

22 September 2017

Bernie D

fyi-request-6520-dba9f559@requests.fyi.org.nz

Dear Mr D

Official Information Act Request

Thank you for your request of 6 September 2017, under the Official Information Act 1982 (the Act), for the New Zealand Qualifications Authority (NZQA) to confirm:

1. *that international students (non-residents) studying at an NZQA category 2 provider in New Zealand must at all times hold a current student visa*
2. *that the education provider is the party responsible for ensuring that international students hold current student visas*
3. *the penalties (if any) likely to be imposed on a tertiary education provider that fails to notify the appropriate authorities of the enrolment and continued studies by international students that do not hold current visas.*

1. *International students (non-residents) studying at an NZQA category 2 provider in New Zealand must at all times hold a current student visa.*

All international students must hold the correct authority to study, regardless of which type of tertiary education organisation or school they are studying at. Students studying a short course of 3 calendar months or less may do so on a visitor visa:

<https://www.immigration.govt.nz/new-zealand-visas/options/study/explore-student-visas>

2. *The education provider is the party responsible for ensuring that international students hold current student visas.*

Immigration New Zealand puts the onus on the student **and** the tertiary education organisation to ensure that the correct visas permitting study are held by international students.

Under *Outcome 4: immigration matters* of the Education (Pastoral Care of International Students) Code of Practice 2016 (the Code), signatories must:

- a. ensure that they do not allow or continue to allow a person to undertake educational instruction if that person is not entitled under the Immigration Act 2009 to undertake the educational instruction; and
- b. take reasonable precautions and exercise due diligence in ascertaining whether international students are entitled under the Immigration Act 2009 to undertake the educational instruction for which they enrol.

Each Code signatory must:

- a. ensure that each international student who enrolls with the signatory has the necessary immigration status for study in New Zealand; and
 - b. report to Immigration New Zealand known or suspected breaches of visa conditions by international students; and
 - c. notify Immigration New Zealand of terminations of enrolment.
3. *The penalties (if any) likely to be imposed on a tertiary education provider that fails to notify the appropriate authorities of the enrolment and continued studies by international students that do not hold current visas.*

Under Immigration New Zealand legislation, New Zealand education providers commit an offence if they allow, or continue to allow, students to study in New Zealand knowing they're not entitled to. This offence comes under section 352 of the Immigration Act 2009 (the Act).

<https://www.immigration.govt.nz/assist-migrants-and-students/assist-students/understand-your-obligations>

Code breaches are investigated by NZQA and appropriate actions will be taken, depending on the specific circumstances of the breach.

If you are aware that a tertiary education organisation is in breach of its obligations under the Code, please advise NZQA via email on gadrisk@nzqa.govt.nz.

This response has been compiled with support from Immigration New Zealand. Should you have specific enquiries about international student visas, please contact Immigration New Zealand on <https://www.immigration.govt.nz/contact>.

If you require further assistance or believe we have misinterpreted your request, please contact Elizabeth Templeton in the Office of the Chief Executive by email on elizabeth.templeton@nzqa.govt.nz or telephone on (04) 463 3339.

If you are dissatisfied with our response, you have the right, under section 28(3) of the Official Information Act 1982, to lodge a complaint with the Office of the Ombudsmen, PO Box 10152, Wellington.

Yours sincerely



Russell Wood
Acting Chief Executive