



Compassionate or Compelling Circumstances Information

SCIC considers whether compassionate or compelling circumstances exist in a limited number of circumstances relating to an overseas student's enrolment including:

- A request to transfer to another provider (National Code 2017, Standard 7)
- SCIC has determined that the students had not demonstrated satisfactory attendance or course progress and intends to report the student for breach of their student visa conditions (National Code 2017, Standard 8)
- A request to defer or suspend studies (National Code 2017, Standard 9).

SCIC follows guidance about compassionate or compelling circumstances from the two government sources below:

- The Commonwealth Ombudsman's fact sheet, *Assessing Compassionate or Compelling Circumstances, June 2023* available at:
https://www.ombudsman.gov.au/data/assets/pdf_file/0030/298911/OSO-providers_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf
- The Commonwealth Department of Education's factsheets, Standard 7 to 9 available at:
<https://www.education.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>

What is meant by compassionate or compelling?

- Neither term is defined in relevant legislation, therefore, SCIC considers the normal meanings of these two words as suggested by the Commonwealth Ombudsman:
 - **Compassionate circumstances:** *circumstances that produce a feeling of sympathy for the student's troubles.*
 - **Compelling circumstances:** *circumstances that are powerfully convincing.*
- SCIC also considers compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the overseas student's course attendance, course progress or wellbeing. These could include, but are not limited to:
 - Serious illness or injury
 - Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided).
 - Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
 - A traumatic experience, which could include:
 - Involvement in, or witnessing of a serious accident; or
 - Witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)
- When determining if compassionate or compelling circumstances exists, SCIC only requires the circumstances to be assessed as either compassionate or compelling.
- SCIC does not require a student to demonstrate their circumstances are both compassionate and compelling while also taking into consideration that some circumstances may naturally meet both definitions.



Supporting documentation:

- SCIC always needs to be in a position to substantiate a decision to accept a student's claim of compassionate or compelling circumstances. This means that SCIC needs to be able to provide evidence to support and justify the decision that it has made.
- SCIC follows the guidance of the Federal Department of Education (National Code Factsheets for Standards 7-9) with regard to the need for the student to present documentary evidence to support their claim of compassionate or compelling circumstances which states:
 - *When determining whether compassionate or compelling circumstances exist, registered providers should consider documentary evidence provided to support the claim, and*
 - *should keep copies of these documents in the overseas student's file.*
- SCIC will always request supporting documentation from a student who wishes to make a claim of compassionate or compelling circumstances.
- Generally, SCIC will not determine that compassionate or compelling circumstances exist based solely on written statements presented by students (usually on the Student Appeal Form when citing compassionate or compelling circumstances as the reason for contesting a decision named by SCIC).

The nature of supporting evidence

- SCIC will always request a student to submit a claim of compassionate or compelling circumstances in writing. Generally, this written claim will be part of SCIC's Appeals processes and will use the Student Appeal Form to record in writing details of the student's claim to compassionate or compelling circumstances.
- SCIC will also accept other mechanisms to submit a claim of compassionate or compelling circumstances, for example, via email.
- SCIC will always request supporting evidence from a student to support their claim of compassionate or compelling circumstances.
- SCIC will not impose overly onerous requirements for the amount or type of evidence students must provide to support their claim, however, the evidence presented must clearly support the written compassionate or compelling claim made by the student.

Medical certificates

- Medical certificates are often presented by students who wish to make a compassionate or compelling circumstances claim.
- SCIC does not expect applying students to present medical evidence from specialists; SCIC is satisfied by medical evidence issued by General Practitioners.
- SCIC will always accept a medical practitioner's professional opinion provide in written medical evidence.
- SCIC reserves the right to verify a medical certificate presented by a student: This usually takes the form of making contact with the medical practitioner's practice/ location in writing.
- Medical evidence does not need to specify a specific medical condition; however, it must meet the following requirements:
 - To address unsatisfactory course progress: It must state that that the medical condition negatively affects the student's ability to meet academic progress requirements.
 - To address unsatisfactory attendance: It must specify the time period (for example, from date to date) for which the student was unable/ unfit to attend their studies.