

INTERNATIONAL STUDENT CHANGE OF PROVIDER POLICY

Purpose and Scope

The purpose of this policy is to ensure that there are documented policies and procedures regarding transfers of international students away from the University of Sydney to an institution which is listed in the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) as a registered provider (**Registered Provider**), prior to completion of the first 6 calendar months of the international student's 'principal course of study' at the University.

This Policy only applies to transfers of international students away from the University of Sydney prior to completion of the first 6 calendar months of their Principal Course of Study. Different requirements apply for transfers beyond this period, domestic student transfers, for transfers to non-'Registered Providers', or for student transfers from another Registered Provider into the University of Sydney. In these circumstances, students should contact their Faculty for further details.

National Code and Definitions

The policy has been drafted in support of the requirements under Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (**National Code**), made under the Education Services for Overseas Students Act 2000 (**ESOS Act**).

In this Policy:

- 'International Student' means a student enrolled as an 'international student' at The University of Sydney and who holds a student visa; and
- 'Principal Course of Study' is the main course of study to be undertaken by an international student (including where a student visa has been issued for multiple courses of study). It would normally be the final course of study where the international student arrives in Australia with a student visa that covers multiple courses.

BACKGROUND

International Students who wish to transfer to a different Registered Provider prior to completion of the first 6 calendar months of study in their principle course of study at the University are required to obtain a Letter of Release from the University.

Under the National Code, the other Registered Provider (to which the student wishes to transfer) must not knowingly enrol such an international student at its institution without a Letter of Release, other than in the circumstances specified in Standard 7.1 of the National Code.

Once granted a Letter of Release students will be able to seek enrolment at their new education provider, subject to the student following the procedures in the National Code.

OBTAINING A LETTER OF RELEASE

In order for the University to consider an international student's request for transfer of enrolment to another Registered Provider prior to completion of the first 6 calendar months of their principle course of study, the students must complete and submit a *Request for a Release Letter* form (available at the International Office) and must attach:

- a letter from another registered provider confirming that a valid enrolment offer has been made (i.e. A Firm Offer of Admission);
- A copy of the identification page and current visa from their passport;
- A written letter by the student detailing the reasons for the request to transfer; and
- If applicable, the additional information for students under 18 years of age (set out below).

The University of Sydney will advise students within 48 hours of receipt of the *Request for a Release Letter* by the University at the designated office if they are eligible for a Letter of Release. There is no charge for a letter of release.

ADDITIONAL REQUIREMENTS FOR STUDENTS WHO ARE UNDER 18 YEARS OF AGE

The University of Sydney will only consider a *Request for a Release Letter* to a student who is under 18 years of age when the abovementioned conditions are fulfilled and where:

- The request is accompanied by written confirmation that the student's parent or legal guardian supports the transfer; and
- Where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer (i.e. Firm Offer of Admission) from another registered education provider also must confirm that the registered provider will accept the responsibility for approving the student's accommodation, support and general welfare arrangements consistent with Standard 5 of the National Code.

CIRCUMSTANCES WHERE A STUDENT WILL OR WILL NOT BE RELEASED

The University of Sydney will assess, in its discretion, a student's *Request for a Release Letter* submitted in accordance with this Policy, against its policies and procedures, the ESOS Act and National Code and in light of the individual circumstances of the student.

The University will grant a Letter of Release in accordance with this Policy in the following circumstances:

- The University deems, after being provided with satisfactory evidence, that there are Compelling or Compassionate reasons for the transfer (such as access to greater support and compelling personal reasons);
- Demonstrated and 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 to the student about the course);
- The course(s) at the University in which the student enrolled is no longer being offered by the University, and the University deems there is no suitable alternate course(s) for the student; or

- The University deems it in the best interests of the student to grant the transfer.

Notwithstanding any of the above, the University of Sydney will not grant permission for a transfer if it considers in its discretion that such a transfer would be detrimental to the student, if the student is trying to avoid being reported to DIAC for failure to meet the University's attendance or academic progress requirements, or if the *Request for a Release Letter* is not submitted in accordance with this Policy.

APPEALS

For Students who are denied a Letter of Release, the student will be informed in writing of the reasons for refusal and his or her right to appeal the decision. The student may lodge an appeal in accordance with the *University of Sydney Student Grievances, Appeals and Applications for Review Policy* which can be viewed at:
http://www.usyd.edu.au/ab/policies/HESA_Grievance_Procedures.pdf

Students who have exhausted the internal appeal process are able to lodge an external appeal with the NSW Ombudsman. Students intending on lodging an external appeal must advise the Director of the International Office of their intention to do so, in writing within 10 days of the outcome of the internal appeal.