

# International Student Transfer Rule

## Section 1 - Overview

(1) This Rule provides a framework for the consideration and assessment of a Student Visa Holder request to Transfer between Registered Providers or locations prior to completing six months of the Principal Course of study.

(2) This Rule seeks to ensure the University's compliance with the requirements of [Standard 7 of the Education Services for Overseas Students \(ESOS\) National Code of Practice for Providers of Education and Training to Overseas Students \(2018\)](#).

## Section 2 - Scope

(3) This Rule applies to:

- a. Student Visa Holders, including those enrolled at the UNE English Language Centre and in courses delivered in collaboration with another provider where UNE is the Registered Provider, who request to Transfer to another Registered education provider; and
- b. UNE Representatives involved in the assessment of transfer requests and admission of Student Visa Holder.

## Section 3 - Rule

### Principles

(4) Student Visa Holders are restricted from transferring to another Registered Provider if they have not yet completed six months of study (Restricted Period) in their Principal Course, or any preliminary or package courses required to be completed prior to the commencement of the Principal Course, except where any of the following apply:

- a. the releasing Registered Provider or the course in which the Student is enrolled, has ceased to be registered;
- b. the releasing Registered Provider has had a sanction imposed on its registration by the ESOS Agency that prevents the Student from continuing his or her course at that registered provider;
- c. the releasing Registered Provider has agreed to the Student's release and recorded the date of effect and reason for release in the [Provider Registration and International Student Management System \(PRISMS\)](#); or
- d. any government sponsor of the Student considers the change to be in the Student's best interests and has provided written support for that change.

(5) A Student has the right to Transfer automatically after they have completed six calendar months of study in their Principal Course.

### Transferring from UNE to another provider

(6) Requests to Transfer from UNE to another Registered Provider for reasons other than those listed under clauses 4(a,b and d) of this Rule will take into consideration Genuine Temporary Entrant requirements and may be granted where the Transfer is in the Student's best interests, including but not limited to, where UNE has assessed that:

- a. the Student will be reported to the [Australian Government Department of Home Affairs](#) because they are unable to achieve satisfactory course progress at the level they are studying after engaging with UNE's intervention strategy;
- b. there is evidence of compassionate or compelling circumstances; or
- c. UNE has failed to deliver the course as outlined in the written agreement; or
- d. there is evidence that the Student's reasonable expectations of their current course are not being met; or
- e. there is evidence that the Student was misled by UNE or an education or migration agent regarding the University and/or its course and the course is therefore unsuitable to their needs and/or study objectives; and/or
- f. an internal or external appeal on another matter results in a decision or recommendation to release the Student.

(7) Where the Student is under 18 years of age UNE must have written confirmation that the Student's parent or legal guardian supports the transfer. Where the Student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the Student's accommodation, support, and general welfare arrangements.

### **Transferring between UNE teaching or Partner locations**

(8) UNE will assess requests to Transfer between UNE teaching and Partner locations when the Student has completed at least one teaching period and presents a case establishing compassionate or compelling circumstances.

(9) Should the Student not be transferring to the same Course, UNE will determine if the Student meets the admission requirements of the new Course and the Transfer is in the Student's best interests.

### **Transferring to UNE from another provider**

(10) Requests to Transfer to UNE from another Registered Provider within the Restricted Period, will only be approved where the applicant meets the principles in clauses 4(a-d).

### **Successful Applications**

(11) Successful applicants may apply for a refund of tuition fees in the terms of their original letter of offer and will not be charged a fee for the Transfer (Release).

### **Refusal of a UNE Student's Request to Transfer**

(12) A request to Transfer may be refused if:

- a. the Manager International Compliance determines that the request does not meet any of the requirements in clauses 6(a-f), 7; and/or
- b. the Student has not provided a valid offer of enrolment from another Registered Provider; and/or
- c. the request for release conflicts with a requirement of the Student's visa.

### **Appeal**

(13) Students may appeal a request to Transfer decision by the process set out in the [International Student Transfer Procedures](#).

### **Records Management**

(14) Electronic records of the application, assessment, and decisions regarding an application to Transfer providers or locations are to be retained in accordance with the University [Records Management Rule](#).

## Authority and Compliance

(15) The Vice-Chancellor and Chief Executive Officer, pursuant to [Section 29 of the University of New England Act](#), makes this University Rule.

(16) UNE Representatives and Students must observe it in relation to University matters.

(17) The Rule Administrator, the Director International, is authorised to make Procedures for the operation of this University Rule. The Procedures must be compatible with the provisions of this Rule.

(18) This Rule operates as and from the Effective Date.

(19) Previous Rules for international student (Student Visa Holders) Transfers and related documents are replaced and have no further operation from the Effective Date of this new Rule.

(20) Notwithstanding the other provisions of this University Rule, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Rule where the Vice-Chancellor and Chief Executive Officer determines the application of the Rule would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

## Status and Details

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|--------------------|---|
| Status             | Current   |
| Effective Date     | 28th February 2018  |
| Review Date        | 5th October 2022  |
| Approval Authority | Vice-Chancellor and Chief Executive Officer   |
| Approval Date      | 26th February 2018  |
| Expiry Date        | To Be Advised   |
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## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Partner"** - Means spouse, former partner, de facto or same sex partner.

**"Student Visa Holder"** - Is an international student studying in Australia on an appropriate visa.

**"Course"** - Course means a syllabus, a curriculum, a training package, units of study, or structured workplace learning, the successful completion of which leads to the conferral of an award on the student by the University (including but not limited to a regulated qualification under the Australian Qualifications Framework).

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

**"Principal Course"** - Is the main course of study undertaken by an international on-shore Student where the student visa has been issued for multiple courses of study. The Principal Course will normally be the final course of study and that which leads to the highest qualification in a package of courses.

**"Registered Provider"** - The process whereby a provider is recommended by the relevant ESOS Agency for registration under the Education Services for Overseas Students Act 2000 to provide a specified course/s to overseas students.

**"Restricted Period"** - Six calendar months from the date that the student commences the Principal Course of study. Where a Student has had a break from their studies due to deferment or suspension, the break is not counted for the

purposes of determining if the Student has completed six months of their Principal Course. (International Student Transfer Rule)

**"Transfer"** - Movement of an international student on an Australian student visa between Registered Providers. (International Student Mobility Rule)