

### **Purpose and Scope**

This procedure covers International Students with an Australian student visa that have not completed six months of their Principal Course. International Students that have completed six months of their Principal Course should see the [Suspension, Cancellation, Approved Leave and Withdrawal from Courses Procedure](#).

This procedure applies to staff and students, and the public.

#### **Objectives**

To ensure compliance with the *National Code for Providers of Education and Training to Overseas Students 2018* (National Code) and the *Education Services for Overseas Students Act 2000* (ESOS Act).

### **Overarching Policy**

[Admission and Support of International Students Policy](#)

### **Procedure**

1. In this procedure, the following terms have the following meanings:
  - 1.1. “International Student” means a person (whether within or outside Australia) who holds an Australian student visa but does not include:
    - 1.1.1. a Foreign Affairs student (within the meaning of the Migration Regulations 1994); or
    - 1.1.2. a Defence student (within the meaning of the Migration Regulations 1994); or
    - 1.1.3. a secondary exchange student (within the meaning of the Migration Regulations 1994); or
    - 1.1.4. an international student who has been approved under a scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia; or

- 1.1.5. a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa.
- 1.2. “Principal Course” means the main course of study to be undertaken by an International Student where a student visa has been issued. The principal course of study would normally be the final course of study where the International Student arrives in Australia with a student visa that covers multiple courses.
- 1.3. “Package Offer” means an offer for admission to Murdoch that is conditional on the applicant successfully completing a course with a party other than Murdoch and continuing to meet all other Murdoch admission criteria.
- 1.4. “Package Partner Course” means a course provided by the Package Partner as part of a Package Course Arrangement.
- 1.5. “Package Student” means a Student who is enrolled in a Package Partner Course or University Course (as the case may be) as part of a Package Course Arrangement.
- 1.6. “PRISMS” means the Provider Registration and International Student Management System (PRISMS). It is the system used to process information given to the Secretary of the Department of Education by Registered Providers
- 1.7. “Registered Provider” means a provider that is registered under the ESOS Act and listed on the Commonwealth Register of Institutions and Courses for Overseas Students to provide a course at a location.
- 1.8. “Release” means an approval from an International Student’s current education provider to transfer to a new Registered Provider.

### **Students applying to Murdoch**

2. The Director, Student and Library Services must not admit an International Student who is seeking to transfer from a course provided by another Registered Provider prior to that student completing six months of their Principal Course, except where:
  - 2.1. the releasing Registered Provider, or the course in which the student is enrolled, has ceased to be registered as per the ESOS Act;
  - 2.2. the releasing Registered Provider has had a sanction imposed on its regulation by an ESOS Act agency that prevents the student from continuing their course with that Registered Provider;
  - 2.3. the releasing Registered Provider has agreed to the student’s Release and recorded the date of effect and reason for Release in PRISMS; or
  - 2.4. any government sponsor of the student considers the change to be in the student’s best interests and has provided written support for the change.

### **Murdoch students seeking to transfer to another Registered Provider**

3. International Students that have not completed six months of their Principal Course at the University must lodge a written Release request to transfer to another Registered Provider.

4. The written request may be made via the University internet site, and the request must include a valid enrolment offer from another Registered Provider and related evidence to support the request.
5. The Head of International Relations or delegate will process completed Release requests and provide the applicant with an outcome within ten working days.

### **Grounds to grant a Release**

6. The Head of International Relations or delegate will grant a Release where it is in the International Student's best interests, including but not limited to where:
  - 6.1. the Head of International Relations or delegate assesses that the student will be reported to the Department of Education because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the University's or Package Partner's strategy to improve their performance;
  - 6.2. there is evidence of compelling or compassionate circumstances to support that the student would benefit from moving to another institution; such as, but not limited to:
    - 6.2.1. the student has had a traumatic experience or serious illness or injury, where a medical certificate states that the student is unable to attend classes or that a transfer is an appropriate course of action in the opinion of a registered medical or allied health professional;
    - 6.2.2. a close family member of the student is seriously ill;
    - 6.2.3. bereavement of a close family member such as parents or grandparents;
    - 6.2.4. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the international students' studies;
    - 6.2.5. a traumatic experience such as (but not limited to), involvement in or witnessing of a serious accident;
    - 6.2.6. witnessing or being the victim of a serious crime, and this has impacted on the international students' studies.
  - 6.3. the University or Package Partner has failed to deliver the course as outlined in the letter of offer;
  - 6.4. there is evidence that the student's reasonable expectations about their current course are not being met;
  - 6.5. there is evidence that the student was misled by the University or Package Partner or their education (or migration) agent regarding the University or Package Partner or their course and the course is therefore unsuitable to their needs and/or study objectives;
  - 6.6. an appeal (internal or external) on another matter results in a decision or recommendation to Release the student.

### **Reasonable grounds to refuse a Release request**

7. The Head of International Relations or delegate may refuse a Release request where:
  - 7.1. the Head of International Relations or delegate assesses that a transfer is not in the student's best interests;
  - 7.2. the student has changed their mind about their enrolment;
  - 7.3. the student does not have a valid enrolment offer from another Registered Provider;
  - 7.4. the student has not made a genuine attempt to access Murdoch or Pathway Partner academic or general support services;
  - 7.5. in the absence of compelling or compassionate reasons, the student claims financial hardship;
  - 7.6. the student is looking to transfer to a provider with lower tuition fees;
  - 7.7. the student has an outstanding debt with the University;
  - 7.8. the Head of International Relations or delegate assesses the student is deliberately manipulating the student visa system;
  - 7.9. for students under the age of 18, their parent or legal guardian has not provided written approval;
  - 7.10. for students under the age of 18 that are not being cared for in Australia by a parent or suitable nominated relative, the receiving provider has not confirmed it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with the National Code;
  - 7.11. if there is a government sponsor, that government has not provided written approval;
  - 7.12. the Head of International Relations or delegate assesses that a transfer may jeopardise the student's progression through a package of courses;
  - 7.13. the proposed transfer is to a course at a lower Australian Qualifications Framework (AQF) level or a course that is not at an AQF level; or
  - 7.14. the proposed transfer is to a course that is similar to one offered by the University;
  - 7.15. the proposed transfer is not supported by the Package Partner;
  - 7.16. the student has not engaged with the University's or Package Partner's strategy to improve their performance.

#### **Where a Release request is approved**

8. If the Head of International Relations or delegate grants a Release, it must be at no cost to the student.
9. The Head of International Relations or delegate must update PRISMS to show the approved Release.
10. The Head of International Relations or delegate must notify the student and advise the student to contact the Department of Home Affairs to seek advice on

whether a new student visa is required or whether there are any other visa implications.

#### **Where a Release request is refused**

11. If the Head of International Relations or delegate intends to refuse the Release request, the Head of International Relations or delegate must inform the student in writing of:
  - 11.1. the detailed reasons for refusal
  - 11.2. the procedure for initial appeal, which is via a written request to the Pro Vice Chancellor International within 20 days providing new supporting evidence and/or an identification and description of how the decision made is in breach of this Procedure for Release,
  - 11.3. the student's right to access the University's formal appeals process, within 20 working days
  - 11.4. the procedure for further appeal via reference to internal and external processes, including the student appeals policy website.

#### **Where an initial appeal to the Pro Vice Chancellor International is approved**

12. If the Pro Vice Chancellor International grants a Release, or a Release is granted via the University's Appeals process, it must be at no cost to the student.
13. The Head of International Relations or delegate must update PRISMS to show the approved Release.
14. The Head of International Relations or delegate must notify the student and advise the student to contact the Department of Home Affairs to seek advice on whether a new student visa is required or whether there are any other visa implications.

#### **Where an Initial Appeal to the Pro Vice Chancellor International is refused**

15. If the Pro Vice Chancellor International intends to refuse the Release request, or the Appeal is unsuccessful, the Pro Vice Chancellor International must inform the student in writing of:
  - 15.1. the detailed reasons for refusal
  - 15.2. the student's right to access further internal or external appeal processes, within 20 working days
  - 15.3. the procedure for further appeal via reference to internal and external processes, including the student appeals policy website.

#### **Records**

16. The Head of International Relations or delegate must maintain records of all Release requests and the assessment of, and decision regarding, the request for at least two years after the student ceases to be an accepted student.

## Responsibilities

Different levels of University staff have different levels of responsibility in relation to this procedure as outlined below:

- Except for Clause 1, the Pro Vice Chancellor International may delegate any responsibilities in this Procedure.

## Governance

<b>Approval Authority</b>	Deputy Vice Chancellor Global Engagement
<b>Owner</b>	Deputy Vice Chancellor Global Engagement
<b>Legislation mandating compliance</b>	
<b>Category</b>	Primarily academic
<b>Related University Legislation and Policy Documents</b>	<i>Suspension, Cancellation, Approved Leave and Withdrawal from Courses Procedure</i>
<b>Date effective</b>	08/08/2023
<b>Review date</b>	03/05/2025

## Revision History

<b>Approved/Amended</b>	<b>Date Approved</b>	<b>Resolution No. (if applicable)</b>
Administrative Amendment	14/10/2024	
Administrative Amendment	08/08/2023	
Approved	03/05/2023	
Noted by AC	16/06/2021	AC/47/2021(v)(b)
Approved by AC	16/06/2021	AC/47/2021(ii)
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