

International Students Release Procedure

Section 1 - Executive Summary

(1) This procedure:

- a. sets out the circumstances in which the University of Newcastle (University) will issue a release to an international student in order 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 release;
- b. the circumstances in which the University will not approve the Application; and
- c. how to submit an [Application for 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; and
- b. are matriculated or 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 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 Release

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

- a. the University is unable to deliver the program outlined in the international students Written Agreement;
- b. the international 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 international student's reasonable expectations about their current program are not being met;

- d. there is evidence that the international 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 international student;
- f. the international student is enrolled in a Higher Degree by Research Program and the Dean of Graduate Research supports the change;
- g. the international 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 [Admissions Manual - Coursework and Enabling Programs](#) and the [Application for Release](#)) and these circumstances will be improved if the international student transfers to another institution.

Section 5 - Grounds for Refusal of Release

(7) The University may refuse to issue a 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 international students enrolled in preparatory or pathway programs, or international 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 sufficient 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 Release

(8) To apply for a release, an international student must submit a complete [Application for Release](#) and:

- a. have an unconditional offer of admission from another institution; or
- b. a conditional offer of admission from another institution with conditions that can only be met after an approved release.

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

(10) Where the international 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 international student's accommodation, support and general welfare arrangements.

(11) Where the international student has a government sponsor supporting documentation that indicates support for the transfer must be obtained and provided.

(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 international student will be notified of the outcome of their application within ten (10) working days of lodgement of a complete Application for Release (including all supporting documentation).

(14) The notification will be emailed to the international student's contact email.

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

(16) If the application is approved:

- a. the University will issue a release notification at no cost to the international student;
- b. the international student is responsible for contacting Department of Home Affairs to seek advice on their student visa - the notification will advise of this requirement;
- c. the international 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 release; and
- e. the international 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 international student's right to lodge an appeal within 20 working days.

(18) The University will not finalise the international student's refusal status in PRISMS until:

- a. an appeal finds in favour of the University; or
- b. the international student has chosen not to access the appeals process within the 20 working day period; or
- c. the international student withdraws from the process.

Section 8 - Appealing the Decision

(19) If an application is refused the international student has the right to appeal this decision if they are of the belief the application was not assessed in accordance with this procedure.

(20) International students who choose to appeal a decision made under this procedure must do so in writing to the Office of the Deputy Vice-Chancellor Global (dvcgep-ea@newcastle.edu.au).

(21) The appeal must be lodged within 20 working days after receiving an outcome for the Application for Release.

(22) The University will commence assessment of the complaint or appeal within 10 working days of it being received.

(23) Applicants making an appeal will need to demonstrate that the original decision should not have been made, or should have been made differently. It is recommended that evidence to support the appeal is provided to enable a review of the decision to be conducted.

(24) The outcome of the appeal will either be:

- a. to dismiss the appeal as the grounds for the appeal are unsubstantiated; or
- b. to uphold the appeal and action the Release.

(25) If the appeal is dismissed, the international student will be provided with a written statement of the outcome of the appeal, including detailed reasons for the outcome, within 10 working days of concluding the review.

(26) If the appeal is upheld the University will:

- a. immediately implement the decision or recommendation; and/or
- b. take the preventive or corrective action required by the decision; and
- c. advise the international student of the action taken.

(27) Assistance in preparing an appeal may be provided by a Student Advocate - contact the Office of Student Advocacy at the following email address – studentadvocates@newcastle.edu.au.

Section 9 - Definitions/Dictionary

(28) 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.

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Enquiries Contact	Jonathan Hynes Manager, International Admissions 02 4055 3004 <hr/> International Admissions

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.

"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.

"International student" - A student (as defined by the University) who is not an Australian citizen, Australian Permanent Resident or New Zealand citizen (or dual citizenship holders of either Australia or New Zealand). This includes students who will be studying offshore and those who will be studying onshore and have a student visa, provisional residency, temporary residency, bridging visa, or any other category of non-permanent visa for Australia.