

Transfer and Release for International Students Policy

Section 1 - Purpose

(1) To specify the circumstances under which the University will allow both the enrolment of transferring international students and the release of international students from the University to another Registered Provider prior to or within the first six (6) months of study in their Principal Course.

Background

(2) The [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) ('the National Code') restricts higher education providers from enrolling international students transferring from another education provider prior to the overseas student completing the first six (6) months of study in their Principal Course (MQ Course), except in limited circumstances.

(3) Macquarie University has determined circumstances whereby it will enrol an international student seeking to transfer to the University and where it will approve a student to be released from the University prior to the completion of six (6) months of study in their Principal Course.

(4) Following the completion of six (6) months of study in their Principal Course, international students are not required to seek release.

Scope

(5) This Policy applies to all international students who hold a student visa, who have been offered admission to a Macquarie University Course and / or Courses offered by the Macquarie University English Language Centre.

(6) This Policy does not apply to international students who:

- a. hold a visa other than a student visa and that visa is not subject to the [National Code](#);
- b. are transferring from one Course to another within Macquarie University;
- c. are in receipt of an Australian Commonwealth Government Scholarship (that is not subject to the [Education Services for Overseas Students Act 2000](#)), and the sponsor supports a transfer;
- d. are sponsored by the government of another country and the sponsor issues a letter supporting the transfer; or
- e. have completed more than six (6) months of their Principal Course with Macquarie University.

Section 2 - Policy

Students Seeking Transfer to Macquarie

(7) The University may enrol an international student transferring from another Registered Provider prior to the completion of six (6) months study in their Principal Course if:

- a. the original Registered Provider has ceased to be registered or the Course in which the student is enrolled has ceased to be registered; or
- b. the original Registered Provider has agreed to the student's release and recorded the decision in [PRISMS](#); or
- c. the original Registered Provider has had a sanction imposed on its registration that prevents the student from continuing in their Course; or
- d. a government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

Students Seeking Release from Macquarie

(8) The University retains the right to grant or refuse a student's request to transfer to another Registered Provider prior to or within the first six (6) months of study in their Principal Course.

(9) Students who have not completed six (6) months of study in their Principal Course with Macquarie University may apply for a release to transfer to another Registered Provider where the circumstances outlined in Clause 7 (a), (c) and (d) above are applicable to Macquarie University, or when the University assesses that it is in the student's best interests to grant the release.

(10) Circumstances when a transfer may be assessed as being in the best interests of the student may include:

- a. the student can demonstrate exceptional personal circumstances which have not been successfully resolved after they have accessed the University's support services;
- b. the student has been determined as not meeting satisfactory Course progress at the level they are studying and will be reported in [PRISMS](#) for unsatisfactory Course progress, with evidence that the student has fully engaged with the University's intervention strategy;
- c. the student requests a transfer to a Course at an AQF level considered higher than the level of their current Course in a discipline area not available at the University, evidenced with a valid offer of admission from another Registered Provider;
- d. the University fails to deliver the Course(s) as outlined in the letter of offer;
- e. the student can provide evidence that his or her reasonable expectations about their current Course are not being met due to misleading information provided by the University or its representatives; or
- f. an appeal (internal or external) on another matter results in a decision or recommendation to release the student.

Conditions Under Which Release Will Not Be Granted

(11) The University will not approve a release request in the following circumstances, the:

- a. student has outstanding debts or fines; or
- b. student has changed their mind about the Course they wish to study; or
- c. transfer request is to study a Course at an AQF level that is considered lower than their current level; or
- d. student has not exhausted access to the University's support services for assistance with study or personal issues; or
- e. student has been determined as not meeting satisfactory Course progress due to not having fully engaged with the University's intervention strategy, including but not limited to where the student:
 - i. does not attend the scheduled academic counselling session;
 - ii. has low attendance at academic support workshops or additional tutoring; or
 - iii. does not accept the study plan that is tailored to meet the student's best interests and study needs including an extension of English language tuition requiring a change or repetition of level and / or a revised pathway of study; or

- f. student has already accepted and paid for a Course at another Registered Provider; or
- g. student cites work commitments or demands of employment; or
- h. student is under 18 and there is no written evidence that the student's parent or legal guardian supports the transfer; or
- i. student is under 18 and does not have suitable approved arrangements for accommodation, support and general welfare; or
- j. University believes that the student is attempting to avoid being reported to the Department of Home Affairs for disciplinary reasons or unsatisfactory attendance; or
- k. University does not agree that the transfer is in the best interests of the student; or
- l. government sponsor of the student does not approve the request.

Circumstances in Which Approval of Release is Not Required

(12) Approval of release is not required if the student:

- a. has been studying in their Principal Course for more than six (6) months; or
- b. does not meet the conditions of their letter of offer and therefore cannot commence their Course at the University and a suitable alternative Course at the University is not available; or
- c. wishes to discontinue studying at the University and intends to return to their home country; or
- d. is holding any other kind of temporary residence visa, that is not subject to the [National Code](#); or
- e. is an Australian Government Sponsored student (not subject to the [Education Services for Overseas Students Act 2000](#)) and the sponsor supports the transfer.

Refund of Tuition Fees

(13) The provisions of the University's [International Fee Refund Policy](#) will apply when a student's request for release is granted.

Appeals

(14) Once the complete application and all the relevant documentation are received, the University will assess the request for release in accordance with this Policy and notify the student of the outcome within ten (10) working days.

(15) A student who has been given the letter of Intention to Refuse Transfer may appeal the decision within twenty (20) working days.

(16) All appeals must be made in writing and addressed to the Pro Vice-Chancellor (International) or their nominee.

(17) All appeals will be considered within ten (10) working days after submission, and completed in a reasonable timeframe which takes into account the student's future enrolments and the length of their student visa.

(18) Following the outcome of an internal appeal, students have the ability to lodge an external appeal with the [NSW Ombudsman](#).

(19) In accordance with the provisions of the [National Code](#), a student's enrolment will be maintained, and the University's final decision will be reported in [PRISMS](#) following the appeal period.

Compliance and Breaches

(20) The University may commence applicable disciplinary procedures if a person to whom this Policy applies breaches this Policy (or any of its related Procedures).

Section 3 - Procedures

(21) Refer to the [Transfer and Release for International Students Procedure](#).

Section 4 - Guidelines

(22) Nil.

Section 5 - Definitions

(23) Commonly defined terms are located in the University [Glossary](#). The following definitions apply for the purpose of this Policy:

- a. [Australian Qualifications Framework](#) (AQF) means the policy for regulated qualifications in the Australian education and training system.
- b. Award or Award Course (Course) means the qualification resulting from the satisfactory completion of a specific Course / Program* of Study or research.
- c. ESOS means the [Education Services for Overseas Students Act 2000](#) (Cth).
- d. Package Offer means an offer to study multiple Courses, which may or may not be wholly provided by the University.
- e. Package Provider means a Registered Provider with whom Package Offers can be made.
- f. Principal Course means the main Course or the final Course as part of the package of Courses to be undertaken by an overseas student where a student visa has been issued for single Course or multiple Courses of study.
- g. [PRISMS](#) means the Australian Government's Provider Registration and International Student Management System used to record student's enrolment information.
- h. Course / Program of Study means the combination of Units and components that must be satisfactorily completed to qualify for a Macquarie University Award.
- i. Registered Provider means an education provider that is registered on the Commonwealth Register of Institutions and Courses for Overseas Students ([CRICOS](#)).

(24) *Note - In accordance with the [Curriculum Architecture Policy](#), from 1 January 2020 'programs' are known as 'courses'.

Status and Details

Status	Historic
Effective Date	22nd February 2021
Review Date	1st April 2021
Approval Authority	Deputy Vice-Chancellor (Engagement)
Approval Date	22nd December 2017
Expiry Date	23rd November 2021
Responsible Executive	David Wilkinson Deputy Vice-Chancellor (Engagement) +61 2 9850 7454
Responsible Officer	Nicole Brigg Pro Vice-Chancellor (International) +61 2 9850 7700
Enquiries Contact	Li Ren International Compliance Manager +61 2 9850 6487