



## Transfer Between Registered Providers Policy

### 1. Purpose and Scope

- 1.1 Under the provisions of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, a registered provider must not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her registered provider's principal course of study unless the original provider has provided a release or meets one of the following conditions:
- a) the releasing registered provider, or the course in which the international student is enrolled has ceased to be registered;
  - b) the releasing registered provider has had a sanction imposed on this registration by the ESOS agency that prevents the international student from continuing their course with that registered provider;
  - c) any government sponsor of the international student considers the change to be in the international student's best interests and has provided written support for the change. This usually applies where the international student's study in Australia is sponsored by the government of another country.
- 1.2 The purpose of this policy is to set out Western Sydney University International College's (WSUIC) obligations in line with Western Sydney University (WSU) International Student Transfer procedure in relation to requests from an international student for a release so that the student may transfer to another registered provider.

### 2. Definitions

For the purposes of this policy, the following definitions apply:

2.1 *“Home Affairs”*

Australian Department of Home Affairs

2.2 *“International Student”*

A student studying in Australia on a student visa. This does not include students studying in Australia who are holding any other temporary visa except Student Visa Subclass 500.



**2.3 “Registered Provider”**

A provider approved to deliver a course to international students under the Education Services for Overseas Students Act 2000 and Education Services for Overseas Students Regulations 2001.

**2.4 ‘Principal Course’**

This is the main course of study which is to be undertaken by an international student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the international student arrives in Australia with a student visa that covers multiple courses.

**3. Policy Statement**

3.1 WSUIC courses are offered as pathway courses to Western Sydney University bachelor degree courses. As the principal course provider, WSU is the decision-maker in relation to releases and transfers of WSUIC students.

3.2 As such, the WSUIC Student Transfer Procedure is applied to all packaged courses where the highest qualification in the package is a Western Sydney University bachelor course or above.

3.3 An international student who has not completed six months of his or her principal course of study, is required to request a release so as to transfer from WSUIC to another registered provider.

3.4 A request for a release letter must:

- a) be in writing
- b) include all relevant information concerning the reasons for the request;
- c) include documentary evidence acceptable to WSUIC that supports the reasons for the request, be signed by the international student (or the student’s parent or legal guardian if the student is under 18 years of age); and
- d) include a Letter of Offer from another provider. The Letter of Offer must identify the registered provider and course to which the international student wishes to transfer, such identification to include full particulars of name, address and CRICOS codes for the provider and course.



- 3.5 WSUIC will grant an international student's request for a *release* only in exceptional circumstances relating to Standard 7 of the National Code 2018.
- 3.6 WSUIC will approve an overseas student's release request when WSUIC has assessed that:
- 3.6.1 the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with WSUIC's intervention strategy.
  - 3.6.2 there is evidence of compassionate or compelling reasons beyond the control of the student e.g. personal or educational problems that cannot be addressed by WSUIC support services.
  - 3.6.3 WSUIC fails to deliver the course as outlined in the Offer of Admission- International Student Enrolment Agreement.
  - 3.6.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met, or there is evidence that the overseas student was misled by WSUIC or an education or migration agent regarding WSUIC or its course and the course is therefore unsuitable to their needs and/or study objectives. Evidence may take the form of course brochures; email correspondence, website screenshots, course material etc.
  - 3.6.5 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student
  - 3.6.6 The international student requests a transfer to undertake a course of study at an academic level considered equal, or higher than the level of their current course, in a discipline of study not available at WSUIC.
- 3.7 If a request for transfer is approved, the outcome of the application to transfer will be advised in writing within ten (10) working days from receipt of the completed application and all supporting documentation and will advise the student of the requirement to contact the Department of Home Affairs (DHA) to seek advice on whether a new visa is required. Where the student is under 18 years of age, WSUIC will only consider granting a release letter if:
- a) WSUIC has written confirmation that the student's parent or legal guardian supports the transfer; and
  - b) where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger Overseas Students) of the National Code 2018



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International College

- 3.8 As part of the approval process, WSUIC will record the date of effect and reason for release in PRISMS. The application and a copy of the response will be kept on the student's file
- 3.9 WSUIC will not grant an international student's request for a release letter in circumstances where WSUIC is of the opinion that transfer to another registered provider would be detrimental to the student. WSUIC may form that opinion for reasons including the following:
- a) the request is made less than four (4) weeks after the student commenced a course at Western Sydney University International College;
  - b) WSUIC believes that transfer may jeopardise the student's progression through a package of courses;
  - c) the student is subject to sanctions by WSUIC (attendance, academic progress, misconduct); and/or
  - d) WSUIC believes that the provider and/or course to which the student wishes to transfer are not of the same or higher standard as WSUIC and/or its course.
  - e) There is no written confirmation from another registered provider that a valid unconditional enrolment offer has been made.
  - f) The student is requesting to change course due to academic difficulty and has not accessed the relevant academic and support services available at WSUIC.
- 3.10 WSUIC will not grant an international student's request for a release letter if any course monies or other amounts owed by the student to Western Sydney University International College are unpaid.
- 3.11 WSUIC will keep records of requests for release and the process used to make a decision in relation to the requests.
- 3.12 Refunds arising from the transfer of an international student to another registered provider shall be determined in accordance with WSUIC's International Student Fees and Refund Agreement.
- 3.13 If the request for transfer is denied, the student will be advised of the reasons for this decision in writing within 10 working days and will be informed of their right to appeal the decision in accordance with WSU's Complaints and Appeals Policy and Procedure.

#### **4. Acceptance of Students**

- 4.1 WSUIC can issue a 'conditional letter of offer' to a student enrolled with another registered provider. On obtaining the release from registered provider or meeting one of the conditions outlined in The National Code 2018 Standard 7 of ESOS Act the condition offer will be converted to a full offer.



## **5. Quality and Compliance**

- 5.1 This policy is reviewed periodically (at a minimum every two years) to ensure regulatory compliance, operational currency, the identification of continuous improvement opportunities and risk identification and mitigation. This review is reflected in WSUIC's Quality Management Framework and Risk Management Framework.
- 5.2 This policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff access.
- 5.3 Emails will be issued to all staff to inform and update them on any changes to the policy and/or procedures and guidelines.
- 5.4 New staff will receive policy information during the induction process where it relates to their position.

## **6. Related Forms and Documents**

- Discontinuation of Studies/Resignation from Course Form
- Request for Fee Refund

## **7. Related Legislation/Policies/Procedures**

- POL 20 WSUIC Student Complaint Handling, Appeals and Resolution Policy
- PRO 15 WSUIC Student Complaint Handling, Appeals and Resolution Procedure
- WSUIC International Student Fees and Refund Agreement
- WSU International Student Fees and Refund Agreement
- WSU International Student Transfer Procedure
- [Education Services to Overseas Students Act 2000 \(ESOS Act\)](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018](#)

## **Approval and Amendment History**

<b>Approval Authority:</b>	Western Sydney University International College Academic Board
<b>Policy Owner:</b>	Executive
<b>Approval Date:</b>	21 October 2016
<b>Date for Next Review:</b>	30 July 2026



Amendments		
Revision Date	Version	Summary of changes
21/10/2016	1.0	New Policy Developed and Implemented
29/07/2018	1.1	<p>Clause 1 - Update with the current Standard 7 of 2018 National Code of Practice.</p> <p>Where in policy, replaced 'letter of release' with 'release letter'.</p> <p>Clause 3.5 Update with the current Standard 7 of 2018 National Code of Practice.</p> <p>Clause 4 - Replaced 'Procedure' with 'Acceptance of Students'.</p> <p>Where in policy, replaced 'Principle Course' with 'Principal Course'.</p> <p>Clause 1.1(c) – amendment to grammatical expression; <a href="#">copied words from Standard 7 of National Code of Practice for Providers of Education and Training to Overseas Students 2018 (page 2)</a></p> <p>Clause 1.2 – added 's' to "College"</p> <p>Clause 3.7 (c) – insert and/or (at the end) of the sections "for reasons including"</p> <p>Clause 5.1 – replaced 'This policy and procedure' with 'This policy'</p> <p>Where in policy, replaced 'overseas student/s' with international student/s</p>
27/07/2020	1.2	<p>Replacing Western Sydney University International College with WSUIC.</p> <p>Minor changes throughout the policy</p> <p>Addition of Clause 3.6, Clause 3.8, 3.9 and 3.13: in relation to clarification of the process and circumstances where release may be granted or declined</p>
28/07/2022	1.3	<p>Definition of International Student amended to specify Student Visa Subclass 500</p>
30/07/2024	1.4	<p>Addition to Clause 3.1 to add clarity about WSU as decision maker for Release.</p> <p>Modified Clause 3.13 to add reference to WSU Complaints and Appeals.</p>