



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

# **POLICY:**

# **INTERNATIONAL STUDENT TRANSFER**

*(CHANGE OF PROVIDER)*

---

<b>Purpose:</b>	This policy documents the policies and processes for an International Student who wishes to change providers (or to another state's campus) specifically within the first six months of their course at the University of Notre Dame Australia.
<b>Responsible Executive:</b>	University Registrar
<b>Contact Officer:</b>	Campus Registrar
<b>Effective Date:</b>	20 June 2012
<b>Modification History:</b>	Created: June 2009 (SL) Executive Council approved: October 2010
<b>Last Edited:</b>	17.06.09 (SL); 24.06.09 (Legal); 17.09.10 (SL); review June 2012 (SL)
<b>Campus Applicability:</b>	All Campuses

## 1. Rationale

---

The **Education Services for Overseas Students (ESOS) Act 2000** is Commonwealth Government legislation that regulates providers of education and training in the delivery of education services to International Students. All providers and courses available to International Students must be registered on CRICOS. The Act also imposes obligations and restrictions on International Students to ensure compliance with the conditions of their visa and requires the University to have a documented policy and procedure to consider an International Student's request to change higher education providers.

The National Code (Standard 7) outlines consistent standards for providers enrolling and/or transferring International Students before the International Student has completed 6 calendar months of their principal course of study from the date that the International Student started the course.

A registered provider from whom the International Student is seeking to transfer, must assess the request to transfer within this restricted first 6 months period.

This Policy (and associated application forms, requirements, deadlines and so on) applies to International Students who seek to change providers **before the end of their first 6 months of study** in their principal course at the University.

This Policy must be read in conjunction with the University *Policy: International Students*.

## 2. Definitions

---

<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students (state based).
<b>COE</b>	Confirmation of Enrolment document issued to each international student who intends to study on a student visa in Australia. The CoE provides proof of acceptance into a specific course of study at a specific institution. An international student visa is issued by DIAC according to the details provided on the student's CoE.
<b>DIAC</b>	Commonwealth Department of Immigration and Citizenship.
<b>ESOS Act</b>	Education Services for Overseas Students Act 2000.
<b>International Student</b>	A student visa holder (all subclasses).
<b>Letter of Release</b>	A letter issued (normally by the Campus Registrar) releasing the International Student from their place at the University of Notre Dame Australia.
<b>National Code</b>	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students ( <a href="http://www.dest.gov.au/sectors/international_education/publications_resources/other_publications_resources/esos_national_code/">www.dest.gov.au/sectors/international_education/publications_resources/other_publications_resources/esos_national_code/</a> )
<b>Provider</b>	An institution (body or person) in Australia providing or seeking to provide courses to International Students.
<b>Qualifying course</b>	An enabling program offered by the University which meets the definition of the term "qualifying" in the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.
<b>University</b>	The University of Notre Dame Australia.

### 3. Principles

---

- 3.1 In accordance with the ESOS Act and National Code, an International Student must not accept an offer from another Provider unless the University has issued a Letter of Release for the International Student.
- 3.2 An International Student may change their Provider at any time **after the first 6 months of study in their principal course at the University** without a Letter of Release provided that the International Student formally withdraws from the University using the process described in University's General Regulations.
- 3.3 An International Student may change their Provider **before the end of their first 6 months of study in their principal course at the University** by applying for a Letter of Release according to clause 4 of this policy.
- 3.4 In accordance with the National Code, an International Student who is enrolled in a Qualifying Course cannot transfer to another Provider at any point during their course and must remain with the University for the duration of the Qualifying Course.

### 4. Process for applying for Letter of Release

---

- 4.1 An International Student can apply to the Campus Registrar for a Letter of Release at no cost.
- 4.2 The application must include (and will not be considered without) the following:
- (a) A valid copy of a letter of offer from the new Provider detailing the name of the new Provider, the course, campus location and expected date of commencement with the new Provider.
  - (b) Supporting documentation as evidence of the reason(s) for the application to transfer providers.
  - (c) (Where the International Student is under the age of 18):
    - (i) a written confirmation letter from his or her parent or legal guardian which states they support the International Student's decision to change Providers; and
    - (ii) a written statement from the new Provider that they are willing to accept responsibility for approving the International Student's accommodation, support and general welfare arrangements in accordance with the National Code.
  - (d) Any other additional information requested by the University.
- 4.3 The Campus Registrar will ordinarily consider a complete application within 10 working days after receipt.
- 4.4 The Campus Registrar will assess each application for a Letter of Release on a case-by-case basis taking into consideration the International Student's individual circumstances. The Campus Registrar will only grant approval in exceptional circumstances on grounds that include (but are not limited to):
- (a) The personal welfare and circumstances of the International Student will be enhanced by the transfer.
  - (b) The transfer is not detrimental to the personal welfare or academic progress of the International Student.
  - (c) The course the International Student wishes to transfer to better meets the capabilities and the long term goals of the International Student in terms of employment, education or personal goals.

- (d) Academic grounds make it difficult for the International Student to continue with the University.

4.5 The Campus Registrar will not approve an application for a Letter of Release:

- (a) Where the International Student has outstanding fees for the study period in which the student applies for the letter of release.
- (b) Where the transfer may be considered detrimental to the International Student.
- (c) Where the transfer may jeopardize the International Student's academic progression through a package of courses.
- (d) Where the International Student has recently commenced with the University and the full range of support services are yet to be provided/offered to him or her (in this case, the International Student may apply again at a later point for a Letter of Release and the University will reconsider the application).
- (e) Where the International Student is trying to avoid being reported to DIAC for failure to meet the University's attendance and/or academic progress requirements.
- (f) Where there are other reasons considered relevant by the Campus Registrar.

## **5. Successful Applications**

---

- 5.1 Where the University approves an International Student's application for a Letter of Release, the Campus Registrar will inform the International Student of the decision in writing and including a copy of the Letter of Release.
- 5.2 The International Student's eCoE will be cancelled by the University and the University will inform DIAC (via PRISMS) as per the University's obligations. It is the student's responsibility to contact DIAC to seek advice on whether a new student visa is required.
- 5.3 The application for a Letter of Release, supporting documentation and the decision of the Campus Registrar will be recorded and kept on the International Student's file at the University.

## **6. Unsuccessful Applications**

---

- 6.1 Where the University denies an International Student's application for a Letter of Release, the Campus Registrar will inform the International Student of the decision in writing and for denial and the internal and external appeals processes available.
- 6.2 The application for a Letter of Release, supporting documentation and the decision of the Campus Registrar will be recorded and kept on the International Student's file at the University.
- 6.3 If the University denies an application for a Letter of Release, the International Student can re-apply at a later date. The University will consider each application on a case-by-case basis.

## **7. Prospective Students to the University of Notre Dame Australia**

---

International Students seeking to transfer to the University from another Provider must have a letter of release from their current Provider before they will be accepted at the University (subject to the University's enrolment procedures and requirements).

## **8. Change of Campus**

---

- 8.1 Where an International Student in their first 6 months:
- (a) is enrolled at the University Fremantle or Broome Campus and wants to transfer to the same or a different course offered on the University Sydney Campus; or
  - (b) is enrolled at the University Sydney Campus and wants to transfer to the same or a different course offered on the University Fremantle or Broome Campus,
- the International Student must apply for a Letter of Release under this Policy and must also formally apply to change campus.
- 8.2 Where an International Student in their first 6 months:
- (a) is enrolled at the University Fremantle Campus and wants to transfer to the same or a different course offered on the University Broome Campus;
  - (b) is enrolled at the University on the Broome Campus and wants to transfer to the same or a different course offered by the University on the Fremantle Campus,
- no Letter of Release is required but the International Student must formally apply to change campus.

## **9. Internal Appeal**

---

- 9.1 An International Student may appeal the decision of the Campus Registrar to deny a Letter of Release in writing to the University Registrar within 20 working days.
- 9.2 The International Student's appeal must state the reasons for the appeal and must include further independent supporting documentation if required. In the appeal, the University Registrar will consider any new documentation as well as the original application documentation.
- 9.3 The University Registrar will acknowledge receipt of the student's request for an appeal in writing. Correspondence with the student regarding their appeal shall normally be by email to the student's University email account.
- 9.4 The University Registrar shall consider the appeal and determine whether to:
- (a) uphold the original decision of the Campus Registrar; or
  - (b) vary the original decision of the Campus Registrar; or
  - (c) set aside the original decision of the Campus Registrar and impose a new decision.
- 9.5 The University Registrar will advise the International Student of outcome of the internal appeal in writing.
- 9.6 A copy of the decision of the University Registrar will be sent to the Campus Registrar and placed on the International Student's file.

## **10. External Appeal**

---

- 10.1 An International Student not satisfied with the decision of the University Registrar may choose to lodge an external appeal with the Overseas Student Ombudsman (OSO).
- 10.2 An International Student must read and understand the requirements of the external appeals process as outlined in the *Policy: International Students* and *Policy: Student Appeals*. The provisions of these policies shall apply to an International Student lodging an external appeal with the OSO.
- 10.3 A hard copy of any University policy is available on request from Student Administration or alternatively may be downloaded from the web via [www.nd.edu.au](http://www.nd.edu.au).