INTERNATIONAL STUDENT CHANGE OF PROVIDER POLICY 2016

The Deputy Vice-Chancellor (Registrar) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated:  10 February 2016

Last amended:  17 August 2016 (administrative amendments only)

Signature:

Name:  Professor Tyrone Carlin

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1 Name of policy

This is the International Student Change of Provider Policy 2015.

2 Commencement

This policy commences on 15 February 2016.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.
4 Statement of intent

This policy:

(a) specifies the University’s requirements for international students seeking permission to transfer to another education provider during the first six months of their principal course;

(b) sets out the circumstances in which the University will and will not grant such permission; and

(c) meets the requirements of Part D, Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.

5 Application

(1) This policy applies to international students who:

(a) hold a temporary student visa;

(b) have accepted a firm offer, or an offer for a package of programs, to study at the University; and

(c) wish to transfer to another provider before completing the first six calendar months of their principal course of study.

(2) This policy does not apply to:

(a) students on other temporary visas;

(b) domestic students; or

(c) student visa holders wishing to transfer to an alternate course at the University.

6 Definitions

compassionate and compelling circumstances means circumstances generally beyond a student’s control which have a significant impact upon a student’s course progress or wellbeing.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students which is maintained by the Australian Department of Education and Training.

eCoE means electronic confirmation of enrolment.

firm offer means a valid and unconditional offer of admission from a CRICOS registered provider
international student means a student who is a temporary student visa holder, and is not:

- a holder of a temporary visa of any other category;
- a holder of a permanent humanitarian visa;
- an Australian citizen;
- a permanent resident of Australia; or
- a New Zealand citizen.

National Code means the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* established under the *Education Services for Overseas Students (ESOS) Act 2000 (Cth).*

principal course of study means the highest qualification covered by the student’s visa, normally the last course where the visa has been issued for multiple courses of study.

pathway provider means a provider formally approved by the University to deliver foundation or English language studies using the University’s CRICOS code. Examples include the University of Sydney Foundation Program and the Centre for English Teaching.

pathway student means a student admitted to a University pathway program including, but not limited to, the University of Sydney Foundation Program and the Centre for English Teaching.

PRISMS means the Provider Registration and International Student Reporting System reporting database, which is shared between education providers in conjunction with the Australian Department of Education and the Department of Immigration and Border Protection.

release letter means a formal written communication, signed by an authorised representative, stating the University’s approval for a student to be enrolled at another registered CRICOS provider.

temporary student visa means a temporary visa within any of the types of visa listed from time to time as student visas in section 1.03 of the *Migration Regulations 1994 (Cth).*

7 Release applications generally

(1) An international student who wants to transfer their enrolment from the University to another CRICOS registered provider before completing the first six months of their principal course must apply using the approved *Request for a Release Letter Form*.

(2) The form must be accompanied by:

(a) written confirmation from another CRICOS registered provider of a firm offer to the student;

(b) a copy of the identification page from the student’s passport;
(c) a statement, signed by the student:
   (i) setting out the reasons for the request; and
   (ii) giving permission for the University to contact the proposed new registered provider to confirm the offer made by it to the student;

and

(d) if the student is under 18 years of age, the material required by clause 8 of this policy.

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

8 Additional requirements for students under 18 years of age

A student under 18 years of age who requests a release letter under this policy must provide the following with their application, in addition to the material required by clause 7:

(a) written confirmation that the student’s parent or legal guardian supports the transfer; and

(b) if the student is not being cared for in Australia by a parent or suitable nominated relative, the firm offer must also confirm that the registered provider will accept responsibility for approving the student’s accommodation, support and general welfare arrangements consistently with Standard 5 of the National Code.

9 Circumstances where a release is not required

A release letter is not required in the following circumstances.

(a) Where a student is financially sponsored by any government and:
(i) the sponsor considers the change to be in the student’s best interest; and
(ii) the sponsor has provided written support for the change.

(b) Where an eCoE has been issued for a registered course and the Australian government or state government imposes a sanction that prevents the student from continuing in their principal course.

10 Circumstances where a release will be granted

The University will issue a release letter if the Registrar or the Registrar’s nominee is satisfied that:

(a) a student undertaking a packaged program and holding a packaged eCoE has not met the entry requirements for the principal course of study;

(b) a course for which the University has issued an eCoE to a student will no longer be offered or has ceased to be registered on CRICOS;

(c) there has been a demonstrated material mismatch between the course offered and the student’s reasonable expectations of the course, based on
the information provided by the University or its authorised representatives; or
(d) there are significant compassionate and compelling reasons for the transfer.

11 Circumstances where a release will not be granted

(1) The University will issue not issue a release letter if:
(a) the transfer would result in a breach of the student’s mandatory or discretionary visa conditions;
(b) the transfer would be detrimental to the student;
(c) no firm offer from another CRICOS registered provider has been supplied;
(d) for a pathway student, admission entry requirements have been met for the first nominated course preference;
(e) the student has already been identified for unsatisfactory attendance or unsatisfactory progression and has received advice to this effect;
(f) the student has been reported in PRISMS for unsatisfactory attendance or unsatisfactory progression; or
(g) the Registrar or the Registrar’s nominee is satisfied that the student intends to return to their home country.

Note: Any intention by a student to return to their home country will require a cancellation of the temporary student visa connected to the University.

(2) If the University declines to issue a release letter it will provide the student with:
(a) a written statement of reasons for doing so; and
(b) information about the student’s right to appeal the decision.

12 Appeals

(1) A student whose application for a letter of release is refused may lodge an appeal consistently with the Resolution of Complaints Policy 2015 and Student Complaints Procedures 2015.

(2) A student who is not satisfied with the outcome of an internal appeal may lodge a further appeal with the NSW Overseas Students Ombudsman.

(a) A student lodging an external appeal must inform the Student Affairs unit of their intention to do so, in writing, within 10 working days of being informed of the outcome of the internal appeal.

13 Rescissions and replacements

This document replaces the International Student Change of Provider Policy which commenced on 24 September 2008 and which is rescinded as from the date of commencement of this document.
NOTES

International Student Change of Provider Policy 2016

Date adopted: 10 February 2016
Date commenced: 15 February 2016
Date amended 17 August 2016
Administrator: Deputy Vice-Chancellor (Registrar)
Review date: 10 February 2021

Rescinded documents: International Student Change of Provider Policy

Related documents:

Education Services for Overseas Students Act 2000 (The Act)
Education Services for Overseas Students (TPS Levies) Act 2012
Migration Act 1958 (Cth)

Education Services for Overseas Students Regulations 2001 (Cth)
Migration Regulations 1994 (Cth)
The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

University of Sydney (Coursework) Rule 2014
Coursework Policy 2014
Resolution of Complaints Policy 2015
Student Complaints Procedures 2015
Refund Procedures for International Students

AMENDMENT HISTORY

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