> </ul>
<b>Personal and Welfare</b>	<ul style="list-style-type: none"> <li>• A statement from a doctor, counsellor, social worker, or independent member of the community (e.g., A Justice of the Peace or a Minister of Religion);</li> <li>• A certificate from a funeral director;</li> <li>• A death certificate;</li> <li>• Letter of support for the Student Welfare Officer.</li> <li>• A copy of an accident report;</li> </ul>
<b>Academic</b>	<ul style="list-style-type: none"> <li>• A copy of any academic advice received from their program convenor or a student learning advisor.</li> </ul>

- a) Supporting documentation for extenuating (compassionate or compelling) circumstances must be from an independent source or authority, and clearly indicate:
  - i. What the special circumstances were;
  - ii. When they occurred;
  - iii. How long they lasted;
  - iv. The level of impact of the special circumstances.
- b) A personal statement from a student, their friend or family member, outlining their circumstances is not sufficient evidence to demonstrate extenuating (compassionate and compelling) circumstances.
- c) For international students a lack of funds is not accepted by the Department of Home Affairs (DHA) as an extenuation (compassionate and compelling) reason to defer or take leave. It is a condition of a student visa that students have access to funds to cover their tuition fees and cost of living for their first year of study in Australia. International students should not rely on income from paid employment while in Australia to cover their fees and living expenses during this period. Students experiencing an unexpected and unforeseeable change in circumstances should meet with student support to discuss their situation.
- d) Supporting documentation must be in English (or accompanied by certified translation), on official letterhead (if relevant), signed, and dated.

Appendix C: Student Applying for a Release.

