

# International Students Letter of Release Procedure

## Section 1 - Executive Summary

(1) This procedure:

- a. sets out the circumstances in which the University will issue a Letter of Release to an international student who is to transfer to another Registered Provider, and
- b. meets the requirements of the [ESOS Act](#).

## Section 2 - Purpose

(2) The purpose of this procedure is to outline:

- a. who is eligible for a Letter of Release,
- b. the circumstances in which the University will not approve the Application, and
- c. how to submit an [Application for Letter of Release](#).

## Section 3 - Scope

(3) This procedure applies to all international students who hold a Student Visa and:

- a. have accepted a Valid Offer of Admission from the University, or
- b. enrolled in a Program at the University.

(4) International students who have completed more than six (6) months of their Principal program do not require a Letter of Release to transfer between Registered Providers.

(5) International students who are experiencing emotional or financial hardship should contact the University's support services in the first instance. More information about support services can be found on the University's [solving issues](#) webpage.

## Section 4 - Eligibility for a Letter of Release

(6) The University will issue a Letter of Release where a transfer is in the best interests of the student, including but not limited to where the University has assessed that:

- a. the University is unable to deliver the Program outlined in the student's Written Agreement;
- b. the student has demonstrated that they are unable to achieve satisfactory academic progress, even after engaging with the University's intervention strategy and/or support services;
- c. there is evidence that the student's reasonable expectations about their current Program are not being met;

- d. there is evidence that the student was misled by the University or an education or migration agent regarding the University or its Program and the Program is therefore unsuitable to their needs and/or study objectives;
- e. an appeal (internal or external) on another matter results in a decision or recommendation to release the student;
- f. the student is enrolled in a Higher Degree by Research Program and the Dean of Graduate Research supports the change;
- g. the student has a government sponsor who considers the change to be in their best interests and provides written support for the transfer; or
- h. there is evidence that exceptional compelling or compassionate circumstances exist (as defined in the University's [Admission and Enrolment Procedure Manual – Coursework Programs](#) and the [Application for Letter of Release](#)) and these circumstances will be improved if the student transfers to another institution.

## Section 5 - Grounds for Refusal of a Letter of Release

(7) The University may not issue a Letter of Release if the international student:

- a. has any outstanding debt to the University;
- b. wants to transfer to another program at a lower AQF level;
- c. has not engaged with the University's intervention strategy and/or support services;
- d. has been reported to the Australian Government for any reason;
- e. has changed their mind about their Program – this includes students enrolled in preparatory or pathway programs, or students wanting to change to a Program outside their previous field of study;
- f. wants to enrol in a similar Program at a different provider;
- g. finds the distance from their place of residence to the campus of study is problematic;
- h. indicates financial hardship, including the inability to pay tuition fees as required;
- i. is included in a third party contractual arrangement between the University and another institution;
- j. has not submitted supporting documentation or the supporting documentation is false or misleading; or
- k. where it considers the transfer will jeopardise progression through a Packaged program.

## Section 6 - Applying for a Letter of Release

(8) To apply for a Letter of Release, an international student must have an offer of admission from another Registered Provider and complete the [Application for Letter of Release](#).

(9) Where the student is under 18 years of age their parent or legal guardian must provide written consent to the transfer.

(10) Where the student is under 18 years of age and is not being cared for in Australia by a parent or suitable nominated relative, supporting documentation must also include written confirmation that the receiving registered provider confirms to accept responsibility for approving the student's accommodation, support and general welfare arrangements.

(11) Where the student has a government sponsor, supporting documentation must be obtained from the sponsor indicating their support for the transfer.

(12) The University will only assess Applications that are complete and that have all relevant supporting

documentation attached. Supporting documentation must be an original document or certified copy and written in English or a certified translation provided.

## **Section 7 - Notification of Decision**

(13) The student will be notified of the outcome of their Application within ten (10) working days of lodgement (including all supporting documentation).

(14) The notification will be emailed to the international student's NUMail account.

(15) The University will maintain records of all Letter of Release requests and the assessment of and decision regarding the request for two years after the student ceases to be an accepted student.

(16) If the Application is approved:

- a. the University will issue a Letter of Release notification at no cost to the student;
- b. the student is responsible for contacting Immigration to seek advice on their student visa – the notification will advise of this requirement;
- c. the student will be responsible for formally withdrawing from their studies at the University – the notification will set out the required steps;
- d. the University will notify relevant Australian Government authorities, including reasons for issuing the Letter of Release; and
- e. the student's electronic Confirmation of Enrolment (CoE) will be cancelled by the University.

(17) If the Application is refused, the notification will set out:

- a. the reason/s for the decision, and
- b. the student's right to make a complaint or lodge an appeal within 20 working days.

(18) The University will finalise the outcome in PRISMS once any complaints or appeals processes are finalised.

## **Section 8 - Definitions/Dictionary**

(19) In the context of this document:

- a. "Valid Offer of Admission" means a document issued by the University that offers a prospective International student a place into a program, with commencement within a specified timeframe.
- b. "Written Agreement" means the contract between the University and the International Student that sets out the Program and related education services to be provided, fees payable, and information in relation to refunds.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	2nd May 2018
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<b>Approval Authority</b>	Academic Registrar
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<b>Responsible Executive</b>	David Donnelly Associate Director, Student and Academic Administration 4921 5389
<b>Enquiries Contact</b>	Student Central

## Glossary Terms and Definitions

**"University"** - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

**"Working day"** - Any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

**"Campus"** - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

**"Confirmation of Enrolment (CoE)"** - Means the document issued through the Australian Government's relevant department and associated systems, by authorised officers of the University that confirms that an international student is eligible to enrol in a course. The CoE is required under Commonwealth Legislation for the student visa.

**"Student"** - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

**"Financial hardship"** - An inability to meet basic living needs.

**"Packaged program"** - Two or more programs bundled together and offered to and/or accepted by an international student.

**"Principal program"** - The highest qualification, usually the main or last program, in a packaged program.

**"Program"** - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

**"Registered Provider"** - An Australian educational institution listed in the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and therefore having a current CRICOS provider number/code.

**"Third party"** - A person or group other than the University or any of the University's partner institutions.