

# Cancellations, Withdrawals and Transfers of International Students



## Audience and scope:

This policy is relevant to the following roles:

- All kaimahi and external stakeholders

## Document management and control

<b>Policy Number</b>	AM5	<b>Consultation Scope</b>	Reasonable and appropriate consultation with kaimahi, ākonga and external stakeholders
<b>Category</b>	Management	<b>Approval Bodies</b>	Delegated Authority
<b>Policy Owner</b>	Director responsible for the International Centre	<b>Review Dates</b>	1 September 2017
<b>Policy Contact Person</b>	International Director		

## Amendment history

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
1.0	25 August 2009		
Version 2.0	11 December 2015	International Director (and Academic Registrar)	New format, planned review
Version 3.0	1 January 2023	Chris Park, GM Academic Services	Align with Te Kawa Maiooro
Version 4.0	22 March 2024	Chris Park, GM Academic Services	Align with Te Kawa Maiooro

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## Cancellation, Withdrawal and Transfers of Ākonga nō tāwāhi (International Students)

*This policy is supplemental to Te Kawa Maiooro, Te Pūkenga’s Educational Regulatory Framework. Te Kawa Maiooro sets out the overarching regulations that apply to learning and delivery (teaching, assessment, rangahau and research, and support activities) at Te Pūkenga. As and when finalised, Te Pūkenga will publish policies and procedures that are intended to sit underneath Te Kawa Maiooro and prescribe detailed requirements.*

*In the meantime, pursuant to Te Pūkenga’s Grandparenting Policy, the regulations, policies, and procedures of the former subsidiaries apply unless there is a national regulation or policy in place. Accordingly, where a specific matter is not addressed within Te Kawa Maiooro, this policy is intended to prescribe the requirements that are specific to the MIT business division.*

*To the extent that there is any conflict or inconsistency between any of MIT’s policies or procedures and Te Kawa Maiooro, Te Kawa Maiooro shall prevail and have priority.*

*Advice to Ākonga (Students) and Kaimahi (staff) reading this document: references to relevant sections of Te Kawa Maiooro (TKM) are noted at the beginning of each clause. Any text that is crossed out is no longer current policy and has been replaced by the policy settings in Te Kawa Maiooro. Please refer to that document.*

### 1. PURPOSE

- 1.1. The purpose of this policy is to ensure that Ākonga nō tāwāhi (international learners) are treated fairly and consistently with regard to cancellations, withdrawals and transfers while also ensuring that the Manukau Institute of Technology business division of Te Pūkenga - New Zealand Institute of Skills and Technology (“MIT”) recovers the full cost for ākonga nō tāwāhi as required by the Education and Training Act 2020. This policy sets out the conditions under which an ākonga nō tāwāhi will be considered for a refund of tuition fees after the cancellation of a course or following withdrawal.
- 1.2. This policy applies only to full fee paying ākonga nō tāwāhi. Ākonga nō tāwāhi fees for courses managed by way of a contract (such as NZ Aid and ITO contracts) are not covered by this policy unless otherwise stated in the contract. Ākonga nō Aotearoa (Domestic learners) and those with permanent resident status should refer to Management Policy *AM4 Cancellations, Withdrawals and Transfers*.
- 1.3. There is no automatic right to a refund of fees if an ākonga nō tāwāhi changes his/her mind about studying at MIT.

### 2. POLICY

- 2.1. All ākonga nō tāwāhi will be treated equitably and consistently with regard to cancellations,

withdrawals and transfers, and the refund of fees.

- 2.2. The policy pertaining to cancellations, withdrawals, transfers and refunding fees is found in Te Kawa Maiooro Section 2 (Enrolment) and in the *Ākonga Policy*:
- Section 2.8: Refusal or Cancellation of Enrolment,
  - Section 5: Cancellations, Postponements and Timetable Changes,
  - Section 6: Withdrawals,
  - Section 7: Transfers, and
  - Section 8: Refunding Fees.

### 3. PROCEDURES

#### 3.1. Cancellations

- 3.1.1. ~~TKM 2.33 Manukau Institute of Technology reserves the right to cancel a programme/course if there are insufficient enrolments prior to programme/course commencement.~~
- 3.1.2. ~~TKM 2.32(6) If the Institute cancels or postpones a programme/course all ākonga nō tāwāhi fees will be refunded in full or credited to another course.~~

#### 3.2. Withdrawals

- 3.2.1. Ākonga nō tāwāhi may apply to withdraw (and apply for a refund) from any courses he or she is enrolled in by submitting an *International Student Withdrawal or Transfer Application form*<sup>1</sup> to the International Centre along with any supporting information.
- 3.2.2. Any withdrawal application must be received in the period within which the student is enrolled to study on that course and will be actioned as at the date that the form is received by the International Centre.
- 3.2.3. **Late Arrivals**  
TKM 2.30 If a student starts the course after the earliest course start date, the date of the withdrawal will be processed against the earliest course start date of the student's academic year not the student commencement date.

#### 3.3. Refunds

- 3.3.1. ~~TKM 2.30 By accepting a place in a programme, ākonga nō tāwāhi enter into an agreement with MIT for the period defined in their student visa. Unless a student's circumstances fall within specific criteria outlined in this section, there will be no refund of tuition fees for study within this period.~~

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<sup>1</sup> *International Student Withdrawal and Transfer Application forms* are available from the International Centre. Completed forms must be submitted to the International Centre along with supporting information.

- 3.3.2.** Refunds will be calculated from the date an *International Student Withdrawal or Transfer Application form* is received by the International Centre.
- 3.3.3.** ~~TKM Section 2G Where MIT cancels or postpones a course, all fees will be refunded in full or credited to another course, at the ākonga's discretion.~~
- 3.3.4.** Ākonga who withdraw from or cease attending a course before fees are paid will be responsible for the payment of outstanding fees as notified.
- 3.3.5.** Full-time and part-time courses will be treated in the same manner with regard to the refund of fees.
- 3.3.6.** Where ākonga owe other fees to MIT, those fees will be deducted from any refund.
- 3.3.7.** Where it is known that ākonga fees have been paid by a recognised third- party (including by student loan), any refund will be paid back to that third-party and not to the ākonga, unless the ākonga produces a written authority from the third-party authorising payment directly to them.
- 3.3.8.** Refunds are paid directly into a bank account. Printed confirmation of the bank account details (e.g. a deposit slip, bank statement or similar) into which the refund is to be paid is required before any refund will be made.
- 3.3.9.** Ākonga are responsible for any bank fees, transaction fees, duties or taxes payable in respect of any refund. These may be deducted from the refund amount.
- 3.3.10.** Ākonga whose enrolment is cancelled following misconduct are not entitled to a refund of fees (see Student Regulations section 12: Misconduct).
- 3.3.11.** External examination fees will be refunded, less an administration charge of \$50 (inc.GST), provided ākonga advise MIT of their withdrawal before the cut-off date set by MIT each year. Where fees have been sent to the examining body, ākonga must request the refund directly from the appropriate organisation, within the publicised time frame.
- 3.3.12.** Refund amounts can only be held in credit for the year the refund has been processed unless otherwise agreed in writing by the International Director.
- 3.3.13.** No refund less than \$10.00 (including GST) will be made. Credit balances of less than \$10.00 (including GST) in a student's fees account at the end of each year will be transferred to MIT's Student Assistance Fund account, unless an objection in writing is received before the end of the year.
- 3.3.14.** Ākonga nō tāwāhi:

Circumstances	Refunds	Administration Fee
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<p>TKM 2.30(7)</p> <ul style="list-style-type: none"> <li>MIT declines or withdraws an offer of a place to the student; or</li> <li>MIT is unable to provide the programme or training scheme offered.</li> </ul>	100%	Nil
<p>TKM 2.30(6)</p> <ul style="list-style-type: none"> <li>Student visa application or extension to visa application is rejected by Immigration New Zealand and student has not commenced study for the relevant period.</li> </ul>	100% if an <i>International Withdrawal and Transfer Application</i> form (accompanied by appropriate evidence that the application has been rejected by Immigration New Zealand) is received by MIT within ten working days of the student receiving notification from Immigration New Zealand.	\$100.00 (inc.GST)
<p>TKM 2.30(3)</p> <ul style="list-style-type: none"> <li><i>International Student Withdrawal and Transfer Application</i> form submitted to MIT before the earliest course start date of the student's academic year at MIT.</li> </ul>	70% of tuition fees	30% of tuition fees
<p>TKM 2.30(1); 2.18</p> <ul style="list-style-type: none"> <li><i>International Student Withdrawal and Transfer Application</i> form requesting transfer to another institution submitted to MIT (accompanied by an offer letter from the other institution) before the earliest course start date of the student's academic year at MIT.</li> </ul>	70% of tuition fees paid directly to the institution to which the student is transferring	30% of tuition fees
<ul style="list-style-type: none"> <li>MIT withdraws or declines to offer a place before the earliest course start date as a result of the ākongā supplying fraudulent information.</li> </ul>	70% of tuition fees	30% of tuition fees

<ul style="list-style-type: none"> <li>▪ Immigration New Zealand Regulations require payment of one year's tuition fees in order to be granted an ākonga visa and the ākonga does not complete the whole year of study;</li> <li>▪ Ākonga is on a student visa and fails to enrol at MIT before the earliest course start date;</li> <li>▪ <del>TKM 2.30(4) Ten working days prior to the earliest course start date has passed;</del></li> <li>▪ Ākonga has started study but has not maintained or obtained an ākonga visa;</li> <li>▪ Ākonga has deferred their study for an enrolment period (see Ākonga Policy section 7.6: Deferral of study - ākonga nō tāwāhi) but does not enrol and/or attend the deferred period; or</li> <li>▪ Ākonga with a special visa application under section 61 of the Immigration Act 2009 and Immigration New Zealand requires the enrolment to be cancelled.</li> </ul>	Nil	Nil
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**3.3.15** MIT will not compensate or repay ākonga any commission or fees paid to an agent. Ākonga must claim any fees they have paid directly to an agent from that agent. Any commission or fees paid by MIT relating to the ākonga's recruitment, enrolment or accommodation will be deducted from the amount of any refund payable. This includes (but is not limited to):

- Homestay placement fees;
- Airport shuttle fees; and
- e-Visa administration fees.

**3.3.16** Except where ākonga nō tāwāhi transfer to another institution (see Ākonga Policy section 7.5: Transfers - ākonga nō tāwāhi), refunds will be paid to

ākonga on their return to their own country and on receipt by MIT of appropriate evidence that they have stopped studying in New Zealand. Ākonga must provide documentation to show that they have cancelled their student visa and have returned home, or a changed immigration visa must be sighted by MIT.

- 3.3.17** Refunds will be paid in New Zealand dollars or a nominated currency (at the ākonga's or recognised third party's discretion) at the current exchange rate:
- Directly into an overseas nominated bank account;
  - To another institution;
  - To the ākonga in New Zealand on sighting a changed immigration visa (e.g. work visa); or
  - If it is known that the ākonga's fee has been paid by a recognised third party, any refund will be paid back to that third party and not the ākonga, unless the ākonga produces a written authority from the third-party authorising payment direct.
- 3.3.18** Ākonga nō tāwāhi who gain permanent residency after the start of a course will not receive a refund for that course. However, they will be treated as a New Zealand Permanent Resident for courses that start after the ākonga gains residency, whether in the same or a different programme (see *Ākonga Policy* section 4.4: Eligibility for domestic fees) and will be refunded any international fees paid in advance (provided they notify MIT and provide evidence).
- 3.3.19** Ākonga nō tāwāhi in a programme with full year courses who gain permanent residency must pay the international fees for the full year, regardless of the date on which Permanent Residency is granted during that year (see *Ākonga Policy* section 4.4: Eligibility for domestic fees).

#### *Returning students*

- 3.3.20.** Returning ākonga nō tāwāhi who wish to apply for a refund must make their application to the International Director on the *International Student Refund and Transfer Application* form.
- 3.3.21.** Where an ākonga nō tāwāhi has commenced study and has not maintained or obtained a student visa, they will not be entitled to a refund of any fees.
- 3.3.22.** An ākonga nō tāwāhi who has been declined a visa under Section 61 of the New Zealand Immigration Act (2009) is not entitled to a refund of fees.

*Refund arrangements*

- 3.3.23.** A refund may take up to three weeks to be processed, except for Withdrawals on Exceptional Grounds which may take longer.

*Refunds on ~~compassionate~~ or exceptional grounds TKM 2.27*

- 3.3.24.** No refunds will be made after the refund periods stated in the *Ākonga Policy* except on:

- Exceptional grounds where the student's ability to study has been affected by events beyond their control, including but not limited to:
  - Illness, and
  - Injury
- Or at the discretion of the Delegated Authority, where the ākonga's ability to study has been significantly affected by unexpected events beyond their control.

- 3.3.25** To be considered for a refund on exceptional grounds<sup>2</sup>, a student's written application to withdraw must be accompanied by appropriate documentary evidence.

- 3.3.26** For injury or illness ākonga nō tāwāhi must provide medical reports only from an INZ approved panel doctor: <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/tools/panel-physicians>

**3.4. Transfers**

- 3.4.1.** An ākonga nō tāwāhi must complete and submit an *International Student Withdrawal or Transfer Application* form to the International Centre to transfer from any programme/course in which he/she is enrolled.

*Transfers outside MIT*

- 3.4.2.** ~~TKM 2.30 If an ākonga nō tāwāhi wishes to transfer to another institution, and notice is received by the International Centre prior to the earliest course start date of the student's academic year (refer section 3.3.14) at MIT, 70% of the tuition fees will be refunded (30% is retained for administrative purposes). An offer letter from the other institution will be required for the refund to be arranged. The refund will be paid directly to the institution to which the student is transferring as per section 3.3.17.~~

*Transfers between Programmes at MIT*

- 3.4.3.** TKM 2.30(1); 2.18 Transfers may only be accepted within 10% of the course duration or ten working days from the course start date (whichever is the lesser), calculated

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<sup>2</sup> Fees may also be transferred to another programme or course or to the same programme or course for a different intake.

from the start date of the course in which the student initially enrolled. All applications will be considered for approval or declination by the relevant school.

- 3.4.4. The ākonga nō tāwāhi must pay any direct costs incurred by the original School (e.g., equipment, uniforms, books).
- 3.4.5. A \$100.00 (including GST) administration fee will be charged for every approved transfer. The fee is to be paid by the ākonga before the transfer application is processed by the school. No transfer application will be processed until it has been approved by the relevant school and any outstanding fees have been paid.

#### *Transfers within Programmes at MIT*

- 3.4.6. Transfers may only be accepted within 10% of the course duration or ten working days from the course start date (whichever is the lesser), calculated from the start date of the course in which the student initially enrolled. All applications will be considered for approval or declination by the relevant School.
- 3.4.7. A \$20.00 (including GST) administration fee may be charged for each transfer initiated by a student between courses and/or semesters/terms (this does not include between the same course within the same enrolment period i.e., classes). This fee may be charged at the discretion of the relevant Head of School or their nominee.
- 3.4.8. If an administration fee is charged, the fee is to be paid by the student before the transfer application processed by the school. No transfer application will be processed until it has been approved by the relevant school and any outstanding fees have been paid.

### **3.5. Deferring Study to Following Semester**

- 3.5.1. Ākonga nō tāwāhi who wish to defer their study to the following semester must notify the International Centre at least ten working days before the commencement of the course they initially enrolled in. Ākonga can only defer study for one semester.
- 3.5.2. Ākonga nō tāwāhi who defer their study must return to their home country and re-apply to Immigration New Zealand for a further visa or provide evidence of a changed visa status.
- 3.5.3. If an ākonga nō tāwāhi who has deferred their enrolment then does not enrol and/or attend the deferred semester, there will be no refund of fees as the deferment was requested after the earliest course start date.

**3.6.** ~~TKM 2.32(5) Immigration New Zealand will be notified of any changes to an international student's enrolment.~~

### **3.7. Insurance**

- 3.7.1. Ākonga nō tāwāhi must provide proof of their current insurance policy to the International Centre within 5 working days of the commencement of their

programme.

**3.7.2.** If, after 5 working days of the commencement of their programme, no insurance documentation has been provided to the International Centre, MIT will arrange insurance for the ākonga with Unicare. This includes insurance for returning ākonga whose own insurance has expired.

**3.7.3.** Ākonga nō tāwāhi are liable for any Unicare insurance charges that are incurred,

**3.8. Company Fees**

Section 4.7 of the MIT Ākonga Policy applies to ākonga nō tāwāhi along with the relevant section of *AM3 Fees Payment*.

**3.9. Complaints and Appeals**

Ākonga nō tāwāhi who believe they have been unjustly treated by any decision, action or omission in respect of the administration of this policy should seek to have their complaint dealt with in accordance with the provisions of Te Pūkenga's Ākonga Concerns and Complaints Policy, or Ākonga Appeals Policy.

**4. EVALUATION/OUTCOMES**

**4.1.** Policy is available on the intranet and on the website.

**4.2.** All ākonga nō tāwāhi who are offered a place at MIT must receive a copy of the policy and the Ākonga Policy at the time the offer is made.

**4.3.** All International Agents must have a copy of the AM5 policy and Ākonga Policy.

**4.4.** Review periods and new policy suggestions are monitored by the International Director and the Director responsible for the MIT International Centre.

**4.5.** The International Director will report annually to the Delegated Authority on Cancellations, Withdrawals and Transfers for Ākonga nō tāwāhi and any issues that arise.

## Additional Information

### 5. Glossary

Term	Definition
Course TKM Glossary	<del>A self-contained block of study. A specified course or collection of courses forms a programme or training scheme. A course may include one or more assessment standards which may or may not add up to the total value of the course.</del> A course may also be referred to as a paper, module or unit of study.
Earliest course start date	The date of the first course that the student is undertaking in that 12 months. If a student is enrolled in semesters, it is the date from the student's first semester.
EFTS TKM Glossary	<del>Equivalent full-time student. The Tertiary Education Commission decides if a course is either full-time or part-time by applying what's called an EFTS value to each course. The EFTS value is a measure of the amount of study or the workload involved in undertaking a course.</del>
Enrolment period TKM Glossary	The period of time from which a student has enrolled and paid their fees and has attended classes up to the time that they either withdraw from the course, or complete the course to its end date.
Full Fee Paying Ākonga nō tāwāhi TKM Glossary	<del>As defined by the Ministry of Education Single Data Return. It excludes Ministry of Foreign Affairs and Trade sponsored students and ITO off job training foreign students.</del>
Ākonga nō tāwāhi (International Learner) TKM Glossary	A student who is not an Ākonga nō Aotearoa (domestic learner).
International Centre	The Manukau Institute of Technology International Centre.
Programme TKM Glossary	<del>A programme of study or training leading to a qualification listed on the New Zealand Qualifications Framework. A programme is made up of one or more courses.</del>
Returning Student	A student who has completed one year of study at MIT and is returning to continue further study.

Ākonga (Student) TKM Glossary	<p><b>Any person:</b></p> <ul style="list-style-type: none"> <li>▪ <del>enrolled, or in the process of applying to be enrolled, in a programme or training scheme delivered by MIT; or</del></li> <li>▪ <del>participating in any course, programme or training scheme delivered by MIT, provided that this does not include a person who is acting solely in a teaching or instructing capacity.</del></li> </ul>
Section 61	Means any visa application received by Immigration New Zealand after a student visa has expired. Treated and considered as a request under Section 61 of the New Zealand Immigration Act (2009)

## 6. Exemptions and dispensations

Dispensations from the requirements of this policy for one-off circumstances must be approved in writing by the Director responsible for the International Office.

## 7. Delegations

### 7.1. Refunds

- 7.1.1.** Executive Director to the Deputy Chief Executive responsible for the International Centre (sub- delegation): Authority to approve a variation to the Cancellations, Withdrawals Transfers Policy for Ākonga nō tāwāhi to allow for refunds or transfers of funds in exceptional circumstances.
- 7.1.2.** Executive Director to the Director International (Authorisation): Authority to approve refunds of fees as outlined in section 3.3.24 to this policy to individual students on compassionate grounds.

### 7.2. Transfer Fees

- 7.2.1.** Executive Director to Heads of School or their nominees (Authorisation): Authority to exercise the discretion to charge administration fees as outlined in section 3.4.7 to this policy for transfers initiated by students.
- 7.2.2.** Executive Director to the Director International (Authorisation): Authority to charge administrative fees as outlined in section 3.4.5 of this policy for transfers initiated by students.

## 8. Relevant Legislation

Education and Training Act (2020)

**9. Legal compliance**

This policy complies with Te Kawa Maiooro, MIT Policies and relevant legislation.

**10. Associated documents**

~~Statute 8 Student Discipline~~

Statute 11 Academic Regulations

Management Policy AM4 Cancellations, Withdrawals and Transfers

Management Policy AM7 Complaints Resolution (excluding Harassment and Academic Appeals).

Management Policy AM3 Fee Payment

Ministry of Education Code of Practice for the Pastoral Care of domestic and international students

International Student Withdrawal and Transfer form