



Briefing Note: Meeting with the Minister of Immigration

To:	Hon Chris Hipkins, Minister of Education		
Date:	16 April 2021	Priority:	Medium
Security Level:	In Confidence	METIS No:	1256816
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This paper provides background information for your meeting with the Minister of Immigration, with a particular focus on:

- 9(2)(f)(iv)
- Work rights (both in-study and post-study) for international students
- Update on the entry of approved cohorts of international students to New Zealand.

Briefing information on these items is in an annexed annotated agenda.

Summary

This meeting with the Minister of Immigration provides you with the opportunity to discuss immigration issues around international students and to press to commence work on the review of post-study work rights before the delivery of the report into the impacts of immigration on productivity due from the Productivity Commission by 30 April 2022.



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Te Ara Kaimanawa

16/04/2021



Hon Chris Hipkins
Minister of Education

19/4/2021

Background

1. You will meet with the Minister of Immigration at 4:55 pm on Monday, 19 April 2021. Education officials from the Ministry of Education and Education New Zealand will attend.
2. COVID-19 has paused people flow and immigration and given government the opportunity to review some of the larger issues facing the country that immigration impacts, including productivity, the labour market, and infrastructure issues. The Minister of Immigration outlined for the Cabinet Priorities Committee the approach and work he will be leading, which includes a look at temporary migration, including international students.
3. From another direction, the Minister of Finance has directed the Productivity Commission to produce a report on the impacts of temporary immigration on economic productivity [METIS 1253448 refers], to be delivered by 30 April 2022. This will build on a report commissioned by the Productivity Commission from NZIER, published in December 2020 (*Could do better*), which (among other things) calls for an end to work rights for international students.
4. This meeting will give you an opportunity to position international education within these broad considerations of temporary migration, the work force, and the economy.
5. Further background and briefing information is in the attached Annotated Agenda, where we also provide suggested talking points for this positioning of international education.

Next Steps

6. You will meet with international education peak bodies on 11 May 2021 to discuss the impacts of COVID-19 on the sector, what the sector needs for recovery, and their priorities for the next phase of the Recovery Plan. You will receive briefing advice for the meeting that includes a summary of feedback received during subsector workshops hosted by Education New Zealand earlier this year.
7. The Ministry is working with Education New Zealand and other agencies to prepare advice on the next phase of the Recovery Plan.
8. If you agree, the Ministry will initiate work with MBIE on work rights for international students (**please indicate your agreement on the timing of this work**).

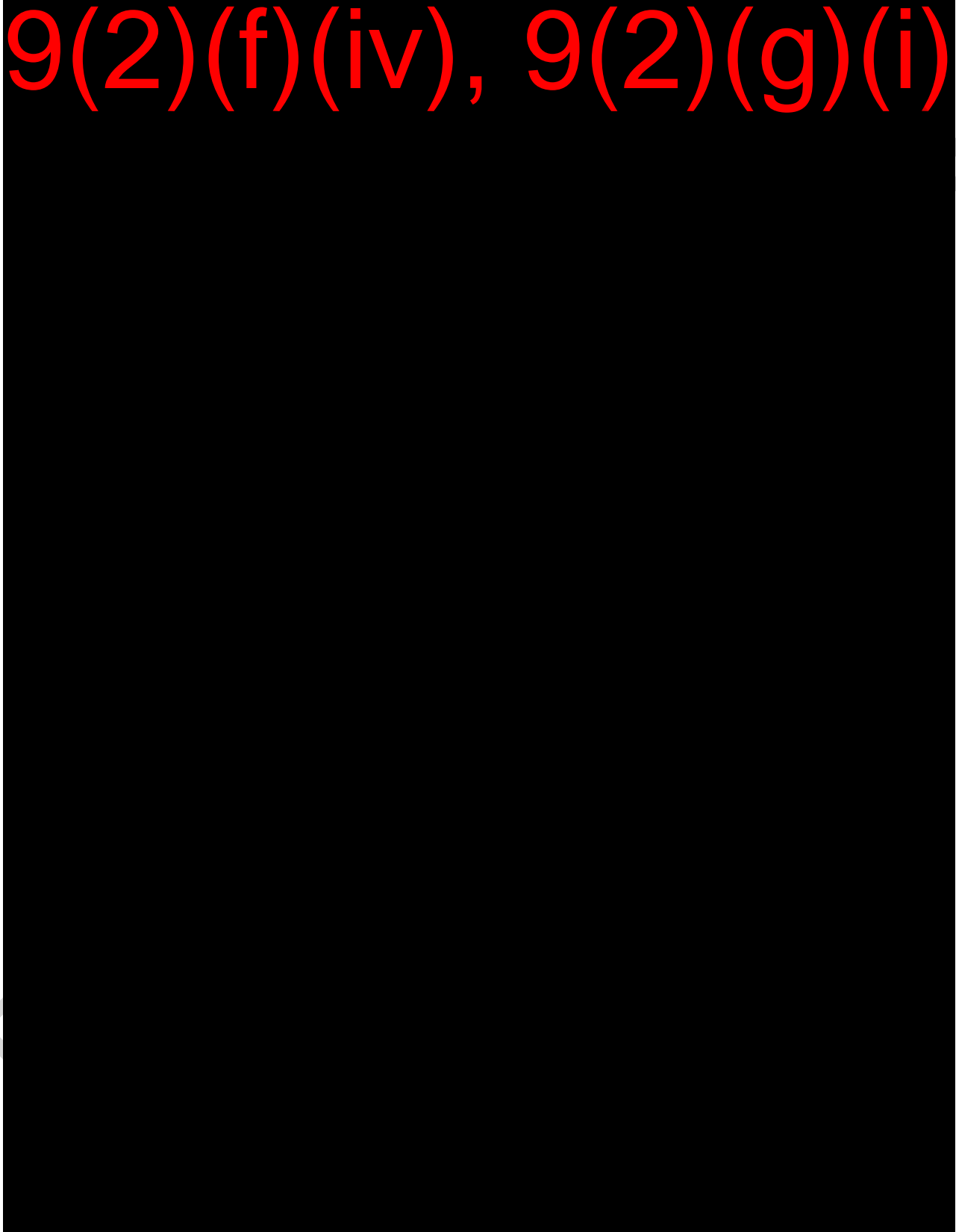
Proactive Release

9. We recommend that this Briefing is not released at this time.

Annex: Annotated Agenda—meeting with the Minister of Immigration

Item 1: CPC Presentation by the Minister of Immigration

9(2)(f)(iv), 9(2)(g)(i)



Item 2: International student work rights (in-study and post-study) going forward

4. MBIE is scheduled to lead a review of international student work rights toward the end of 2021. The Minister of Finance has meanwhile tasked the Productivity Commission with delivering a piece of research on the impact of temporary migration (including students) on economic productivity, to be delivered in April 2022, and asked that no permanent changes be made to immigration settings before that report is issued.
5. This puts consideration of the work right of international students in a holding pattern. The Ministry thinks that waiting until later in the year misses the opportunity to signal a reset of work rights to the sector before it rebuilds. The Ministry proposes that this is a jointly developed piece of work so agencies can manage any policy resourcing constraints and work through an aligned cross-agency view for Ministers.

In-study work rights

6. The availability of work rights contribute to a suite of decision-making factors that students consider as part of deciding where to study. In-study work rights have a lower impact on long-term migration to New Zealand than post-study work rights. However, an NZIER study considers that in-study work rights contributes to low productivity and the displacement of domestic workers. In the MBIE-led work on migrant exploitation, in-study work rights at the sub-degree level was identified as an area where students were vulnerable to exploitation.
7. We have historically not had detailed information on international student work patterns during study, and have relied on self-reporting. Universities New Zealand has recently completed a study of student work patterns (domestic and international) during study which found that:
 - International students are less likely to work during study than domestic students (for example, 81% of domestic university students worked in 2019, compared to 43% of international university students), and they work fewer hours (around 10 hours per week)
 - International students are mostly employed in accommodation and food services (29%), education and training (24%) and retail trade (12%)
8. The Ministry's view is that some level of part-time work remains consistent with the overall educational model at degree level and above.

The underlined statement is inaccurate as this proviso from the Minister of Finance was removed from the final Cabinet paper

9(2)(f)(iv)

9(2)(f)(iv)

Item 3: Post-study work rights—credit for offshore study

14. Many students (both continuing and new enrolments) are now studying with New Zealand providers online and offshore as a result of COVID-19. Most of our competitor countries, including Australia, Canada, and the UK, are providing some level of credit towards post-study work rights for international students caught offshore.
15. In New Zealand, students at degree level must study onshore for one year (30 weeks) to be eligible for post-study work rights, while those studying at lower levels must study onshore for two years (60 weeks).
16. You wrote to the Minister of Immigration earlier this year pointing out the concern of the international education sector that our competitor countries (including Australia, Canada, and the UK) are offering credit toward post-study work rights for study completed offshore, whereas New Zealand is not. You requested that he seek advice from his officials on the issue.
17. Students studying at degree level require only one year of onshore study to qualify for post-study work rights, so many of them will still be able to meet that requirement when the border opens. However, with the extended closure of the border, we would like additional investigation into the numbers of these students impacted and what options might exist in relation to them. Those studying at lower levels require two years of onshore study to qualify for post-study work rights, so most of them will fully miss out as they will complete their qualifications offshore (if they continue with their study).
18. There are a number of students who studied in New Zealand in 2019 who have been genuinely “caught out” by COVID-19, and their inability to enter New Zealand to complete study and take up post-study work. We think these students may have a valid argument for receiving credit toward post-study work rights for offshore study under these exceptional circumstances.

19. Students offshore who have begun study while the borders are closed will have known that offshore study does not count toward post-study work rights, but may not have foreseen the length of time our border would be closed. These students will not have a valid visa and many of them will not be in the immigration system (we are also the only country who has paused the acceptance and consideration of student visa applications).
20. The primary concern of providers on this issue is the limit it places on their ability to recruit new students, knowing that their offshore study will not count toward post-study work rights.
21. We would like this issue to receive further consideration, and the Ministry is able to work closely with MBIE on the policy issues and options in relation to offshore students.

9(2)(g)(i)

Item 4: Update on international student cohorts

22. Two cohorts of international students have had exception classes approved so far.

250 PhD and post-graduate student cohort

23. As at 12 April 2021, under this border exception category:
 - 248 international students have been identified
 - 217 have had a visa approved (approximately 44 partners and 32 children have also been granted visas)
 - 136 have arrived in New Zealand
24. The 136 students who have arrived in New Zealand are from the following countries: China (58), India (8), Iran (7), USA (6), Sri Lanka (5), other countries (52).
25. We expect to have the remainder of the cohort enter in coming months.

1,000 priority returning degree and post-grad student cohort

26. Please see METIS 125456, which you received on 9 April 2021, and METIS 1256854, which is also coming to you on 16 April 2021, for a full update on this cohort, including issues relating to perceived slowness in identifying eligible students and getting them through required processes and into New Zealand.
27. As at 16 April 2021, under this exception category:
 - 766 international students have been identified

- 491 have submitted a Request for Travel (RFT), 45 of which have been declined because the student didn't meet eligibility criteria
- 219 have submitted a student visa application, with 95 of these approved
- One student has arrived in New Zealand so far.

28. As at 12 April 2021, approximately 41 partners and 27 dependent children have been included in the RFTs.

Suggesting talking points

- 9(2)(g)(i) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Item 5: Rebuilding the International Education Sector

29. There are opportunities for international agencies to work together in rebuilding the international education sector and enabling this. For example, developing a comprehensive plan for the return of students that includes incentives such as PSWR and scholarships, and clear guidance around visa processing, so that we can start to signal to our international partners at least six months out from the prospective easing of restrictions.

Talking Points

- 9(2)(g)(i) [Redacted]
- [Redacted]