

Policy Title: Overseas Student Transfer

[Formerly known as the International Student Re-packaging, Release or Withdrawal Policy]

Policy Owner: Director, Student Administration

Keywords: Overseas Student; Student transfer; ESOS; release letter; packaged programs; pathway providers; Department of Home Affairs (DoHA)

Policy Code: PL254 (ad090)

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1. INTENT

Under [The National Code of Practice for Provider of Education and Training to Overseas Students 2018](#), a registered provider must not knowingly enrol an Overseas Student seeking to transfer from another registered provider, unless the Overseas Student has completed six months of their Principal Course with the other registered provider, or an exception applies. One exception is where the releasing registered provider has agreed to the transfer.

This policy sets out:

- (a) when and how an Overseas Student wishing to transfer from the University is required to request a transfer from the University; and
- (b) the principles and processes on which the University will assess Overseas Student requests to transfer, where they have not completed six months of their Principal Course.

2. ORGANISATIONAL SCOPE

This policy applies to Overseas Students at the University, and Staff engaging with Overseas Students.

3. DEFINITIONS

TERM	DEFINITION
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students.
Overseas Student	Has the meaning given in the Education Services for Overseas Students Act 2000 .
Pathway Program	A course of study which includes pre-university study with a Pathway Provider.

Pathway Provider	A registered provider that provides Pathway Programs in conjunction with the University.
Principal Course	The principal course of study is the highest qualification covered by the Overseas Student's visa.
Repackage	A change of or addition of a Pathway Provider initiated by a Student.

4. POLICY CONTENT

Students transferring to the University

- 4.1. The University will not knowingly enrol an Overseas Student who is seeking to transfer from another registered provider before they have completed six months of their Principal Course, unless:
- 4.1.1. the other registered provider, or the course in which the Overseas Student is enrolled, has ceased to be registered;
 - 4.1.2. the other registered provider has had a sanction imposed on its registration that prevents the Overseas Student from continuing their course at that registered provider;
 - 4.1.3. the other registered provider has consented to the release and recorded this in PRISMS; or
 - 4.1.4. any government sponsor of the Overseas Student considers the change to be in the Overseas Student's best interests and has provided the University with written support for the change.

Students transferring from the University

- 4.2. A Student who has not yet completed six months of their Principal Course at the University, may transfer to another registered provider if:
- 4.2.1. the University, or the Course in which the Overseas Student is enrolled, ceases to be registered;
 - 4.2.2. the University has a sanction imposed on its registration that prevents the Overseas Student from continuing their Course;
 - 4.2.3. 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; or
 - 4.2.4. the University consents to the release and records this in PRISMS.
- 4.3. For the avoidance of doubt, an Overseas Student does not require a release from the University where:
- 4.3.1. paragraphs 4.2.1, 4.2.2 or 4.2.3 apply;
 - 4.3.2. the Overseas Student has completed six months of their Principal Course at the University;

- 4.3.3. the Overseas Student is withdrawing from the University because they are returning offshore; or
- 4.3.4. a change in the Overseas Student's visa subclass means that they are no longer required to maintain their enrolment.

Requesting a transfer from the University

- 4.4. Where paragraph 4.2.4 applies, an Overseas Student wishing to request a transfer must, using any process prescribed by the University submit to the Manager, Admissions:
 - 4.4.1. an [Overseas Student Transfer Request form](#);
 - 4.4.2. a valid enrolment offer from another CRICOS registered provider;
 - 4.4.3. a statement outlining the reasons for the request, and any relevant supporting evidence (Overseas Students are encouraged to consider paragraphs 4.5 and 4.6 of this policy); and
 - 4.4.4. if the Overseas Student is under 18 years:
 - (a) written confirmation from the Overseas Student's parent or legal guardian supporting the transfer; and
 - (b) where the Overseas Student is not being cared for in Australia by a parent or suitable nominated relative, written confirmation from the other registered provider that they will accept responsibility for approving the Overseas Student's accommodation, support and general welfare arrangements.
- 4.5. The University will only release an Overseas Student (i.e. provide consent to a transfer request) where the University believes that it is in the Overseas Student's best interests. Circumstances in which the University will release an Overseas Student include where the University assesses that:
 - 4.5.1. the Overseas Student will be reported to the relevant authority because they are unable to achieve satisfactory course progress at their current level of study, even after engaging with the full range of support and intervention services at the University, and a suitable Repackage option is not available;
 - 4.5.2. the Overseas Student has compassionate or compelling circumstances. Compassionate or compelling circumstances are generally those beyond the control of the Overseas Student, which have adversely affected the overseas student's course progress or wellbeing, and which would be ameliorated by the proposed transfer. These may include:
 - (a) serious illness or injury, where a medical certificate states that the Overseas Student was unable to attend or participate in University activities or classes;
 - (b) bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - (c) major political upheaval or natural disaster in their home country, requiring emergency travel;
 - (d) a traumatic experience, which may include involvement in, being a victim of, or witnessing a serious accident or crime (these cases should be supported by suitable police and/or psychologists' reports); or

- (e) where the University was unable to offer a prerequisite Unit, or the Overseas Student has failed a prerequisite Unit and therefore faces a shortage of relevant Units for which they are eligible to enrol;
- 4.5.3. the Overseas Student has provided sufficient evidence that:
- (a) the University or the relevant Pathway Provider is not delivering the course as outlined in the Overseas Student's written agreement;
 - (b) their reasonable course expectations are not being met;
 - (c) information supplied by the University, or the relevant education agent or migration agent, about the University, the Pathway Provider or the course, was misleading, and the course is therefore unsuitable to their needs and/or study objectives; or
- 4.5.4. an appeal (internal or external) on another matter results in a decision or recommendation to release the Overseas Student.
- 4.6. The University may, at its discretion, refuse to release an Overseas Student, on any reasonable grounds, including where the:
- 4.6.1. University believes that the request is not in the Overseas Student's best interests;
 - 4.6.2. Overseas Student's request does not comply with paragraph 4.4;
 - 4.6.3. Overseas Student has not started studying their Course;
 - 4.6.4. Overseas Student has changed their mind about their course or Pathway Program;
 - 4.6.5. Overseas Student has outstanding debts to the University;
 - 4.6.6. Overseas Student claims financial hardship and wants to transfer to provider with lower fees (without any other compassionate or compelling circumstances);
 - 4.6.7. Overseas Student has not exhausted the University's or Pathway Provider's support services for assistance with issues related to the transfer request;
 - 4.6.8. Overseas Student is transferring to a lower level qualification or different subject area, not offered at the University for reasons other than academic ability; and
 - 4.6.9. University considers that the Overseas Student is trying to avoid being reported to the relevant agency for failing to meet attendance or academic progress requirements, or suspects that the Overseas Student is attempting to circumvent normal visa or immigration processes.

Transfer Request Outcomes

- 4.7. The University will within 10 working days of receiving a complete request in accordance with paragraph 4.4, notify the Overseas Student in writing of the outcome.
- 4.8. If the University approves a release, this will be at no cost to the Overseas Student. The University will advise the Overseas Student to contact the relevant agency to seek advice about their visa.
- 4.9. If the University refuses the release, the Overseas Student will be provided with reasons for the refusal, information about the University's complaints and appeals process (including relevant timeframes), and the Overseas Student's right to access this process.

Appeals

- 4.10. An Overseas Student who is not satisfied that the University has fairly assessed their application may submit to the Director, Student Administration a written request (using any process prescribed by the University) for a review of the decision within 20 working days of being notified of the release refusal.
- 4.11. The Director, Student Administration will conduct a review and notify the Overseas Student of the outcome of the review within 20 working days of receiving the request for review.
- 4.12. The University must not finalise an Overseas Student's refusal in PRISMS until the relevant complaint or appeal review process has been completed, or the relevant timeframe for lodging a complaint or review has elapsed.

Record keeping

- 4.13. The University will maintain all records relating to an Overseas Student's request for a transfer for at least two years after the request is made or finally determined, or the Overseas Student ceases to be an accepted or enrolled student at the University (whichever is the latter).

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director, Student Administration has overall responsibility for the content of this policy and its operation at the University.

The Manager, Admissions is responsible for maintaining this policy.

5. RELATED DOCUMENTS:

- [Education Services for Overseas Students Act 2000](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)

6. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director, Student Administration
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APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor
Date Policy First Approved:	28 January 2014
Date last modified:	January 2020
Revision History:	January 2014 February 2016 January 2020
Next Revision Due:	January 2023
TRIM File Reference	SUB/52500