

# INTERNATIONAL STUDENT CHANGE OF PROVIDER POLICY 2020

The Deputy Vice-Chancellor (Education) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 7 May 2020

Last amended: 8 October 2021 (administrative amendment)

Signature:

Name: Professor Philippa Pattison

Current policy approver: Deputy Vice-Chancellor (Education)

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### 1 Name of policy

This is the International Student Change of Provider Policy 2020.

### 2 Commencement

This policy commences on 12 May 2020.

### 3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

#### 4 Statement of intent

- (1) This policy:
  - (a) specifies the University's requirements for international students seeking permission to transfer to another education provider during the first six months of their principal course;
  - (b) sets out the circumstances in which the University will and will not grant such permission; and
  - (c) meets the requirements of Part B, Standard 7 of the [National Code of Practice for and Providers of Education and Training to Overseas Students 2018](#).

#### 5 Application

- (1) This policy applies to international students who:
  - (a) hold a student visa;
  - (b) have accepted a firm offer, or an offer for a package of programs, to study at the University; and
  - (c) wish to transfer to another provider before completing the first six months of their principal course of study.
- (2) This policy does not apply to:
  - (a) students on other temporary visas;
  - (b) domestic students; or
  - (c) student visa holders wishing to transfer to an alternate course at the University.

#### 6 Definitions

<b>compassionate and compelling circumstances</b>	means circumstances generally beyond a student's control which have a significant impact upon a student's course progress or wellbeing.
<b>CRICOS</b>	means the Commonwealth Register of Institutions and Courses for Overseas Students which is maintained by the Australian Department of Education, Skills and Employment.
<b>eCoE</b>	means electronic confirmation of enrolment.

<b>documentary evidence</b>	<p>means:</p> <ul style="list-style-type: none"> <li>• a statement of reasons provided in a statutory declaration; and</li> <li>• original documents that support the facts made in a statutory declaration;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• copies of original documents certified by a Justice of the Peace or an Australian Legal Practitioner.</li> </ul> <p><b>Note:</b> Documents issued in a language other than English must be translated into English by an interpreter certified by the National Accreditation Authority for Translators and Interpreters.</p>
<b>firm offer</b>	<p>means a valid and unconditional offer of admission from a CRICOS registered provider.</p>
<b>international student</b>	<p>means a student who is a temporary student visa holder, and is not:</p> <ul style="list-style-type: none"> <li>• a holder of a temporary visa of any other category;</li> <li>• a holder of a permanent humanitarian visa;</li> <li>• an Australian citizen;</li> <li>• a permanent resident of Australia; or</li> <li>• a New Zealand citizen.</li> </ul>
<b>National Code</b>	<p>means the <a href="#"><i>National Code of Practice for Providers of Education and Training to Overseas Students</i></a> made under subsection 33(1) the <a href="#"><i>Education Services for Overseas Students (ESOS) Act 2000 (Cth)</i></a>.</p>
<b>principal course of study</b>	<p>means the highest qualification covered by the student's visa, normally the last course where the visa has been issued for multiple courses of study.</p>
<b>pathway provider</b>	<p>means a provider formally approved by the University to deliver foundation or English language studies using the University's CRICOS code. Examples include the University of Sydney Foundation Program and the Centre for English Teaching.</p>
<b>pathway student</b>	<p>means a student admitted to a University pathway program including, but not limited to, the University of Sydney Foundation Program and the Centre for English Teaching.</p>
<b>packaged program</b>	<p>means a program offered by pathway provider that allows students to study two or more courses.</p> <p><b>Note:</b> Students enrolled in packaged program hold an eCoE for each course, as well as a single visa for all courses.</p>
<b>PRISMS</b>	<p>means the Provider Registration and International Student Management System reporting database, which is shared between education providers in conjunction with the Australian Department of Education and the Department of Home Affairs.</p>

**release approval** means a written communication, from an authorised representative, stating the University's permission for a student to transfer to another registered CRICOS provider.

**Note:** See the [Release Request Form](#).

**semester** has the meaning given in the *Learning and Teaching Policy 2019*. At the date of this policy, that is:

means the main block of teaching in a teaching period as provided in Part 3.

**student visa** means any of the subclasses of temporary visas provided in section 1.03 of the [Migration Regulations 1994 \(Cth\)](#).

## 7 Release applications generally

- (1) An international student who wants to transfer from the University to another CRICOS registered provider before completing the first six months of their principal course must submit a [Release Request Form](#) for assessment.
- (2) The form must be accompanied by:
  - (a) a firm offer from another CRICOS registered provider;
  - (b) a certified copy of the identification page from the student's current passport;
  - (c) a statement, signed by the student setting out the reasons for the request;
  - (d) permission for the University to verify the information and documents with the issuing agency or institution; and
  - (e) if the student is under 18 years of age, the material required by clause 8 of this policy.
- (3) The University will use its best endeavours to process and determine such applications within 10 working days from the date a student submits a complete application.
- (4) The University will not charge the student for any costs associated with the release process.

## 8 Additional requirements for students under 18 years of age

- (1) A student under 18 years of age who requests a release approval must provide the following documentary evidence, in addition to the material required by clause 7:
  - (a) if the student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it will accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with [Standard 5 of the National Code](#) (Younger overseas students); and
  - (b) the following documents signed by the student's parent or legal guardian:
    - (i) the statement required by subclause 7(2)(c); and
    - (ii) the completed [Release Request Form](#).

## 9 Circumstances where a release approval is not required

- (1) A release approval is not required:
  - (a) where an eCoE has been issued for a registered course; and
  - (b) the Australian or state government imposes a sanction that prevents the student from continuing in their principal course.

## 10 Circumstances where a release will be granted

- (1) The University will issue a release approval if the Registrar or the Registrar's nominee is satisfied that:
  - (a) a student's academic results in a packaged program eCoE, do not meet the entry requirements for the principal course of study;
  - (b) a course for which the University has issued an eCoE to a student will no longer be offered or has ceased to be registered on CRICOS;
  - (c) the student has provided documentary evidence that transferring to another institution is in their best interests because:
    - (i) their reasonable expectations about their current course are not being met;
    - (ii) they were misled by the University or its authorised representatives about the University or its course and the course is therefore unsuitable; or
    - (iii) there are significant compassionate and compelling circumstances for the transfer;
  - (d) a student has completed one semester of learning of at least 13 weeks duration delivered in standard mode;  
**Note:** See Part 3 of the [Learning and Teaching Policy 2019](#).  
or
  - (e) where a student is financially sponsored by any government, the sponsor considers the change to be in the student's best interest and has provided written support for the change.

## 11 Circumstances where a release will not be granted

- (1) The University will not issue a release approval if:
  - (a) the transfer would result in a breach of the student's mandatory or discretionary visa conditions;
  - (b) the transfer would be detrimental to the student;
  - (c) no firm offer from another CRICOS registered provider has been provided;
  - (d) for a pathway student, admission entry requirements have been met for the nominated course preference for which an active eCoE was issued;
  - (e) the student has already been identified for unsatisfactory attendance or unsatisfactory progression and has received advice to this effect;
  - (f) the student has been reported in PRISMS for unsatisfactory attendance or unsatisfactory progression; or

- (g) the Registrar or the Registrar's nominee is satisfied that the student intends to return to their home country.

**Note:** Any intention by a student to return to their home country will require a cancellation of the eCoE connected to the University.

- (2) If the University declines to issue a release approval, it will provide to the student in writing:
  - (a) a statement of reasons for doing so; and
  - (b) information about the student's right to access the University's complaint's and appeals process.

## 12 Appeals

- (1) A student whose application for a release approval is refused may lodge an appeal.
- (2) Students may appeal on the basis of alleged failure of due process only. The University will not consider appeals based solely on the outcome of the release application.
- (3) Appeals must be lodged:
  - (a) in writing with the Student Affairs Unit; and
  - (b) within 20 working days of the date on which the appellant was notified of the outcome of the release application.
- (4) In exceptional circumstances, as determined by the Manager, Student Affairs Unit in their absolute discretion, the Manager, Student Affairs Unit may accept an appeal lodged out of time.
- (5) Students must set out in their written appeal their reasons for believing that due process has not been observed in the consideration of their release application.
- (6) Appeals will be considered by:
  - (a) the Manager, Student Affairs Unit; or
  - (b) if the Manager, Student Affairs Unit:
    - (i) was personally involved in the release application process; or
    - (ii) has an actual or reasonably perceived conflict of interest in regard to the parties to the release application, or the matters that are the subject of the release application,a person nominated by the Registrar without such conflict.
- (7) The Manager, Student Affairs Unit or a person nominated under subclause 12(6) will:
  - (a) assess whether an appeal has been validly made ;and
  - (b) must notify the student of the outcome of this assessment.
- (8) Except at the absolute discretion of the person considering the appeal:
  - (a) appeals will be conducted on the basis of documentary evidence; and
  - (b) the scope of an appeal will be limited to a review of the release application process.

- (9) Where reasonable, the appeal should be considered within 20 working days of lodgement.
- (10) Where 20 working days is not reasonable, the Student Affairs Unit will advise the appellant of the reasons for the delay, and of the projected timeframe for consideration of the appeal.
- (11) At the conclusion of the appeal, the person considering the appeal must provide the appellant with a written statement of the outcome of the appeal, including:
  - (a) reasons for the outcome;
  - (b) details of any rights to make an external appeal; and
  - (c) provide a copy of this advice to the Compliance Unit in the DVC (Education) Portfolio.

**Note:** [Contact details for the Student Affairs Unit](#) are provided on its [website](#).

- (12) A student who is not satisfied with the outcome of an internal appeal may lodge a further appeal with the [NSW Overseas Students Ombudsman](#).
  - (a) A student lodging an external appeal must inform the Compliance Unit in the DVC (Education) portfolio of their intention to do so, in writing, within 10 working days of being informed of the outcome of the internal appeal.

### 13 Rescissions and replacements

This document replaces the *International Student Change of Provider Policy 2016* which commenced on 15 February 2016 and which is rescinded as from the date of commencement of this document.

## NOTES

### International Student Change of Provider Policy 2020

Date adopted:	7 May 2020
Date commenced:	12 May 2020
Date amended	8 October 2021 (administrative amendments)
Original administrator:	Deputy Vice-Chancellor (Education)
Current policy owner:	Deputy Vice-Chancellor (Education)
Review date:	7 May 2025

Rescinded documents: *International Student Change of Provider Policy 2016*

Related documents:

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

[Education Services for Overseas Students \(TPS Levies\) Act 2012](#)

[Migration Act 1958 \(Cth\)](#)

[Education Services for Overseas Students Regulations 2019 \(Cth\)](#)

[Migration Regulations 1994 \(Cth\)](#)

[The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018](#)

[University of Sydney \(Coursework\) Rule 2014](#)

[Coursework Policy 2014](#)

[Resolution of Complaints Policy 2015](#)

[Student Complaints Procedures 2015](#)

[International Student Fee Refund Policy 2017](#)

## **AMENDMENT HISTORY**

**Provision      Amendment**

**Commencing**