

# International Student Transfer Procedure Guidelines - Transferring Between Education Providers

## 1. Purpose and Context

This procedure applies to Western Sydney University (WSU) International Students on a student visa seeking to transfer to another education provider, as well as international students from other providers wishing to transfer to WSU.

This procedure is guided by [Standard 7 of the ESOS National Code 2018](#), which prohibits education providers like WSU from enrolling international students seeking to transfer from another provider until they have completed six months of their principal program of study, except in certain circumstances.

International students on a student visa who wish to transfer within the first six months of their principal program due to exceptional circumstances must apply for a release from WSU.

## 2. Definitions

For the purpose of this document, definitions that apply are:

### 2.1 National Code

The National Code 2018 is a legislative instrument made under the Education Services for Overseas Students Act 2000 (ESOS Act) and sets nationally consistent standards that govern the protection of international students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

### 2.2 Principal Program

The principal program is the main program of study to be undertaken by an international student where the student visa has been issued for multiple programs, and is usually the final program of study.

### 2.3 Completion of Six Months of the Principal Program

The six (6) months is calculated as six calendar months from visa grant and ends six (6) months from the first day of the principal program start date (as per the CoE). The principal program is usually the final program of an admission package. For example, if a student is studying ELICOS followed by a bachelor's degree, the bachelor's degree is the principal program.

## 3. Transfer Restriction

### 3.1 Restricted Transfer Period

An international student's restricted transfer period begins on the visa grant and ends six months after the principal program start date, or when the visa is cancelled or ceased, whichever occurs first.

The restricted transfer period changes with the principal program start date. For example, if the principal program is postponed by a month, the restricted transfer period extends accordingly.

Similarly, if the principal program is replaced with a new CoE for a different program, the restriction period aligns with the new start date.

## 3.2 Exceptions

International students do not need approval to transfer to another education provider if:

- they have completed more than six months of their principal program (the program for which their current visa was granted); or
- they are an Australian Government sponsored student (non-ESOS for Confirmation of Enrolment purposes), and their sponsor supports the transfer; or
- they are sponsored by the government of another country and their sponsor provides a letter supporting the transfer; or
- the University is unable to deliver the program due to government sanctions against Western Sydney University.

## 4. Transferring to Western Sydney University

Students transferring to Western Sydney University from another education provider must meet the requirements under Standard 7 of the National Code 2018 for release. Where a student is under 18 years of age who are not in the care of a parent or suitable nominated relative in Australia and have welfare arrangements approved by another registered provider, Western Sydney University will in accordance with Standard 5 (Younger Overseas Students) of the National Code 2018:

- confirm acceptance of responsibility for approving the student's accommodation, support and general welfare arrangements,
- coordinate with the releasing provider to ensure no gap in welfare arrangements during the transfer, and
- inform the student of their visa obligation, including the need to maintain their current welfare arrangements until the transfer date, arrange approved alternate welfare arrangements, or return to their home country until the new approved welfare arrangements take effect.

## 5. Procedure

The procedure below applies only to WSU International students seeking a release to transfer to another education provider. International students transferring to WSU must follow the procedure outlined by the International Admissions team.

### 5.1 Supporting Documentation

International students who have accepted an offer from Western Sydney University, been granted a CoE and wish to transfer to another education provider, from the first enrolment (which may be an ELICOS, Foundations or Diploma program) and within the first six months of commencing their principal program must submit the following documents:

1. A written statement outlining compelling or compassionate reasons for transferring to an alternate program/course and education provider and how the student will benefit from the transfer.
2. Supporting documents to substantiate the reasons mentioned in their written statement.
3. A copy of the unconditional offer letter from the new institution confirming the student's acceptance into the program. If the only condition is obtaining a release letter from WSU, the application could be considered.

Under 18 students must include the following additional documents:

- Written confirmation from their parent or legal guardian supporting the transfer, along with any supporting documentation (a statement without supporting documentation is not sufficient)
- Confirmation from the receiving provider that they will assume responsibility for accommodation and welfare arrangements, ensuring no gaps in coverage.

Government sponsored students must include:

- A written approval from their scholarship body for the transfer. This applies only if the student is under a sponsorship or scholarship agreement covering tuition fees or other financial support.

## 5.2 Application for Release

International student must complete the [Release from Program form](#) in WesternNow and upload the required supporting documents to apply for Release. Please note the following exceptions below:

- WSU International College students (Hassall Street, Parramatta): contact International College at [wsuic@westernsydney.edu.au](mailto:wsuic@westernsydney.edu.au) for advice on their release procedure.
- WSU Sydney City Campus: contact Sydney City Campus at [studentservices@city.westernsydney.edu.au](mailto:studentservices@city.westernsydney.edu.au) for advice on their release procedure.
- Graduate Research Student: submit an enquiry via the [Registration Enquiry form](#) in WesternNow to reach the Graduate Research School.
- Students meeting exceptions in section 3.2: clearly indicate which exception applies to you when completing the [Release from Program form](#) in WesternNow.

## 5.3 Consideration of Release Request

Western Sydney University will grant a release only in circumstances where the transfer is not detrimental to the student's future studies and welfare, and the University has determined the student to be eligible for release.

When assessing a release request, WSU will consider the following factors including but not limited to:

- the University or its partners are unable to offer a pre-requisite subject
- the student has failed a prerequisite subject and faces a shortage of relevant subjects for which they are eligible to register (assessed on a case-by-case basis)
- the University fails to deliver the program as outlined in the written agreement
- there is evidence that the student's reasonable expectations about their WSU programs are not being met (such as correspondence between the international student and WSU or marketing materials given to the international student prior to enrolment setting particular expectations about the program)
- there is evidence that the student was misled by the University or its education agents regarding WSU or its program, and the program is therefore unsuitable to the student's needs and/or study objectives
- the student will be reported for unsatisfactory academic progress in a preliminary program within a package, and evidence that the student has sought help from the University and/or its resources
- an appeal (internal or external) on another matter results in a decision or recommendation to release the student
- compassionate or compelling circumstances including but not limited to:
  - serious illness or injury which occurred after acceptance of the WSU offer
  - bereavement of close family members such as parents or grandparents, occurring after acceptance of the WSU offer (a death certificate should be provided where possible)

- major political upheaval or natural disaster in the home country requiring emergency travel, significantly impacting the student's studies, occurring after acceptance of the WSU offer
  - a traumatic experience supported by police or psychologists' reports, including:
    - involvement in, or witnessing of a serious accident
    - witnessing or being the victim of a serious crime, and this has impacted on the student
    - witnessing or being the victim of domestic violence, and this has impacted on the student
- if the student is requesting a transfer due to compassionate or compelling circumstances, whether they have discussed the request with [Student Wellbeing](#)
  - whether the student has genuinely engaged with their School or WSU's support services
  - if the circumstances forming the basis of the request were not known to the student before they accepted the offer from WSU
  - whether the student has provided false or misleading information with their application to WSU or in their release request
  - whether the student is applying to transfer to the same program level for which their student visa was granted
  - whether the student has discussed their intention with the Academic Program Advisor
  - Whether the Academic Program Advisor supports the transfer, based on:
    - an assessment of what is in the student's best interest
    - the likelihood of the student succeeding in their current program
  - whether the transfer may jeopardise the student's progression through a package of programs
  - whether the intended program the student is applying to transfer to:
    - provides adequate preparation for further study
    - is recognised by higher education or VET providers as meeting their entry requirements

## 5.4 Notification of Outcome

The university will commence assessment of the request within 10 working days of submission, provided all required supporting documents are submitted with the initial request. The outcome will be communicated to the student in writing within a reasonable timeframe.

### Successful Outcome

If the student's request is approved, their WSU CoE will be cancelled, and a release will be granted at no cost to the student.

The University will report the release to the Department of Education via Provider Registration and International Student Management System (PRISMS) by indicating the receiving provider, new program, and effective date and reason for release.

Students are advised to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

### Unsuccessful Outcome

If the student is advised that the University has not approved their request to transfer to another education provider, they will be informed of the reasons for this decision in writing and reminded that they may transfer

to another provider after completing six months of study in their principal program at Western Sydney University.

### **Reporting of Outcome**

Providers are required to record releases and refusals of release in PRISMS for students under a transfer restricted period. This ensures compliance with Standard 7 of the National Code.

## **5.5 Refund after Release**

The non-refundable component of pre-paid tuition fees will remain non-refundable even if a release is granted. Any unused fees may be refunded in accordance with the University's [International Student Fees and Refund Agreement](#). The student will need to lodge a [Request a fee refund](#) application via WesternNow for a refund once the release is approved.

### **Important Information**

Under visa condition 8202, international students must maintain enrolment in a CRICOS registered program. If a student applies for a release after their program has commenced, they must remain enrolled while their transfer request is being assessed. The receiving education provider will not be able to issue a CoE until the University reports the student is released.

If a student fails to maintain their enrolment, WSU will cancel their CoE for non-enrolment without further notice. Their release request will be considered separately and may still be refused.

## **6. Review of Decision**

### **6.1 Internal Appeal**

Students who are dissatisfied with the outcome decision may apply for an internal review of the decision to the Pro Vice-Chancellor: Global or their nominee.

To request a review, students must indicate their intention within 20 working days of receiving the release outcome letter via the original WesternNOW Release from Program form and submit supporting documentation.

If a student believes they were denied procedural fairness, they may contact the [Complaints Management and Resolution Unit \(CRU\)](#) via the [Complaints and Misconduct Reporting Portal](#). CRU reviews the release process, not the decision itself. For more information, refer to the Complaints Management and Resolution [webpage](#).




### **6.2 External Appeal**

Students who are dissatisfied with the outcome of the internal appeal or believe the University's decision or action was unreasonable or unfair, they may submit an external review request to or file a formal complaint with the [National Student Ombudsman](#) within 10 working days.

International students pursuing an external appeal must provide evidence of submission to the International Office at [PRISMS@westernsydney.edu.au](mailto:PRISMS@westernsydney.edu.au) immediately after they lodged the external appeal.

The refusal to release will not be recorded on a student's CoE until the appeal process has concluded or the appeal period ends without an external review request.

## Associated Information

- [ESOS National Code Information for Western Sydney Students and Staff](#)
- **Students:** Contact [Student Services Hub](#) or [Student Welfare Service](#) office on your campus
- **Staff:** Contact Western Sydney International via the [WesternNow International Compliance Enquiry form](#)
- [How the National Code affects you: Strengthening Australia's Protection of International Students \(PDF\)](#) (opens in new window) 
- The [National Code 2018](#) (opens in new window) 
- If you think your education provider is not complying with the National Code 2018, you can contact the [Commonwealth Department of Education and Training](#) (opens in new window)  by emailing [esosmailbox@dese.gov.au](mailto:esosmailbox@dese.gov.au)