

International Students Release Policy

Section 1 - Background and Purpose

(1) This Policy has been developed to comply with Standard 7 of the [National Code](#) of Practice for Registration Authorities and Providers of [Education Services for Overseas Students Act 2000](#).

Section 2 - Scope

(2) This Policy applies to all international students holding a student visa enrolled in a La Trobe University course or in a pathway program where the La Trobe University course is the principal course.

Section 3 - Policy Statement

(3) International students are free to transfer to another registered provider after six calendar months from the commencement of classes in their principal course, and in these circumstances are not required to obtain approval for a Release.

(4) Students wishing to withdraw prior to the first six calendar months from the commencement of classes in their principal course are required to obtain approval for a Release.

(5) The Procedures outline the conditions under which a student may apply for a Release prior to six months and the steps for application and appeal.

Section 4 - Procedures

Part A - Part A - Request for Release

General

(6) All requests for a Release must be made in writing on the Request for a Release form, outlining the reasons for the application according to the conditions for release described in Part B of this procedure.

(7) Where appropriate, students seeking a Release will be offered information and advice by La Trobe International to explore their reasons for transferring to another provider. This will consider any compassionate, compelling, or relevant academic circumstances, and may also include helping a student identify alternative academic pathways or courses within La Trobe which may be relevant to their academic aspirations.

(8) The scheduled date for commencing classes at the other institution must not have passed or be before the date the Request for Release is lodged.

(9) Students must continue to attend classes while a decision is being made regarding a Release, or where a student

has appealed this decision and the appeal is in process.

Documentary Evidence

(10) All requests for a Release must include reasons for the request and be accompanied by appropriate documentary evidence. This will include:

- a. a valid unconditional offer letter from the institution the student wishes to transfer to;
- b. where a student's request is based on medical grounds, a La Trobe University [Medical Impact Statement](#) or detailed medical certificate must be completed by a Medical Practitioner, Psychologist or Counsellor;
- c. where a student's request is on academic/progress grounds, evidence that they have not met their conditions of offer.

(11) International students in the following categories will require the following additional documentation to that outlined above:

- a. Sponsored students require a written letter of support from their Sponsor
- b. International students in receipt of US Financial Aid funding or other overseas student loan programs require a copy of their Award Letter
- c. scholarship students require a copy of their Acceptance of Scholarship letter
- d. students under 18 years of age:
 - i. require written confirmation that the student's parent or legal guardian supports the transfer
 - ii. where such a student is not being cared for in Australia by a parent or suitable nominated relative the valid Letter of Offer from the new provider must also confirm that the provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger Students).

(12) Failure to present the appropriate evidence in support of an application may adversely affect the outcome of the application.

Part B - Conditions for Release

Failure to Meet Conditions of Offer

(13) International students will be provided with a Release if they have not met the conditions as stated in their offer letter. This means that:

- a. Students who are in packaged La Trobe University pathway courses who fail to meet La Trobe University entry requirements after a minimum of two trimesters at their pathway education provider may be granted a release. Students must be able to demonstrate that they have followed appropriate instructions from pathways academic staff in resourcing additional support to attempt to achieve their conditions of offer.
- b. Students must have made a genuine attempt at meeting the conditions as stated in their offer letter and complied with all conditions of their student visa, including satisfactory attendance, academic progress and payment of fees.
- c. Students must provide evidence of engagement with support services and that intervention strategies have been put in place.

Student's Best Interests

(14) If an international student can demonstrate to the satisfaction of La Trobe University that the transfer to another provider is in their best interests, a Release may be granted. Best interests may be demonstrated where:

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- a. the transfer represents a clear educational progression
- b. a student is experiencing demonstrable academic difficulties in their current course
- c. the student's personal circumstances suggest that changing to an alternative course with another provider is in their best interests.

Compassionate and Compelling Circumstances

(15) Compassionate and compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- a. serious illness or injury, evidenced by a medical certificate and a La Trobe University [Medical Impact Statement](#).
- b. bereavement (death) of a close family member, evidenced by a death certificate
- c. other compassionate circumstances where adequate evidence can be provided to show reason for release.

(16) The following circumstances will not generally be considered compassionate or compelling circumstances:

- a. change to a new course with lower fees
- b. distance of student's accommodation from the La Trobe University campus at which they are enrolled
- c. financial difficulty (unless this can be proven to be sudden and unexpected)
- d. the need or desire to work
- e. the student is requesting a break or would like to visit family
- f. homesickness, this may take time to overcome, but transferring to another provider is unlikely to resolve this problem. La Trobe University offers support services to assist students with adjusting to studying and living in Australia
- g. a desire to move to another provider to be with friends and/or family
- h. more than one NS result (Fail, No Work Submitted) on the La Trobe University pathway provider transcript (such results indicate that the student has not made a genuine attempt to pass the course)
- i. accommodation or personal issues where the student can receive assistance from the University or partner provider
- j. changing to a course that is outside the student's previous field of study
- k. where the student's CoE has already been cancelled for non-commencement of study or for an inactive enrolment status

Course Ceases to Be Offered

(17) A Release may be offered if the principal course accepted by the student has been cancelled or ceased to be offered for the student's accepted intake, or the University has a sanction imposed on it that prevents the student from continuing his or her principal course.

Part C - Specific Circumstances in Which a Release Can be Refused

(18) Other than failing to meet the conditions for release, or to provide sufficient documentary evidence, a Release to Transfer can be refused in the following circumstances:

- a. the transfer may jeopardise the student's progression into packaged courses
- b. the transfer is unfavourable to the student in some way, including where the transfer does not represent clear educational progression. This may include:
 - i. where the transfer to the new course may be detrimental to the student's well-being and/or career objectives as stated in the student's original admissions application

- ii. where a student applies to transfer to another provider in a different education sector (e.g., VET) or lower level qualification (e.g., Bachelor to Diploma) and the transfer is determined not to be in the student's best interests
- c. the student's personal statement is inconsistent with other information provided to the University
- d. the student is transferring to a Non Simplified Student Visa Framework (SSVF) provider and may be in breach of their student visa
- e. the student is transferring to another provider to study essentially the same course offered by La Trobe University
- f. the student does not meet the entry requirements for the course with the new provider
- g. the student has outstanding debts to the University or partner provider
- h. the student is in receipt of La Trobe University scholarship funds
- i. where La Trobe University forms the view that the student is deliberately trying to manipulate the Australian Student Visa system
- j. La Trobe University reserves the right to take into consideration other factors, including individual circumstances of a student, which may not be specified above.

Part D - Outcome of Application

(19) A written statement of the outcome will be given to the student, including reasons for the outcome and information on how to appeal the decision where appropriate.

Part E - Appeals

(20) Under the National Code, where a student is refused a Release, the student has the right to appeal.

(21) Any appeal should be lodged in writing addressed to the Pro Vice-Chancellor (International) or delegate within 20 working days of the date of the decision not to grant a Release.

(22) Appeal applications must include:

- a. evidence showing how the decision was not made in accordance with this Policy
- b. any additional or previously un-submitted evidence to support the appeal for Release

(23) Students will be notified within 10 working days of the date of their appeal submission about the outcome of the appeal with a written statement including reasons for the outcome. Where further evidence is required, the 10-day period will not commence until this evidence is received.

(24) If the student is still not satisfied with the outcome of the appeal, a new appeal can be lodged within 20 working days from the date of the initial appeal response, at no cost, with the University Ombudsman.

(25) If the complaint or grievance is not resolved through the University Ombudsman, the student may lodge a complaint at no cost with the Victorian Ombudsman. If the student has not followed the steps laid down in the relevant University procedures, the Victorian Ombudsman may ask them to do so before accepting the complaint.

Part F - Refunds

(26) Students who are granted a Release must complete the Application for Refund form and must discontinue their enrolment in accordance with the specified dates that La Trobe University has determined as the dates governing eligibility for refunds. In all circumstances, students' entitlements to a refund will be assessed in accordance with their written agreement with La Trobe University. More information can be found at: [International Students - Tuition Fees](#).

Section 5 - Definitions

(27) For the purpose of this Policy and Procedure:

- a. Principal Course: The principal course is one for which a student visa has been issued at the highest level of study in a packaged course.
- b. Release: An approval granted to an international student that will release them from their commitment to La Trobe University.

Status and Details

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