

## International Students Withdrawal, Transfer and Refund Policy

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### 1. Purpose

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

### 2. Policy Statement

Under National Code 2018 Standard 3, Melbourne Polytechnic must enter into a written agreement with the student, which is to be consistent with the requirements of the ESOS Act, providing information relating to refunds of course money in the case of student and provider default.

### 3. Principles

This policy will adhere to the following principles:

- value diversity
- promote natural justice
- offer equality of opportunity

### 4. Scope

This policy applies to new and continuing international students and staff in International. This policy 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 policy.

### 5. Policy

#### 1. Withdrawal and cancellation of enrolment

**1.1.** 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](#). For students under 18 years of age approval from the parent or legal guardian supporting the withdrawal is required.

**1.2.** Melbourne Polytechnic may cancel a student's enrolment due to 'student default' or in some rare circumstances 'provider default'.

#### 1.3. Provider default

Provider default occurs when Melbourne Polytechnic has broken the terms of the written agreement with the student, including the following circumstances:

- Melbourne Polytechnic fails to start the providing the course to the student at the agreed campus on the agreed starting day as specified on the CoE.
- After the course starts but before it is completed, Melbourne Polytechnic ceases to provide the course to the student at the agreed campus, and the student has not withdrawn from the course before the default day.

In the unlikely event that Melbourne Polytechnic defaults, an alternative location or course delivered by Melbourne Polytechnic may be offered to the student. The student is entitled to accept this offer or decline and apply for a refund of any unspent tuition fees in accordance with the refund policy and Tuition Protection Service (TPS) regulations. The Tuition Protection Service is an initiative of the Australian Government to assist international students whose education providers are unable to fully

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deliver their course of study. For more information on TPS for international students, please visit <https://tps.gov.au/StaticContent/Get/StudentInformation>

### 1.4. Student default

Student default occurs when the student has broken the terms of the written agreement with Melbourne Polytechnic, including the following circumstances:

- The student withdraws from the course (either before or after the agreed starting day as specified on the CoE).
- The student fails to commence the course due to not meeting any applicable conditions of course entry.
- The student fails to commence the course (or a subsequent study period) on the agreed starting day without an approved leave of absence or late commencement.
- The student fails to pay an amount payable to Melbourne Polytechnic by the due date specified.
- The student has breached a condition of his/her student visa.
- Misbehaviour or misconduct by the student. Refer to Melbourne Polytechnic's Student Discipline Policy

### 1.5. Cancellation of enrolment due to student's failure to pay fees

All course fees payable will be specified on an itemised payment schedule as part of the written agreement between the student and Melbourne Polytechnic. Failure to submit fees payable will result in student default and cancellation of the course enrolment(s).

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. 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 must continue to study their course until the appeal has been heard and a decision issued.

### 1.6. Late fee payment administrative fee

Any fees not paid by the due date specified on payment schedule will result in a late payment fee of \$100. Payments received 20 days past due date will incur an additional \$100 fee (\$200 total). Once charged, late payment fees cannot be cancelled and must be paid.

## 2. Transfer to another Melbourne Polytechnic course

**2.1.** Course transfers are subject to approval from Melbourne Polytechnic-International who will assess a student's request to transfer courses in accordance with the relevant International Student Admissions Procedure and course selection criteria.

**2.2.** All applications to transfer courses should be made on the [International Student Application Form](#) and submitted to the Melbourne Polytechnic-International Office with accompanying documentation. Students will be notified of the application's outcome in writing and if successful, the student will be offered a place in the new course(s). Upon the student's acceptance of the new offer and written agreement, the student will be withdrawn from their current course(s) and provided with new Confirmation of Enrolment (CoE) documentation for the new course(s) enrolled.

**2.3.** Students are advised that they 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. Students with concerns are advised to contact DHA prior to transferring courses to seek advice on whether a new student visa will be required.

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### 3. Transfer between registered providers

- 3.1. Melbourne Polytechnic will assess requests from international students who wish to transfer to another registered provider prior to the student completing 6 months of the principal course of study in accordance with this policy. When transfers are approved the date and reason for approval will be recorded in PRISMS.
- 3.2. All applications to transfer to another registered provider from Melbourne Polytechnic must submit this request in writing on the [International Students Withdrawal and Refund Application Form](#) to the Melbourne Polytechnic-International attaching any relevant documentation.
- 3.3. There is no cost to submit an application for transfer to another registered provider, but it is advised that the student contacts DHA to seek advice on whether a new student visa is required.
- 3.4. The outcome of the application will be communicated to the student in writing within 10 business days after the application is submitted.
- 3.5. Where an application is unsuccessful and the request to transfer is refused, the student will be informed of the reasons for this refusal. The student is entitled to submit a new application that addresses the reasons for refusal.
- 3.6. Where an application is unsuccessful, the student has the right to lodge an appeal with the Institute of Arbitrators and Mediators Australia (IAMA). The student must continue to study their course until the appeal has been heard and a decision issued.
- 3.7. **Circumstances in which a transfer will not be granted**
  - The student fails to submit the request to transfer with all required documentation by the required date.
  - The student fails to submit a valid offer letter showing the intended course(s) and registered provider of transfer.
  - The student fails 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 the student does not intend to apply for a new student visa.
  - The student is requesting to transfer to a course that is available at Melbourne Polytechnic.
  - The student is requesting to transfer to a course at a lower level of studies.
  - The student is requesting to transfer due to having insufficient financial capacity to cover tuition, living, or travel costs.
  - The student has outstanding fees owed to Melbourne Polytechnic
  - The student is requesting to transfer primarily to enhance permanent residency opportunities, reduction in attendance requirements at the new provider or current timetable interferes with work arrangements
  - The student is requesting to transfer due to the feeling of home sickness and it is deemed that a transfer to another provider will not benefit the student's welfare.
  - The student is 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 DHA, in accordance with the National Code 2018.
  - It is deemed that the transfer will be detrimental to the student.
  - The student is under 18 and fails to include written confirmation that the student's parent or legal guardian supports the transfer, and where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid offer letter does not confirm that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangement.

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### 3.8. Circumstances in which a transfer will be granted

- Where none of the conditions stated in 3.7 apply to the student circumstances, Melbourne Polytechnic will grant the request to transfer and provide a written letter for a release.

## 4. Refund Policy

4.1. All applications for refund should be made in writing on the [International Student Withdrawal and Refund Application Form](#) and submitted to the Melbourne Polytechnic-International.

### 4.2. Full Refunds

- Where an offer to the student for a place in a course is withdrawn by Melbourne Polytechnic, a full refund will be made.
- Where the 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 4.4
- 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. Alternatively the student (at no additional cost) may accept an alternative course delivered by Melbourne Polytechnic that may be offered.

### 4.3. Partial Refunds

- Where the student, after accepting an offer for a place to study in a VET or Higher Education course, gives written notice of their intention to withdraw within 28 days post commencement of the semester date, a refund of course fees paid will be made, less an administrative fee of 25% of the full course semester fee owed
- Where the student, after accepting an offer for a place to study in ELICOS, gives written notice of their intention to withdraw 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.
- Where the student’s visa application is 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).
- Where the student’s visa application is withdrawn and the visa withdrawal letter is provided as evidence, a partial refund of course fees paid may be made, subject to approval from the Manager International Inbound.
- Where there are exceptional circumstances that prevent the student from commencing or completing the semester, a full or partial refund of course fees paid may be made with consideration to the circumstances (documentary evidence must be provided) and subject to approval from the Manager International Onshore.

### 4.4. No Refunds

- Where the student, after accepting an offer for a place in a course, gives written notice of their intention to withdraw more than 28 days post the semester commencement for VET and Higher Education programs, or less than 28 days prior to the first ELICOS intake commencement date, no refund will be made.
- Where the student 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, no refund will be made.
- Where the student’s visa is cancelled or the student no longer retains study rights due to a breach of visa conditions, no refund will be made.
- Where a student has accepted a place in a Melbourne Polytechnic program that is packaged

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with a pathway program offered at another provider, and then doesn't for any reason (excluding documented evidence of visa refusal) commence, no refund will be made.

- Where a student's enrolment is cancelled by Melbourne Polytechnic, including cancellation caused by a breach of student visa conditions or any illegal or unlawful conduct by the student, no refund will be made.
- Where a student is granted approval for release to study at another provider prior to completing six months' study of the principle course, no refund will be made.
- Where a student applies for a visa extension after course commencement date, and new student visa is not granted, no refund will be made. Students are advised not to re-enrol if they are uncertain if their visa will be extended.

### 4.5. Visa Changes

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

### 4.6. Processing of Refunds

- All refunds will be processed within 4 weeks after receiving [International Student Withdrawal and Refund Application Form](#) and made in Australian dollars or the foreign currency equivalent at the time of processing.
- 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.
- Refund payments will not be made to third parties unless there are exceptional circumstances and an application (with evidence) is made in writing to Manager, International Inbound.
- This policy, 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.

## 6. Definitions

DHA: Department of Home Affairs

Principal course of study: Principal course of study refers to the main course (normally the final course) to be undertaken by an overseas student where a student visa has been issued for multiple courses of study

PRISMS: Provider Registration and International Student Management System. Australian Government Department of Education and Training site for recording information about international students with the Australian Government.

Semester commencement date:

As specified on Melbourne Polytechnic Academic Calendar (available on [Melbourne Polytechnic website](#)).

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### 7. Responsibility and Accountability

Task	Responsibility	Notes
Under National Code 2018 Standard 3, Melbourne Polytechnic must enter into a written agreement with the student, which is to be consistent with the requirements of the ESOS Act, providing information relating to refunds of course money in the case of student and provider default.	Manager, International Inbound  International Office Staff	

### 8. Supporting Documents and Templates

#### Related Documents:

[International Student Application for Withdrawal and Refund Form](#)  
[International Student Withdrawal, Transfer and Refund Procedure](#)

#### Legislative Context:

Educational Services for Overseas Students (ESOS) Framework -  
<https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx>

### 9. Policy Control

<b>Approving authority</b>	<i>Melbourne Polytechnic Executive</i>
<b>Date approved</b>	<i>14 June 2018</i>
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