



# INTERNATIONAL STUDENT TRANSFER BETWEEN PROVIDERS POLICY

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| <b>Approved by:</b>                                  | Academic Board  | <b>Date:</b>                | 23 November 2017 |
| <b>Date Effective:</b>                               | 1 January 2018  | <b>Date of Next Review:</b> | 23 November 2018 |
| <b>Document No:</b>                                  | UOWC-SS-POL-10  | <b>Version</b>              | 7                |
| <b>Custodian:</b>                                    | Student Services Manager  |                             |                  |
| <b>Supporting Documents, Procedures &amp; Forms:</b> | Student Grievance Policy<br>International Student Release Procedure<br>Course Variation Request Form  |                             |                  |
| <b>References &amp; Legislation:</b>                 | Educational Services for Overseas Students Act 2001 (ESOS Act)<br>National Code of Practice for Providers of Education and Training to Overseas Students 2018 |                             |                  |



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## 1 Purpose of Policy

- 1.1 This policy was introduced to comply with the *Educational Services for Overseas Students Act 2001* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2007* (National Code).
- 1.2 The ESOS Act and National Code restrict international students who hold a student visa from changing education providers within Australia until they have completed six (6) months of their principal course of study. Standard 7 of the National Code requires registered providers to “assess requests from students for a transfer between registered providers prior to the student completing six months of his or her principal course of study in accordance with their documented procedures.”
- 1.3 The purpose of this policy is to outline clear and defined rules for assessment of student transfer requests within the restricted period that enable requests to be evaluated in a fair, reasonable, timely and consistent manner.

## 2 Scope of Policy

- 2.1 This policy applies to all international students enrolled at UOW College (the College) who have not completed six months of their principal course of study.
- 2.2 In cases where international students are completing preliminary courses at the College as part of a package offer that includes a University of Wollongong (UOW) course as the principal course, the restriction on transferring between providers applies to the entire College enrolment as well as the first six months of the principal UOW course.
- 2.3 This policy does not apply to international students who have not completed six months of their principal course and who wish to transfer to another education provider if the College has ceased to be registered or the course in which the student is enrolled has ceased to be registered. In these circumstances, a letter of release is not required.
- 2.4 This policy does not apply to international students who are enrolled in their principal course of study at the College and have studied this course longer than six months. Whilst such students who seek to transfer to another education provider do not require a letter of release, they must advise the College in writing of their intended cessation of studies and transfer.
- 2.5 This policy does not apply to domestic students.



2.6 This policy replaces the UOW College Transfer between Providers Policy. It does not replace any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

### 3 Definitions

| Word/Term                        | Definition (with examples if required)  |
|----------------------------------|---|
| Confirmation of Enrolment (CoE)  | A document provided electronically which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enroll in the particular course of the registered provider. |
| CRICOS                           | Commonwealth Register of Institutions and Courses for Overseas Students. Lists all Australian education providers registered to offer courses to international students on student visas and the courses offered.   |
| Education or Registered Provider | An educational institution registered on CRICOS that is approved to deliver a course to overseas students under the ESOS Act.   |
| International Student            | A student who is not a domestic student. This includes but is not limited to students on a temporary residence visa, bridging visa and student visa. Referred to as 'overseas student' in the National Code.  |
| Letter of Release                | A letter that formally advises a student that they have been granted a release from a course of study. A letter of release is issued by the provider of the course the student wants to transfer from.  |
| Package Offer                    | An offer for more than one course of study where progression to a higher level course is contingent on the satisfactory completion of the lower level course.   |
| Principal Course                 | The highest level qualification undertaken by an international student where a student visa has been issued for multiple courses of study. The principal course is usually the final course of study in a package offer.  |
| Principal Provider               | The education provider of the principal course.   |
| Release                          | Student discharge from one education provider to enable enrolment with another education provider.  |
| Restricted Period                | The first six (6) months of the principal course of study. Includes any courses prior to the principal course in a package offer.   |
| Student                          | A person enrolled at any of the UOW College campuses.   |
| Study Support Program            | An individualised support program tailored to suit the needs of the student as required. Developed by Student Advisor.  |



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| Transfer | To cease a current enrolment and accept an offer of study at another education provider. |
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## 4 Policy Principles

**The following principles underpin the College's assessment of student requests transfer from the College to a different education provider:**

- 4.1 International students seeking to transfer from the College to another education provider within the restricted period must seek approval to transfer and obtain a letter of release from the relevant course(s) of study. Refer to UOW College International Student Release Procedure for details.
- 4.2 International students who seek to transfer to another provider within the restricted period and who have a package offer that includes a UOW course as the principal course must seek approval from both UOW and the College and obtain a letter of release from both providers from the relevant courses of study to enable enrolment at another education provider.
- 4.3 The College will grant student transfer requests within the restricted period in accordance with Part 5 of this policy and only if the transfer will not be to the detriment of the student. The General Manager has the delegated authority to grant student transfer requests.
- 4.4 The College will consider applications to transfer to another education provider within the restricted period in the context that students have made an informed decision to accept and undertake a course or a package offer at the College. It is assumed that students have made this decision based on the availability of extensive course and general information and taking into account relevant factors including:
  - a. family circumstances,
  - b. study and career goals,
  - c. other course options within Australia,
  - d. location,
  - e. accommodation, and
  - f. costs.
- 4.5 International students who seek to transfer to another provider and who were granted a student visa under the Streamlined Visa Processing (SVP) scheme must maintain



their enrolment in an SVP-eligible course with an SVP provider. The College will not consider transfer requests to non-SVP eligible courses or providers if the student's visa was granted under the SVP scheme. Students seeking to transfer to a non-SVP eligible course or provider will be advised to contact the Department of Immigration for advice.

- 4.6 International students who seek to transfer to a course in another education sector will be advised to contact the Department of Immigration for advice on whether a new student visa is required.
- 4.7
- 4.8 Where the College decides to grant a letter of release, it will be issued at no cost to the student and will advise the student to contact the Department of Immigration to seek advice on whether a new student visa is required.
- 4.9 A decision to approve a student's request to transfer to another provider and issue a letter of release does not also indicate a decision to approve a refund. Refund requests are independent of this policy, require a separate application and are considered in accordance with the provisions in the UOW College Fees and Refund Policy.
- 4.10 All transfer requests, decisions, records regarding the process used to make transfer decisions, and letters of release will be stored securely by the College.

## **5 Assessing Transfer Requests**

### **Conditions for granting student transfers within the restricted period**

- 5.1 The College will grant a student's request to transfer to another education provider within the restricted period and issue a letter of release only if:
- a. the student has provided a valid enrolment offer from another education provider; and
  - b. the transfer application is supported by relevant documentation (refer to Part 5.2); and
  - c. the College is satisfied that the transfer is not to the detriment of the student, including the academic and social wellbeing of the student; and
  - d. the student has discussed the intended transfer request and its academic implications with a College Student Advisor; and at least one of the following:
    - i. the College is satisfied that exceptional circumstances exist that prevent the student from continuing their study at the College (refer to Part 5.1.2); or



- ii. the student is government sponsored and the government sponsor considers the transfer to be in the student's best interests and has provided written support for that transfer to the College directly; or
  - iii. the student has a package offer that includes a UOW course as the principal course and UOW has issued a letter of release from that principal course and this letter of release from UOW is provided; or
  - iv. the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after an intervention strategy to assist has been implemented; or
  - v. there is credible evidence that the student's reasonable expectations about their current course are not being met; or
  - vi. An appeal on another matter results in a decision or recommendation to release the student; or
  - vii. the student can provide evidence that he or she was misled by the College or an education agent regarding the College or the enrolled course.
- 5.2 The College will deem exceptional circumstances apply if it is satisfied that the circumstances:
- a. are beyond the student's control; and
  - b. did not make their full impact on the student until after they accepted their offer to undertake a course of study at the College; and
  - c. make it impractical for the student to complete their prescribed course of study at the College within the restricted period (refer to Part 5.1.4).
- 5.3 Where the student lives outside the Illawarra region, travelling to the College will not be considered exceptional circumstances, unless the circumstances:
- a. could not have been anticipated; or
  - b. changed after arrival in Australia, and
  - c. outside of the student's control.
- 5.4 Circumstances that make it impractical for the student to complete their prescribed course of study may include, but are not limited to, the following:
- a. Medical grounds, which may include but are not limited to, serious illness or injury, hospitalisation, treatment programs or exacerbation of an existing medical



condition or disability resulting in the student's medical condition changing to such an extent that they are unable to continue studying at the College;

- b. Compassionate grounds, whereby the student is affected by suffering or misfortune and is unable to continue studying at the College;
- c. Course related circumstances, which may include but are not limited to, where the College determines that the course the student wishes to transfer to better meets the study capabilities or long term goals of the student or where the agreed course has changed and those changes disadvantage the student.

**Supporting Documentation.**

- 5.5 International students seeking to transfer to another education provider within the restricted period must submit supporting documentation with the transfer application to verify their eligibility as identified in Part 5.1. Applications without supporting documentation will result in the application being refused.
- 5.6 Supporting documentation must be an original or certified copy and written in English. If the original document is not in English, a certified and signed translation must accompany the original document.
- 5.7 Transfer applications on medical grounds must be accompanied by a medical certificate (original or original certified copy) which must indicate:
  - a. the name of the student; and
  - b. the date the certificate was written and signed; and
  - c. the degree of incapacity of the student; and
  - d. how the medical condition impacts upon the student's ability to continue in the prescribed course of study at the College.
- 5.8 Supporting documentation for applications on compassionate grounds may include, but are not limited to:
  - a. Notification or letter from a registered psychologist; or
  - b. Death certificate or death notice; or
  - c. Police report or event number.

**Additional requirements for students who are under 18 years of age.**





- 5.9 In addition to the requirements outlined in Parts 5.1 and 5.2, students under 18 years of age seeking to transfer to another education provider within the restricted period must also provide to the College:
- a. written evidence that the student's parent or legal guardian supports the transfer; and
  - b. written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements in cases where the student is not being cared for in Australia by a parent or suitable nominated and approved relative.

**Conditions for refusing student transfers within the restricted period.**

- 5.10 The College considers the following circumstances as providing reasonable grounds for refusing a student's request to transfer to another education provider within the restricted period:
- a. The transfer is not in the best interests of the student, for example, it may jeopardise the student's progression through a package of courses.
  - b. The student has an outstanding financial debt to the College or UOW. Debts include all fees, loans and library fines.
  - c. The course that the student wishes to transfer to is similar to that in which the student is already enrolled and there are no other valid circumstances presented as identified in Part 5.1.
  - d. The College considers the transfer request is an attempt by the student to avoid being reported to the Department of Immigration for failure to meet attendance requirements. Transfer requests will be refused for students who have received warning notification for unsatisfactory attendance unless other valid circumstances identified in Part 5.1 are presented.
  - e. The student has not submitted sufficient supporting documentation to verify their eligibility as identified in Parts 5.1, 5.2 and 5.3 (if applicable).
  - f. The requested transfer is to a non-SVP eligible course or provider in cases where the student's visa was granted under the SVP scheme.
  - g. The reason provided for the transfer request is change of mind, transfer to another provider with lower tuition fees or travel difficulties (with the exception of circumstances referred to in Part 5.1.3).



- h. The student has not utilised the full range of support services available at the College and/or UOW to assist with academic and personal issues and the College believes the reasons for the transfer request can be resolved by accessing the appropriate support services. In such cases, the College will provide the student with a study support program and will revisit the transfer request after four weeks and review the student's progress, provided the student wishes to pursue the transfer request.

**Requests to transfer from another education provider to the College.**

- 5.11 The College will not knowingly enrol students who are yet to complete six months of their principal course of study at the principal provider without a letter of release from the principal provider, unless:
  - a. the principal provider or the course in which the student is enrolled has ceased to be registered; or,
  - b. the principal provider has a sanction imposed on its registration by the Australian federal, state or territory government that prevents the student from continuing his or her principal course; or,
  - c. the student is government sponsored and the government sponsor considers the transfer to be in the student's best interests and has provided written support for that transfer.
- 5.12 Students who are yet to complete six months of their principal course of study at the principal provider and who seek to transfer to the College must provide a letter of release from the principal provider unless circumstances identified in Part 5.5.1 apply. Students who are Under 18 must also provide written evidence that their parent or legal guardian supports the transfer and, in cases where the student is not being cared for in Australia by a parent or suitable nominated and approved relative, the student must have accommodation, support, and general welfare arrangements in place with the College.
- 5.13 In cases where a letter of release is required, students who are yet to complete six months of their principal course of study at the principal provider will not be eligible for admission at the College if the principal provider:
  - a. has not yet determined the transfer request; or,
  - b. has approved the transfer request but has not yet issued a letter of release; or,



- c. has approved the transfer request and the student has not submitted the letter of release to the College; or,
  - d. has refused the transfer request and has not issued a letter of release.
- 5.14 Where Part 5.5.3 is applicable, the College may issue an offer letter to the student, however a Confirmation of Enrolment (CoE) will not be issued and enrolment will not be permitted until an appropriate letter of release has been provided to the College.

## 6 Notification and Appeals

- 6.1 Students who have lodged a request to transfer to another education provider within the restricted period will be notified in writing of the outcome within 10 working days from the date of application submission, or in circumstances where an incomplete application is submitted or additional supporting documentation is requested, from the final date of lodgement of the necessary documentation.
- 6.2 If a student's request to transfer to another education provider within the restricted period is approved, a letter of release will be issued at time of decision notification.
- 6.3 If a student's request to transfer to another education provider within the restricted period is refused, the College will inform the student in writing of the reasons for refusing the request and of their right to appeal the decision pursuant to the UOW College *Student Grievance Policy*.
- 6.4 If a student is not satisfied with the outcome of the transfer request, they may appeal the decision in writing to the Director Legal and Governance within 20 working days of notification of the decision.
- 6.5 If a student is not satisfied with the outcome of the appeal, they may seek review with an external authority within 10 working days of notification of the appeal decision.
- 6.6 The student must remain enrolled at the College until all appeal processes are finalised.
- 6.7 A letter of release will be provided to a student in cases where an appeal, either internal or external, is successful.

## 7 Roles and Responsibilities

- 7.1 It is the responsibility of the student to:



- a. meet with a College Student Advisor to discuss the intended transfer and its academic implications and submit an application via a Course Variation Request Form with the appropriate supporting documentation;
  - b. provide any further information or documentation as requested by the College in its assessment of the transfer request;
  - c. ensure any information and documentation provided in the transfer application is true, correct, and an accurate depiction of circumstances; and
  - d. contact the Department of Immigration to discuss the intended transfer and its visa implications and seek advice on whether a new student visa is required.
- 7.2 It is the responsibility of the College Student Advisor to:
- a. provide accurate advice to the student regarding the academic implications of the intended transfer request;
  - b. discuss transfer application requirements and refer the student to this policy and the UOW College International Student Release Procedure;
  - c. conduct a preliminary assessment of the student's transfer application and advise the student accordingly, e.g. if additional documentation is required; and
  - d. complete and submit the transfer request via a Course Variation Request Form, checking and noting against all relevant clauses within Parts 5.1 and 5.4.
- 7.3 It is the responsibility of the UOW College General Manager to assess the transfer application in accordance with the provisions contained in this policy and decide whether the transfer request should be granted or refused. In making this determination, the General Manager may request additional supporting documentation from the student if required.
- 7.4 If the transfer request is approved, it is the responsibility of the Administration Manager to prepare and issue the letter of release to the student and report the release to the Department of Immigration. It is the responsibility of the College Student Advisor to notify the student of the decision outcome.
- 7.5 If the transfer request is refused, it is the responsibility of the College Student Advisor to inform the student in writing of the reasons for refusing the request and of their right to appeal the decision pursuant to the UOW College *Student Grievance Policy*.



## 8 Version Control and Change History

| Version Control | Date Effective | Approved By                  | Amendment  |
|-----------------|----------------|------------------------------|--|
| 1               | 16/11/07       | WCA Academic Board           | New Policy   |
| 2               | 10/08/10       | ITC Quality Manager          | Migrated to new template   |
| 3               | 20/06/11       | ITC Quality Manager          | Updated for name change  |
| 4               | 05/03/12       | Strategy & Operational Group | Definitions added. Minor wording change to 3.1.1f  |
| 5               |                | UOWC Academic Board          | Migrated to new template; policy title change; complete policy revision and re-write; UOW alignment. |
| 6               | 21/07/2016     | Compliance Officer           | Minor change only – College branding and document formatting updated.                                |
| 7               | 23/11/2017     | Academic Board               | Implementation of revised National Code 2018   |