

International On-Shore Students - Provider Transfer Policy

Section 1 - Purpose

(1) This Policy:

- a. specifies Charles Sturt University's requirement for international students seeking permission to transfer to another education provider before or during the first six months of their principal course;
- b. sets out the circumstances in which Charles Sturt University (the University) will and will not grant permission to transfer providers; and
- c. meets the requirements of the [Education Services for Overseas Students Act 2000](#) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (specifically Standard 7).

Application

(2) This Policy applies to international students who:

- a. hold a student visa;
- b. have accepted an offer, or an offer for a package of courses, to study at Charles Sturt University and/or any of its partners; and
- c. wish to transfer to another provider before completing the first six months of their principal course.

(3) This Policy does not apply to:

- a. students on other types of visas;
- b. domestic students; or
- c. student visa holders wishing to transfer to an alternate course at the University.

Section 2 - Glossary

(4) For the purposes of this Policy the following definitions apply:

- a. CRICOS - means Commonwealth Register of International Courses for Overseas Students.
- b. ESOS - means the [Education Services for Overseas Students Act 2000](#).
- c. International student - means a student who doesn't have Australian or New Zealand citizenship, Australian Permanent Residency or a Permanent Humanitarian Visa and is studying at the University within Australia or Overseas on a student visa.
- d. In writing - means to submit notification to the University by email, letter or correspondence in legible English.
- e. Letter of Release - means a letter, provided to an international student by the institution at which they currently study, which gives permission to leave their currently enrolled course to take up another course at another institution.

- f. National Code - means the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).
- g. Partner organisation - means another provider who has an agreement with the University to offer a University course of study, e.g. Study Group Australia, Northern Sydney Institute of TAFE, Holmesglen Institute of TAFE, etc.
- h. Provider - means an institution registered with CRICOS to provide study courses to international students.
- i. Six months - means six calendar months.

Section 3 - Policy

Legislative Requirements

(5) The [Education Services for Overseas Students Act 2000](#) and associated [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) requires CRICOS registered providers to assess requests from international students wishing to transfer between registered providers prior to the international student completing six months of their principal course. The principal course is the highest qualification covered by the student's visa. No restrictions apply after the international student has completed six months of their principal course.

(6) Staff must not actively recruit or knowingly enrol an international student from another registered provider prior to the international student having completed six months of their principal course, except where:

- a. the other registered provider is no longer registered, and/or the course in which the international student is enrolled is no longer registered; or
- b. the releasing registered provider has agreed to the international student's release and has recorded the date of effect and reason for release in PRISMS; or
- c. the other registered provider has had a sanction imposed on its registration by an ESOS Agency that prevents an international student from continuing their studies at that provider; or
- d. any government sponsor of the international student considers the change to be in the international student's best interest and has provided written support for that change.

(7) International students who have been issued with a Confirmation of Enrolment by this University and who have not yet completed six months of their principal course may be permitted to transfer to another registered provider in a limited set of circumstances outlined below.

(8) The University will retain records of all release requests, assessments and outcomes for two years after the international student ceases to be an accepted student or in accordance with the [State Records Act 1998 No 17](#) whichever is longer.

Section 4 - Procedures

Applications for Release

(9) The Executive Director, Division of Student Administration (or authorised nominee) is responsible for developing, modifying and approving any relevant release application forms and administrative support processes.

(10) Applications must, at a minimum, include a valid offer of admission from another registered provider with the proposed course start date, along with the reason why a transfer is requested.

Note: if an international student is under 18 years of age then written confirmation from the international student's parent or legal guardian supporting the transfer is required. Should an international student under 18 years of age not

be under the care of a parent or suitable nominated relative in Australia, then the offer letter from the other registered provider must include the provider's willingness to accept responsibility for the international student's welfare arrangements in accordance with Standard 5 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

(11) The Senior Manager, Partners Enrolment and Compliance, Division of Student Administration, is responsible for assessing applications for release in accordance with this Policy.

Note: all outcome letters must provide a reason for the decision, detail appropriate appeal avenues and state that the international student needs to contact the Australia Immigration department to seek advice on their student visa obligations.

(12) The University will use its best endeavours to process and determine such applicants within 10 business days of lodgement.

Circumstances for Approving a Letter of Release

(13) Circumstances in which the University may provide a Letter of Release, at no cost to an international student, where the transfer is in the international student's best interests, include but are not limited to:

- a. the international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the University's intervention strategies and support services to assist the international student in accordance with Standard 8 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).
- b. there is evidence of compassionate or compelling circumstances, including:
 - i. the international student is currently studying at one of the University's pathway providers or partner organisations and they support the international student's transfer to another registered provider in accordance with this Policy;
 - ii. the international student is unable to satisfy the prescribed conditions set out in the University's offer letter to the international student, and the University determines that the international student has made a genuine attempt to meet the conditions.
- c. the University fails to deliver the course or support the research topic area as outlined in the written agreement.
- d. there is evidence that the reasonable expectations of the international student concerning their current course are not being met.
- e. there is evidence that the international student was misled by the University or an education or migration agent regarding the University or its course and the course is therefore unsuitable to their needs and/or study objectives
- f. an appeal (internal or external) on another matter results in a decision or recommendation to release the international student.
- g. the transfer is considered beneficial to the international student's academic progression as the transfer represents an opportunity for the international student to complete a higher level tertiary qualification.
- h. an international Higher Degree by Research student's principal supervisor is moving to another institution and the Dean of Research supports a request from the international student to move with the supervisor to another CRICOS registered provider.
- i. the international student's government sponsor considers the change to be in the international student's best interests and has provided written support for that change.

Circumstances where a Release will not be granted

(14) The following circumstances are considered to have a detrimental impact on the international student's

educational outcomes for which their student visa was granted and will result in a letter of release being denied, as the:

- a. international student owes fees or other monies to the University and/or its partner organisations.
- b. transfer would result in a breach of the international student's mandatory or discretionary visa conditions.
- c. international student has not supplied a valid letter of offer from another registered provider.
- d. university is satisfied that the international student intends to return to their home country.
- e. international student wants to live somewhere else.
- f. international student wants to transfer to a provider with lower fees.
- g. international student has changed their mind about the course, including international students enrolled in a preparatory/pathway course.

(15) University considers that the international student:

- a. is trying to avoid being reported to Australian Immigration department for failing to meet one or more of the following and has failed to actively engage with the University's academic and support services:
 - i. attendance or academic progress requirements;
 - ii. financial obligations;
 - iii. minimum enrolment requirements;
- b. has taken advantage of its Simplified Student Visa Framework arrangements to obtain a student visa and enter Australia and has requested to transfer to another provider without making a genuine effort to commence their studies at this University.

(16) Transfer is considered detrimental to the international student's academic progression. Circumstances considered detrimental include, the international student:

- a. has not started studying or has only recently started studying and has not experienced the full range of academic and support services available at the University; or
- b. is transferring to a lower level qualification or different subject area, not offered at the University, for reasons other than academic ability.

Appeals

(17) An international student may appeal, within 20 working days of the date of the outcome letter stating the University's decision to refuse a release, where the international student believes the policy has not been correctly applied or new information has become available that could not reasonably have been provided by the international student earlier, and it is probable that this information would have affected the determination.

(18) An appeal on the grounds of outcome alone will not be considered.

(19) An appeal must be made in writing and the grounds of the appeal must be clearly set out.

(20) The Executive Director, Division of Student Administration (or authorised nominee), will determine appeal outcomes in accordance with the University's [Complaints Management Policy](#) Framework.

(21) Appeal assessments will commence within 10 working days of the formal lodgement of the appeal and supporting information and all reasonable measures will be taken to finalise the process as soon as practicable.

(22) The Executive Director, Division of Student Administration (or authorised nominee), may request additional information from the international student and/or the original decision maker and will then:

- a. dismiss the appeal; or
- b. uphold the appeal and reverse the original decision; or
- c. uphold the appeal and vary the original decision.

(23) The written outcome of the appeal will contain:

- a. reasons for the outcome; and
- b. details of any rights to make an external appeal.

(24) The decision of the Executive Director, Division of Student Administration (or authorised nominee), is final.

(25) If the international student is not satisfied with the application of this Policy, they may choose to raise their concern with the University Ombudsman.

(26) The University will not finalise the release refusal in PRISMS until:

- a. the appeal finds in favour of the University; or
- b. the international student has not accessed the complaints and appeals processes as at the expiry of the 20 working day appeal period.

Cancellation of Enrolment and Refunds

(27) International students receiving a Letter of Release approving their transfer to another provider will have their enrolment cancelled by the University. This includes the cancellation of any pending supplementary, special or additional examinations and assessments. Grades for these subjects are likely to revert to a Fail unless the student has sought and received approval for an Approved Withdrawal from their subjects.

(28) International students will need to apply separately for a refund of fees, refer to the University's [International Student Fee Refund Procedure](#).

(29) International students may be subject to academic or financial penalties which may apply to cancellation of enrolment.

Section 5 - Guidelines

(30) Nil.

Status and Details

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| Unit Head | Sandra Sharpham Executive Director, Student Experience |
| Author | Heather Cavanagh |
| Enquiries Contact | Office of Global Engagement |