

OVERSEAS STUDENT TRANSFER POLICY AND PROCEDURE



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1 PURPOSE

- 1.1 This policy and procedure outlines how CQUniversity manages student requests to transfer from:
- another registered education provider to CQUniversity, or
 - CQUniversity to another registered education provider.

2 SCOPE

- 2.1 This policy and procedure applies to students studying in Australia on a [student visa](#) (subclass 500) who have accepted an offer to study at CQUniversity.
- 2.2 This policy and procedure does not apply to:
- domestic students
 - students on other temporary visas, or
 - student visa holders intending to transfer to an alternate CQUniversity course or campus.

3 POLICY STATEMENT

- 3.1 The [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (Cwlth) prescribes the requirements universities must follow when assessing student requests for transfer between registered education providers (hereafter called 'registered providers').
- 3.2 Students cannot transfer to a level of study that is lower than the highest level registered course/s for which a [student visa](#) was granted. For further details, refer to the [Department of Home Affairs](#).
- 3.3 The University cannot enrol transferring students who have not completed [six months](#) of their [principal course](#) (that is, the highest level course for which the student visa was granted), except in limited circumstances. No restrictions apply after the student has completed six months of their principal course.

4 PROCEDURE

Students transferring to CQUniversity

- 4.1 The University may enrol a student transferring from their [principal course](#) of study from another registered provider if:
- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
 - the original registered provider has recorded their release decision in Provider Registration and International Students Management System (PRISMS)
 - the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government preventing the student from continuing their principal course, or
 - any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change (in this case, a provider letter of release is not required).
- 4.2 Documentary evidence supporting a student's request for transfer to the University must be kept on the student's file in the University's [International Student Application System](#) (iStart), including confirmation that the release decision has been recorded in PRISMS and a copy of the University's offer.

Students transferring from CQUniversity

- 4.3 Students wishing to transfer to another registered provider, must submit the [Student Request for Release Change of Provider Form](#), and provide all required supporting documentation, no later than the census date of the study period they are enrolled in. Requests submitted after census may be considered on a case-by-case basis by the International Compliance Team, in consultation with the Student Engagement Directorate.
- 4.4 Subject to the timelines stated in the [Academic Calendar](#) and the [Student Refund and Credit Balance Policy and Procedure](#), students may request a release (transfer) to another registered provider within their first [six months of study](#) only if the following apply:
- any of the circumstances stated in section 4.1 above apply to the University. In these circumstances a release letter is not required, or
 - the University determines that the transfer is warranted if any of the following circumstances apply:
 - the student requests transfer to study a course of an academic level considered higher than the level of their current course, in a discipline area not available in the University
 - the student is currently enrolled in their University [principal course](#), however is unable to cope academically, and provides evidence that:
 - a) they have academic support for the transfer, and
 - b) they have been unable to achieve satisfactory course progress even after engaging in the academic progression process intervention strategies and made a genuine effort with their studies at the University
 - evidence of and documented compassionate or compelling circumstances beyond the student's control, e.g. personal or educational problems that have not and/or cannot be addressed by the University's support services
 - evidence that the student's reasonable expectations about their course have not been met, the student was misled by their agent/migration agent, and the course is therefore unsuitable to the student's needs and objectives
 - the student is currently studying at one of the University's approved pathway/package providers and the [pathway provider](#) has assessed the student for release and supports the student's transfer to another provider (resulting in the student being unable to satisfy the University's admission requirements). The pathway/package provider must notify the University's International Admissions team (via international-admissions@cqu.edu.au) of the student's issues, request for release, and receive approval from the University, prior to a request for release being approved

- the student demonstrated an inability to meet the entry requirement conditions of the principal course at the University, and the University determines (or has evidence from a pathway provider) that the student made a genuine attempt to meet the conditions
 - the research higher degree student's principal supervisor is moving to another institution and the Dean School of Graduate Research supports the student's request to move with the supervisor to the new Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered institution, or
 - the student has no outstanding debt and has paid all tuition fees/monies owing to the University.
- 4.5 Government sponsored students will be released to another registered provider where the sponsor considers the change to be in the student's best interest and has provided written support for that change.
- 4.6 Applications must include:
- the [Student Request for Release Change of Provider Form](#)
 - a minimum one-page statement of the reasons for their request (including how the transfer would be in the student's best interests) and giving the University permission to contact the proposed new registered provider to confirm that a valid offer has been made, or permission to contact the pathway provider to confirm the request for release has been assessed by them, and indicating their support for release (including details of academic progression, attendance and whether support services have been accessed where required)
 - recent and appropriate documentary evidence to support and substantiate claims of [medical circumstances](#) (that is, a medical certificate or letter that includes the medical practitioner's name and contact details on official certificate or letterhead, including the date of the consultation/s), or appropriate documentary evidence to support and substantiate claims of [compassionate and compelling circumstances](#)
 - a valid offer letter (demonstrating/confirming all entry criteria have been satisfied) from a registered provider
 - written evidence of support from a University academic employee/support service of the student's inability to cope academically (if applicable)
 - written evidence that University support services have been accessed during studies
 - letter of recommendation of transfer from the Research Division supported by the Dean School of Graduate Research (for research higher degree students)
 - for students under 18 years of age, written evidence that the student's parent/legal guardian supports the transfer and written confirmation from the proposed new provider that they accept responsibility for approving the student's accommodation, support and general welfare arrangements, and
 - a written letter of approval from any government sponsor of the student to support that the transfer is in the student's best interests.
- 4.7 Students must meet with their Student Engagement Officer (or nominee/s) to discuss their reasons for requesting a transfer, and to identify any support services, alternative pathway courses or courses/campuses within that University that may be relevant to the student's academic progression.

Assessing applications

- 4.8 Requests for release will be assessed in accordance with this policy and procedure, the [Education Services for Overseas Students Act 2000](#) (ESOS Act) (Cwlth) and the [National Code of Practice for Providers of Education and Training to Overseas Students](#). All circumstances, including personal, [medical](#), and [compassionate and compelling circumstances](#) will be taken into consideration when assessing a request.
- 4.9 A student's enrolment cannot be cancelled by the University during the release process. A student who has not completed [six months](#) of their [principal course](#) must apply for a release if they are transferring to another institution. If the student is denied a release and does not wish to appeal the release decision, they may provide a statutory declaration to the Student Engagement Directorate stating they are not appealing the original outcome and are withdrawing from the release process (refer to section 4.17).

- 4.10 Requests will be assessed by the Student Engagement Directorate prior to being forwarded to the Manager International Compliance (or nominee) for approval.
- 4.11 Students who submit a request for release that do not meet eligibility requirements (including undocumented applications) will be advised why their application cannot be accepted.
- 4.12 The Student Engagement Directorate will notify students of the outcome of their request within 10 working days after receiving a complete and fully documented application (see section 4.6).
- 4.13 If the request is approved, students will be advised to contact the [Department of Home Affairs](#) to seek advice on whether a new visa is required. The approval for the request will be recorded in PRISMS.

Denying student requests

- 4.14 The following circumstances may have a detrimental impact on student's educational outcomes for which a [student visa](#) was granted, and may result in a request for release being denied:
- the student has not completed the first [six months](#) of their studies in their [principal course](#) and is requesting a transfer to a lower level qualification or different discipline area offered by the University, for reasons other than documented academic ability
 - the University considers that the student is trying to avoid being reported to the [Department of Home Affairs](#) for failure to meet University attendance requirements, and has already been identified for unsatisfactory attendance and received a Notice of Intent to Report
 - the student has already been reported to the [Department of Home Affairs](#) for unsatisfactory attendance (including where a student has been reported by a pathway/package provider)
 - the student has outstanding tuition fees, other debts or fines
 - the student is under the age of 18 and has no written evidence of the student's parent or legal guardian support for the request for release (transfer), and no written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements
 - no written confirmation from another registered provider has been provided that a [valid unconditional enrolment offer](#) has been made (unless release has been granted by a pathway/package provider of the University indicating that the student is unable to satisfy the University's admission requirements)
 - the student requests a release (transfer) to study a course at another registered provider of an academic level and in a discipline area available at a University campus in the relevant state
 - the student has not arrived in Australia and started studying (refer to the [Deferral of Admission Procedure](#))
 - the student has only recently started studying and has completed less than four weeks of their principal course and has not accessed the full range of academic and support services available
 - the transfer would jeopardise the student's progression through a package of courses, for example, but not limited to, where it is clear the student cannot meet the conditions attached to the offer of enrolment made by a new provider
 - the student has changed their mind about the course, including students enrolled in a pathway course and have not provided evidence to demonstrate that their course expectations have not been met
 - a CQUniversity student is seeking transfer to another English Language Centre (unless supported by the Deputy Director International CQUniversity and Global Partnerships)
 - the student wants to live somewhere else (unless documented evidence of compassionate or compelling circumstances is provided that demonstrates the student must move away from their current location)
 - the transfer would result in a breach of the student's mandatory or discretionary student visa conditions
 - the student wants to transfer to a provider with lower tuition fees, or
 - the student has provided fraudulent supporting documentation to support the claims/reasons for release.
- 4.15 If a request is denied, the student will be advised in writing the information/circumstances taken into account, the reasons for the decision, and their right to appeal the decision.

- 4.16 If the request is denied or the student submits an appeal that is unsuccessful, the student can re-enrol in their next intake.
- 4.17 If the student chooses not to appeal and requests a cancellation before the appeal process timelines are complete (20 working days), the student must provide a [statutory declaration](#) to the Student Engagement Directorate waiving the right to the appeals process. Once this is received, the Student Engagement team will process the cancellation of enrolment and PRISMS will be updated with the denied release request.
- 4.18 If the student decides not to continue studies at the University, their enrolment and confirmation of enrolment will be cancelled. These details will be reported via PRISMS to the [Department of Home Affairs](#). Students must seek the [Department of Home Affairs](#) advice and be aware of the potential impact on their student visa. To avoid visa cancellation, students who do not wish to re-enrol may return to their home country and request voluntary cancellation of their current student visa.

labelling="Section-Header">Cancelling enrolments and requesting refunds****

- 4.19 Students whose request for release (transfer) to another provider is approved, will have their enrolment cancelled, and the decision recorded PRISMS and the University's Customer Relationship Management System (SugarCRM).
- 4.20 Students with credit in their student fees account can apply for cancellation of their course and a refund of fees in accordance with the [Student Refund and Credit Balance Policy and Procedure](#).
- 4.21 Students may be subject to academic and financial penalties applicable to cancellation of enrolment where a request for release (transfer) is submitted after the census date in the relevant study period and cannot be accepted. For details, refer to the [Consideration of Special Circumstances Policy and Procedure](#), and the [Student Refund and Credit Balance Policy and Procedure](#).
- 4.22 Students who withdraw from studies without requesting a release, or before receiving a release decision, are deemed to have also withdrawn from the release process and may be subject to visa cancellation by the [Department of Home Affairs](#).

Appeals

Internal appeal

- 4.23 Students who can demonstrate that this policy and procedure has not been followed may lodge an appeal in writing to the Director International (or nominee) within 20 working days of receipt of the outcome letter.
- 4.24 Students must submit sufficient details and/or relevant documentation to support their appeal, which specifically indicates a breach of this policy and procedure. Appeal requests submitted via email or that do not relate to the adherence of this policy and procedure will not be considered.
- 4.25 During the internal appeal process, student's enrolments will be maintained unless the student notifies the University of cancellation of studies (as per section 4.9). Students must attend all classes and continue with their course of study during the appeal process.
- 4.26 If the appeal to the Director International (or nominee) is successful, the student will be advised in writing within 10 working days after receiving a completed request for appeal. The release approval will be recorded in PRISMS within five working days.
- 4.27 If the appeal is unsuccessful, students will be advised in writing of the outcome and reasons for the decision. Students will be provided with details to lodge an external complaint if they believe the problem has not been resolved or dealt with fairly. External complaints cannot be lodged until all internal appeal processes have been followed. If students are enrolled, their enrolment will be maintained until the external complaint process is completed. Students must maintain class attendance and academic progression until the external complaint has been finalised.
- 4.28 Students intending to lodge an external complaint must do so within 20 working days of the outcome of the internal appeal by notifying the Director International (or nominee) in writing. Proof of lodgement of the external complaint must be submitted within five working days to the Director International (or nominee).

- 4.29 If the external complaint is successful, the Director International (or nominee) must be notified immediately. The external complaint decision will be entered into PRISMS within five working days of the official notification of a successful external complaint.
- 4.30 In all cases, external complaint decisions are final and no further complaints can be made.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Director International is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy and procedure.
- 5.2 The Student Engagement Directorate and International Compliance Team (or nominee) is responsible for assessing all requests for release (transfer) to another provider in accordance with this policy and procedure and the [National Code of Practice for Providers of Education and Training to Overseas Students](#).

Reporting

- 5.3 The International Compliance Team is responsible for ensuring reporting is completed in PRISMS as required.

Records management

- 5.4 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.5 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).
- 5.6 Requests for release to another registered provider, including copies of responses, will be kept in the student's file in SugarCRM.

6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Medical circumstances: medical/psychological reports with reference to the health professional opinion regarding the student's ability to undertake or continue studies.

Pathway provider: a provider formally approved by the University to deliver courses that permit students to gain entry to the University's courses.

Principal course: the highest qualification covered by the student's visa, normally the last course where the visa has been issued for multiple courses.

Six months of study: six calendar months from the commencement of the principal course and is not directly relative to University teaching terms.

Student visa: a temporary visa within any of the types of visa listed from time to time as student visas in section 1.03 of the [Migration Regulations 1994](#) (Cwlth).

Valid unconditional offer: a valid offer that is not subject to satisfying English or other requirements to allow direct admission to the award course at the registered provider.

7 RELATED LEGISLATION AND DOCUMENTS

[Consideration of Special Circumstances Policy and Procedure](#)

[Deferral of Admission Procedure](#)

[Education Services for Overseas Students \(ESOS\) Act 2000](#) (Cwlth)

[ELICOS Standards 2018](#) (Cwlth)

[National Code of Practice for Providers of Education and Training for Overseas Students 2018](#) (Cwlth)

[Student Refund and Credit Balance Policy and Procedure](#)

[Student Request for Release Change of Provider Form](#)

8 FEEDBACK

8.1 Feedback about this document can be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
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Required Consultation	N/A
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Notes	This document was formerly known as the Transfer by International Students Between Registered Providers Policy and Procedure (last approved 25/11/2015).