

UQ College (UQC)

Policy and Procedure

Reference:	Student
Title:	SS1.1.07 Transfer of Provider – Overseas Students
Custodian:	CEO
Reviewer:	Senior Manager Corporate Services
Date Approved:	20 February 2023
Review Date:	20 February 2025
Audience:	Students enrolled in the UQC Foundation and ELICOS programs UQC staff involved in academic and student administration
Associated Policies:	Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice 2018 UQ PPL 3.40.16 Transfer of Provider – Overseas Students UQ PPL 3.60.02 Student Grievance Resolution UQ PPL 6.40.01 Information Management Policy UQC Complaints and Appeals Policy UQC Student Fees and Refunds Policy - Foundation Program UQC Student Fees and Refunds Policy - ELICOS Program
Version:	1.1

Purpose and Scope

This procedure outlines the requirements for the assessment and approval of applications from overseas students seeking to transfer between UQC and other registered providers prior to completing six calendar months of their principal program of study at the University of Queensland, pursuant to:

- Standard 7 of the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018](#) (the National Code 2018), and
- the Commonwealth Government's [Education Services for Overseas Students \(ESOS\) Act 2000](#).

The six calendar months period is counted from the date the student commenced, or is due to commence, their principal program and does not include breaks from study due to deferment or suspension.

This policy applies to:

- i. Students enrolled in UQC Foundation and ELICOS programs who:
 - hold a student visa or intend to apply for a student visa; and
 - have accepted an offer of admission into a pathway program, to study at UQC and the University of Queensland.
- ii. UQC staff involved in academic and student administration
- iii. Applicants seeking to be admitted to study at UQC and the University of Queensland.

Policy

Students studying in Australia on a student visa seeking to cease their enrolment at UQC and transfer to another registered provider in Australia prior to completion of six months of their principal program at the University of Queensland, and who meet the criteria under Section 2.1 below, are required to advise UQC and the University.

Students studying in Australia on a student visa seeking to cease their enrolment at UQC and transfer to another registered provider in Australia before completing six months of their principal program at the University of Queensland and who do not meet the criteria under Section 2.1 below, must apply and be granted release by the University in accordance with Section 3 below. Requests for release will be assessed under the criteria specified in Section 2 below.

Overseas students seeking to transfer to UQC from another registered provider prior to completing six months of their principal program will be considered in accordance with the conditions specified in Section 4 below.

Note: More information about student rights and responsibilities under the Australian Government ESOS Act and National Code is available at the website:

<https://www.dese.gov.au/esos-framework>

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1. Student Transfers

1.1 Students required to request release

Except where certain specific conditions under National Code 2018 Standard 7 are met, students cannot enrol with, or transfer to another registered provider before completing six months of their principal program of study (this is their undergraduate or postgraduate degree program at The University of Queensland for which they have been issued with a Letter of Offer and a CoE).

The six calendar months period is counted from the date the student commenced, or is due to commence, their principal program (see above) and does not include breaks from study due to deferral or suspension.

Students seeking to cancel their enrolment at UQC and transfer to another registered provider prior to completion of six months of their principal program and who do not meet the criteria under Section 2.1 (below) must apply and be granted release by the University of Queensland (UQ). UQ will assess a student's request to transfer to another provider prior to completion of six months of a principal program in accordance with the UQ PPL 3.40.16 Transfer of Provider – Overseas Students.

Students must request a release by applying to withdraw from the University of Queensland and completing the relevant sections of the [International Student Withdrawal Request Form](#). Requests to transfer to another provider must be submitted in writing with a valid letter of offer from the provider to which the student wishes to transfer, and appropriate supporting documentation.

Students in a UQC pathway program who have met the conditions of their UQ academic program must also apply for a release (See Section 2.3 below).

Prior to submitting a written request, the student should discuss with the UQC Manager Student Administration the implications of transferring to another provider.

1.2 Students not required to request release

Students in the following categories are not required to request a release:

- students holding a visa type that is not subject to the ESOS Act and the National Code 2018;
- students who have completed six or more months of their principal program;
- government sponsored students where the sponsor has provided written support for the transfer;
- students wishing to return to their home country and who do not wish to continue studying in Australia
- students who are offshore and unable to commence their studies in Australia.

2. Request for Release Approval Criteria

2.1 Circumstances in which a release will be granted

Transfer to another provider will be permitted and a release granted where it is in the student's best interests to do so, including but not limited to where the University has assessed that:

- The UQC or UQ program accepted by the student is no longer offered in the student's accepted intake or has ceased to be CRICOS-registered.
- The student can provide evidence that their reasonable expectations about their program are not being met.
- There is evidence that the student was misled by UQC or an education agent regarding UQC or their programs, and the program is therefore not suitable to their study objectives.
- The student has appealed on another matter which results in a decision or recommendation to release the student.
- The student can provide evidence of compassionate or compelling circumstances. These would normally be unexpected and out of control of the student.¹
- The student will be reported because they are unable to achieve satisfactory academic progress at the level they are studying, or they have recorded unsatisfactory attendance, even after an intervention strategy to assist the student has been implemented in accordance with Standard 8 Overseas Student Visa Requirements of the National Code 2018.
- The student has not met the conditions of their offer letter for the principal program. This includes the conditions of any pathway programs (Foundation or English language), and offers including packaged programs and articulations.

Students under 18 years of age must also provide the following:

- written confirmation from their parent or legal custodian of their support for the transfer; and
- if the student is not being cared for in Australia by a parent or suitable nominated relative, the offer from the new registered provider must also confirm that the provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements consistently with Standard 5 Younger Overseas Students of the National Code 2018.

2.2 Circumstances in which a release may not be granted

The University has discretion to refuse a transfer of reasonable grounds. The University will take the following circumstances into consideration when assessing a request for release:

- The student has not provided a valid enrolment offer from another CRICOS registered provider.
- The student has an outstanding debt to UQC or UQ.
- The request is based on personal preference or change of mind only.

¹ Compelling and compassionate circumstances are generally those beyond the control of the student and which have an impact upon the student's academic progress or well-being. These include, but are not limited to:

- Serious illness or injury where a medical certificate states that a student was unable to attend class for the period defined.
- Bereavement of close family members such as parents, siblings, or grandparents.
- Major political upheaval or natural disaster in the home country requiring emergency travel.
- Involvement in a traumatic experience.

- The student is not genuinely engaging with an approved intervention strategy.
- The student has not accessed the support or academic services offered by UQC and/or the University.
- The student is under 18 and their parent or legal custodian does not support the transfer and/or the new provider has not provided written confirmation that it will accept responsibility for approving the Student Visa holder's accommodation and welfare arrangements.

3. Application Process

3.1 Application for release

UQC students must request a release by applying to withdraw from their UQ Package Offer and completing the relevant sections of the University [International Student Withdrawal Request Form](#). All applications must be accompanied by an unconditional letter of offer from the provider to which the student wishes to transfer, along with appropriate documentary evidence.

UQC students completing a pathway program who have met the conditions of their UQ academic program should also apply in this way. Students who have not successfully completed their Foundation Program must also apply to UQ for a release at this time.

Applicants requesting to be released by the University will receive an acknowledgement that their request has been received.

3.2 Consideration of outcome

A student's application will be assessed by the UQC Manager Student Administration who will make a recommendation to the UQ Deputy Director, Academic Services. During this time, the student may be asked to attend an interview to provide further information to assist with assessment of the request. Where a student is unable to attend an interview in person, a phone interview may be arranged. In the instances where a student has failed or not completed a pathway program, their attendance and performance in their program may be taken into account.

Students will be notified of the outcome of their application in writing and within 10 working days of the receipt of the release request and supporting documents.

There is no charge for a release.

3.2.1 Successful outcome

The student will be advised that the University has approved their request to transfer to another institution, their UQ CoE will be cancelled and that their release from the University, along with the effective date and reason for the release, will be recorded in PRISMS. The student will be prompted to contact the Department of Home Affairs to check whether a new student visa is required.

In addition, the student's enrolment (if applicable) will be cancelled and the student may be asked to submit a refund request. Any refund of fees will be made in accordance with the UQC Fees and Refunds Policy, and UQ's Student Refunds – Procedures.

3.2.2 Unsuccessful outcome

The student will be informed in writing of the following:

- the reasons for this decision, including the factors taken into consideration, which will reflect the student's individual circumstances, and
- that they may freely transfer between registered providers after they have completed six calendar months of their principal program at UQ, and
- that they may appeal the decision, within 20 working days, in accordance with Section 3. Review and Appeals, of these procedures.

The reasons for refusal of the request will be sufficiently detailed to enable the student to make an informed decision as to whether to appeal the decision.

In all instances where a release is refused, neither UQC nor the University of Queensland will finalise the student's refusal status in PRISMS until the student has had the opportunity to appeal or, if the student has submitted an appeal, the appeal finds in favour of the University, or the student has chosen not to access the complaints and process within the 20 working day period, or the student withdraws from the process.

3. Review and Appeals

Where a transfer request from UQ/UQC has not been approved, and the student is not satisfied with the decision, they may appeal the decision within 20 working days of receipt of the application outcome in accordance with UQ PPL 3.60.02 Student Grievance Resolution – Procedures. The student will be notified in writing of the outcome.

A student who is not satisfied with the outcome of an internal appeal may refer the matter to the Queensland Ombudsman.

UQC will maintain the student's enrolment until the appeals process has been concluded or the available timeline for lodging an appeal has passed. It is a student visa requirement that at all times during the appeals process, the student maintain their enrolment and attend classes, unless they have written approval from the UQC Senior Manager Corporate Services to be absent from classes.

Where UQ has approved a student's application to transfer to another provider upon appeal, it will record the date of effect and reason for release in PRISMS. UQ will advise the student to contact the Australian Government Department of Home Affairs (refer to the [Reference List](#) for contact details) for advice on whether a new Student Visa will be required.

4. Transfer to UQC from another Provider

UQC/UQ will not enrol a student seeking to transfer from another registered provider prior to the student completing six calendar months of their principal program of study, except where a release is not required, (see Section 1.2 above), and in the circumstances where the provider from where the student is transferring:

- has ceased to be registered, or the program in which the student is enrolled has ceased to be registered, or
- has a sanction imposed on it that prevents the student from continuing their principal program.

Students seeking to transfer to a UQC/UQ package pathway from another CRICOS registered provider prior to completing six months of their principal program will be issued with a UQC and UQ CoEs only if:

- the student completes the required admissions processes, and

- the student has been granted a release by the existing provider and this is evidenced in PRISMS (or they provide evidence that they have not met the entry requirements for their principal program with the other provider and so no longer hold an active CoE), and
- if the student is under the age of 18, they provide written evidence that the student's parent or legal guardian supports the transfer. If the student is not being cared for in Australia by a parent or suitable nominated relative, UQ will confirm it accepts responsibility for approving the student's accommodation, support and general welfare in accordance with Standard 5 Younger Overseas Students of the National Code 2018.

5. Recording

The request for release and supporting documents, the reasons for the University's decision and all communications concerning the application and outcome, will be filed in the student's University of Queensland record in TRIM and a record will be maintained in the UQC student management system, for 2 years after the student ceases to be an accepted student.

The reasons for the University's decision will be adequately supported and documented in accordance with UQ PPL 6.40.01 Information Management Policy.

Definitions

Course	A specific program of study for which the student was accepted and is progressing towards the completion of requirements. Also referred to as <i>Program</i> .
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students. Database of every course and institution that enrolls overseas students.
eCoE	A document provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course and specifies the dates of the enrolment period.
ELICOS	English Language Intensive Courses for Overseas Students
Enrolment	Where the student has been issued with an eCoE to confirm acceptance by UQC and is occupying a place in the CRICOS registered course for which the student was accepted. The period of enrolment includes any scheduled breaks between teaching sessions.
Enrolment Agreement	Written agreement between UQC and student which outlines provisions and conditions of enrolment.
ESOS Act	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to international students.
Letter of Offer	An official document issued to offer a student admission in a course.
National Code	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, provides nationally consistent standards for the conduct of registered providers and the registration of their courses.
Principal Program	The University of Queensland formal award program for which a student has received a conditional Letter of Offer.
PRISMS	Provider Registration and International Students Management System. The system used to process information given to the Department of Immigration and Border Protection by registered providers.
Student	A student who is enrolled at UQC and includes both prospective students and enrolled students who are 'overseas students' as defined in the National Code 2018.
Student Visa	An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the Migration Act 1958.

Reference List

Contacts

Manager Student Administration, UQC

Contact Name Janet Nibbs
Contact Details support@uqcollege.uq.edu.au
+61 7 3346 6770

Queensland Ombudsman

Description Contact details for students to appeal decisions once the UQC appeals processes have been exhausted
Contact Details +61 7 3005 7000
Level 18, 53 Albert Street, Brisbane QLD 4000
GPO Box 3314, Brisbane QLD 4001
ombudsman.qld.gov.au/about-us/contact-us/enquiries-and-feedback

Department of Home Affairs (the Australian Government)

Description Contact details for any implications a course cancellation may have on a Student Visa
Contact Details homeaffairs.gov.au/help-and-support/contact-us
131 881

Document History

Version	Summary of changes	Author	Action date
1.0	Approved Student Transfer Policy and Procedure	Senior Manager Corporate Services	21 February 2021
1.1	Updated for transfer of business to UQC CRICOS Code	Neil Marsh	18 April 2023