ENGLISH LANGUAGE CENTRE TRANSFER AND RELEASE FOR INTERNATIONAL STUDENTS POLICY

1. PURPOSE

To outline the circumstances under which the English Language Centre (ELC) will allow both the enrolment of transferring international students and the release of international students from the ELC to another registered provider.

2. OVERVIEW

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (2007) (‘the National Code’) restricts registered providers from enrolling international students transferring to another education provider within the first six months of study in their principal course, except in limited circumstances.

The ELC has determined circumstances whereby it will enrol an international student seeking to transfer to the ELC and where it will approve a student to be released from the ELC prior to the completion of six months of study in their principal course.

Following the completion of six months of study in their principal course, international students are not required to seek release.

3. DEFINITIONS

Award or Award Course (course): the qualification resulting from the satisfactory completion of a specific program of study or research.

ELICOS: English Language Intensive Courses for Overseas Students

ESOS: Education Services for Overseas Students Act 2000 (Cwlth).

Package Offer: an offer to study multiple courses, which may or may not be wholly provided by Macquarie University.

Package Provider: a registered provider with whom package offers can be made.

Principal Provider: the registered provider who will deliver the course for which the student’s visa was issued (usually the last course of study).

Program of Study: the combination of units and components that must be satisfactorily completed to qualify for a Macquarie University Award.

Registered Provider: an education provider registered in accordance with the ESOS Act.
Unpackaged Offer: an offer to study ELICOS courses only, which are wholly provided by Macquarie University English Language Centre.

4. SCOPE

This policy applies to all international students who hold a student visa and who have accepted an offer to a Macquarie University English Language Centre course.

This Policy does not apply to international students who:

- hold a visa other than a student visa and that visa is not subject to the National Code;
- are transferring from one course to another within Macquarie University English Language Centre;
- are in receipt of an Australian Commonwealth Government Scholarship (that is not subject to ESOS Act), and the sponsor supports a transfer;
- are sponsored by the government of another country and the sponsor issues a letter supporting the transfer;

5. POLICY

5.1. STUDENTS SEEKING TRANSFER TO MACQUARIE UNIVERSITY ENGLISH LANGUAGE CENTRE

The ELC may enrol an international student transferring from another registered provider prior to the completion of six months’ study in their course if:

(i) the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
(ii) the original registered provider has issued a written letter of release;
(iii) the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing in their course; or,
(iv) a government sponsor of the student considers the change to be in the student’s best interest and has provided written support for that change.

5.2 PACKAGED OFFER STUDENTS SEEKING RELEASE FROM MACQUARIE UNIVERSITY ENGLISH LANGUAGE CENTRE

The principal provider retains the right to grant or refuse a student’s request to transfer to another registered provider.

Students should refer to the Transfer and Release for International Students Policy of the principal provider.

5.3 UNPACKAGED OFFER STUDENTS SEEKING RELEASE FROM MACQUARIE UNIVERSITY ENGLISH LANGUAGE CENTRE

The ELC retains the right to grant or refuse a student’s request to transfer to another registered provider within their first six months of study in their course.

Students who have not completed six months of study in their course with the ELC may apply for a release to transfer to another registered provider when:

(i) the circumstances outlined in the Section 5.1 clauses (i), (iii) and (iv) above are applicable to the ELC; or
(ii) the student can demonstrate exceptional compelling circumstances which
necessitate transfer to another registered provider; or
(iii) the student can demonstrate exceptional personal circumstances which have not
been successfully resolved after they have accessed the ELC’s support services.

In determining requests for release from students with an Unpackaged Offer, the decision of
the ELC will be final.

5.4 Conditions under which a letter of release will not be granted

The ELC will not approve a release request in the following circumstances, the:
(i) student has outstanding debts or fines;
(ii) student has academic and/or non-academic sanctions;
(iii) student has changed their mind about the course they wish to study;
(iv) student has not exhausted access to the ELC’s support services for assistance with
study or personal issues;
(v) student has already accepted and paid for a course at another registered provider;
(vi) student cites work commitments or demands of employment;
(vii) student is under 18 and there is no written evidence that the student’s parent or legal
guardian supports the transfer;
(viii) student is under 18 and does not have suitable approved arrangements for
accommodation, support and general welfare;
(ix) ELC believes that the student is attempting to avoid being reported to the Department
of Immigration and Border Protection (DIBP) for not meeting course attendance or
progression requirements;
(x) ELC does not agree that the transfer is in the best interests of the students’ academic
progress or future study plans;
(xi) ELC believes the student has made decisions post-enrolment regarding
accommodation, employment or travel that are not aligned with the requirements of
the student’s course.

5.5 Circumstances in which a letter of release is not required

A letter of release is not required if, the student:
(i) has been studying in their course for more than six months (the course for which they
were given the current visa), or;
(ii) wishes to discontinue studying at the ELC and intends to leave Australia, or;
(iii) is an Australian Government Sponsored student (not subject to the ESOS Act) and
the sponsor supports the transfer, or;
(iv) is sponsored by the government of another country and the sponsor issues a letter
supporting the transfer.

5.6 REFUNDS OF TUITION FEES

The provisions of the ELC’s Refund Policy will apply when a student’s request for release is
granted.

5.7 APPEALS

A student who has been denied release may appeal the decision in accordance with the
Access Macquarie limited – English Language Centre Complaints and Appeals Policy.

In accordance with the provisions of the National Code, a student’s enrolment will be
maintained while an internal appeal is being heard.

**5.8 COMPLIANCE AND BREACHES**

The ELC may commence applicable disciplinary procedures if a person to whom this Policy applies breaches this Policy (or any of its related procedures).

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<tr>
<th>Contact Officer</th>
<th>ELC Operations Manager</th>
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<tbody>
<tr>
<td>Date Approved</td>
<td>23 May 2017</td>
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<tr>
<td>Approval Authority</td>
<td>Director Macquarie University English Language Centre</td>
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<tr>
<td>Date of Commencement</td>
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<td>Amendment History</td>
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**Related Documents**
- ELC International Student Transfer and Release Procedure
- ELC International Student Transfer and Release Form
- ELC Refund Policy
- Request for a Release Letter Form
- International Fee Refund Policy
- Education Services for Overseas Students Act 2000 (Cwlth)

**Policies / Rules Superseded by this Policy**
Any Transfer and Release processes outlined in the University Handbooks (both published and online), the Academic Manual and any local policies (Division, Faculty or Department) are replaced by this Policy.

**Keywords**