



**Overseas Student Transfers Policy**

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|--------------------------------------|---|
| <b>Category/Business Group</b>       | Education Group                         |
| <b>Published Externally (Yes/No)</b> | Yes                                     |
| <b>Approver</b>                      | Chief Executive Officer                 |
| <b>Responsible Officer</b>           | Manager, Admissions and Student Systems |
| <b>Contact Officer</b>               | Manager, Admissions and Student Systems |
| <b>Effective Date</b>                | 1/04/2021                               |
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| <b>Version</b>                       | 3                                       |

**Policy Approval**

| <b>Chief Approver</b> | <b>Responsible Officer</b> | <b>Legal Approver</b> |
|-----------------------|----------------------------|-----------------------|
| Laurie Pearcey        | Vicki Drewe                | Sarita Walpola        |
| Date:17/03/2021       | Date:4/03/2021             | Date:6/03/2021        |

**UNSW College**

**Building L5, UNSW Sydney Campus, 223 Anzac Parade, Kensington NSW 2033 Australia**

T: +61 (2) 8936 2222 | W: [unswcollege.unsw.edu.au](http://unswcollege.unsw.edu.au)

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## 1 Background

UNSW College is committed to delivering a high standard of education and training services to all of its students.

Under Standard 7 of the National Code, registered providers must not knowingly enrol a student wishing to transfer from another registered provider's program prior to the student completing six calendar months of the student's principal program of study, except in limited circumstances as outlined in the Standard.

Registered providers must also assess requests from Overseas Students for a transfer between registered providers prior to the Overseas Student completing six months of the student's principal course of study in accordance with their documented policy and procedures.

## 2 Purpose

This Policy:

- (a) outlines how UNSW College deals with withdrawal and/or transfer requests received by Overseas Students; and
- (b) ensures that UNSW College responds to requests from Overseas Students seeking a transfer between registered providers, in accordance with the requirements of Standard 7 of the National Code.

## 3 Scope

This Policy applies to:

- (a) Overseas Students seeking to transfer to UNSW College within six months of the commencement of their Principal Course of Study;
- (b) Overseas Students enrolled at UNSW College or who have completed their studies at UNSW College but not yet enrolled at UNSW, seeking to transfer from UNSW College or UNSW to another registered provider;
- (c) UNSW College staff involved in the the promotion, recruitment, admission, delivery, management or administration of Overseas Students on student visas enrolled in or wishing to be enrolled into UNSW College courses.

This Policy does not apply to students enrolled in Diploma programs delivered on behalf of UNSW Sydney. Please refer to UNSW Sydney's policy framework.

## 4 Definitions

**AQF** means the Australian Qualification Framework.

**DHA** means the Australian Government Department of Home Affairs.

**ESOS Act** means the *Education Services for Overseas Students Act 2000* (Cth).

**ESOS Regulations** means the *Education Services for Overseas Students Regulations 2019* (Cth).

**CAAW** means Confirmation of Appropriate Accommodation and Welfare.

**National Code** means *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.

**Offer Letter** means a letter from UNSW College to the Overseas Student offering the Overseas Student a place in a course of study.

**Overseas Students** means overseas students (within or outside Australia) who hold a student visa but does not include students of a kind prescribed in the ESOS Regulations.

**Packaged Course or Package** means where more than one Course or Program, delivered by UNSW College or UNSW, is covered by the same student visa.

**Principal Course or Principal Course of Study** means the main course of study leading to the highest qualification on the Overseas Student's current visa. If the Overseas Student is on a Packaged Course, the course leading to the highest qualification will be the Overseas Student's principal course and the restriction will apply to the first six months of that course and any packaged courses before it. In the case of most UNSW College Students, this will usually be the program that they will be undertaking at UNSW Sydney.

**PRISMS** means the Australian Federal Government's Provider Registration and International Student Management System.

**Release** means an approval from an Overseas Student's current **education** provider approving their transfer to a new registered provider, in accordance with Standard 7 of the *National Code*.

**SVP** means the Streamlined Visa Processing system which was introduced by the Australian Federal Government in 2012 but which was replaced by the Simplified Student Visa Framework (**SSVF**) on 1 July 2016.

**Under 18 Student** means an Overseas Student enrolled at UNSW College who is under eighteen (18) years of age and who holds a student visa. **UNSW Sydney** means the University of New South Wales Sydney (ABN 57 195 873 179).

**Withdrawal** means the termination of a student's enrolment(s) with UNSW College.

## 5 Policy Statement

UNSW College is committed to the transparent, compliant and effective assessment of Overseas Students' transfer requests.

### 5.1 UNSW College's obligations and rights under this Policy

- (a) UNSW College Admissions and Enrolment staff will comply with the Under 18 Student Policy when assessing requests to release an Under 18 Student;
- (b) UNSW College Admissions and Enrolment staff will inform the Overseas Student in writing of the result of the transfer/withdrawal request within 10 working days of all required information being made available to UNSW College;
- (c) If a Release is granted, it will be at no cost to the Overseas Student;
- (d) If a request to be released is refused by UNSW College, the Overseas Student will be advised in writing of the reasons for the refusal and they will be informed of their right to appeal the decision in accordance with Standard 8 of the National Code;

- (e) Requests for a Release, the assessment of the application, and the decision will be maintained on the Overseas Student's file; and
- (f) UNSW College Admissions and Enrolment staff will notify the DHA via the PRISMS of the change in the enrolment.

## 5.2 Students' obligations and rights under this Policy

- (a) Overseas Students must complete the Application to Withdraw Form and/or Release Request Form available at UNSW College Student Services. These forms are also available on the student intranet or via [admissions@unswcollege.edu.au](mailto:admissions@unswcollege.edu.au);
- (b) Overseas students who are enrolled in English Packaged Courses which include a UNSW degree course should also read the information about Release Requests on the UNSW Sydney website and follow the instructions available on the UNSW Sydney website. Students need to apply for the UNSW degree course release letter directly via [international.student@unsw.edu.au](mailto:international.student@unsw.edu.au); or in person at Student Development International (**SDI**), Kensington campus.
- (c) If the Overseas Student is still a current UNSW College student before a Release/ withdrawal request is finalised, the applicant is required to attend all scheduled classes unless there are and Compassionate and Compelling Circumstances which prevent them from doing so;
- (d) All applications to transfer to an alternate registered provider must include a copy of a valid letter of offer from the receiving registered provider;
- (e) Under 18 Students must provide signed parental or guardian support for the request to transfer to another registered provider and, if applicable, written confirmation that the receiving registered provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements shown in the CAAW letter (as specified in the Under 18 Student Policy);
- (f) Overseas Students must also:
  - i. Provide written approval from a government sponsor supporting the transfer, if applicable;
  - ii. Provide sufficient and genuine information to assist in the assessment of the request for transfer; and
  - iii. Contact the DHA to seek advice on whether a new student visa is required.

## 6 When does an Overseas Student need an approval for Release?

An Overseas Student will need an approval for Release when the student has not completed six months of their Principal Course of Study, except for in the circumstances outlined below. This restriction applies to any prerequisite courses in a Packaged Course as well as in the first six months of the Principal Course. The exceptions are where:

- (a) The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be a registered;

- (b) The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the Overseas Student from continuing the student's course at the registered provider; or
- (c) any government sponsor of the Overseas Student considers the change to be in the Overseas Student's best interest and has provided written support for that change.

## 7 Assessment Process

UNSW College considers the following factors when assessing requests to transfer between registered providers:

### 7.1 Overseas Students seeking to transfer to UNSW College before completing six months of the Overseas Student's Principal Course of Study

UNSW College will not enrol an Overseas Student transferring from another provider before the student has completed six months of their Principal Course of Study except where:

- (a) the releasing registered provider, or the course in which the Overseas Student is enrolled, has ceased to be registered;
- (b) the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
- (c) the releasing registered provider has had a sanction imposed on its registration by the Australian Government or State or Territory government that prevents the Overseas Student from continuing the student's Principal Course of Study; or
- (d) any government sponsor of the Overseas Student considers the change to be in the Overseas Student's best interest and has provided written support for such change.

### 7.2 Overseas Students seeking to transfer from UNSW College to another registered provider before the Overseas Student has completed six months of their Principal Course of Study

Overseas Students seeking to transfer from UNSW College to another registered provider prior to completion of the first six months of their Principal Course must seek approval to transfer.

#### 7.2.1 *Grounds for approval*

UNSW College will grant a Release where it is in the Overseas Student's best interests, being where the Overseas Student can demonstrate:

- (a) they will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with UNSW College's intervention strategy to assist the Overseas Student in accordance with Standard 8 (*Overseas student visa requirements*); or
- (b) there is sufficient evidence of Compassionate or Compelling Circumstances, as set out in the Compassionate or Compelling Circumstances Policy, and the evidence can justify a change of provider; or
- (c) UNSW College fails to deliver the course as outlined in the written agreement with the Overseas Student; or

- (d) there is evidence that the Overseas Student's reasonable expectations about their current course of study are not being met; or
- (e) there is evidence that the Overseas Student was misled by UNSW Sydney or UNSW College or an education agent regarding UNSW Sydney or UNSW College or its course of study and the course of study is therefore unsuitable to the needs and/or study objectives of the Overseas Student; or
- (f) an appeal (internal or external) on another matter results in a decision or recommendation to release the Overseas Student.
- (g) any other circumstances which UNSW College considers to be in the Overseas Student's best interests under Standard 7 of the National Code, as UNSW College determines in its discretion.

#### 7.2.2 *Grounds for refusal*

UNSW College may refuse to Release in any of the following circumstances:

- (a) where the Overseas Student has outstanding debt to UNSW College or UNSW Sydney. Debts include but are not limited to all fees, loans and library fines; or
- (b) where the Overseas Student has not or only recently started studying the course and the full range of support services are yet to be provided or offered to the Overseas Student; or
- (c) where an Overseas Student is not genuinely engaging with an intervention strategy;
- (d) if UNSW College considers that the transfer may jeopardise the Overseas Student's progression through a package of courses; or
- (e) where the Overseas Student is changing their Principal Course of Study to a lower AQF level or a non-AQF level (except where the change is from an AQF level 10 Doctoral degree to an AQF 9 Masters degree); or
- (f) where the Overseas Student's student visa was processed under the SVP arrangement and the Overseas Student applies to transfer to a course at a registered Provider that is not eligible for SVP; or
- (g) where the Overseas Student has received an "At Risk" notice for unsatisfactory attendance or unsatisfactory course progress, in accordance with UNSW College's Attendance Monitoring Policy and/or the Course Progress Monitoring Policy; or
- (h) where the Overseas Student will be or has been reported to the DHA for unsatisfactory attendance or other visa breaches; or
- (i) where UNSW College considers that the transfer is not in the Overseas Student's best interest, that is, they do not meet any of criteria set out in paragraph 7.2.1.

## 8 Repeat and Course Withdrawal

If an Overseas Student is not granted a Release by UNSW College they may:

- (a) be eligible to repeat their course or gain entry into an alternate course; or
- (b) withdraw from their course (only applicable prior to course completion).

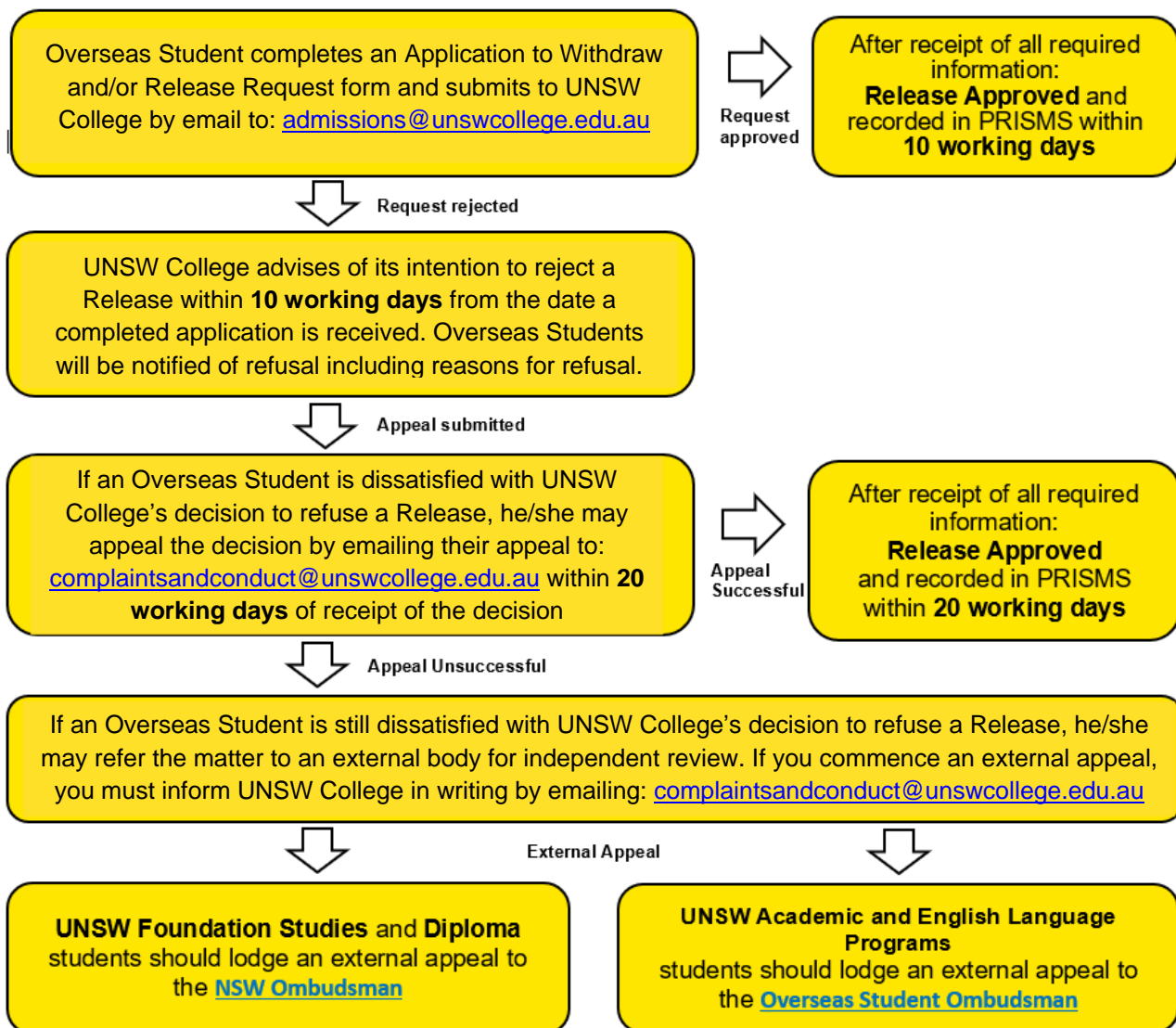
Students may be asked to see an Academic Advisor to discuss these options. They may also submit a Repeat Request/Withdrawal application Form, which is available at UNSW College Student Services. These forms are also available on the student intranet or can be requested via email at [enquiries@unswcollege.edu.au](mailto:enquiries@unswcollege.edu.au).

## 9 Appeal of a Release decision

- (a) Where a Release request is not approved, the Overseas Student will be provided with written reasons for refusing the request.
- (b) Where a Release request is not approved, the Overseas Student may apply for a review of UNSW College's decision within 20 working days of decision. A review of the decision will be undertaken by the Manager, Admissions and Student Systems. Further appeals can be made to the UNSW College Complaints and Appeals Committee.
- (c) An Overseas Student who is not satisfied with the outcome of the appeal may lodge a complaint with the NSW Ombudsman (Foundation Students only), or Overseas Ombudsman (English students only). An Overseas Student who is lodging an external complaint must inform UNSW College in writing by emailing [complaintsandconduct@unswcollege.edu.au](mailto:complaintsandconduct@unswcollege.edu.au).
- (d) UNSW College will not finalise the student's Release refusal status in PRISMS until the appeal finds in favour of UNSW College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.
- (e) For further information on complaints and appeals, please refer to UNSW College Complaints and Appeals policy located on the [UNSW College Policies](#) website.

## 10 Release Request and Appeal Process

Where an Overseas Student seeks a Release from UNSW College it must do so in accordance with the following process:



## 11 Legal and Policy Framework

This policy complies with the ESOS Act 2000 and Standard 7 of the National Code.

### 11.1 Responsibilities

- (a) *Approver*  
The Chief Executive Officer is responsible for the approval of this policy.
- (a) *Responsible Officer*  
The Manager, Admissions and Student Systems is responsible for the implementation, dissemination and review of this policy.
- (b) *Contact Officer*



The Manager, Admissions and Student Systems is responsible for the day to day implementation of this policy and is the first point of contact for all enquiries that relate to this policy.

(c) *Administration and publication*

The Legal and Compliance team is responsible for the administration and publishing of this policy.

(d) *Staff, Supervisors and Executives*

UNSW College staff, supervisors and executives are responsible for assisting in the implementation of and adherence to this policy.

## 11.2 Review

This policy is due for review two years from its date of implementation or in case of legislative changes governing the delivery of education services to Overseas Students on a student visa.

## 12 Related Documentation

- (a) Application for Withdrawal Form
- (b) Application for Release Form
- (c) Refund Request Form

## 13 Related Policies and Procedures

- (a) Refunds and Fees Policy
- (b) Refunds and Withdrawals Procedure
- (c) Compassionate or Compelling Circumstance Policy
- (d) Complaints and Appeals Policy
- (e) Complaints and Appeals Procedure

## 14 Version History

| Version | Date Effective | Approved By | Amendment Notes  |
|---------|----------------|-------------|--|
| 4       | 15/02/2021     | L. Pearcey  | Update to clarify College's overall discretion in determining best interests in paragraph 7.2  |
| 3       | 02/10/2020     | L. Pearcey  | Removal of Diploma programs from scope – UNSW Sydney's policy framework applies  |
| 2       | 1/1/2018       | E. Drummond | <ol style="list-style-type: none"> <li>1. Update with the new requirement under the National Code 2018;</li> <li>2. Replace "Release Letter" with "Release";</li> <li>3. Delete "Compassionate or Compelling Circumstance" and move to its own Policy;</li> <li>4. Update paragraph 8 with repeat and withdraw options.</li> </ol> |