



Version	Approved by	Approval date	Effective date	Next review
2.0	Deputy Vice-Chancellor Academic	7 August 2018	7 August 2018	August 2021
<b>Procedure Statement</b>				
<b>Purpose</b>	<p>The Procedure specifies the process for administering and assessing applications from international students to transfer between UNSW and other registered providers prior to completing six months of their principal program (course) of study.</p> <p>The Procedure also specifies responsibilities, requirements and timelines relating to these applications.</p>			
<b>Scope</b>	<p>The Procedure applies to all international students holding a student visa who:</p> <ul style="list-style-type: none"> <li>• are studying at UNSW, or</li> <li>• have accepted an offer to study at UNSW, or</li> <li>• wish to transfer to UNSW and are requesting a transfer between registered providers prior to completing six months of their principal program (course) of study.</li> </ul> <p>This Procedure does not apply to students who have completed more than six months of their principal program (course) of study. After the first six months of study at the principal program no restrictions apply.</p>			
<b>Are Local Documents on this subject permitted?</b>	<input checked="" type="checkbox"/> Yes, however Local Documents must be consistent with this Procedure		<input type="checkbox"/> No	
<b>Procedure Processes and Actions</b>				

## Contents

1.	UNSW’s obligations under the ESOS National Code 2018 .....	1
2.	Students seeking to transfer from UNSW to another registered provider.....	2
2.1.	UNSW responsibilities .....	2
2.1.1.	Student Development International responsibilities .....	2
2.1.2.	Student Administration responsibilities.....	3
2.2.	Student responsibilities.....	3
3.	Students seeking to transfer to UNSW from another registered provider.....	3
3.1.	Admissions responsibilities.....	3
3.2.	Student responsibilities.....	4
4.	Appeal of a Release decision.....	4

## 1. UNSW’s obligations under the ESOS National Code 2018

The [Education Services for Overseas Students Act 2000 – National Code 2018 \(the National Code\)](#) contains standards required of registered providers in providing programs to overseas students.

For an overseas student to transfer to another registered provider before completing six months of their principal course, the overseas student must either obtain a release from their registered provider, or meet one of the following conditions:

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

- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
- 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

## 2. Students seeking to transfer from UNSW to another registered provider

### 2.1. UNSW responsibilities

International students seeking to transfer from UNSW to another registered provider before completing six months of their principal program must request approval to transfer and obtain a release from UNSW. The student will be notified in writing, within 10 working days, of the outcome of the application. If the release is granted it will be at no extra cost to the student.

UNSW will grant a release (i.e. record a release in PRISMS) if the student can demonstrate any of the following:

- They are in receipt of a packaged Confirmation of Enrolment (CoE) and have not met the requirements for the principal program.
- They have evidence their reasonable expectations about their current course are not being met.
- They have evidence they were misled by UNSW or an appointed representative regarding their program and the program is therefore unsuitable to their needs and/or study objectives.
- An appeal (internal or external) or another matter results in a decision or recommendation to release the student.
- Compassionate or compelling reasons for the transfer exist. These would normally be unexpected and out of the control of the student and which have an impact upon the student's course progress or wellbeing.

UNSW will not grant a release (i.e. record a release in PRISMS) if:

- The student has completed more than six calendar months of their principle program at UNSW.
- The student has not attached a copy of a valid letter of offer of unconditional enrolment with the receiving provider.
- The student has any outstanding debt to UNSW. Debts include all fees, loans, library fines and blocks
- The academic progression status is suspended or excluded.
- The reason for the request is based on financial reasons.
- The transfer would result in a breach of the students mandatory or discretionary visa conditions.
- The transfer is considered detrimental to the student.

Factors that may be to the student's detriment include:

- The student has not, or only recently, started studying the principal program and the full range of UNSW's student support services are yet to be provided or offered to the student.
- The student is not genuinely engaging with an intervention strategy.
- The transfer may jeopardise the student's progression through a package of programs.
- UNSW, or its nominated officer, forms the view that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet the UNSW academic progress requirements.
- The 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).
- The Student's student visa was processed under the Streamlined Visa Processing (SVP) arrangement and the student applies to transfer to a course at a registered Provider that is not eligible for SVP.

#### 2.1.1. Student Development International responsibilities

Within 10 working days of receiving a complete Release Request form, Student Development International (SDI) will assess the application and the supporting documentation. The student may be asked to attend an interview. Where a student is unable to attend a person to person interview a phone interview may be arranged.

If the request to transfer to another institution is approved:

- The student is advised to withdraw from their program (<https://student.unsw.edu.au/program-discontinuation>) and, if appropriate, advised to complete a Refund Form and submit it to Student Financials.

- SDI will notify the Department of Home Affairs 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:

- SDI will notify the student of the decision in writing providing the reasons for the decision not to grant a release, advising the student that they may freely transfer after completion of six calendar months of their principal program at UNSW and providing information on the student's right to appeal the decision.

### **2.1.2. 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 with UNSW's refund policy: <https://student.unsw.edu.au/fees-policy-international-students>.

## **2.2. Student responsibilities**

UNSW Institute of Language students who have a conditional offer to UNSW and seek to transfer between providers registered before completing six months of their principle course must complete the Release Request form via the [SDI website](#) and provide supporting documents.

Foundation Package Offer students requiring a release should apply directly to UNSW Foundation Studies.

Students must complete and submit the online Release Request form via myUNSW and provide supporting documents.

The following genuine information (where applicable) must accompany the Release Request form to assist in the assessment of the request to transfer:

- A copy of the offer letter from the other provider confirming that a valid unconditional enrolment offer had been made by the provider.
- Where a student's request is based on compassionate and compelling reasons, the student must provide documentary evidence e.g. a letter from a qualified medical practitioner, psychologist or counsellor a death certificate etc. Failure to present evidence may adversely affect the outcome of the application.
- If the student is sponsored, the student must provide written approval for the transfer from the sponsor.
- If the student is under the age of 18, the student must provide written evidence that their 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 required under Standard 5 and the UNSW [International Students Under the Age of 18 years – Welfare, Support & Accommodation Arrangements Procedure](#).
- 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 (ISA) that they will be terminating their current accommodation, support and general welfare arrangements.

Students must enrol on time as specified in the [Enrolment and Withdrawal Procedure](#). Non-enrolment may result in the student being reported to the Department of Home Affairs for failing to enrol.

Contact the Immigration department to seek advice on whether a new student visa is required.

## **3. Students seeking to transfer to UNSW from another registered provider**

### **3.1. Admissions responsibilities**

Under Standard 7 of the National Code 2018, the receiving registered provider must not knowingly enrol a student seeking to transfer from another registered provider's program prior to the student completing

six calendar months of their principal program of study, except in the following circumstances:

- The releasing provider has ceased to be registered or the program in which the student is enrolled has ceased to be registered.
- The releasing provider has agreed to the international student's release and has recorded the data on PRISMS.
- The releasing provider has a sanction imposed on it by TEQSA that prevents the student from continuing their principle course.
- The student is government-sponsored and that government sponsor considers the change to be in the student's best interest and has provided written support for the change.

### 3.2. 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, they have provided 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.

## 4. Appeal of a Release decision

Where a transfer request from UNSW has not been approved, the student will be provided with written reasons for refusing the request. If the student is not satisfied with the decision, they may apply for a review of that decision within 10 working days of receipt of the application outcome. A review of the decision will be undertaken by the Manager, Student Development International. The student will be notified in writing of the outcome of the review within 20 working days of lodgement of the appeal.

Further appeals can be made to the [Student Conduct and Integrity Unit](#). The request should be on the basis of procedural irregularity, rather than a disagreement with the judgment of the University.

A student not satisfied with the outcome of an internal appeal may lodge a further appeal with the [NSW Overseas Student Ombudsman](#). A student lodging an external appeal must inform SDI of their intention to do so in writing, within 10 working days of being informed of the outcome of the internal appeal.

Accountabilities	
Responsible Officer	Deputy Vice-Chancellor Academic
Contact Officer	Manager, Student Development International
Supporting Information	
Legislative Compliance	This procedure supports the University's compliance with the following legislation: <i>Higher Education Support Act 2003 (Cth)</i> <i>Education Services for Overseas Students (ESOS) Act 2000 (Cth)</i> National Code of Practice for Providers of Education and Training to Overseas Students 2018
Parent Document (Policy)	Nil
Supporting Documents	<a href="#">Release Request</a> (form) on SiMS for current students and on web for students on package course from UNSW Institute of Languages: <a href="https://student.unsw.edu.au/release-letter">https://student.unsw.edu.au/release-letter</a>
Related Documents	<a href="#">Academic Progression and Enrolment Policy</a> <a href="#">Academic Progression Procedure</a> <a href="#">Admission to Coursework Programs Procedure</a> <a href="#">Enrolment and Withdrawal Procedure</a> <a href="#">Excess Payment/Refund Request Form</a>

	<a href="#">International Students Under the Age of 18 years - Welfare, Support &amp; Accommodation Arrangements Procedure Student Code of Conduct</a>			
<b>Superseded Documents</b>	International Student Transfer between Registered Providers and PRISMS Reporting Procedure v1.3			
<b>File Number</b>	2016/08697			
<b>Definitions and Acronyms</b>				
<b>CoE</b>	Confirmation of Enrolment			
<b>Compassionate</b>	Family, medical or 'wellbeing' reasons for supporting a transfer.			
<b>Compelling</b>	Circumstances that are involuntary and such that the applicant has little or no alternative.			
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students			
<b>Course</b>	Department of Education terminology for program of study (see definition of Program, below).			
<b>Enrolled</b>	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.			
<b>ESOS</b>	Education Services for Overseas Students Act 2000 (ESOS Act)			
<b>Existing provider</b>	Education provider from whom a student is seeking to transfer.			
<b>Government Sponsored</b>	An Australian or foreign Government sponsored student for study in Australia.			
<b>Principal course of study</b>	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.			
<b>Program</b>	UNSW terminology for course of study. A program is an approved set of requirements, courses and/or supervised research into which a student is admitted. In some cases, this will lead to an award of UNSW.			
<b>Receiving provider</b>	The provider with whom the student is intending to enrol.			
<b>Registered provider</b>	An institution or other body or person in Australia that provides CRICOS registered courses (programs) to overseas students as defined by the ESOS Act.			
<b>SDI</b>	Student Development International			
<b>Student Visa</b>	An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the Migration Act 1958.			
<b>TEQSA</b>	Tertiary Education Quality Standards Agency			
<b>Revision History</b>				
<b>Version</b>	<b>Approved by</b>	<b>Approval date</b>	<b>Effective date</b>	<b>Sections modified</b>

1.0	Deputy Vice-Chancellor (Academic)	1 June 2011	1 June 2011	New Procedure
1.1	Vice-President and Deputy Vice-Chancellor (Academic)	23 February 2015	23 February 2015	<ul style="list-style-type: none"> <li>• Scope clarified</li> <li>• Definition added</li> <li>• Procedure expanded</li> <li>• History</li> </ul>
1.2	Administrative update by Head of Governance	18 February 2016	29 February 2016	Administrative update to senior roles
1.3	Deputy Vice-Chancellor Academic	25 July 2017	15 August 2017	Administrative update to senior positions
2.0	Deputy Vice-Chancellor Academic	7 August 2018	7 August 2018	Full review