Transfer and Release for International Students Policy

Section 1 - Purpose

(1) The purpose of this Policy is to specify the circumstances under which Macquarie University will allow both the enrolment of transferring international students and the release of international students from Macquarie University to another Registered Provider prior to or within the Transfer Restriction Period 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 Transfer Restriction Period in their Principal Course, except in limited circumstances.

(3) Macquarie University (the University) has determined circumstances where 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 the applicable Transfer Restriction Period in their Principal Course.

(4) Following the completion of the applicable Transfer Restriction Period in their Principal Course, international students are not required to seek approval for 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 College (The College).

(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 the 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 the transfer;
d. are sponsored by the government of another country and the sponsor issues a letter supporting the transfer; or
e. have completed the applicable Transfer Restriction Period under Standard 7 of the National Code.

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 the applicable Transfer Restriction Period under Standard 7 of the National Code where one of the following circumstances applies:

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 the Provider Registration and International Student Management System (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 and the original Registered Provider has recorded the release decision on PRISMS.

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 applicable Transfer Restriction Period under Standard 7 of the National Code.

(9) Students who have not completed the applicable Transfer Restriction Period in their Principal Course with the University may apply for a release to transfer to another Registered Provider where the circumstances outlined in clause 7 are applicable to the 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 Principal 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:

a. the student has outstanding debts or fines; and/or
b. the student has changed their mind about the Course they wish to study; or
c. the transfer request is to study a Course at an AQF level that is considered lower than their Principal Course; or
d. the student has not exhausted access to the University's support services for assistance with study or personal issues; or
e. the student has been determined as not meeting satisfactory Course progress and has not adequately 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. the student has already accepted and paid for a Course at another Registered Provider; or
g. the student cites work commitments or demands of employment; or
h. the student is under 18 and there is no written evidence that the student's parent or legal guardian supports the transfer; or
i. the student is under 18 and does not have suitable approved arrangements for accommodation, support and general welfare; or
j. the student has been reported in PRISMS for unsatisfactory attendance or unsatisfactory progression; or
k. the University does not agree that the transfer is in the best interests of the student; or
l. the 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 completed the applicable Transfer Restriction Period under standard 7 of the National Code; 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 withdraw from their course 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) Where a release is granted to a coursework or Graduate Research student, the provisions of the University's International Fee Refund Policy or Higher Degree Research International Fee Refund Policy will apply.

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) If the University declines to grant the release, it will issue a letter of Intention to Refuse Transfer outlining the reasons for the refusal and informing the students of their right to access the University's complaints and appeals process.

(16) All appeals must be made in writing within twenty (20) working days of the date on which the student was notified of the outcome of the release request, and addressed to the Head of Admissions and Scholarships or, for Graduate Research students, to the Pro Vice-Chancellor, Graduate Research.

(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 complaint with the National Student 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.

(20) In accordance with the provisions of the National Code the University will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

Compliance and Breaches

(21) 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

(22) Refer to the Transfer and Release for International Students Procedure.

Section 4 - Guidelines

(23) Nil.

Section 5 - Definitions

(24) 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. Course/Program of Study means the combination of Units and components that must be satisfactorily completed to qualify for a Macquarie University Award.
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. Registered Provider means an education provider that is registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
i. Transfer Restriction Period means the period prescribed under Standard 7 of the National Code during which a Registered Provider must not knowingly enrol an overseas student seeking to transfer from another Registered Provider unless an exception applies. For non-school sector students:
    i. from 2 October 2026 to 30 June 2027 (inclusive), the period is twelve (12) months of the student's Principal Course; and
    ii. from 1 July 2027, the period is six (6) months of the student's Principal Course.

Status and Details

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
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