



INTERNATIONAL STUDENT RELEASE PROCEDURE

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Responsible Division & Unit:	Admissions, Fees and Scholarships, Student and Accommodation Services Division		
Supporting documents, procedures & forms:	Compassionate or Compelling Circumstances Guidelines ESOS Compliance Policy Online Leaving UOW form UOW Fees Policy		
Relevant Legislation & External Documents:	Educational Services for Overseas Students Act 2001 (ESOS Act) National Code of Practice for Providers of Education and Training to Overseas Students 2018		
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1 Introduction / Background

1. This procedure was introduced to comply with the Educational Services for Overseas Students Act 2001 (ESOS Act) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).
2. International students are restricted from changing education providers until they have completed six (6) months study with their principal provider, unless the student can demonstrate compassionate or compelling circumstances. National Code 2018 requires under Standard 7 that “Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of the principal course of study in accordance with their documented procedures.”

2 Scope / Purpose

The purpose of this procedure is to outline the University’s requirements for International students seeking permission to transfer to another education provider during the first six months of their principal course. It sets out the circumstances in which the University will and will not grant such permission.

3 Definitions

Word/Term	Definition (with examples if required)
Accepted student	A person who has an offer to a University of Wollongong course and has been issued a Confirmation of Enrolment (CoE)
Compassionate or Compelling Circumstances	Compassionate or Compelling Circumstances are beyond the student’s control and have a direct impact on the student’s course progress and wellbeing.
Commencement Date	The commencement date is the start date of the student’s principal course of study as specified on the Confirmation of Enrolment (CoE).
Confirmation of Enrolment (CoE)	A document provided electronically, which is issued by the education 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 of the registered provider.
DHA	Department of Home Affairs
Education provider	An educational institution which offers education to an international student and is registered on CRICOS.
Enrolment	The status of a student who is formally enrolled in a course at the University of Wollongong.
Genuine Temporary Entrant (GTE)	The Genuine Temporary Entrant (GTE) requirement is an integrity measure to ensure that the student visa programme is used as intended and not as a way for international students to maintain ongoing residency in Australia.



ICAC	Independent Commission Against Corruption. An independent agency of the Government of New South Wales (NSW), which is responsible for eliminating and investigating corrupt activities and enhancing the integrity of the public administration in the state of NSW, Australia
Illawarra Region	Ranging from Kiama to Helensburgh
International student	A student who is a Temporary visa holder. This includes but not limited to students on Temporary Residence Visas, Bridging Visas, and Student Visas.
National Code	A document developed under the ESOS Act to set nationally consistent standards and procedures for registered providers
NSW Ombudsman	An independent and impartial watchdog to watch over most public sector and private sector agencies and ensure that agencies fulfil their functions properly.
Principal course	The main course of study to be undertaken by an international student where a student visa has been issued for multiple courses of study. 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.
Principal provider	The education provider of the principal course.
PRISMS	Provider Registration and International Student Management System (PRISMS). Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the Education Services for Overseas Students Act 2000 (ESOS Act).
Release	An early discharge for an International student, enabling them to enrol with another education provider. A release needs to be formally requested and can only be granted under limited circumstances as outlined under Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.
Sponsored Student	A student for whom fees and charges are paid by a Sponsor or a student with an approved Australia Awards Scholarship.
The University	The University of Wollongong (also referred to as UOW)
Unconditional Offer	A valid offer of admission where a student has met all entry requirements to the course.

4 Release Processing

Transferring from another education provider to UOW

1. Prior to a student being admitted to the University of Wollongong, the student will be required to be formally released by their previous education provider.



2. A student who is yet to complete six (6) calendar months of study at their principal provider and has not been released will not be eligible for admission to the University of Wollongong. An offer letter may be issued, however a Confirmation of Enrolment (CoE) will not be issued until a release approval is recorded in PRISMS by the previous provider.

Transferring from UOW to another education provider

3. An Accepted UOW student wishing to transfer to another registered Australian education provider will need to apply for a Release if they have not completed six (6) months study in their Principal course.
4. The student must remain enrolled in subjects in their current course until the final decision in relation to their Release application is determined. The final decision is determined once a release outcome is provided to the student and any related appeals process is completed.
5. To apply for a Release the student will:
 - a) Complete the online 'Leaving UOW' form; and
 - b) Provide a letter detailing their compassionate or compelling circumstances; and
 - c) Submit any documents that support their claim; and
 - d) Provide an Unconditional offer letter from another registered provider.
6. A student does not require a release where:
 - a) UOW has had 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 course; or
 - b) the student has completed six (6) calendar months of study as per the commencement date of their principal course.
 - c) the student wishes to discontinue studying in Australia and intends to return to their home country.
 - d) the student is holding any other kind of temporary residence visa that is not governed by the National Code.

5 Granting of Release

1. The University will only grant a release to a student if:
 - a) the University is satisfied that compassionate or compelling circumstances exist (as outlined in UOW's [Compassionate or Compelling Circumstances Guideline](#)) that prevent the student from completing six (6) months of study in their principal course at UOW. These would be circumstances that are unexpected and beyond the control of the student and have an impact upon the student's course progress or wellbeing.
 - b) any government sponsor of the student considers the change of provider to be in the student's best interest and has provided written support for that change.
 - c) the University has changed a course for which a CoE has been issued to the student; or where the course is no longer offered by the University.
 - d) there is documentary evidence which clearly demonstrates that the student was misled by UOW, or an Education agent, regarding UOW or the enrolled course, which consequently results in the course being unsuitable to the student's needs and/or study objectives.



- e) there is documentary evidence of a student's reasonable expectations not being met in their current course. The student must discuss the request with a University Course Advisor before submitting a request for release. The Course Advisor or their delegate must make a recommendation based on an assessment of the student's best interests, whether there are compassionate or compelling circumstances and whether the student is likely to succeed in their present course. The student must then submit the written recommendation with other supporting documentation.
- f) the student is unable to achieve satisfactory course progress at the level at which they are studying, even after engaging in UOW's support services and intervention strategy. This must be supported, in writing, by the relevant Associate Dean, Education or their delegate.
- g) the student is unable to meet the conditions set out by their current offer to the University (e.g. English/Diploma/Foundation Studies, Graduate Certificate). The release can only be approved once it has been confirmed that the student has made a reasonable attempt to satisfy these conditions.

A reasonable attempt includes (but is not limited to) the completion of:

- i. an English for Tertiary Studies course at UOW College for the duration specified on the offer letter.
 - ii. a Foundation Studies or Diploma course at UOW College for the duration specified on the offer letter.
 - iii. an English course at another provider, for which an offer letter and CoE has been provided to the University.
 - iv. an academic program at another provider that is specified in the University of Wollongong offer letter.
 - v. a Graduate Certificate leading to a Master's degree.
2. If the student's recorded attendance in any of the programs listed in 5.1g is less than 80% the student will be deemed not to have made a reasonable attempt. If a student has achieved over 80% attendance the University may still seek further information from UOW College or the relevant Faculty regarding the student's reasonable attempt.
 3. The student will be advised of the approval of their release and their enrolment will be discontinued. The Department of Home Affairs (DHA) will be notified of the student's withdrawal from their course, their CoE from UOW will be cancelled and the approval of the release will be recorded via PRISMS.
 4. If a release is granted, it will be at no additional cost to the student.
 5. A decision to approve a student's request for release does not also indicate a decision to approve a refund. Refund requests are independent of this policy and require a separate application and will not be assessed until the student is notified of the release outcome. Refunds as a result of a release from UOW are assessed in accordance with the UOW Fees Policy.



6 Refusal of Release

The University may refuse a student's release request if it finds there are reasonable grounds for refusal. These include, but are not limited to:

1. the student has failed to demonstrate compassionate or compelling grounds for the transfer.
2. the student has not yet commenced or only recently started studying in their course.
3. the student has requested to change to a lower AQF level course but failed to demonstrate compassionate or compelling circumstances.
4. the student has changed their mind regarding their choice of course.
5. the student claims financial hardship as a reason for transferring to another provider with lower tuition fees.
6. the student lives outside of the Illawarra region, travelling to UOW's Wollongong campus will not be considered as sufficient grounds for release, unless further evidence of compassionate or compelling circumstances exist.
7. the student claims work commitments or demands of employment as reason for transfer
8. UOW determines the reason/s for the transfer request can be resolved by accessing the appropriate support services offered at UOW and UOW College, including but not limited to Counselling Services, Peer Support and Disability Services.
9. the student is avoiding being reported to DHA for breaching any student obligations or student visa conditions;
10. the student has received warning notifications for unsatisfactory attendance or is subject to the UOW College course intervention strategy due to unsatisfactory academic progress (unless compassionate or compelling circumstances are identified).
11. the student has been excluded or suspended from their course, or has outstanding debts with UOW.
12. the student is not complying with an active intervention strategy, with the intention of failing and being released.
13. the student's actions have caused UOW to form the view that the student is not a GTE (e.g. low attendance rate, failure to access support services, drastic change in academic directions)

If a student's application for a release is refused, the student will be provided with written reasons for the University's decision and will be informed of their right to appeal the decision.

7 Supporting Documentation

1. The University's requirements in relation to supporting evidence and documentation relating to the existence of compassionate or compelling circumstances are set out in the [Compassionate or Compelling Circumstances Guideline](#).
2. The submission of fraudulent documentation will be regarded as serious misconduct and will be managed in accordance with the Student Conduct Rules and associated procedures. The matter may also be referred to the State or Federal Police, Independent Commission Against Corruption (ICAC) and/or the Department of Home Affairs (DHA).



8 Notification to the Department of Home Affairs (DHA)

1. The University of Wollongong shall advise DHA when an international student:
 - a. has withdrawn from a course, or
 - b. is cancelled from the course and not reinstated, or
 - c. has no current enrolment with the University of Wollongong.

9 Appeal of a Release decision

1. A student may appeal a release decision to the Senior Manager, Admissions, Fees & Scholarships within twenty (20) working days of that decision. Grounds for consideration of an appeal include:
 - a. lack of due process
 - b. relevant new or additional information which may alter the outcome of the previous decision
2. The Senior Manager, Admissions, Fees & Scholarships shall commence the assessment of the appeal within 10 working days of receipt and advise the student of the outcome as soon as practicable.
3. A student who is dissatisfied with the outcome or conduct of an appeal within the University may appeal to an external agency within ten (10) working days of the outcome of the appeal. Students have the right to make a complaint to the NSW Ombudsman where there is evidence of maladministration or misconduct by the University of Wollongong. If a student decides to lodge a complaint with the [NSW Ombudsman](#) or other external agency, the student must notify the University of this decision within ten (10) working days of being notified of the outcome of the appeal.

10 Roles & Responsibilities

1. It is the responsibility of the student to:
 - a. submit a complete application on the appropriate form with the appropriate supporting documentation
 - b. provide any further information requested by the University throughout the release application
 - c. ensure information and documentation provided in an application for release is verifiable, and an accurate depiction of circumstances.
2. It is the responsibility of the International Student Compliance Officer to:
 - a. complete a preliminary assessment of a student's eligibility for a release for consideration by the Manager – Fees and Compliance Team within ten (10) working days of receiving the complete application.
 - b. if a release is approved, advise the student in writing and update PRISMS with the outcome.
 - c. if a release is declined, issue the student a letter with reasons for the denial of the application and provide information on the appeal process
 - d. report any approved release applications to DHA
3. It is the responsibility of the Manager, Fees and Compliance to decide within 10 working days whether a release should be granted based on the student's application and the International Student Compliance Officer's preliminary assessment.



4. It is the responsibility of the Senior Manager, Admissions, Fees and Scholarships to assess and determine any appeals in accordance with this procedure.

11 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	1 July 2007	ESOS National Code Project Coordinator	First Version
2	18 Jan 2010	Academic Registrar	Incorporated in UOW Procedure Template.
3	29 March 2010	Senior Manager, Business Solutions	Review undertaken. Revisions to meet ESOS requirements. Other editorial corrections made.
4	31 July 2013	Acting Deputy Vice-Principal (Administration)	Review undertaken. Revisions made to exceptional circumstances. Policy Custodian changed to Senior Manager, Client Service. Other editorial corrections made.
5	March 2018	Chief Administrative Officer , CAO	Revisions to incorporate changes to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 . Includes changes to Requirements for Granting a Release and Appeal Process Other editorial and administrative corrections made.
6	May 2018	Chief Administrative Officer , CAO	Minor administrative amendments
7	12 February 2019	Chief Administrative Officer , CAO	Review undertaken after further benchmarking to other education providers 'policies