OVERSEAS STUDENT TRANSFER POLICY

SECTION 1 - PURPOSE AND SCOPE

(1) Under the provisions of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007), 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 principal course of study unless the original provider has provided a letter of release.

(2) The purpose of this policy is to set out UWSCollege's policy and procedure in relation to requests from an overseas student for letters of release so that the student may transfer to another registered provider.

SECTION 2 - DEFINITIONS

(3) For the purposes of this policy, the following definitions apply:

a. "DIBP" - means the Department of Immigration and Border Protection.

b. "Overseas Student" - means a student studying in Australia on a student visa and does not include a study tour participant in Australia on a visitor or tourist visa.

c. "Registered Provider" - means a provider approved to deliver a course to overseas students under the Education Services for *Overseas Students Act 2000* and Education Services for Overseas Students Regulations 2001.

d. "Principal Course" - means a main course of study to be undertaken by an overseas 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 overseas student arrives in Australia with a student visa that covers multiple courses.

e. "College" - UWSCollege Pty Ltd.

SECTION 3 - POLICY STATEMENTS

(4) The University of Western Sydney International Student Transfer Procedure is applied to all packaged courses where the highest qualification in the package is a UWS bachelor course or above.

(5) This policy applies only to:

a. packaged courses where the highest qualification in the package is a course delivered by UWSCollege, that is, Foundation Studies or Diploma courses; or

b. non-packaged course, i.e. English, Foundation Studies or Diploma course.

(6) An overseas student who has not completed six months of his or her principal UWSCollege course of study is required to request a letter of release so as to transfer from UWSCollege to another registered provider.

(7) A request for a letter of release must:

a. be in writing;

b. include all relevant information concerning the reasons for the request;

c. include documentary evidence acceptable to UWSCollege that supports the reasons for the request, be signed by the overseas student (or the student's parent or legal guardian if the student is under 18 years of age); and

d. provide a Letter of Offer from another provider. The Letter of Offer must identify the registered provider and course to which the overseas student wishes to transfer, such identification to include full particulars of name, address and CRICOS codes for the provider and course.

(8) UWSCollege will grant an overseas student's request for a letter of release only in exceptional circumstances relating to the welfare of the student.

(9) Where the student is under 18 UWSCollege will only grant a letter of release if:

a. UWSCollege 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 Students) of the National Code 2007.

(10) UWSCollege will not grant an overseas student's request for a letter of release in circumstances where UWSCollege is of the opinion that transfer to another registered provider would be detrimental to the student. UWSCollege 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 UWSCollege;

b. UWSCollege believes that transfer may jeopardise the student's progression through a package of courses;

c. the student is subject to sanctions by UWSCollege (attendance, academic progress, misconduct); and

d. UWSCollege believes that the provider and/or course to which the student wishes to transfer are not of the same or higher standard as UWSCollege and/or its course.

(11) UWSCollege will not grant an overseas student's request for a letter of release if any course monies or other amounts owed by the student to UWSCollege are unpaid.

(12) UWSCollege will keep records of requests for letters of release and the process used to make a decision in relation to requests.

(13) Refunds arising from the transfer of an overseas student to another registered provider shall be determined in accordance with UWSCollege's Fees Policy.

SECTION 4 - PROCEDURES

(14) Where an overseas student requests a letter of release, that request will be assessed against this policy and related procedures instituted from time to time.

(15) In accordance with the provisions in Section 3 the decision to grant a letter of release will be determined by the relevant Manager or Head of Program.

(16) Students will be notified of the outcome of their request within 10 working days from the date the student lodges their application to transfer.

(17) If UWSCollege decides not to grant a letter of release, UWSCollege will provide the overseas student with written reasons for refusing the request and will inform the student of their right to appeal the decision.

(18) A student may appeal against a decision not to grant an overseas student's request for a letter of release. Appeals will be considered by a panel consisting of UWSCollege Registrar, and two other Senior Managers or representatives. Members of the Appeals Panel will not be from the program area in which the student is enrolled.

(19) If a student is not satisfied with the decision made by the Appeals Panel, they may seek redress. The complaint process is covered in UWSCollege's Student Complaint Handling and Resolution Policy.

(20) If granted, a letter of release will be provided at no cost to the overseas student.

(21) If granted, a letter of release will advise the overseas student of the need to contact DIBP to seek advice on whether a new student visa is required.

SECTION 5 - GUIDELINES AND REFERENCES

Related Legislation/Policies/Procedures

a. Education Services to Overseas Students Act 2000

b. Education Services to Overseas Students Regulations 2001

c. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007)

d. UWSCollege Student Complaint Handling and Resolution Policy

e. UWS International Student Transfer Procedure

OVERSEAS STUDENT TRANSFER POLICY
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Summary of Changes from Previous Version