



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

**LABOUR AND
IMMIGRATION
POLICY**



Consultation on immigration settings for international students

Submission document

The consultation process

The Ministry of Business Innovation and Employment (MBIE) is consulting on:

- **post-study work rights for international students**
- **eligibility of students' partners and dependent children to work and study in New Zealand**

You are invited to make a submission on the proposals raised in the discussion document. Submissions are due by **5.00 pm on Friday 29 June 2018**.

Please email your submission to internationaleducation_consultation@mbie.govt.nz using the below template.

Your submission may respond to any or all of the proposals. In addition, you are welcome to provide other information that you think might be relevant to this consultation. If possible, any views in your submission should be supported by evidence or examples of how the proposals would affect you.

Use of information

MBIE will use the information provided in submissions to inform our analysis and the advice to Ministers. MBIE may contact submitters directly if MBIE requires clarification of any matters in the submission.

Confidential Information

If your submission contains any confidential information, please indicate this on the front of the submission. In addition, the confidential information should be clearly marked within the text, for example, by including the confidential information in square brackets or as a separate appendix. Please clearly indicate in your submission any confidential information that you do not want published on MBIE's website or included in any summary of submissions that MBIE may publish.

The material identified as confidential will not be published, however if MBIE receives a request under the Official Information Act 1982 for a copy of submissions, MBIE will need to make its own assessment of whether the information should be released, including whether it is in the public interest to release the information received. In this event, MBIE will endeavour to consult with submitters that have provided confidential information prior to making its decision on the request.

Personal Information

The Privacy Act 1993 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE.

Please clearly indicate in your submission if you do not wish your name or contact details to be posted on MBIE's website or included in any summary of submissions that MBIE may publish.

Submitter information

Please tell us if you are submitting as a:
<input type="checkbox"/> Student <ul style="list-style-type: none"><input type="checkbox"/> Current<input type="checkbox"/> Prospective
<input type="checkbox"/> Education provider <ul style="list-style-type: none"><input type="checkbox"/> University<input type="checkbox"/> Private Training Establishment<input type="checkbox"/> Institute of Technology and Polytechnic<input type="checkbox"/> English language provider<input type="checkbox"/> Other. Please describe: Click here to enter text.
<input type="checkbox"/> Immigration Agent <ul style="list-style-type: none"><input type="checkbox"/> Onshore<input type="checkbox"/> Offshore
<input type="checkbox"/> Student Association
<input type="checkbox"/> Employer of international students
<input checked="" type="checkbox"/> Other <p>Please describe: The Canterbury Mayoral Forum, which comprises the Mayors/Chair of the 10 territorial authorities in Canterbury (from Kaikōura to Waitaki) and the regional council. The Mayoral Forum developed and oversees implementation of the Canterbury Regional Economic Development Strategy (CREDS). See further: www.canterburymayors.org.nz</p>
If you would like to provide your contact details please fill in the below. MBIE may contact you if we need further clarification on any of your answers.
Name: Mayors Lianne Dalziel (chair) and David Ayers (lead Mayor, Education and training, CREDS) Organisation: Canterbury Mayoral Forum Email address: secretariat@canterburymayors.org.nz

Settings for post-study work rights for international students

Proposal One: to remove employer assisted post-study work rights visa

Do you support the proposal to remove employer assisted post-study work visas?
<input checked="" type="checkbox"/> Yes <p><i>Why do you support the proposal?</i></p> <p>The Canterbury Mayoral Forum shares the Government's concern about exploitation of migrant workers. While in general we consider that workplace exploitation is properly a matter for the labour inspectorate, we agree that removing the requirement for post-study work visas to be sponsored by a particular employer may help reduce opportunities for exploitation (noting that in many cases this system has worked very effectively both for the student and the employer).</p>
What impacts do you think the proposed change will have on you or your organisation?
Click here to enter text.

Proposal Two: to provide a one-year open post-study work visa for non-degree level 7 or below

Do you support the proposal to provide a one year open post-study work visa for non-degree level 7 or below?

Yes

Why do you support the proposal?

We are thinking broadly and long term, and assume a pathway to permanent residence for international students who have training and skills that match skill shortage lists. Canterbury has an ageing population and a low rate of unemployment. As baby boomers retire, Canterbury projections indicate a labour shortage gap of around 73,000 workers by 2031. Already, a shortage of both skilled and unskilled labour is a brake on regional development, particularly in south and mid-Canterbury, and in the South Island generally. Up to 41% of our international graduates in Canterbury aspire to stay and work after they complete their study, and 43% of skilled migrant category principal applicants were previously on a student visa in Canterbury. International students who transition to permanent residents/citizens don't just help fill our skills shortages – they also contribute language and cultural competencies to our export-facing businesses and offer a 'demographic dividend', as they are mostly of an age to have children and raise families. Our region needs migrants; we enjoy affordable housing, and we are working to ensure good settlement outcomes for them through the Welcoming Communities pilot (led by Ashburton District Council with Selwyn District Council for the Canterbury region).

What impacts do you think the proposed change will have on you or your organisation?

[Click here to enter text.](#)

Proposal Three: to provide a three-year open work visa post-study for degree level 7 or above

Do you support the proposal to provide a three year open work visa post-study for degree level 7 or above?

Yes

Why do you support the proposal?

As above.

What impacts do you think the proposed change will have on you or your organisation?

[Click here to enter text.](#)

Proposal Four: to require students studying at non-degree level 7 (such as graduate diplomas) to study in New Zealand for at least two years to be entitled to post-study work visas

Do you support the proposal to require students studying at non-degree level 7 (such as graduate diplomas) to study in New Zealand for at least two years to be entitled to post-study work visas?

No

Why do you not support the proposal?

We recommend granting post-study work rights to international students enrolled in one-year L7 courses in skill shortage areas. First, it is important to distinguish carefully between the quality and level of education. A qualification at Level 7 or below is not necessary low quality or of low value. Secondly, there is high demand in Christchurch and Canterbury for workers with training and skills in, for example, Information and Communication Technologies, quantity surveying, construction management and supply chain logistics – all one-year courses at L7 that deliver quality labour market outcomes. Where one-year courses at L7 correspond to regional skill shortage lists, it will be damaging to both our regional economy and to the institutions that provide this education and training to require study periods of at least two years to be entitled to post-study work visas.

What impacts do you think the proposed change will have on you or your organisation?

We understand that for PTEs and ITPs, 2-year courses at non-degree level are not marketable. This will, therefore, impact on enrolments and the financial viability of TEIs within our region. Moreover, this is likely to exacerbate our existing skills shortages and limit our capacity to grow Canterbury's economy and contribute to higher living standards for all New Zealanders.

Implementation

If changes are made to the settings for international students, do you think that students with current visas should be exempt from the changes (i.e. still be entitled to post-study visas that were anticipated when they got their first student visa)?

Yes

Why do you support exempting current students?

For reasons of natural justice and to protect the reputation of our international education services, so as not to damage our fifth largest export earner.

If the proposals above are agreed how long do you think would be needed to accommodate these changes?

- Immediately**
- Three months**
- Six months**
- One year**
- Longer**

Please describe: We do not support proposal 4. At the very least, we think there should be exemptions from the proposed change for courses that address skill shortages. It may take some time to work through a sensible way forward, in consultation with TEIs and industry/employers' associations and Chambers of Commerce.

Other comments

Do you have any other comments on these proposals?
<input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No

Eligibility of students' partners and dependent children to work and study in New Zealand

Proposal Five: change the requirements for a 'Partner of a Student' work visa (which allows the partners' dependent children to qualify for fee-free compulsory schooling) to require the international student partner studying at Level 8 or 9 to be studying in an area specified on the Long Term Skill Shortage List.

Do you support the proposal to change the requirements for a 'Partner of a Student' work visa?
<input checked="" type="checkbox"/> No <i>Why do you not support the proposal?</i> We have long been concerned about good outcomes for secondary applicants and the children of migrant workers and international students. Given our shortages of both skilled and unskilled labour, the proposed changes also unnecessarily restrict a potential source of labour (partners of students).
What impacts do you think the proposed change will have on you or your organisation?
Because the proposal is likely to affect a relatively small number of international students in any case, an unintended consequence may be further signalling that NZ is no longer as 'open' or welcoming to international students. This may hurt our international education sector and national economy to a greater extent than any gain from encouraging study at L8-9 in areas that correspond to the current long-term skill shortage list.

Other comments

Do you have any other comments on these proposals?
<input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No