1 Purpose

These procedures ensure that UNSW complies with the requirements of Standard 7 Transfer between Registered Providers of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students and the Commonwealth Government's Education Services for Overseas Students (ESOS) Act 2000.

The procedures aim to establish a clear University-wide procedure on the administration of approving applications from international students to transfer between UNSW and other registered providers prior to completing six months of their principal course of study.

The procedures also determine responsibilities, requirements and timelines relating to these applications.

2 Scope

These procedures apply to all international students who are studying at UNSW, or who have accepted an offer to study at UNSW, and are holding a student visa and requesting a transfer between registered providers prior to completing six months of their principal course of study.

Under ESOS legislation, students who have completed more than six months of their principal program are not required to formally seek permission to transfer between providers. However, students must advise the University in writing of their cessation of studies at UNSW. The University will then cancel the Confirmation of Enrolment and notify the relevant Australian Government departments that they are no longer enrolled at UNSW.

3 Definitions

CoE: Confirmation of Enrolment.

Compassionate: Family, medical or ‘wellbeing’ reasons for supporting a transfer.

Compelling: Circumstances that are involuntary and such that the applicant has little or no alternative.
CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students.

Course: Department of Education terminology for course or program of study.

DIBP: Department of Immigration and Border Protection

Enrolled: Where a student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards completion of course requirements.

ESOS: Education Services for Overseas Students Act 2000 (ESOS Act).

Existing provider: Education provider from whom a student is seeking to transfer

Government Sponsored: An Australian or foreign Government sponsored student for study in Australia

Principal course of study: The main course of study to be undertaken by an international student where a student visa has been issued for multiple courses of study. Where the overseas student arrives in Australia with a student visa that covers multiple courses, the principal course of study would normally be the final course of study.

Receiving provider: The provider with whom the student is intending to enrol

Registered provider: The registered provider for a course for a state, means an approved provider that is registered on CRICOS as a provider for the course for the state.

Release Letter: A letter authorising a student to be released from one provider so that they are able to enrol with another provider

Student Visa: A visa described in the Migration Regulations 1994 as a Student (Temporary) (Class TU) visa, other than such a visa for: a) a person who satisfies the secondary criteria, but not the primary criteria, under those Regulations for the grant of the visa; or b) an exchange student or Australia Awards student within the meaning of those Regulations; or c) an overseas student who has been approved by the Minister for Defence to undertake a course of study or training under a scholarship scheme or training program approved by the Minister for Defence; or d) an overseas student who has been approved under another scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia.

Transfer between registered providers: An international student who applies to transfer to or from another CRICOS registered provider.

SVP: Streamlined Visa processing

4 Procedure for students seeking to transfer from UNSW to another registered provider

4.1. UNSW Responsibilities

International students seeking to transfer from UNSW to another registered provider before completing six months of their principal course must request approval to transfer and obtain a release letter from UNSW. The University of New South Wales will assist the student to transfer (i.e. issue a release letter) if the course the student wishes to transfer to:

• meet the conditions that apply to the student’s student visa
• better meets the study capabilities of the student
• better meets the long term goals of the student, whether these relate to future work, education or personal aspirations or
• compassionate or compelling reasons for the transfer exist

4.1.1 Student Development International Responsibilities

Upon receipt of a complete application for a Release Letter, Student Development International will, within 5 working days, consider the application and the supporting documentation.

4.1.1.1 Where the application is deemed not compliant:

The application is rejected and student will be advised accordingly. This communication will explain the reasons for the decision and advise the student of the right to seek a review of the decision.

4.1.1.2 Where the application is deemed compliant:

• Student Development International will review the application and supporting documentation in accordance with the ESOS National Code Standard 7.

• The student may be asked to attend an interview to assess the request complies with Standard 7 of the National Code 2007. Where a student is unable to attend a person to person interview a phone interview may be arranged.

• The student will be notified in writing, within 5 working days, of the outcome of the application.

• If the request to transfer to another institution is approved, the student is advised to withdraw from their course (https://student.unsw.edu.au/program-discontinuation) and, if appropriate, advised to complete a Refund Form and submit it to Student Administration and Records.

• If the request to transfer to another institution is approved, Student Development International will notify the Department of Immigration and Border Protection via the Provider Registration and International Students Management System (PRISMS) that the student is no longer enrolled at UNSW and has transferred to another institution.

• If the request to transfer to another institution is not approved the student will be advised in writing of the following:
  − The reasons for the decision not to grant a Release Letter; and
Advise the student that he/she may freely transfer after completion of six calendar months of his/her principal program at UNSW; and

Information on the student’s right to appeal the decision.

4.1.1.3 A Release Letter will not be issued if:

- The student has not attached a copy of valid letter of offer of enrolment with the receiving provider.
- The student has any outstanding debt to the University. Debts include all fees, loans, library fines and blocks.
- The academic progression status is suspended or excluded.
- In accordance with ESOS National Code Standard 7, 2 (b), The University of New South Wales will refuse the issue of a Release Letter if the transfer would be considered detrimental to the student or does not meet the conditions that apply to the student’s student visa.

Factors that may be considered to the student’s detriment:

- the student has not accessed the University’s student support services after having been requested to do so; or
- the transfer may jeopardise the student’s progression through a package of programs; or
- The University or its nominated officer forms the view that the student is trying to avoid being reported to the Department of Immigration and Border Protection (DIABP) for failure to meet the University’s attendance or academic progress requirements.
- transferring to a non SVP provider where the student has not demonstrated course progression eg Bachelor to Diploma

4.1.2 Student Administration Responsibilities

Where an application for transfer is approved, Student Administration will withdraw the student from their current program and send them a letter providing information about how they can apply for a refund of any credit balance, in accordance to the University’s refund policy.

[Link to University's refund policy]

https://student.unsw.edu.au/fees-policy-international-students
4.2. Student Responsibilities

4.2.1 UNSW students seeking to transfer between registered providers before completing 6 months of their principal course must complete the online application via myUNSW for a release letter and provide supporting documents.

4.2.2 UNSW Institute of Language students with a conditional offer to UNSW seeking to transfer between providers registered before completing 6 months of their principle course or did not meet UNSW entry requirements must complete the application from the SDI website for a release letter and provide supporting documents.

4.2.3 Foundation Package Offer students requiring a Release letter should apply directly to UNSW Foundation Studies.

4.2.4 The following supporting documents (where applicable) must be attached to the application for a release letter:

- a copy of the offer letter from the other Institution confirming that a valid unconditional enrolment offer had been made at that Institution; and

- where a student’s request is based on medical grounds, documentary evidence from a qualified medical practitioner, psychologist or counsellor must be provided. Failure to present evidence may adversely affect the outcome of the application; and

- written approval for the transfer from the scholarship body if the student is sponsored; and

- if the student is under the age of 18, the student must provide written evidence that the student’s parent or legal guardian supports the transfer AND, if appropriate, written confirmation that the new provider will accept responsibility for approving the student’s accommodation, support and general welfare arrangements as per Standard 5.

- if the student is under the age of 18 and has an accommodation, support and general welfare arrangement in place with UNSW, the student must notify an International Student Advisor (Student Development–International) that they will be terminating their current accommodation, support and general welfare arrangements.

4.2.5 Students must submit the application and supporting documentary evidence to Student Development International.

4.2.6 Applying to transfer between registered providers does not preclude students from the requirement to enrol on time. Non enrolment will not automatically result in approval of a Release Letter request. However, it may result in the student being reported to DIBP for failing to enrol.
5 **Procedure for students seeking to transfer to UNSW from another registered provider**

5.1 **Admissions Responsibilities**

Under Standard 7 of the National Code 2007, registered providers must not knowingly enrol a student seeking to transfer from another registered provider’s program prior to the student completing six calendar months of his/her principal course of study, except in the following circumstances, where a Release Letter is not required:

- The student has completed six calendar months of his/her principal course of study.
- The student is government sponsored and that government sponsor body has provided written support for the transfer request.
- The Institution has ceased to be registered or the course in which the student is enrolled has ceased to be registered.
- The Institution has a sanction imposed on it that prevents the student from continuing his/her principle course.

5.2 **Student Responsibilities**

Students seeking to transfer to UNSW from another registered provider prior to completing six months of their principle course will be issued with a CoE only if:

- The student completes the required application and admissions process.
- The student provides a Release Letter from the existing provider.
- If the student is under the age of 18, she/he must provide written evidence that the student’s parent or legal guardian supports the transfer.
- The student has an accommodation support and general welfare arrangements in place with UNSW, as per Standard 5.

6 **Appeals**

a. Where a transfer request from UNSW has not been approved, the student must be provided with written reasons for refusing the request. If the student is not satisfied with the decision, he/she may apply for a review of that decision within 10 working days of receipt of the application outcome. The request should be on the basis of procedural irregularity, rather than a disagreement with the judgment of the University. A review of the procedure and decision will be undertaken by the Director, Student Life and Learning. Students will be notified in writing of the outcome of the review within 10 working days of lodgement of the appeal.

b. Further appeals can be made in accordance with the Student Code Policy and Student Complaint Procedure to the Student Conduct and Appeals officer in the Office of the Senior Deputy Vice-Chancellor.

7 **Review and History**

These procedures operate within the context of state and federal legislation and within the context of university policy.
8 Legal and Policy Framework

These procedures comply with the Higher Education Support Act 2003 and the National Code pertaining to the ESOS Act 2001.

9 Implementation

9.1 Roles and Responsibilities

The Director, Student Life and Learning is responsible for ensuring that procedures are administered appropriately.

9.2 Support and Advice

Advice on this procedure can be sought from the contact officer.

9.3 Forms

Release Letter Request (Form) on SiMS for current students and on web for students on package course from UNSWIL:


Excess Payment/Refund Request Form

https://student.unsw.edu.au/fees-refund-request

10 Review

The procedure will be reviewed regularly with a formal review scheduled for 12 months.

11 Acknowledgements

International Student Transfer between Registered Providers Policy and procedures from a range of Australian universities were reviewed and related policy documents from the following universities are gratefully acknowledged:

- University of Ballarat
- Australian National University
- University of Technology Sydney
- University of Wollongong
- University of Western Sydney
- University of Newcastle
- The University of Queensland
- Monash University

Appendix A: History

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| 1.1     | Vice-President and Deputy Vice-Chancellor (Academic) | 23 February 2015 | 23 February 2015 | • Scope clarified  
|          | | | | • Definition added  
|          | | | | • Procedure expanded  
|          | | | | • History |
| 1.2     | Administrative update by Head of Governance | 18 February 2016 | 29 February 2016 | Administrative Update to senior roles |