

15 February 2017

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2017/02**

**To: All Manual Holders**

**AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL**

**Introduction**

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments in Appendix 1 and operate in accordance with the amended instructions on and after 14 February 2017.

**Note**

**The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.**

**Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).**

## **Changes to immigration instructions effective on and after 14 February 2017**

### **Extension of pathway student visa pilot**

*U14 Pathway student visas pilot*

*U14.5 Requirements to be granted a pathway student visa*

*U14.20 Provider requirements*

Immigration instructions have been amended to extend the:

- pathway student visa pilot by 12 months to 7 June 2018, and
- pilot entry criteria for education providers to include the 2016 calendar year.

## **APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER 14 FEBRUARY 2017**

### **U14 Pathway student visas pilot**

- a. For the purposes of these instructions, a pathway is defined as a progression of up to three consecutive programmes of study, offered by qualifying education providers, either within their institution or in conjunction with other qualifying education providers.
- b. Pathway study can be undertaken on a single student visa.
- c. A pathway student visa cannot be granted after 7 June 2018, and any application for a pathway student visa made after this date must be declined.

## U14.5 Requirements to be granted a pathway student visa

To be granted a pathway student visa, an applicant must:

- a. be offered an eligible study pathway from a qualifying provider (U14.20);
- b. meet the general requirements to be granted a student visa as set out at U3.1;
- c. meet the additional evidential requirements for pathway student visa set out at U14.5.1;
- d. make an application for a student visa before 7 June 2018.

### U14.5.1 Evidence of meeting requirements

- a. In addition to meeting the general requirements to be granted a student visa as set out at U3.1, when applying for a pathway student visa an applicant must provide:
  - i. Where there is more than one education provider, A joint covering letter from pathway education providers setting out the pathway programmes of study and start and end dates of each programme of study;
  - ii. An offer of place (or joint offer) for each programme of study that meets the requirements set out at [U3.5](#);
  - iii. Evidence that tuition fee requirements, as set out at U3.10, for either the first programme of study or first year of study (whichever is shorter) have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway; and
  - iv. Evidence that the maintenance funds requirements set out in U3.20 for the first year of study on the intended pathway have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway.
- b. Despite (a)(ii), second and subsequent offers of place for a pathway can be conditional on meeting pre-requisite programme of study entry criteria.
- c. First time pathway student visa applicants from a country with a student visa decline rate of more than 20 per cent who intend a study pathway commencing with an English language programme of study and culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework must:
  - i. submit an International English Language Testing System test (IELTS) (or equivalent internationally recognised test) at the time of application; and
  - ii. demonstrate that they only require an improvement of 0.5 of an IELTS overall band score (or equivalent) to meet the English language prerequisite for entry into the intended level 5 to 8 programme of study.

**Note:** The student visa decline rate for a country is based on statistics, generated over a calendar year (12 months), by Immigration New Zealand. The decline rate and the name of the country are published on the INZ website.

For the purpose of this instruction, the internationally recognised English language tests and corresponding IELTS equivalent test scores set out on the INZ website are considered acceptable.

## **U14.20 Provider requirements**

### **U14.20.1 Pathway pilot entry criteria**

- a. To qualify for entry to the Pathway student visa pilot, an education provider must:
  - i. be invited by Immigration New Zealand to be a pilot participant; and
  - ii. have signed the Pathway Student Visas - Pilot Participation Declaration agreeing to the requirements as set out at U14.20.10; and
  - iii. be either a school, a university or hold a Category One or Two rating under New Zealand Qualifications Authority's (NZQA) External Evaluation and Review framework; and
  - iv. have a minimum 90% student visa application approval rate over the 2014/15 financial year or 2016 calendar year (12 month period); and
  - v. comply with the legislative requirements as set out under the Education Act 1989 to offer programmes of study to foreign students (U5.5 to U5.20); and
  - vi. be a signatory to the Ministry of Education's Education (Pastoral Care of International Students) Code of Practice 2016.

### **U14.20.5 Eligible pathways**

- a. All pathways must demonstrate academic progression to the second or subsequent programme of study building on the previous study.
- b. All consecutive programmes of study that demonstrate progression are eligible to be included in the pilot with the exception of the following pathways:
  - i. Any English language programme of study to any Level 1-4 Certificate on the New Zealand Qualifications Framework (NZQF);
  - ii. All pathways within and between NZQF Levels 1-4 Certificates, and
  - iii. Secondary school to any NZQF Levels 1-4 Certificates.
- c. Breaks between consecutive programmes of study must not exceed 16 weeks
- d. Only education providers who meet the requirements set out under U14.20.1 can offer a joint pathway in conjunction with one another.

### **U14.20.10 Formal agreement between qualifying education providers**

- a. To ensure a student's pastoral care needs are met, qualifying education providers who intend offering an education pathway in conjunction with one another must enter into a formal agreement.
- b. The formal agreement must include and set out the following processes and arrangements:
  - i. The application process (joint covering letter with two/three offers of place)
  - ii. Pastoral care obligations
  - iii. Handover arrangements in transition periods between programmes of study/education providers
  - iv. The process if a significant gap exists between completion of a programme of study and the start of a second or subsequent programme of study or in the event some papers are failed and cannot be repeated within a 16 week period.
  - v. The process if conditional entry requirements for second or subsequent programmes of study are not met
  - vi. The process if the student fails to attend and/or make satisfactory progress ([E3.20\(d\)](#))
  - vii. The process if the student wishes to leave intended pathway
  - viii. The obligation to notify INZ where a pathway student:
    - o requires additional time to complete a programme of study and time required is likely to exceed 16 weeks; or
    - o fails to meet the conditional entry requirements for a second or subsequent programme of study; or
    - o fails to enrol for a subsequent programme of study; or
    - o fails to attend and/or make satisfactory progress; and
    - o has their enrolment in a programme of study terminated.
- c. Where an education pathway is offered by a single qualifying education provider, the formal agreement processes set out at (b) must be met.

- d. The signed formal agreement does not have to be submitted with a pathway student visa application, however it must be made available to INZ if requested.

#### **U14.20.15 Non-compliance with formal agreement requirements or when under active investigation by Immigration New Zealand**

Where non-compliance, other than of a minor nature, with any of the matters agreed to in the Pathway Student Visas - Pilot Participation Declaration, or where the pathway education provider is under active investigation by INZ for offences committed under part 10 of the Immigration Act 2009 the following process may occur:

- a. INZ will suspend the processing of any student visa applications related to an existing pathway agreement immediately.
- b. The non-compliant pathway education providers will be advised in writing of the suspension and will be sent a report detailing the non-compliance, and will be given 30 days to remedy the non-compliance.
- c. Resolution (or satisfactory progress towards resolution) of the non-compliance to the satisfaction of INZ within the 30 day period will see the suspension lifted and processing of related pathway student visa applications will resume.
- d. The Ministry of Business, Innovation and Employment or the New Zealand Qualifications Authority may conduct an investigation three to six months later to assess the effectiveness of the remediation undertaken. If the remediation is deemed inadequate or ineffective, the suspension can be re-imposed or the provider may be removed from the pathways pilot and current pathway student visa holders become liable for deportation.
- e. If INZ is not satisfied that the non-compliance has been addressed or satisfactory progress has been made towards resolution within the 30 day period, the suspension of related student visa processing will continue (until resolution occurs).
- f. Failure to address or make satisfactory progress towards resolving the non-compliance may result in removal from the pathways pilot, and current student visa holders becoming liable for deportation.

**Note:** INZ may rely on the advice of the Ministry of Education and/or the New Zealand Qualifications Authority in determining whether resolution has been reached or satisfactory progress has been made towards resolution.