International Students Withdrawal Transfer and Refund Procedure

Section 1 - Purpose

(1) The purpose of this procedure is to outline Melbourne Polytechnic's terms and conditions relating to international student withdrawals, transfers and refunds. This procedure adheres to the requirements of the Education Services for Overseas Students (ESOS) Framework, including the Education Services for Overseas Students Act 2000 (Cth), National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code), Tuition Protection Service Framework (TPS), and related legislative instruments.

Section 2 - Scope

(2) This procedure applies to all new and continuing international students at Melbourne Polytechnic who hold an Australian student visa and all Melbourne Polytechnic staff with responsibilities for international students.

(3) This procedure should be read in conjunction with the student's Letter of Offer/Acceptance Agreement as it forms the initial contract with the student and contains reference to this procedure.

Section 3 - Procedure

(4) Melbourne Polytechnic is required to enter into written agreements with international students that is consistent with the requirements of the ESOS Act, providing information relating to refunds of tuition fees in the case of student and provider default.

Withdrawal and Cancellation of Enrolment

(5) International students intending to withdraw from a course(s) should notify Melbourne Polytechnic International in writing on the International Students Withdrawal and Refund Application Form.

(6) Melbourne Polytechnic may cancel a student's enrolment due to 'student default' or in some rare circumstances 'provider default'.

Student Default

(7) Student default occurs when a student has broken the terms of their written agreement with Melbourne Polytechnic, where they:

a. withdraw from their course (either before or after the agreed starting date as specified on the CoE);
b. fail to commence their course due to not meeting any applicable conditions of course entry;
c. fail to commence their course (or a subsequent study period) on the agreed starting date without an approved leave of absence or late commencement;
d. fail to pay an amount payable to Melbourne Polytechnic by the due date specified;

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the Policy and Procedure Register for the latest version.

e. have breached a condition of his/her student visa; or
f. are found to have breached Melbourne Polytechnic's Student Discipline Policy.

Provider Default

(8) Provider default occurs when Melbourne Polytechnic has broken the terms of the written agreement with a student under the following circumstances:

a. Melbourne Polytechnic fails to commence a course at the agreed campus on the agreed starting date as specified on a student's Confirmation of Enrolment (CoE); or
b. after the course starts but before it is completed, Melbourne Polytechnic ceases to provide the course to a student at the agreed campus, and they have not withdrawn from the course before the default day.

(9) Melbourne Polytechnic has processes in place to minimise provider default occurrences through regular and frequent course currency reporting, where potential training package or future course profile changes may affect its scope of registration.

(10) In the unlikely event that Melbourne Polytechnic defaults, an alternative commencement date, location or course delivered by Melbourne Polytechnic may be offered to a student. In this case, they are entitled to accept or decline this offer and apply for a refund of any unspent tuition fees in accordance with the Student Enrolment, Fees and Charges Policy and Tuition Protection Service Framework (TPS) regulations.

Failure to Pay Fees

(11) All course fees payable will be specified on an itemised payment schedule as part of the written agreement between a student and Melbourne Polytechnic.

(12) If fees payable are not received by the due date, the student will be notified in writing of Melbourne Polytechnic's intention to report due to the failure to pay required fees and will be given a period of 20 business days (from the date of notification) in which payment must be made or an appeal is raised to Melbourne Polytechnic-International. Failure to do so will result in cancellation of enrolment.

(13) If the appeal raised with International is denied and the student still disputes cancellation of enrolment, they can progress their appeal via Melbourne Polytechnic's Student Complaints and Appeals Policy and Student Complaints and Appeals Procedure. The student will be permitted to continue to study their course until the appeal has been heard and a direction issued.

Internal Course Transfer

(14) Internal course transfers within Melbourne Polytechnic are subject to approval from the International Office who will assess a student's request to transfer courses in accordance with the relevant admissions procedure and course selection criteria.

(15) All applications to transfer courses should be made on the International Student Application Form and submitted to the International Office with accompanying documentation.

(16) Students will be notified of the application's outcome in writing and if successful, will be offered a place in the new course(s). Upon a student's acceptance of the new offer and written agreement, they will be withdrawn from their current course(s) and provided with new CoE documentation for the new course(s) enrolled.

(17) Where an internal course transfer is approved, a student may require a new student visa if their principal course of study is not within the same education sector for which their student visa was granted, or their studies will be completed after their current visa expires.

Transfer Between Registered Providers

(18) Melbourne Polytechnic will assess a student's request who wish to transfer to another registered provider prior to them completing six (6) months of the principal course of study in accordance with this procedure. When transfers are approved the date and reason for approval will be recorded in PRISMS.

(19) All applications to transfer to another registered provider must be requested in writing by completing the International Students Withdrawal and Refund Application Form to the Melbourne Polytechnic International Office attaching any relevant documentation.

(20) The outcome of the application will be communicated to a student in writing within ten (10) business days after the application is submitted.

(21) Where an application is unsuccessful and the request to transfer is refused, a student will be informed of the reasons for this refusal, but is entitled to submit a new application that addresses the reasons for refusal.

(22) Where an application is unsuccessful, within 20 days the student has the right to lodge an appeal via Melbourne Polytechnic's Student Complaints and Appeals Policy and Student Complaints and Appeals Procedure. If unsuccessful the student can appeal with the Institute of Arbitrators and Mediators Australia (IAMA). The student will be permitted to continue to study their course until the appeal has been heard and a direction issued.

Conditions to Change Provider

(23) Melbourne Polytechnic will grant a student's request to transfer and provide a written letter for a release, except in the following circumstances where they:

a. fail to submit the request to transfer with all required documentation by the required date;
b. fail to submit a valid offer letter showing the intended course(s) and registered provider of transfer;
c. fail to submit a valid offer letter showing a principal course of study within the same education sector of their current student visa subclass, and it is deemed that they do not intend to apply for a new student visa;
d. are requesting to transfer to a course that is available at Melbourne Polytechnic;
e. are requesting to transfer to a course at a lower level of studies;
f. are requesting to transfer due to having insufficient financial capacity to cover tuition, living, or travel costs;
g. have outstanding fees owed to Melbourne Polytechnic;
h. are requesting to transfer primarily to enhance permanent residency opportunities, reduction in attendance requirements at the new provider or where their current timetable interferes with work arrangements;
i. are requesting to transfer due to the feeling of home sickness and it is deemed that a transfer to another provider will not benefit their welfare;
j. are requesting to transfer after failing to meet tuition payment, course attendance, or course progress requirements and it is deemed that the reasons to transfer are solely to avoid Melbourne Polytechnic's obligatory report of student visa non-compliance to the Department of Home Affairs (DHA); or
k. it is deemed that the transfer will be detrimental to a student.

Applications for Refunds

(24) All applications for refund should be made by submitting an International Students Withdrawal and Refund Application Form to the Melbourne Polytechnic International Office.

(25) Refunds will be assessed in accordance with Melbourne Polytechnic's Delegation of Authority Policy.

Full Refunds

(26) Where an offer to a student for a place in a course is withdrawn by Melbourne Polytechnic, a full refund will be made.

(27) Where a student fails to meet any applicable conditions of course entry or other course entry pre-requisites, a full refund will be made excluding situations stated in clause (30).

(28) In the event that Melbourne Polytechnic 'provider defaults' and is unable to deliver the agreed course, a full refund of 'unspent tuition' fees will be made.

(29) Where there are exceptional circumstances that prevent a student from commencing or completing the semester, a full or partial refund of course fees paid may be made with consideration to the circumstances on receipt of documentary evidence, subject to approval from the Manager International Student Recruitment.

Partial Refunds

(30) In certain circumstances, a partial refund may be provided where a student:

a. accepts an offer for a place to study in a VET or Higher Education course, gives written notice of their intention to withdraw from date of acceptance to within 28 days post semester commencement, or less than 28 days prior to the first ELICOS intake commencement date, a refund of course fees paid will be made less an administrative fee of 25% of the full course semester fee;
b. has their student visa application refused (excluding due to fraud) and the DHA visa refusal decision record letter is provided as evidence, a refund of course fees paid will be made less 5% of the total course fees paid or $500 (whichever is lower); or
c. has their student visa application withdrawn and the visa withdrawal letter is provided as evidence, subject to approval from the Manager International Student Recruitment.

No Refunds

(31) No refunds will be provided where a student:

a. after accepting an offer for a place in a VET or Higher Education course, gives written notice of their intention to withdraw more than 28 days post the semester commencement, or less than 28 days prior to the first ELICOS intake commencement date;
b. is granted course deferral or a leave of absence after semester start date, for any course fees paid that as a result are transferred to a subsequent semester;
c. has their student visa cancelled or a student no longer retains study rights due to a breach of visa conditions;
d. has accepted a place in a Melbourne Polytechnic program that is packaged with a pathway program offered at another provider, and then doesn't for any reason (excluding documented evidence of visa refusal) commence;
e. has their enrolment cancelled by Melbourne Polytechnic, including cancellation caused by a breach of student visa conditions or any illegal or unlawful conduct by the student as a result of a breach of the Student Discipline Policy;
f. is granted approval for release to study at another provider prior to completing six months' study of the principle course; or
g. applies for a visa extension after course commencement date, and the new student visa is not granted.

Visa Changes

(32) Where a student moves from a Student Visa to another form of Temporary Resident Visa or is granted Permanent

Residency status, a full refund will be made if a student obtained the new Temporary Resident Visa or Permanent Resident status prior to the semester commencement date and has made the necessary arrangements to amend their enrolment records accordingly.

(33) Where a student obtains a new Temporary Resident Visa or Permanent Resident status after semester commencement date, a student will be classified for fee purposes as an international student for the remainder of the semester.

Processing of Refunds

(34) All approved refunds will be processed within four (4) weeks after receiving a completed International Students Withdrawal and Refund Application Form and will be made in Australian or the foreign currency equivalent at the time of processing.

(35) Where payment of fees is made via credit card, approved refunds will only be paid back to the original credit card account in which fee payments were made, and not to any other account or method of payment.

(36) Refund payments will not be made to third parties unless there are exceptional circumstances and a request (with evidence) is made in writing to Manager International Student Recruitment.

(37) This procedure, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's Consumer Protection Laws.

Section 4 - Responsibility and Accountability

(38) International students are responsible for:

a. complying with the conditions as set out in their student visa;
b. ensuring timely receipt of tuition fee payment;
c. re-enrolling by the published date should a deferral or leave of absence be approved; and
d. maintaining their enrolment, attending classes and submitting assessments until the conclusion of any appeals process.

(39) Staff within the International Office are responsible for monitoring student visa compliance, and reporting non-compliance where required under the Education Services for Overseas Students (ESOS) Framework. Staff are also required to inform students of appeal opportunities afforded to them internally at Melbourne Polytechnic, and externally.

(40) The Vice President International Development, International Partnerships (International Office) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.

Section 5 - Supporting Documents and Templates

(41) Related Melbourne Polytechnic policies and procedures:

a. Student Enrolment, Fees and Charges Policy
b. Delegation of Authority Policy
c. International Students Withdrawal and Refund Application Form
d. International Student Application Form
e. International Student Studying on a Student Visa Policy

f. Admission (HE) Policy
g. Student Complaints and Appeals Policy
h. Student Discipline Policy

(42) Related Legislation and Regulation

a. Education Services for Overseas Students (ESOS) Framework
b. Higher Education Standards Framework (Threshold Standards) 2021
c. National Code of Practice for Providers of Education and Training to Overseas Students 2018
d. Standards for Registered Training Organisations (RTOs) 2015
e. Tertiary Education Quality and Standards Agency Act 2011

Section 6 - Definitions

(43) For the purpose of this procedure the following definitions apply:

a. CoE: means Confirmation of Enrolment issued by DHA.
b. DHA: means the Department of Home Affairs.
c. Principal course of study: refers to the main course (normally the final course) to be undertaken by an international student where a student visa has been issued for multiple courses of study.
d. PRISMS: means Provider Registration and International Student Management System, used for recording information about international students with the Australian Government.
e. Semester commencement date: means the start date of a teaching period as outlined within Melbourne Polytechnic's Academic Calendars.
f. Tuition Protection Service: refers to an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study.

Status and Details

Status	Current
Effective Date	11th January 2023
Review Date	16th December 2027
Approval Authority	Chief Executive
Approval Date	16th December 2022
Expiry Date	Not Applicable
Policy Owner	Cathy Frazer Executive Director People and Student Success
Policy Implementation Officer	Timothy Gilbert Vice President International Development
Author	Timothy Gilbert Vice President International Development
Enquiries Contact	Timothy Gilbert Vice President International Development