

Cabinet Paper material

Proactive release

Minister & portfolio Minister Hipkins, Education
Name of package Supporting overseas children in New Zealand due to COVID-19 to access education
Date considered 7 September 2020

These documents have been proactively released:

Supporting overseas children in New Zealand due to COVID-19 to access education

7 September 2020
Ministry of Education

CAB-20-MIN-0434 Minute

7 September 2020
Ministry of Education

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

In confidence

Office of the Minister of Education

Cabinet Business Committee

Supporting overseas children in New Zealand due to COVID-19 to access education

Proposal

- 1 I intend to enable children in New Zealand on visitor visas due to COVID-19 to be temporarily treated as domestic students until the end of the 2020 school year.
- 2 This paper seeks Cabinet agreement to treat the temporary increase in domestic student enrolments and the associated cost as a forecast change to be accounted for in 2020/21 Baseline Updates. The proposed forecast change will account for up to approximately 1,290 additional overseas students attending schools in Terms 3 and 4 at an estimated maximum cost of \$4.64 million.

Relation to government priorities

- 3 This proposal reflects the Government's current focus on the response, recovery and rebuild following the impact of COVID-19.

Background

- 4 Many countries and territories around the world are imposing strict travel restrictions due to COVID-19. These restrictions have prevented some visitors to New Zealand from returning home.
- 5 Immigration New Zealand data estimates that approximately 1,540 children and young people are currently in New Zealand on visitor visas, and a proportion of these will be unable to depart New Zealand due to COVID-19-related travel restrictions. These children are here lawfully and most did not come with the intent to study long-term.
- 6 Some of these children cannot currently access education while in New Zealand. There are three main reasons for this:
 - 6.1 Some overseas children are unable to access education as they have already studied for the maximum three months allowed on their visitor visas.
 - 6.2 Some of these children are unable to attend because they cannot afford the unexpected international student fees.

- 6.3 In some cases, the school the overseas student wishes to enrol with is not a signatory to the Code of Practice for pastoral care of international students.¹ This prevents the child from attending that school as an international student. This is a particular barrier for children who may not be residing near any signatory schools while in New Zealand.
- 7 The Ministry of Education has received feedback from its Regional Offices that some children in this situation have not been able to attend school since March 2020. Reports of children in this situation have been increasing over the past two months.

Regional breakdown of children from overseas currently in New Zealand on visitor visas

- 8 Immigration New Zealand data from August 2020 shows that the majority of school-aged children in New Zealand on visitor visas are from the Pacific Islands and Asia (see Table 1). The data also shows that majority (88%) are primary school-aged children.
- 9 It is unknown how many of the children on visitor visas are currently not attending school. The Ministry estimates that since 1 May 2020 at least 250 new international fee paying students have enrolled in New Zealand schools.
- 10 Information from Regional Offices suggests that a significant proportion of enquires received about lack of access to education are regarding children on visitor visas from the Pacific Islands.

Table 1: high-level breakdown of children and young people in New Zealand on visitor visas (as of 6 August 2020)

Region of origin	Number of children and young people on visitor visas currently in New Zealand	As a percentage of the total
Pacific	309	20.1%
Other Asia	221	14.4%
Europe*	210	13.6%
North America*	173	11.2%
India	137	8.9%
Africa	131	8.5%
China	121	7.9%
South Korea/Japan/Malaysia /Singapore/Taiwan*	109	7.1%
South America	81	5.3%
Middle East	32	2.1%
Australia	14	0.9%
Unknown	2	0.1%
TOTAL	1,540	100%

**Individuals from the countries/regions denoted are eligible for a visa waiver which means they do not need to apply for a visitor visa before they travel to New Zealand. Instead they receive it on arrival. Once in New Zealand any visitor visa extensions are treated the same for both categories.*

¹ The Code of Practice makes sure international students are well informed, safe and properly cared for while studying in New Zealand. International students cannot study at an institution that is not a signatory to the Code.

- 11 Due to COVID-19 travel restrictions, it is unclear when some of these children and their families will be able to return home. However, it is important they are able to access education in the meantime.
- 12 These children and young people are now in New Zealand and some are unable to access education due to no fault of their own. Ensuring these children and young people have access to education aligns with a range of international treaties that enshrine children's right to education and have been ratified by New Zealand. These treaties include the United Nations Convention on the Rights of the Child (Articles 28 and 29) and the International Covenant on Economic, Social and Cultural Rights (Articles 13 and 14).

Analysis

- 13 Under section 10 of the Education and Training Act 2020, the Minister of Education has the power, by notice in the Gazette, to require a person or a class of persons to be treated as if they are not international students.
- 14 I am proposing to enact this power, to enable children in New Zealand on visitor visas to be treated as domestic students until the end of the 2020 school year.
- 15 The proposed Gazette notice would:
- 15.1 entitle these children to domestic funding and grant them all the same affordances as a domestic student. This enables these children access to education in New Zealand. It also resolves the financial concerns of these children's families as well as the schools; and,
 - 15.2 allow these children to enrol with a school that is not a signatory to the Code of Practice for pastoral care for international students. These children will be required to be living with family while they are attending school to ensure their pastoral care is safeguarded.
- 16 Depending on the child's individual visa status, some may still be required to apply for a student visa.
- 17 Note, children who have previously been enrolled and paying fees as an international student would not be granted the same domestic status under the Gazette notice.
- 18 The Ministry has estimated the maximum cost of the proposed change to be up to \$4.64 million, as we expect the total increase in domestic enrolments to be approximately 1,290 children for two terms. This excludes the 250 students assumed to already be enrolled as international fee paying students.

- 19 The estimated cost is based on average domestic funding of up to \$1,800 per student per term. The \$1,800 per child per term includes the cost of teaching staff. However, staffing is not usually adjusted after March unless a school has extraordinary roll growth.
- 20 The total cost to the Crown will not be known until the end of the 2020 school year. It is likely the actual cost to the Crown may be lower than the \$4.64 million maximum estimated. This estimate does not account for schools that may have capacity to take on additional enrolments without requiring additional resourcing, that is, schools operating under their current funding floors.
- 21 Current data does not provide an indication of which schools these children may enrol in. This makes it difficult to estimate whether the impacted schools have capacity for additional enrolments, or whether the school would require significant additional resourcing. The estimate also assumes 100% enrolment for these 1,290 children, whereas actual enrolment rates may be lower. The total cost is also dependent on the age profile of the students and the school types they attend. Some alternative costings based on lower enrolment rates for these children are provided in the table below:

Number of new domestic student enrolments in schools	Estimated cost
700	\$2.52 million
1,000	\$3.6 million
1,290 (estimated maximum cost)	\$4.64 million

ESOL and learning support funding

- 22 The estimated cost provided does not include learning supports such as ESOL funding for students who need extra help in learning English. This could cost between \$290,000 and \$512,000 and would be absorbed into current baselines. Schools are funded for ESOL on a per student basis. Schools can apply to the Ministry for ESOL funding for any student who meets the ESOL criteria. Therefore, any school taking on additional students with ESOL needs as a result of this proposal would be able to access funding to support the ESOL needs of these students.

Financial Implications

- 23 The additional cost associated with the proposed change cannot be met from existing Vote Education baseline funding. I am seeking agreement to treat the temporary increase in domestic student numbers and the associated cost as a forecast change to be accounted for in 2020/21 Baseline Updates.
- 24 This approach, compared to seeking additional funding via other funding sources², provides the simplest and most efficient approach to meeting the additional cost while also managing the uncertainty in costs.

² Other funding sources include the COVID-19 Response and Recovery Fund, the Between Budget Contingency or precommitting funding against Budget 2021.

- 25 If agreed to, the cost of the temporary increase in school enrolments, up to a maximum of \$4.64 million, would be treated as forecast changes confirmed through 2020/21 Baseline Updates. The resulting changes to appropriations will have a corresponding impact on the Budget 2021 operating allowance as Vote Education forecast changes to appropriations are charged against the following year's Budget allowance.
- 26 Should the costs exceed more than the upper estimate of \$4.64 million, the additional costs would be managed within current Vote Education baseline funding.

Legislative Implications

- 27 This paper has no legislative implications.

Population Implications

- 28 As noted above, the right to education is set out in a number of international treaties, including the International Covenant on Economic, Social and Cultural Rights (Articles 13 and 14) and the Convention on the Rights of the Child (Articles 28 and 29). New Zealand has ratified these international treaties and the Government is committed to ensuring equitable access to education for all children and young people.
- 29 The proposed change will allow up to 1,290 children and young people who are in New Zealand on visitor visas and cannot depart due to COVID-19-related travel restrictions to access education in New Zealand. A high-level breakdown of these children and young people, and their region of origin is provided in Table 1 above.

Consultation

- 30 The Treasury and the Ministry for Business, Innovation and Employment were consulted on this paper.

Communications

- 31 I propose to publish a Gazette notice of the change, if approved by Cabinet, as soon as is practicable. The Ministry of Education will circulate communications via Regional Offices, schools and communities, notifying them of the proposed change and its effects.

Proactive Release

- 32 I intend to proactively release this Cabinet paper.

Recommendations

The Minister for Education recommends that the Committee:

- 1 **note** that 1,540 children on visitor visas are estimated to be in New Zealand due to COVID-19-related travel restrictions and some of these children are currently unable to access education;

- 2 **note** that I intend to enable children in New Zealand on visitor visas due to COVID-19, to be temporarily treated as domestic students until the end of Term 4, 2020;
- 3 **note** this proposed change has an estimated cost of up to \$4.64 million to accommodate increased school enrolments in Terms 3 and 4, 2020;
- 4 **note** that actual costs to the Crown will not be known until the end of the 2020 school year;
- 5 **authorise** the Minister of Finance and the Minister of Education jointly to approve the necessary changes to appropriations related to the decision in recommendation 2 as forecast changes confirmed through 2020/21 Baseline Updates;
- 6 **note** that the changes to appropriations approved under recommendation 5 will have an impact on the Budget 2021 operating allowance as Vote Education forecast changes to appropriations are charged against the following year's Budget allowance;
- 7 **agree** that the proposed changes to appropriations approved under recommendation 5 above be included in the 2020/21 Supplementary Estimates and in the interim be met from imprest supply.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Access to Education: Supporting Overseas Children in New Zealand Due to COVID-19

Portfolio Education

On 7 September 2020, the Cabinet:

- 1 **noted** that 1,540 children on visitor visas are estimated to be in New Zealand due to COVID-19-related travel restrictions and that some of these children are currently unable to access education;
- 2 **noted** that the Minister of Education intends to enable children in New Zealand on visitor visas due to COVID-19 to be temporarily treated as domestic students until the end of Term 4, 2020;
- 3 **noted** that the change in paragraph 2 above has an estimated cost of up to \$4.64 million to accommodate increased school enrolments in Terms 3 and 4, 2020;
- 4 **noted** that actual costs to the Crown will not be known until the end of the 2020 school year;
- 5 **authorised** the Minister of Finance and Minister of Education jointly to approve the necessary appropriation changes related to the decision in paragraph 2 above as forecast changes confirmed through 2020/21 Baseline Updates;
- 6 **noted** that the changes to appropriations described in paragraph 5 above will have an impact on the Budget 2021 operating allowance as Vote Education forecast changes to appropriations are charged against the following year's Budget allowance;
- 7 **agreed** that the changes to appropriations described in paragraph 5 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increase be met from imprest supply.

Michael Webster
Secretary of the Cabinet