

Compassionate or Compelling Circumstances Information

ALG 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)
- ALG has determined that the student 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).

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

- The Commonwealth Ombudsman's factsheet, *Assessing Compassionate or Compelling Circumstances, June 2023* available at: [Ombudsman Factsheet](#)
- The Commonwealth Department of Education's factsheets, Standard 7 to 9 available at: [DoE Factsheet](#)

1. What is meant by compassionate or compelling?

Neither term is defined in relevant legislation, therefore, ALG 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.

ALG also considers that 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
 - Witnessing or being the victim of a serious crime which has impacted on the overseas student (these cases should be supported by police or psychologists' reports)

When determining if compassionate or compelling circumstances exist, ALG only requires the circumstances to be assessed as either compassionate or compelling.

ALG 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.

Compassionate and compelling grounds for release

(National Code 2018, Standard 7 – Overseas Student Transfers)

For release under Standard 7, a student must be able to demonstrate that their circumstances are compassionate or compelling, and their best interests would be served by studying at another provider or location. Evidence that might meet these requirements include a student providing medical evidence confirming that:

- the physical environment at the provider's location is unsuitable for them
- their current course or career path has become unsuitable
- relates to a family member and needs to change their location due to the family member's medical needs

A student could also demonstrate that their circumstances are compassionate or compelling by providing compelling evidence that they will gain a significant and tangible benefit from release. This could include situations such as:

- an unforeseen change in financial circumstances resulting in financial hardship
- a traumatic experience in ALG's environment.

2. Supporting documentation

ALG always needs to be in a position to substantiate a decision to accept a student's claim of compassionate or compelling circumstances.

ALG 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.

ALG will always request supporting evidence from a student who wishes to make a claim of compassionate or compelling circumstances. ALG 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.

Generally, ALG 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 made by ALG).

ALG 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 the medical condition negatively affects the students ability to meet academic progress requirements. If the failure to demonstrate satisfactory course progress was due to the student not passing assessments, the medical evidence must also specify the relevant period (for example, from date to date) during which the student was unable to complete or pass those assessments due to the medical condition.

- 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.

3. Document Information and Review

Document Information	
Document ID	G2
Policy Category	STU – Student Administration & Support
Responsible officer	Joe Lynch
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Approval by	CEO
Endorsed by	Academic Director, Head of Quality Assurance
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