

VISA PAK ISSUE 462 — 26 FEBRUARY 2021

BORDER EXCEPTION FOR INTERNATIONAL STUDENTS

In January 2021, a border exception category was announced enabling 1,000 returning bachelor's degree and post-graduate students to enter New Zealand in stages and complete their studies from April 2021.

Eligibility criteria

Education providers will be responsible for identifying students who are eligible to be nominated to the Ministry of Education (MOE) for return to New Zealand. To be eligible to return to New Zealand under the border exception category, the student must meet **all** of the following conditions:

- be studying a bachelor's degree or post-graduate qualification;
- hold, or have held, a student visa to study in New Zealand that was valid in 2020;
- have studied in New Zealand in 2019 or 2020 and intended to resume their study in New Zealand in 2020 but were unable to because of the border closure;
- be intending to study the same programme of study at the same education provider as they did previously; and
- can provide evidence they have:
 - a minimum of NZD \$20,000 annually for living costs (pro rata if they have less than a year remaining of study);
 - funds for outward travel; and
 - additional funds available to pay for their stay in managed isolation and quarantine (MIQ) upon arrival in New Zealand.

Application process

The MOE will provide INZ with the list of nominated students once they have checked that the students meet the eligibility criteria. Education providers will advise the nominated students when they can submit an expression of interest (EOI) to request for travel to New Zealand. This will assist in staggering the arrival of the students.

The National Documentation Office (NaDO) will lodge (check data entry) the EOIs in AMS before transferring to Henderson Office for assessment. Students who meet the border exception criteria will be invited to apply (ITA) for a student visa online. A bespoke ITA letter and checklist has been developed for this cohort to ensure that the students clearly understand the information required from them at visa application stage.

Some of these students may have already submitted a student visa application that is still open in AMS and awaiting a decision. If this is the case, the immigration officer (IO) should still advise the student to submit a new student visa application at ITA stage. Further advice will be provided to staff (and the students) about on-hand applications.

Assessing the student visa application

Student visa applications will be lodged by the National Documentation Office and will be transferred to the Palmerston North and Beijing offices for assessment. IOs should assess these applications using the relevant student visa instructions but should note the following:

- Students are required to show evidence of at least NZD \$20,000 for maintenance funds (pro rata if they have less than a year remaining of study).
- Students are required to show evidence of funds to pay for the cost of their own stay in MIQ, which are additional to their maintenance funds.



- While the both the *Sponsorship Form for Temporary Entry* (INZ 1025) and *Financial Undertaking for a Student* (INZ 1014) have been updated to reflect the funds required for this cohort, there are no changes to the determination of a bona fide sponsor or financial guarantor. A student also cannot have more than one sponsor or financial guarantor.
- Where there is a sponsor or financial guarantor for MIQ costs, they must cover all the costs associated with the student's stay in MIQ.
- There are also no changes to acceptable evidence of funds. Funds must be from a genuine source and genuinely available for the purpose of the student's maintenance (living costs).

If the IO is satisfied that all student visa requirements are met:

- A multiple entry student visa should be granted with a 'first entry before' date of 6 months from the date of issue.
Note: If the visa is granted before 1 April 2021, the IO must put 1 October 2021 as the 'first entry before' date. This will be 6 months from 1 April 2021, which is when students can start travelling to New Zealand.
- A paperless critical purpose variation of conditions (CPVOC) should be raised in AMS (fees waived) and granted with the student visa to enable the student to travel to New Zealand. This should also allow multiple entries.

A student eVisa approval letter has been created for this class exception. It explains that a CPVOC has been added to the visa, as well as a travel condition that the student cannot arrive before 1 April 2021.

Partners and dependent children

Nominated students may choose to travel with their partner and/or dependent children to New Zealand, if they are eligible for a visa based on their relationship to the student. Students who will have accompanying family members need to advise their education providers so that they are included in the list that the MOE will send to INZ. All family members who will be coming to New Zealand, whether they will be travelling together with the student or not, should be included on the student's EOI.

Any visa application from the partner and/or dependent children should be assessed using the relevant immigration instructions based on the type of visa they are eligible to apply for (i.e. work, visitor, or student based on their relationship to the student).