

VISA PAK ISSUE 465 — 01 APRIL 2021

STUDENT VISAS AND WORK RIGHTS

This item provides staff with clarity in respect to the issuance of in-study work rights to student visa applicants.

Immigration New Zealand (INZ) has become aware that students have, at times, been granted work rights incorrectly. This includes allowing 20 hours work per week, full time work during scheduled vacations and full time work during summer vacation where a student was not eligible.

Following a review of immigration instructions, past Cabinet decisions and policy papers relating to the grant of in-study work rights, please grant in-study work rights as follows:

Students enrolled at a:	Are entitled to in-study work rights of:	If they are enrolled in a full-time programme of study that:
University, ITP, English Language School, or PTE	20 hours per week	<ul style="list-style-type: none"> Is at least two academic years' duration; or Results in a qualification that is eligible for points under the SMC; or Is a one year student exchange programme; or Is a 24 week or longer English language course and they have IELTS 5.0 or equivalent; or Is a 14 week or longer English language course at a university or Category 1 provider.
	Full-time during scheduled vacations	<ul style="list-style-type: none"> Is at least one academic year in duration (at least 120 credits during a period of at least eight months).
	Full-time during the Christmas-New Year (summer) vacation period	<ul style="list-style-type: none"> Is at least two semesters in duration over a period of at least eight months.
Secondary school	20 hours per week	<ul style="list-style-type: none"> Is Year 12 or 13; and They have written permission from their school and parents/guardians.
	Full-time during Christmas-New Year vacation period	<ul style="list-style-type: none"> Is Year 12 or 13; and They have written permission from their school and parents/guardians; or Are aged 18 years or older.

The following are examples of where the immigration instructions relating to in-study work rights should not be applied:

- **Training schemes (e.g. Commercial Pilot License training scheme, Cadet programmes)** – do not result in a qualification so U13.15.1(b) does not apply.
- **Foundation studies at a university, PTE, or ITP** – do not result in a qualification that is eligible for points under the SMC so U13.15.1(b) does not apply. Note that U13.15.1(d) or (e) may apply (e.g. Foundation Certificate in Academic English).
- **Foundation studies at a school (e.g. university pathway programmes)** – student is not in Year 12 or 13 so U13.10(a) does not apply.



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- **Generalist level 3 and 4 qualifications (e.g. New Zealand Certificate in Study and Career Preparation (levels 3 and 4), Certificate of University Preparation)** – do not result in a qualification that is eligible for points under the SMC so U13.15.1(b) does not apply.