

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: 24 March 2019
17 May 2019 (administrative amendment only)

Signature:

Name: Professor Tyrone Carlin

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1 Name of policy

This is the International Student Change of Provider Policy 2016.

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 : <ul style="list-style-type: none"> • 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 Home Affairs.
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 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.
- (2) Students may appeal on the basis of alleged failure of due process only. The University will not consider appeals based solely on the outcome of the release application.
- (3) Appeals must be lodged:
 - (a) in writing with the Student Affairs Unit; and
 - (b) within 20 working days of the date on which the appellant was notified of the outcome of the release application.
- (4) In exceptional circumstances, as determined by the Head of the Student Affairs Unit in their absolute discretion, the Head of the Student Affairs Unit may accept an appeal lodged out of time.

- (5) Students must set out in their written appeal their reasons for believing that due process has not been observed in the consideration of their release application.
- (6) Appeals will be considered by:
 - (a) the Head of the Student Affairs Unit; or
 - (b) if the Head of the Student Affairs Unit:
 - (i) was personally involved in the release application process; or
 - (ii) has an actual or reasonably perceived conflict of interest in regard to the parties to the release application, or the matters that are the subject of the release application,
a person nominated by the Registrar without such conflict.
- (7) The Head of the Student Affairs Unit or person nominated under clause (6) will assess whether an appeal has been validly made under this clause and must notify the student if this assessment determines that the appeal was not validly made.
- (8) Except at the absolute discretion of the person considering the appeal:
 - (a) appeals will be conducted on the basis of written material; and
 - (b) the scope of an appeal will be limited to a review of the release application process.
- (9) Where reasonable, the appeal should be considered within 20 working days of its lodgement.
- (10) Where 20 working days is not reasonable, the Student Affairs Unit will advise the appellant of the reasons for the delay, and of the projected timeframe for consideration of the appeal.
- (11) At the conclusion of the appeal, the person considering the appeal must provide the appellant with a written statement of the outcome of the appeal, including:
 - (a) reasons for the outcome;
 - (b) details of any rights to make an external appeal; and
 - (c) provide a copy of this advice to the Compliance Unit in the DVC (Education) Portfolio.
Note: Contact details for the Student Affairs Unit are provided on its [website](#).
- (12) 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 Compliance Unit in the DVC (Education) portfolio 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 6 June 2017
17 May 2019

Administrator: Deputy Vice-Chancellor Education)

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

International Student Fee Refund Policy 2017

AMENDMENT HISTORY

Provision	Amendment	Commencing
7(1)	Correcting broken hyperlink	17 August 2016
11(1)	Correction of typographical error – deletion of “issue”.	6 June 2017
12	New subclauses 12(2) – (11) added. Old subclause 12 (2) amended and renumbered as 12(12).	6 June 2017
Definitions	Replace Department of Immigration and Border Protection with Department of Home Affairs	16 April 2018
Notes	Related documents: replace Refund Procedures for International Students with International Student Fee Refund Policy 2017	16 April 2018
12(6)(b);	Remove reference to Deputy Vice-Chancellor (Registrar) and replace with reference to Registrar	24 March 2019
12(11)(c); 12(12)(a)	Remove references to Deputy Vice-Chancellor (Registrar) and replace with references to Deputy Vice-Chancellor (Education)	24 March 2019
Notes	Remove Deputy Vice-Chancellor (Registrar) as administrator and replace with Deputy Vice-Chancellor (Education)	24 March 2019
All	Administrative amendment to re-number clauses due to missed heading 1. Name of Policy.	17 May 2019