

# Transfer of Student Visa Students between Registered Providers - Procedures

## Definitions

Please refer to the University's Glossary of Terms for policies and procedures.

## 1. Purpose of procedures

These procedures must be read in association with the Transfer of Student Visa Students between Registered Providers - Operational Policy.

## Part A

Where an international Student visa student is requesting a transfer from USC to another registered provider within six months of commencement of their principal program at USC.

## 1. Student responsibilities

The student must:

- (a) obtain an official letter from another registered provider confirming that a valid enrolment offer has been made to the student; and
- (b) complete and submit the 'Application for release' form to International Office.

If the release is granted, the student must:

- (c) cancel their enrolment at USC by completing and submitting the 'Withdrawal from program' form, and initiate any relevant fees refund process as sanctioned by the Student Fees and Charges Governing Policy and the Student Fees, Charges and Refunds – Procedures; and
- (d) contact the Department of Home Affairs to seek advice on whether a new Student visa is required.

## 2. International Office responsibilities

Upon receipt of an application for release, International Office staff must:

- (a) check that the student is in the first six months of their principal program to confirm that release is required (refer to Section 5 'Calculating six months completion of principal program'); and
- (b) assess the application for release recognising the student as a consumer and supporting them to exercise choice, acknowledging that they may require support to transition to study in Australia and considering individual circumstances to determine if the transfer will be detrimental to the student in accordance with Section 3 'Grounds for granting release'.

If release is granted, International Office must:

- (c) record the date of effect and reason for release on PRISMS free of charge; and
- (d) advise the student of the process for cancelling their enrolment at USC; and
- (e) direct the student to the refund policy (Student Fees and Charges - Governing Policy and Student Fees, Charges and Refunds – Procedures); and
- (f) advise the student to contact the Department of Home Affairs to seek advice on whether a new Student visa is required; and

## APPROVAL AUTHORITY

Vice-Chancellor and President

## RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

## DESIGNATED OFFICER

Pro Vice-Chancellor (Global and Engagement)

## FIRST APPROVED

9 July 2012

## LAST AMENDED

30 October 2020

## REVIEW DATE

11 April 2023

## STATUS

Active

(g) ensure that all requests and documentation received from, and copies of documents provided to, the student regarding the request for release is placed on the student's file and kept for a minimum of two years after the student ceases to be enrolled at USC.

If USC intends to refuse the release request (see Section 4 'Grounds for refusing release'), International Office must:

(h) notify the student in writing of the intention to refuse the release, including the reasons for the decision, and provide information regarding how to access the complaints and appeals process within a 20 working day period and in line with the Student Grievance Resolution - Governing Policy; and

(i) not finalise the refusal status on PRISMS until the appeal finds in favour of USC, or the student has chosen not to access the complaints and appeals process within the 20 working day period, or the student withdraws from the process; and

(j) ensure that all requests and documentation received from, and copies of documents provided to, the student regarding the request for release is placed on the student's file and kept for a minimum of two years after the student ceases to be enrolled at USC.

### 3. Grounds for granting release

International Office will grant release where the transfer is in the student's best interests, the student has provided an official letter of offer from another provider, and:

- The student has demonstrated and provided evidence of compassionate and compelling circumstances that are beyond their control; or
- The student, where enrolled in a package of programs, has failed to meet the entry requirements to the USC program after having made a genuine attempt to meet them; or
- The student is enrolled in USC's ELP programs, but when the student is assessed onshore, USC does not have a course suitable for the current English level; or
- The student has demonstrated and provided evidence that they have exhausted all of USC's support services offered and they can demonstrate that the transfer to an alternative provider will give them access to support services not available at USC; or
- The student cannot meet the academic requirements of the USC program and evidence is supplied from relevant USC student support services (e.g. academic advisors, counsellors) that confirms this; or
- The student will be reported because they are unable to achieve satisfactory course progress at the level of study they are studying, even after engaging with USC's intervention strategy; or
- A government sponsor requests in writing for the student to be released to another study provider; or
- USC fails to deliver a program as outlined in the written agreement; or
- There is evidence that the student's reasonable expectations about their current program are not being met; or
- The student can demonstrate that they were intentionally misled by an education agent or USC regarding USC or the program of enrolment; or
- An appeal (external or internal) on another matter results in a decision or recommendation to release the student.

### 4. Grounds for refusing release

Applications for release will be considered in the context that the student has been assessed as a Genuine Student and Genuine Temporary Entrant for the purposes of obtaining a Student visa, and, as such, the student made a deliberate and informed decision to undertake a program of study at USC and any programs packaged with it. That decision involved an undertaking that the program met the student's study goals, that they were aware of the locations and facilities of USC and any other education providers delivering programs in a package of programs, and that they were aware of the general socio-economic and cultural characteristics of those locations.

International Office will refuse release:

- Where the student has not supplied an official letter of offer from another registered provider; or
- If the scheduled date for commencing classes at the other registered provider has passed at the date of lodging the application for release; or
- Where the student has not provided sufficient supporting documentation or reasons for granting release; or
- Where the transfer may jeopardise the student's progression through a package of programs; or
- Where the student is applying to transfer to another sector or lower level of study and USC support services have not yet been exhausted; or
- Where the student is applying to transfer to another sector or lower level of study for reasons other than academic considerations; or
- Where the student is downgrading their qualification, which will be detrimental to future planned studies; or
- Where USC forms the view that the student is deliberately trying to manipulate the Australian Student visa system; or
- Where the student has made decisions, after receiving a Confirmation of Enrolment from USC, regarding accommodation, employment or travel, that are not aligned with the requirements of the program; or

- Where the student has not accessed USC's support services for assistance with study or personal issues, such as living distance from campus, travel difficulties, difficulties adjusting to campus life, and demands of academic work; or
- Where there are reasonable grounds for believing the student has been deliberately recruited by another registered education provider or education agent; or
- Where the student has outstanding fees to USC.

## 5. Calculating six months completion of principal program

The start date for calculating the six months completion of principal program is the date the student starts the principal course.

### Part B

Where an international Student visa student is requesting a transfer to USC from another registered provider within six months of commencement of their principal program with that provider.

#### 1. Student responsibilities

The student must:

- (a) complete and lodge an international student application form for the relevant USC program; and
- (b) receive release approval from their principal registered provider and any other provider from which they have a Confirmation of Enrolment (as part of a package of programs); and
- (c) provide International Office with evidence of release as part of the application process; and
- (d) contact the Department of Home Affairs to seek advice on whether a new Student visa is required.

#### 2. International Office responsibilities

International Office staff must:

- (a) provide an official letter of offer in cases where a student makes an application for a USC program with required documentation complete, and where that student meets program entry requirements; and
- (b) in the event that a International Office staff member attempts to create a Confirmation of Enrolment (CoE) in PRISMS and receives notification that the student appears to have a transfer restricted enrolment with another provider, advise the student that they must provide evidence of their eligibility to transfer before USC can finalise the enrolment and CoE, by either
  - demonstrating that the original registered provider has ceased to be registered or the program in which the student has enrolled has ceased to be registered; or
  - providing evidence of release; or
  - demonstrating that the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the student from continuing his or her principal program; or
  - demonstrating that a government sponsor of the student considers the change to be in the student's best interests and has provided written support for the change; and
- (c) once satisfied of the student's eligibility to transfer, finalise enrolment and issue a CoE in accordance with USC's admissions policies and procedures; and
- (d) ensure all documentation related to this matter, including any evidence of release, is added to the student's file.

END

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#### RELATED DOCUMENTS

- Student Fees and Charges - Governing Policy
- Student Fees, Charges and Refunds - Procedures
- Transfer of Student Visa Students between Registered Providers - Operational Policy

#### LINKED DOCUMENTS

- Transfer of Student Visa Students between Registered Providers - Operational Policy

#### RELATED LEGISLATION / STANDARDS

- Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018