



# Procedure: Transfer between registered providers (release for student visa holders)

## Purpose

To ensure the University complies with the [Education Services for Overseas Students Act 2000](#) and the requirements of Standard 7 of the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018](#) for administering requests from international students holding a student visa seeking to enrol at another registered education provider.

## Definitions

**Principal program:** The main program of study to be undertaken by an overseas student where a student visa has been issued for multiple programs. The principal program of study is normally the final program of study covered by that student visa.

**Academically unsuitable principal program:** Where a student demonstrates that:

- They are unable to achieve satisfactory course progress at the level that is required, despite genuine attempts at successfully completing their program, or
- The course does not meet the student's educational needs or study capabilities, or
- The student is better suited to a different learning environment.

**Compassionate or compelling grounds:** Compassionate or compelling grounds:

- Are usually outside of a person's control,
- Significantly impact on a person's ability to progress with their planned study, and
- Are documented by evidence.

## Procedure

### Students seeking to transfer from ANU

1. Student visa holders seeking to leave ANU within six months of commencing their principal program of study need to be released from ANU in order to enrol at another registered education provider. To apply to be released, students submit the following documentation to the Academic Standards and Quality Office (ASQO) via email [policy.regs@anu.edu.au](mailto:policy.regs@anu.edu.au):

- a. Valid Offer Letter from another registered education provider;

- b. Original current visa and passport;
- c. Current Australian address;
- d. Current email address;
- e. A statement as to why they no longer wish to study at ANU;
- f. Evidence that the principal program at ANU is academically unsuitable (including evidence of how the new program is academically suitable and the ANU program is academically unsuitable), or that compassionate or compelling reasons for the transfer exist. Examples of appropriate evidence for a program being academically unsuitable or the existence of compassionate or compelling grounds are shown in the below table

<b>Circumstance:</b>	<b>Example of appropriate evidence:</b>
Injury or illness (compassionate of compelling circumstance)	<p>Medical or Counselling certificate from a registered health practitioner who is treating the student's condition, and includes:</p> <ol style="list-style-type: none"> <li>1. the dates of consultation,</li> <li>2. impact of the condition on the student's ability to study, and</li> <li>3. recommendation for a specific change to the student's enrolment (e.g. reduce study load, take leave, or transfer providers),</li> </ol> <p>If the student has a close family member who is ill or injured, they supply evidence of the relationship to the person (e.g. birth certificate(s), passport, family record book, etc.) as well as evidence of the illness or injury from a Doctor or hospital and a recommendation for a specific change to the student's enrolment.</p>
Disability (compassionate of compelling circumstance)	A letter from the ANU Access and Inclusion office to indicate that a specified change to the student's enrolment is in the best interest of the student.

<p>Distressful event or incident - including political upheaval or natural disaster in home country, involvement in a serious accident, witnessing or being the victim of a serious crime or critical incident. (compassionate or compelling circumstance)</p>	<ol style="list-style-type: none"> <li>1. Media reports of civil war/significant political unrest or natural disaster plus evidence of student's residency in the specific affected area;</li> <li>2. Police report;</li> <li>3. Letter from psychologist that includes the dates of consultation and the, <ol style="list-style-type: none"> <li>a. outcome of the assessment,</li> <li>b. impact on the student's ability to study at ANU, and</li> <li>c. recommendation for a change to the student's enrolment.</li> </ol> </li> </ol>
<p>Academically unsuitable principal program</p>	<p>Where the student is unable to achieve satisfactory program progress at the level that is required, evidence includes:</p> <ol style="list-style-type: none"> <li>a. A transcript from ANU or ANU College, and/or</li> <li>b. Assessment items showing that the student has not met the academic entry or hurdle requirements for a program despite genuine attempts.</li> </ol> <p>For the avoidance of doubt, where the student is applying to transfer to a similar program at another education provider under this procedure, the onus is on the student to demonstrate through evidence, to the satisfaction of the University:</p> <ol style="list-style-type: none"> <li>a. That they have genuinely attempted to engage in their course(s). Evidence of genuine attempts at completing course(s) includes, but is not limited to, completed assignments that meet</li> </ol>

	<ul style="list-style-type: none"> <li>b. the prescribed requirements of the assignment (such as word count and submission by the deadline), attempts at examinations, and/or attendance at tutorials.</li> <li>c. That the program that the student is seeking to be released to at another registered education provider is more suitable to the student's educational needs, study capabilities or has a more appropriate learning environment.</li> </ul> <p>Where the student is applying to a substantially different program at another education provider that is similar to a program that is provided by the Australian National University, then under this procedure, the onus is on the student to demonstrate through evidence, that the program provided by the provider to which the student is seeking release is better suited to the student's learning or professional requirements.</p>
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- g. If the student is under 18, written confirmation that the student's parent or legal guardian supports the transfer, or that the new registered education provider will accept responsibility for approving the student's accommodation, support and general welfare as per Standard 5 of the National Code of Practice 2018.
2. The Academic Standards and Quality Office assess the release request.
  3. The criteria for approval are that the student presents a valid offer letter from another registered provider and demonstrates that:
    - a. The student is in receipt of a packaged Confirmation of Enrolment (CoE) and has not met the entry requirements for the principal program;
    - b. The principal program at ANU is academically unsuitable;

- c. Compassionate or compelling reasons for the transfer exist;
  - d. The ANU fails to deliver the program as outlined in the written agreement between the ANU and the student;
  - e. The student can provide evidence that they were misled by the ANU or an appointed representative regarding the course or the university;
  - f. There is evidence that the overseas student's reasonable expectations about their current program are not being met; or
  - g. An appeal (internal or external) on another matter results in a decision or recommendation to release the student.
4. A request is not approved where there are reasonable grounds for refusal, including (but not limited to):
- a. Where the transfer is considered detrimental to the student's personal and/or academic welfare, including where the transfer jeopardises a student's progress through a package of programs, or the student requires or has access to particular support services that are not delivered by the receiving provider or accessible by the student following the transfer;
  - b. Where the primary reason for the request is based on a personal preference, such as wishing to experience living in another city in Australia, or wishing to live and/or study with friends enrolled at another registered provider – unless the student demonstrates that refusal would involve significant social and/or academic detriment;
  - c. Where the primary reason for the request is that the program in which the student is enrolled does not meet their expectations or requirements and the University offers an alternative program that meets the stated requirements;
  - d. Where the student has not made a genuine attempt to participate in the program to which the student has been granted admission (including a pre-university program);
  - e. Where the University forms the view that the student is trying to avoid being reported to the Department of Home Affairs (Immigration) for failure to meet the University's attendance or academic progress requirements;
  - f. Where the request is for a transfer to a lower Australian Qualifications Framework (AQF) level course;
  - g. Where the student is in receipt of a packaged CoE and the pathway provider has refused the release request;

- h. Where the University forms the view that the student is, either: attempting to circumvent Australian Immigration requirements or processes; or, not a Genuine Temporary Entrant (GTE) as defined by the Department of Home Affairs.
  - i. Where the student has an outstanding debt to the University; or
  - j. Where the student has not provided adequate supporting evidence.
5. The outcome of the request is advised to the student within 10 working days of lodgement of the complete application.
6. If a request is successful, ASQO notifies the student in writing when their CoE from ANU has been cancelled and advises them to contact Immigration to seek advice on whether a new visa is required.
7. If a request is unsuccessful ASQO notifies the student in writing of the reason(s) for the decision along with information on appeal rights in accordance with Standard 7 of the National Code 2018. The University does not finalise students' refusal status in Provider Registration and International Student Management System (PRISMS) until the appeal finds in favour of the University, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the transfer between registered providers procedure or the appeals process.
8. ASQO place all requests from students for a release and the assessment of, and decision regarding, the request on the student's electronic file and retains these documents on file for at least two years after the overseas student ceases to be a student of the University.

**Students seeking to transfer to ANU**

9. Student visa holders seeking to transfer to ANU within six months of commencing their principal program of study at another registered education provider are issued with a CoE when they meet the following conditions:

- they hold a valid offer to a program at ANU; and
- one or more of the following apply:

The original registered provider ceases to be registered or the program in which the student is enrolled ceases to be registered; or
The original registered education provider provides a release for the student on the

PRISMS; or
The original registered provider has a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal program; or
Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change; and
If the student is under the age of 18, there is written evidence that the student's parent or legal guardian supports the transfer and ANU has put arrangements in place for approving a student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code of Practice 2018.

### Appeals

10. Within 20 working days after being notified of the decision not to release a student, the student may lodge a written appeal addressed to the Head, ASQO, Division of Student Administration and Academic Services (DSAAS), addressing the reason(s) for the decision not to provide a release letter.
11. The appeal is submitted to [appeals@anu.edu.au](mailto:appeals@anu.edu.au).
12. The Head, ASQO considers the request and advises the student of the outcome within seven working days of the decision being made.
13. Within 20 working days after the decision of the Head, ASQO being notified to the student, a student may lodge an appeal to the Registrar, DSAAS on procedural grounds only.
14. The appeal is submitted to [appeals@anu.edu.au](mailto:appeals@anu.edu.au).
15. The Registrar advises the student of the outcome of the procedural appeal within seven working days of a decision being made.
16. The decision of the Registrar is final.

## Document information

Title	Transfer between registered providers (release letter)
Document Type	Procedure
Document Number	ANUP_000602
Version	14
Purpose	To ensure the University complies with the Education Services for Overseas Students Act 2000 and the requirements of Standard 7 of the National Code of Practice 2018 for administering requests from international students holding a student visa seeking a transfer between registered providers.
Audience	Students, Staff
Category	Academic
Topic	Students
Subtopic	
Effective Date	16 Dec 2021
Review Date	23 Dec 2025
Responsible Officer	Registrar, Student Administration (registrar@anu.edu.au)
Approved By	Vice-Chancellor (eo.vc@anu.edu.au)
Contact Area	Division of Student Administration and Academic Services (policy.regs@anu.edu.au)
Authority	Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Higher Education Standards Framework (Threshold Standards) 2021 Australian Qualifications Framework
Printed On	28 Feb 2024

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