

[In Confidence]

Office of the Minister of Immigration

Chair, Cabinet Economic Development Committee

Report back on consultation on proposed changes to immigration settings for international students and recommended final proposals

Proposal

- 1 This paper seeks Cabinet's agreement to change immigration settings to ensure post-study immigration pathways for international students are fit-for-purpose and reduce the likelihood of exploitation, while minimising losses of genuine students. The changes are:
 - 1.1 to remove the employer-assisted post-study work visas at all levels;
 - 1.2 to provide a one-year post-study open work visa for students studying Level 4 to 6 and non-degree Level 7 qualifications with an additional year for Graduate Diplomas towards registration with a professional or trade body;
 - 1.3 to provide a two-year post-study open work visa for students studying Level 4 to 6 and non-degree Level 7 qualifications outside Auckland;
 - 1.4 to provide a three-year post-study open work visa for degree Level 7 or above qualifications; and
 - 1.5 to require international students studying Level 8 qualifications to be in an area specified on the Long Term Skills Shortage list in order for their partner to be eligible for an open work visa, and in turn the partners' dependent children to be eligible for fee-free domestic schooling.

Executive Summary

- 2 International education is currently New Zealand's fifth largest export earner and brings benefits to New Zealand by bolstering the domestic education sector, building stronger international connections, creating jobs and providing a potential pool of highly-skilled migrants for New Zealand's labour market. Immigration settings facilitate the entry of genuine international students as well as providing a potential pathway for international students to contribute to the skills and qualifications New Zealand needs. Immigration settings play a role in supporting the achievement of the Government's wider economic goal of growing the regions. This includes specifically growing the international education sector in the regions as set out in the Minister of Education's proposed New Zealand International Education Strategy.
- 3 There has been significant growth in the international education sector over the last few years, especially in below degree level qualifications. As a result, there has been a decline in the skill level of people moving through the immigration system and granted permanent residency. Exploitation and fraudulent behaviour from some education providers, agents and unscrupulous employers has also been an issue. Post-study work

rights were identified as an area where changes are needed to address these poor outcomes.

- 4 In May 2018, I recommended to Cabinet a number of proposed changes to post-study work rights for public consultation, to deliver on three key objectives [CAB-18-MIN-0250 refers]:
 - 4.1 to ensure that post-study pathways for international students are fit-for-purpose and contribute the skills and qualifications New Zealand needs;
 - 4.2 to reduce the likelihood of students being exploited by unscrupulous employers, education providers and agents; and
 - 4.3 to minimise losses of genuine students to the export education industry.
- 5 The proposals reduced the length of post-study work visas for international students studying qualifications at Levels 4 to non-degree Level 7. They preserve and incentivise a pathway to residence for students undertaking higher-level study. In addition, I proposed removing the employer link to the post-study work visa to reduce the risk of exploitation.
- 6 Public consultation was undertaken on these proposals from 5 June to 22 June 2018. 2,061 submissions were received over the consultation period from: prospective, current and former international students; unions; education providers; industry associations; immigration advisors; employers; and student associations.
- 7 Submitters were overwhelmingly supportive of Proposal Three, and a majority supported Proposal One. I recommend these proposals are implemented without changes. There was mixed feedback on Proposals Two, Four and Five and I am recommending changes as a result. The final recommended changes are outlined in paragraph 1.
- 8 An analysis of the post-study behaviour of the 2016 cohort of international students finishing their study indicates that a number in the range of 13,800 to 18,300 would have reduced post-study work rights under the final proposals. Some fraction of these students might have chosen not to study in New Zealand with the new settings in place.
- 9 However, it is not possible to precisely estimate the actual potential overall fall in numbers resulting from the changes. This depends on a range of factors such as, how important having post-study work rights are to a student's choice of study destination, and providers' efforts, supported by the Government, to grow the sector in a sustainable way. New Zealand's policy settings will continue to be competitive overall in relation to our key comparator countries and more competitive for students studying at degree level and above.
- 10 The financial impacts of lost tuition revenue from Institutes of Technology and Polytechnics (ITPs) associated with the proposals consulted on could be in the region of s 9(2)(b)(ii) depending on the extent to which this reduces enrolments. However the updated proposal to provide a two-year open post-study work visa for students at sub-degree level outside of Auckland is expected to reduce the impact by approximately s 9(2)(b)(ii). In the unlikely event that all of the 13,800 to 18,300 students decided to study elsewhere the financial impacts of lost tuition revenue from Private Training Establishments (PTEs) could be in the region of \$52-\$69 million.

- 11 Overall this package of changes to post-study work rights will meet the objectives outlined in paragraph 4 and support the Government's broader plans for a high-quality international education system in order to generate educational, economic, social and cultural benefits to New Zealand.

Background

- 12 On 28 May 2018, I reported to Cabinet that, while some changes have been made to address issues in the international education sector, further changes are needed to align immigration settings with the outcomes that this Government is seeking from our immigration system.
- 13 I presented to Cabinet proposals to change post-study work rights that deliver three main policy objectives:
- 13.1 to ensure that post-study pathways for international students are fit-for-purpose and contribute the skills and qualifications New Zealand needs;
 - 13.2 to reduce the likelihood of students being exploited by unscrupulous employers, education providers and agents; and
 - 13.3 to minimise losses of genuine students to the export education industry.
- 14 Cabinet agreed to undertake public consultation on five proposals:
- 14.1 **Proposal One:** remove employer-assisted post-study work visas at all levels;
 - 14.2 **Proposal Two:** provide a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications;
 - 14.3 **Proposal Three:** provide a three-year post-study open work visa for degree Level 7 or above qualifications;
 - 14.4 **Proposal Four:** require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights; and
 - 14.5 **Proposal Five:** require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partners' dependent children to be eligible for fee-free compulsory schooling.
- 15 Public consultation was undertaken from 2 June to 29 June 2018.
- 16 In parallel, the Minister of Education released the New Zealand International Education Strategy 2018-2030 (the Strategy) for consultation. Public consultation on the Strategy was undertaken from 5 June to 22 June 2018.

Public consultation

- 17 2,061 submissions were received over the consultation period. Submissions were received from: prospective, current and former international students; unions; education providers; industry associations; immigration advisors; employers; and student associations. Over half of submitters, around 55 per cent, were current students.

18 Annex One provides a more detailed summary of the submissions received.

Proposal One: remove the employer-assisted post-study work visas at all levels

19 I consider that to achieve the policy objective of reducing the exploitation of students, the employer-assisted post-study work visa should be removed.

20 International students are particularly vulnerable to exploitation because of:

20.1 financial pressures;

20.2 lack of awareness of employment rights;

20.3 reluctance to report exploitation, especially as there may be immigration consequences; and

20.4 the need to secure employment to gain a pathway to residence.

21 The employer-assisted post-study work visa was identified as contributing to this problem. As the visa requires the student's job offer to meet certain requirements (such as wage thresholds or alignment with their qualification), this results in some students 'buying' jobs to help them meet these requirements. In other cases, students will stay with an employer who is exploiting them in order to gain the work experience required to support a Skilled Migrant Category (SMC) visa application.

22 In the majority of investigations by Immigration New Zealand (INZ) into the exploitation of international students or inflated or misleading job offers, the student's last visa was an employer-assisted post-study work visa. The incidence of these kinds of investigations has increased from 10 in 2014/15 to 67 in 2017/18 compared to open post-study work visas which increased from 1 in 2014/15 to 21 in 2017/18. This is against a backdrop of migrant exploitation being underreported.

23 Submissions have confirmed that the employer-assisted post-study work visa is contributing to the exploitation of international students. 54 per cent of submitters were supportive of this proposal and considered that it would remove students' dependence on employers, which would reduce the incidence of residency being 'bought and sold'.

24 Some unions and student associations considered that this proposal does not go far enough to combat exploitation. This is a first step in the Government's programme to combat migrant exploitation. I will be presenting a paper to Cabinet in September 2018 outlining my intended approach to combatting migrant exploitation, which will make recommendations on regulatory, policy and operational changes to reduce exploitation, including for international students.

25 In addition to assure the integrity and credibility of qualifications and to maintain confidence in the quality of New Zealand education system, the New Zealand Qualifications Authority (NZQA) has increased its capacity and capability for monitoring programmes and assessment practices. NZQA takes a coordinated approach to the monitoring and risk management of education organisations by monitoring delivery, managing complaints, and using legislative powers to address significant performance issues.

Proposal Two: provide a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications

- 26 Immigration settings for residence have encouraged international students to study at lower/sub-degree levels and in generic subjects such as business. This has been one of the factors in the gradual decline in the average skill level of new residence visa holders over the last five years. Analysis shows that SMC migrants that were international students earn less than other SMC migrants and domestic students with equivalent qualifications.
- 27 Recent changes to SMC will support the reversal of this trend, but I consider this proposal will bring in the further change needed to ensure that the settings align with my objectives.¹
- 28 The majority of submitters were supportive of Proposal Two to reduce the entitlement to post-study work rights for non-degree graduates. Submitters considered it would provide opportunities for international students to gain some practical New Zealand-based experience. However, some submitters considered that the proposal would result in a reduction in Graduate Diplomas in areas of value to the New Zealand labour market and negatively impact the regions.

Graduate Diplomas for study towards registration with a professional or trade body

- 29 A significant portion of submitters, both supportive and unsupportive of Proposal Two, especially education providers and students, raised concerns that this proposal considers Graduate Diplomas as non-degree qualifications.² In order for a student to be eligible to enrol in a Graduate Diploma they would have either completed a degree qualification or, in some cases, the education provider will grant entry on the basis of equivalent practical, professional or educational experience. On this basis, submitters considered that Graduate Diplomas merit a three-year post-study open work visa.
- 30 Representatives of PTEs and ITPs considered that this proposal would significantly affect their ability to attract international students. More than half of Graduate Diplomas undertaken by students in the 2016 cohort were in generic business or management.
- 31 In addition, submitters considered that this proposal would result in a loss of international students studying in areas of value to the New Zealand labour market. This was considered a risk for occupations that require practical experience after study to obtain full registration, for example early childhood teaching.
- 32 In response to these concerns I propose that an additional year of open post-study work rights is granted to students that complete a Graduate Diploma towards registration with professional or trade bodies as specified in immigration instructions. Once these students finish their one-year open work visa and they can demonstrate they are in the process of gaining registration, they will be able to apply for an additional year to work towards their full registration.

¹ In 2016 and 2017 changes were made to SMC to lift the threshold to gain points for 'skilled work' and the overall points requirement was increased. As a result there has been a significant reduction in enrolments at sub-degree level since 2016.

² Graduate Diplomas at Level 7 enable degree graduates to pursue further study at an advanced undergraduate level.

- 33 Based on the analysis of the 2016 cohort of international students who have completed their study, approximately 200 international students studying towards teaching qualifications would be eligible for an additional year of post-study work rights under this change. This represents the majority of students studying to whom this change would apply.
- 34 This amended proposal will ensure that post-study pathways for international students are fit-for-purpose and contribute the skills and qualifications New Zealand needs, while minimising the loss of genuine students.

Regionalisation of eligibility to post-study work rights

- 35 Submitters, especially immigration advocates and education providers, considered that Proposal Two would have a negative impact on regional labour markets, particularly in areas with skills shortages, or those that have difficulty attracting and retaining workers. Education providers noted that many employers rely on international students to flow through into regional labour markets.
- 36 The Government has agreed to a programme of change in the ITP sector and vocational education more generally, to ensure regional provision is viable and that it meets the needs of regions and communities [SWC-18-MIN-0004 refers]. ITPs could be well placed in the future to be significant players in driving regional economic growth and greater levels of community wellbeing.
- 37 However, the education sector is currently at the low point in its business cycle, and the thinness of regional markets for tertiary education currently means that some classes have become too small to operate viably. While there is uncertainty about the extent to which decisions about where to study will be influenced by changes in policy settings for post-study work rights, incentivising international students to study in regional institutions will help to strengthen important regional provision. This would help to retain key teaching capability in regions while the overall network is being put onto a stronger footing, by allowing regional education providers to maintain a competitive offer to international students that is connected to the skill needs of regions.
- 38 Immigration data shows that 65 per cent of international students studying at Level 4 to 6 and non-degree Level 7 are in Auckland. This is followed by 9 per cent in Canterbury, 6 per cent in Wellington and then 6 per cent in the Bay of Plenty. Supporting the growth of the regions is a core component of this Government's economic strategy. One of my priorities for the immigration system is ensuring that it serves the needs of the regions. The New Zealand International Education Strategy, to be considered by Cabinet, also contains an objective to grow the international education sector in the regions.
- 39 In response to submissions and in support of wider government objectives, I recommend providing a two-year open post-study work visa for students studying Level 4 to 6 and non-degree Level 7 qualifications outside of Auckland.³ International students will be required to demonstrate when they apply for their two-year open post-study visa that they completed their whole qualification at a campus outside of Auckland and did not complete any part of their qualification through distance learning.⁴ This proposal will not

³ For qualifications at Levels 4 to 6, the student must undertake at least two years of study, gained after a total of 60 weeks full time study in New Zealand, or two qualifications of one year each where the second qualification is higher than the first.

⁴ A qualification will be determined to have been completed outside of Auckland if the campus the student studied at is not within the territories covered by the Auckland Council.

require international students to undertake their post-study employment in the regions, because this is not enforceable.

- 40 Based on the 2016 cohort of international students that finished their study, approximately 11,900 completed a qualification in Auckland at Level 4 to 6 and non-degree Level 7 compared to approximately 6,300 outside of Auckland. This proposal will likely incentivise education providers to develop education offerings outside Auckland.
- 41 I consider that linking eligibility of post-study work rights to the regions is an opportunity to support regional economic growth by incentivising international students to undertake their study in the regions.

Final proposal

- 42 In response to submissions, I recommend amending Proposal Two to:
- 42.1 provide a one-year post-study open work visa for students studying Level 4 to 6 and non-degree Level 7 qualifications with an additional year for Graduate Diplomas towards registration with a professional or trade body; and
- 42.2 provide a two-year post-study open work visa for students studying Level 4 to 6 and non-degree Level 7 qualifications outside Auckland.

Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications

- 43 The ability to offer post-study work rights is an important tool for marketing New Zealand's international education offering to prospective students.⁵ International students consider New Zealand as a study destination in the global context. This proposal is intended to support the attraction of international students studying at higher levels and preserve a pathway to residence for those with the skills and qualifications New Zealand needs, specifically through the link between more generous post-study work rights to higher level qualifications.
- 44 This change will make New Zealand the second most desirable proposition (behind Canada) for degree level students in relation to our key comparable countries. Annex Two provides a comparison of New Zealand's post-study work rights with Australia, Canada, Ireland, the United Kingdom and the United States.
- 45 The majority of submitters were supportive of this proposal and confirmed analysis that it would make New Zealand a more attractive study destination for international students undertaking degree level qualifications and above.
- 46 Evidence consistently shows that those who complete study at higher levels have better employment rates and higher wages.⁶ I consider that this proposal should be implemented in order to achieve the policy objective of ensuring that post-study pathways for international students are fit-for-purpose and contribute to the skills and

⁵ Students need to complete the final 30 weeks of the degree in New Zealand in order to be eligible for a post-study work visa. They may choose to complete their first two years offshore at another provider which has an agreement with a New Zealand provider. The offshore study is then credited towards the New Zealand degree.

⁶ See for example, Ministry of Education's 2013 report: *Looking at the employment outcomes of tertiary education: New data on the earnings of young graduates*.

qualifications that New Zealand needs, while minimising losses of genuine international students.

Proposal Four: require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights

- 47 This proposal was intended to signal the level of skill and qualification that New Zealand wants to attract for residence, and better align post-study work rights with the students' investment in New Zealand. International students studying at non-degree Level 7 (which includes Graduate Diplomas) would be required to do at least two years of study to be entitled to post-study work rights. This requirement is currently in place for students studying at Levels 4 to 6 and will be retained.
- 48 This proposal would result in no post-study work rights being available for Graduate Diploma students, as these qualifications are completed over one-year of study. Student submitters noted that they already held bachelor's degrees from outside New Zealand and did not need to study for more than one year.
- 49 As discussed from paragraph 28, I consider that Graduate Diplomas do merit post-study work rights, especially in cases where this study is towards registration with a professional or trade body. Post-study work rights are seen as an important component of a student's overall education experience and removing all work rights for these students is likely to result in losses of genuine, non-migration motivated, students.
- 50 Submitters, including education providers, considered that this proposal would incentivise education providers to artificially extend the duration of their courses for no educational benefit to meet immigration requirements.
- 51 I recommend that this proposal is not progressed. In response to feedback received, I consider the combined impact of the other changes will meet the overall policy objectives without creating unintended consequences regarding the restructuring of courses of study.

Proposal Five: require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partner's dependent children to be eligible for fee-free compulsory schooling

- 52 This proposal was intended to incentivise more international students to study in areas better aligned to New Zealand's skill needs by linking the entitlement for international students' partners to an open work visa, and their dependents to a student visa, to the area the student was studying in.
- 53 The majority of submitters were not supportive of this proposal and considered that it would negatively affect New Zealand's ability to attract high quality post-graduate students. Education providers, including Universities New Zealand, considered that this proposal would significantly disadvantage Masters students (Level 9) as they are often older and accompanied by family.
- 54 The majority of qualifications undertaken by international students with partners are at Level 8 and not in areas specified on the Long Term Skills Shortage List (LTSSL). The

most common qualifications are Postgraduate Certificates and Diplomas in business or management.

55 In response to submissions, I recommend amending this proposal so that it only applies to international students studying at Level 8. This revised proposal will incentivise international students studying at Level 8 to study in areas listed on the LTSSL.

Final changes to immigration settings for international students

56 My final proposals for Cabinet agreement as a result of consultation are summarised in Table One below:

Table One: Summary of final proposals

| Proposal | Final proposal |
|---|--|
| Proposal One: remove employer-assisted post-study work visas at all levels. | No change. |
| Proposal Two: provide a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications. | This proposal has been amended to: <ul style="list-style-type: none"> • provide an additional year (i.e. a total of two years) of post-study work rights for Graduate Diplomas towards registration with a professional or trade body; and • provide a two-year open post-study work visa for students studying at Levels 4 to 6 and non-degree Level 7 outside of Auckland. |
| Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications. | No change. |
| Proposal Four: require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights. | Proposal removed. |
| Proposal Five: require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partner's dependent children to be eligible for fee-free compulsory schooling. | This proposal has been amended to only apply to students studying Level 8 qualifications. |

57 The change in entitlement to post-study work rights for international students is set out in Table Two below:

Table Two: Resulting entitlements for post-study work rights as a result of the changes

| Type of qualification | | Current post-study visas | Final changes | Change in entitlement |
|--|------------------|--|--|--|
| Level 7 degree and above qualifications | | One-year open and two-year employer-assisted | Three years open | Total number of years the same |
| Non-degree Level 7 qualifications | Auckland | One-year open and two-year employer-assisted | One year open, and an additional year for Graduate Diplomas towards registration with a professional or trade body | Visa reduction of two years, except for Graduate Diplomas towards registration with a professional or trade body who will be eligible for an additional year to work towards full registration |
| | Outside Auckland | One-year open and two-year employer-assisted | Two years open | Visa reduction of one year |
| Level 4-6 qualifications of a two year duration | Auckland | One-year open and two-year employer-assisted | One year open | Visa reduction of two years |
| | Outside Auckland | One-year open and two-year employer-assisted | Two years open | Visa reduction of one year |
| Level 4-6 qualifications of less than two years duration | | None | None | None |

Impact on international student numbers

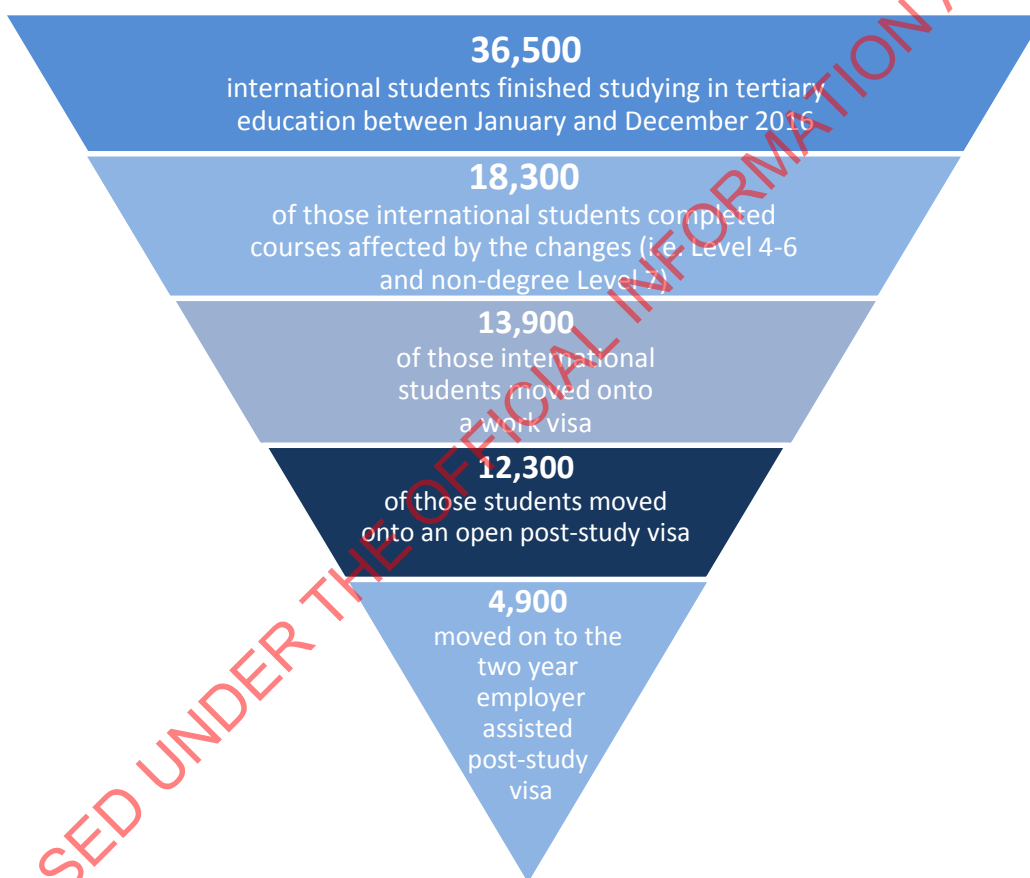
- 58 The Cabinet paper in May 2018 provided an initial analysis of the number of international students potentially impacted by the proposed changes [CAB-18-MIN-0250 refers]. This analysis of immigration data has been further refined and information provided by education providers on the impact of the changes has been reviewed.
- 59 Immigration visa data, looking at the behaviour of the 2016 cohort of international students, has been used to analyse the size of the potential pool of international students affected by the changes.⁷ This visa data tracks the pathways of students from student visas through to work visas (see Figure One).
- 60 An analysis of the post-study behaviour of the 2016 cohort of international students finishing their study indicates that a number in the range of 13,800 to 18,300 would have reduced post-study work rights under the final proposals. Some fraction of these students might have chosen not to study in New Zealand with the new settings in place. This range represents the international students who completed a qualification affected by the changes (i.e. Level 4-6 and non-degree Level 7) and the number of those students that then moved onto a work visa.⁸

⁷ The 2016 cohort of international students has been used as a year delay is required to track their post-study behaviour.

⁸ It is also possible that a number of students choose New Zealand as their study destination based on the ability to take up post-study work rights, but do not take up these rights at the end of their study. Based on

- 61 It is not possible to precisely estimate the actual potential overall fall in numbers resulting from the changes as this depends on a range of factors:
- 61.1 how important post-study work rights are to a student's choice of study destination, including how New Zealand's offering compares to other comparable countries;
 - 61.2 the behavioural response of a student - some students will decide not to come, or come regardless of the changes, or decide to study at a higher level;
 - 61.3 on-going market adjustments to previous changes to policy settings (for example English language settings) which have seen decreasing numbers of international students at the levels of study impacted by these changes (see Annex Three).

Figure One: Pathways of the cohort of international students that finished studying from January to December 2016



Impact of the changes by qualification level, institution type and subject area

- 62 Table Three shows the approximately 18,300 students who completed courses at levels affected by the change by qualification level and institution type.

total student visa applications approved between January and December 2017, approximately 20,000 of those students were intending to study at the levels affected by the changes.

Table Three: International students who finished studying between January and December 2016 by level and institution type

| Institution type | Qualification Level | | | | | Grand Total |
|--|---------------------|----------------|--------------------|------------------------------|----------------------|--------------------------------|
| | Levels 1-3 | Levels 4-6 | Level 7 non-degree | Graduate Diplomas at Level 7 | Degree Level 7 to 10 | |
| Institutes of Technology and Polytechnics (ITPs) | 833 (11%) | 1,886 (25%) | 7 (0.09%) | 3,486 (47%) | 1,060 (14%) | 7,272 (100%) |
| Private Training Establishments (PTEs) | 5,956 (33%) | 6,401 (36%) | 3,591 (20%) | 995 (5%) | 601 (3%) | 17,544 (100%) |
| Universities | 3,117 (27%) | 990 (8%) | 6 (0.05%) | 875 (7%) | 6,209 (55%) | 11,197 (100%) |
| Not recorded | 415 | 11 | 5 | 6 | 18 | 455 |
| Grand Total | 10,321 | 9,288 | 3,609 | 5,362 | 7,888 | 36,468 |
| Total affected by the change | | | 18,259 | | | |

63 Of the potentially impacted students, the majority are studying at ITPs and PTEs. The most common courses undertaken by students affected by the change are in business and management.

Impacts on education providers

Institutes of Technology and Polytechnics (ITPs)

64 During consultation each ITP individually assessed the impact the changes will have on their business using 2017 actual student data. Using the information supplied by ITPs, the Tertiary Education Commission (TEC) completed impact analysis that suggested the financial impacts of lost tuition revenue from ITPs associated with the proposals consulted on could be in the region of s 9(2)(b)(ii) depending on the extent to which this reduces enrolments. However the revised proposal to provide a two-year open post-study work visa for students at sub-degree level outside of Auckland is expected to reduce the impact by approximately s 9(2)(b)(ii).

65 s 9(2)(b)(ii) [Redacted]

66 s 9(2)(b)(ii) [Redacted]

The full impact to be felt in 2019, with improvements expected from 2020 onwards as providers and students respond to the changes.

67 s 9(2)(b)(ii) [Redacted]

- 68 It is expected that providers outside of Auckland will benefit from these changes in both the short and long term. However, any increase in international students outside of Auckland is likely to come after a time lag due to the need to more aggressively market these destinations and the time to work with overseas agents.
- 69 The changes to post-study work rights do not alter the overall need to transition the ITP sector to be viable and delivering the foundation and vocational education that New Zealand needs. The vocational education and training (VET) review is considering what funding changes could help stabilise VET provision, and the ITP Roadmap work with the sector will determine what its configuration needs to be to deliver strong provision for regions and New Zealand.

Private Training Establishments (PTEs)

- 70 PTE students make up 60 per cent of the international students affected by the changes. Officials have used the average tuition revenue per student at PTEs of \$6,285 to calculate the potential lost fee revenue of the PTE sector. In the unlikely event that all of the 13,800 to 18,300 students decided to study elsewhere, the financial impacts of lost tuition revenue from PTEs could be in the region of \$52-\$69 million.
- 71 As 82 per cent of PTE students are in Auckland, these changes will have a disproportionate effect on these providers. This may see PTEs move to provide more international education in the regions over time.

Economic impacts

Wider international education market impacts

- 72 Education New Zealand (ENZ) considers that key markets can adapt and respond positively over time to the proposed changes to post-study work rights in New Zealand and that the outlook for New Zealand's international education sector remains largely positive for the next 7-10 years.⁹ The changes to post-study work rights are in line with the aims of the Strategy which seeks to support the sector to successfully transition from a business model reliant on volume to one that is focused on quality and generating increased value to New Zealand (including and beyond economic value), including growing international education in the regions. The proposal to provide a two-year open post-study open work visa for international students outside of Auckland studying at sub-degree level will support the growth of international education in the regions.
- 73 Properly managed, the impact on onshore student volumes or sector value should be relatively short lived. To minimise the short-term impact on quality providers and the New Zealand economy, ENZ is building a sustainable value business plan which includes:
- 73.1 Increasing ENZ's destination marketing activities in existing offshore markets that can supply quality students to subsectors and qualifications that generate demonstrable value to New Zealand;

⁹ Education New Zealand (2018). *Strategic Scan of the Global International Education Environment*: <https://intellilab.enz.govt.nz/document/400-strategic-scan-of-the-global-international-education-environment>

- 73.2 Supporting quality providers to identify new higher-value qualifications that meet the needs of international students and align with areas of current or future long-term skills shortages both in New Zealand and globally;
- 73.3 Building enhancements to international student experience and wellbeing services to ensure that New Zealand is offering a world-class experience and that international students are best placed to make the optimum contribution to New Zealand; and
- 73.4 Further developing New Zealand providers' and companies' capacity to offer products and services offshore and online, to increase the value of the sector.

Labour market

- 74 As discussed earlier, based on the analysis of the 2016 cohort of international students who completed their qualification, most of the students impacted will be in Auckland (65 per cent), followed by 9 per cent in Canterbury, 6 per cent in Wellington and then 6 per cent in the Bay of Plenty. Broadly the majority of international students on post-study work rights have been employed in hospitality, retail and service manager occupations.
- 75 Research by the Ministry of Business, Innovation and Employment in 2018¹⁰ found that study-to-work migrants (that is, those on a post-study work visa) have a negative effect on the hiring of youth. I expect these proposals could have a mildly positive impact on New Zealanders in the labour market.

Implementation

- 76 Subject to Cabinet agreement, I intend to certify changes to immigration instructions necessary to implement these policy decisions in November 2018.
- 77 I propose that, from the date of announcement in August 2018, existing settings are grand-parented for:
- 77.1 all post-study work visa holders; and
- 77.2 current students who are undertaking a qualification that (once completed) will meet the qualification requirements as set out in current immigration instructions.
- 78 Current students and post-study work visa holders are defined as:
- 78.1 those who have submitted a student visa application to INZ, and whose application has been accepted by INZ on, or before, the date of announcement; or
- 78.2 those who have a current valid student visa or post-study work visa on the date of announcement; and
- 78.3 in cases where the student is still studying, they study for consecutive academic years and progress to a higher level of study at each stage.

¹⁰ MBIE report: *Impact of Temporary Migration on Employment and Earnings of New Zealanders* (released in June 2018).

- 79 This approach is fair to current international students, who made the decision to study in New Zealand based on the policy settings in place at the time. Grand-parenting these changes from date of announcement will mitigate the risk of a spike in applications from international students at lower levels trying to take advantage of the more generous current settings.
- 80 In addition, from the date of immigration instructions changes, I propose the employer-assisted post-study work visa is removed and replaced with the open post-study work visa. Current post-study work visa holders will be entitled to the same duration of post-study work visa as when they commenced their study. Allowing international students to remove the employer-assisted component of their visa will best support the objective to reduce the likelihood of exploitation.
- 81 Based on a measure of international students in New Zealand as at June 2018, approximately 18,600 students studying at Level 4 to non-degree Level 7 will have their eligibility for a three-year post-study work visa grand-parented. However, as noted earlier, it is not expected that all of these students will take up post-study work rights.
- 82 In respect of Proposal Two, I have instructed officials to develop a list of occupations that recognise a Graduate Diploma in order to gain registration with a professional body. Students who have completed a Graduate Diploma in these areas and are in the process of gaining registration will be entitled to an additional year of open post-study work rights. I intend to certify the final list of occupations as part of the changes to immigration instructions in November 2018.

Monitoring

- 83 In order to understand the impacts of these changes and whether the Government's objectives have been met, I have asked officials to undertake a staged report back.
- 84 In September 2019, I have directed officials to report to me on changes to the number of international students, including the proportion studying at degree level or above and whether this has resulted in an increase in the number of international students in the regions. This will inform the assessment of whether the changes have met the policy objectives. It will also identify areas of decline and whether it is aligned with expectations.¹¹
- 85 Officials will also report on the effect of the removal of the employer-assisted post-study work visa on the exploitation of students, either as part of the report back on the post-study work rights changes or through the work programme on combatting migrant exploitation.
- 86 Following the 2019 report back, I have also instructed officials to report back once the international students affected by the changes flow through onto post-study work visas and into the labour market. This will inform our understanding of how the changes have

¹¹ This information will be sourced from the annual Migration Trends report, which examines temporary and permanent migration to and from New Zealand, and the International Student Barometer, which captures the experience of international students worldwide.

affected post-study pathways, including whether there has been a change in the skill level of SMC applicants.¹²

Consultation

87 The Ministry of Education, the Treasury, the Ministry of Foreign Affairs and Trade, the New Zealand Qualifications Authority, Education New Zealand and the Tertiary Education Commission and the Department of Prime Minister and Cabinet have been consulted on this paper.

Financial Implications

88 There are no direct costs to the Crown arising from the proposals. Financial impacts for ITPs, in which the Crown has an ownership interest, are outlined in paragraphs 63 to 67.

Human Rights

89 The proposals are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Gender Implications

90 Men are more highly represented in PTEs and ITPs where the proposals are likely to have the biggest impact.¹³

Publicity

91 I intend to announce the agreed final changes at the New Zealand International Education Conference on the 9th and 10th of August 2018, at which the Minister of Education intends to announce the New Zealand International Education Strategy.

Recommendations

The Minister of Immigration recommends that the Committee:

- 1 **Note** that Cabinet agreed to undertake public consultation on five proposals [CAB-18-MIN-0250 refers]:
 - 1.1 Proposal One: remove employer-assisted post-study work visas at all levels;
 - 1.2 Proposal Two: provide a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications;
 - 1.3 Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications;

¹² It is expected that MBIE will undertake a follow up report to the *Immigration and labour market outcomes of international tertiary students* study, which tracked the visa and labour market outcomes of international students over five years.

¹³ This is based on immigration data on student visa approvals in the 2016/17 financial year. In the tertiary sectors, 22 per cent and 46 per cent of men were in ITPs and PTEs respectively. For women, 4 per cent were in Universities, with 17 per cent and 39 per cent in ITPs and PTEs.

- 1.4 Proposal Four: require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights; and
 - 1.5 Proposal Five: require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partner's dependent children to be eligible for fee-free compulsory schooling;
- 2 **Note** that these proposals were developed to deliver three policy objectives:
- 2.1 To ensure that post-study pathways for international students are fit-for-purpose and contribute the skills and qualifications New Zealand needs;
 - 2.2 To reduce the likelihood of students being exploited by unscrupulous employers, education providers and agents; and
 - 2.3 To minimise losses of genuine students to the export education industry;
- 3 **Note** that the above proposals were the subject of public consultation from 2 June to 29 June 2018 and that 2,061 submissions were received over the consultation period;
- 4 **Note** that submitters were supportive of Proposals One and Three and provided mixed feedback on Proposals Two, Four and Five;

Proposal One: remove the employer assisted work visa at all levels

- 5 **Note** that submitters confirmed analysis that the employer-assisted post-study work visa was identified as contributing to the exploitation of international students;
- 6 **Agree** to remove the employer-assisted post-study work visa at all levels;

Proposal Two: provide a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications

- 7 **Note** that Proposal Two will support a New Zealander's first approach to employment as international students with lower-level qualifications will need to apply for visas that require labour market testing after their post-study visa entitlement;
- 8 **Note** that submitters raised concerns that Proposal Two would result in a loss of students studying in areas of value to the New Zealand labour market which require practical experience after study to obtain full registration, for example early childhood teaching, and would negatively impact the regions;
- 9 **Agree** to provide:
 - 9.1 a one-year post-study open work visa for Level 4 to 6 and non-degree Level 7 qualifications with an additional year of post-study work rights for students that complete a Graduate Diplomas towards registration with a professional or trade body; and
 - 9.2 a two-year open post-study work visa for students that study at Level 4 to 6 and non-degree Level 7 outside of Auckland;

10 **Note** in respect of recommendation 9.1:

10.1 once students complete their Graduate Diploma towards registration and their initial one-year open work-visa, they must demonstrate that they are in the process of gaining registration to be eligible for an additional year of post-study work rights; and

10.2 the Minister of Immigration has instructed officials to develop a list of occupations that require a Graduate Diploma to gain registration with a professional or trade body;

11 **Note** that in respect of recommendation 9.2, international students will be required to demonstrate that they completed their whole qualification at a campus outside of Auckland and did not complete any part of their qualification through distance learning;

Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications

12 **Note** that submitters confirmed that Proposal Three will support the attraction of international students studying at higher levels, specifically through the link between more generous post-study work rights to higher-level qualifications;

13 **Agree** to provide a three-year post-study open work visa for degree Level 7 or above qualifications;

Proposal Four: require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights

14 **Note** that submitters considered that Proposal Four would incentivise education providers to artificially extend the duration of their courses for no educational benefit to meet immigration requirements;

15 **Agree** that Proposal Four is not progressed;

Proposal Five: require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partner's dependent children to be eligible for fee-free compulsory schooling

16 **Note** that Proposal Five will incentivise more international students to study in areas better aligned to New Zealand's skills needs;

17 **Note** that submitters considered Proposal Five would negatively affect New Zealand's ability to attract high quality post-graduate students, especially Masters students at Level 9;

18 **Agree** to require international students studying Level 8 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partners' dependent children to be eligible for fee-free compulsory schooling;

Impact of the changes

- 19 **Note** the analysis of the post-study behaviour of the 2016 cohort of international students finishing their study indicates that a number in the range of 13,800 to 18,300 would have reduced post-study work rights under the final proposals and some fraction of these students might have chosen not to study in New Zealand with the new settings in place;
- 20 **Note** that it is not possible to precisely estimate the actual potential overall fall in international student numbers resulting from the changes, as this depends on a range of factors;
- 21 **Note** that the financial impacts of lost tuition revenue from ITPs associated with the proposals consulted on could be in the region of \$ 9(2)(b)(ii) depending on the extent to which this reduces enrolments;
- 22 **Note** that in the unlikely event that all of the 13,800 to 18,300 students decided to study elsewhere the financial impacts of lost tuition revenue from Private Training Establishments (PTEs) could be in the region of \$52-\$69 million;
- 23 **Note** that the changes to post-study work rights are in line with the aims of the New Zealand International Education Strategy and if properly managed, the impact on onshore student volumes or sector value should be relatively short lived;

Implementation, monitoring and publicity

- 24 **Authorise** the Minister of Immigration to certify any immigration instructions required to implement these decisions in November 2018 and make minor policy decisions as necessary in line with the intent of these decisions;
- 25 **Authorise** the Minister of Immigration to approve the list of occupations referred to in recommendation 22;
- 26 **Agree** that:
- 26.1 from the date of announcement existing settings are grand-parented for all current tertiary students and post-study work visa holders; and
- 26.2 from the date of immigration instructions changes the employer-assisted post-study work visa is removed and replaced with the open work visa;
- 27 **Direct** officials to report back to the Minister of Immigration on the impact of the changes against the policy objectives in recommendation 2:
- 28 **Note** that I intend to announce the agreed final changes at the New Zealand International Education Conference on the 9th and 10th of August 2018.
- 29 **Note** that I intend to proactively release this Cabinet paper as part of this announcement.

Authorised for lodgement

Hon Iain Lees-Galloway
Minister of Immigration

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Summary of submissions: Consultation on immigration settings for international students

July 2018

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Introduction

The Ministry of Business, Innovation and Employment (MBIE) consulted on the following proposals:

- **Proposal One:** to remove employer-assisted post-study work visas at all levels
- **Proposal Two:** to provide a one-year open work visa post-study for non-degree level 7 or below
- **Proposal Three:** to provide a three-year open work visa post-study for degree level 7 or above
- **Proposal Four:** to require students studying at non-degree level 7 (such as Graduate Diplomas) to study in New Zealand for at least two years to be entitled to post-study work visas (this aligns with current sub-degree requirements)
- **Proposal Five:** change the requirements for a 'Partner of a Student' work visa (which allows the partners' dependent children to qualify for fee-free compulsory schooling) to require the international student partner studying at Level 8 or 9 to be studying in an area specified on the long term skill shortage list.

The objectives of the proposals were to:

- ensure the post-study pathways for international students are fit-for-purpose and help to contribute to the skills New Zealand needs;
- reduce the likelihood of students being exploited by unscrupulous employers, education providers and agents; and
- minimise losses of genuine students to the export education industry.

The consultation process commenced on Saturday, 2 June 2018 and ended Friday, 29 June 2018. Submissions were received through Survey Monkey as well as written submissions. In total 2,061 submissions were received¹. MBIE officials attended Education New Zealand Connect Seminars in Auckland, Wellington, Hamilton, Palmerston North and New Plymouth and heard feedback directly from stakeholders. MBIE officials also received feedback directly from education providers and peak bodies through existing relationship management meetings.

This report outlines the consolidated feedback. For each proposal a high level summary is provided, followed by a more detailed breakdown of the main themes and impacts identified by different submitter groups.

Some submitters appeared to misunderstand the proposals. This was taken into account when analysing the submissions. Any information that could identify submitters, or that has been provided in confidence has not been included. Some comments have been edited for clarity.

¹ There were a total of 2,192 survey monkey submissions received but 222 were invalidated where no responses were recorded to the questions.

Response to the consultation

Submitters were most supportive of Proposals Two and Three, with only a slight majority in support of Proposal One. There were small majorities not supportive of Proposals Four and Five. Table 1 below outlines the percentage of submitters who supported and did not support each proposal and Table 2 outlines the types of submitters who provided feedback on the proposals.

Table 1: Breakdown of submissions by proposal

| Proposal | Support Proposal | Do not support proposal |
|---|------------------|-------------------------|
| Proposal One: to remove employer-assisted post-study work visas at all levels | 54% | 46% |
| Proposal Two: to provide a one-year open work visa post-study for non-degree level 7 or below | 72% | 28% |
| Proposal Three: to provide a three-year open work visa post-study for degree level 7 or above | 86% | 14% |
| Proposal Four: to require students studying at non-degree level 7 (such as Graduate Diplomas) to study in New Zealand for at least two years to be entitled to post-study work visas (this aligns with current sub-degree requirements) | 48% | 52% |
| Proposal Five: change the requirements for a 'Partner of a Student' work visa (which allows the partners' dependent children to qualify for fee-free compulsory schooling) to require the international student partner studying at Level 8 or 9 to be studying in an area specified on the long term skill shortage list. | 43% | 57% |
| Implementation: If changes are made to the settings for international students, do you think students with current visas should be exempt from the changes | 70% | 30% |

Table 2: Submitters by type

| Submitter Description | Number of submitters |
|---|----------------------|
| Current students | 1,137 |
| Graduates | 166 |
| Prospective students | 230 |
| Education Providers: Universities, Private Training Establishments (PTEs), Institutes of Technology and Polytechnics (ITPs), English Language Schools (ELS) | 167 |
| Immigration Agents | 68 |
| Advocates (Lawyers, Business Advocates) | 19 |
| Employers of international students | 56 |
| Student Associations | 19 |
| Other (included people on partnership visas, work visas, New Zealand Citizens and Residents, teachers, colleagues and relatives of students, education consultants) | 186 |
| Not answered | 13 |
| Total | 2,061 |

The results of the consultation informed advice to the Minister of Immigration on final proposals for changes to immigration settings for international students. The final proposals are set out in Table 3 below.

Table 3: Changes made to proposals post-consultation

| Proposal | Final Proposal |
|---|--|
| Proposal One: remove employer-assisted post-study work visas at all levels. | No change. |
| Proposal Two: provide a one-year post-study open work visa for non-degree Level 7 or below qualifications. | This proposal has been amended to: <ul style="list-style-type: none"> provide an additional year (i.e. a total of two years) of post-study work rights for Graduate Diplomas in areas tied to registration with a professional or trade association; and provide a two-year open post-study work visa for students studying at Levels 4 to 6 and non-degree Level 7 outside of Auckland. |
| Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications. | No change. |
| Proposal Four: require students completing non-degree Level 7 qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights. | Proposal removed. |
| Proposal Five: require international students studying Level 8 or 9 qualifications to be in an area specified on the Long Term Skill Shortage list in order for their partner to be eligible for an open work visa, and in turn the partner's dependent children to be eligible for fee-free compulsory schooling. | This proposal has been amended to only apply to students studying Level 8 qualifications. |

For clarity: this proposal was amended in the course of Cabinet consideration and agreement of the final proposals

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Proposal One: remove employer assisted post-study work visas at all levels

What was proposed

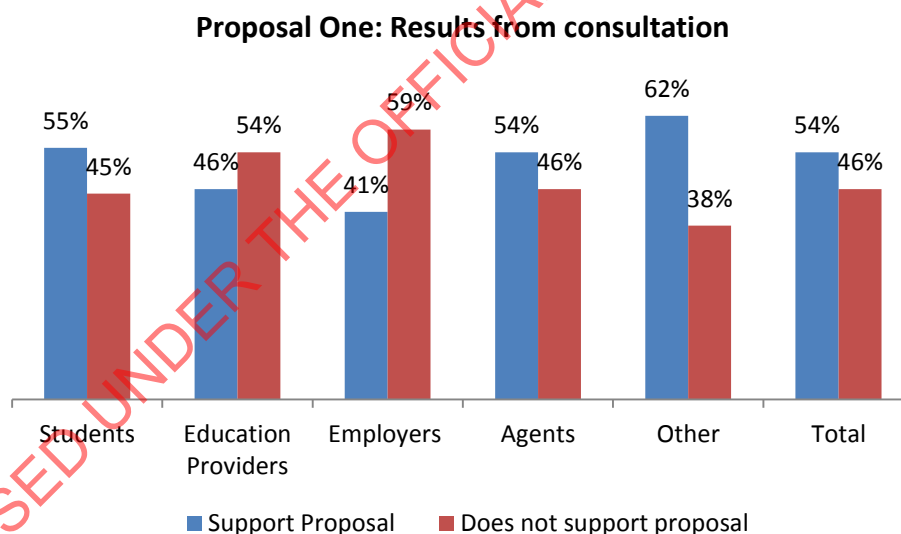
Currently, once international students complete their study they may be eligible for:

- an initial one-year open work visa which entitles the international student to work in any role for any employer; and then
- a two-year² employer-assisted visa which requires an offer of fulltime work relevant to the student's New Zealand qualification.

Proposal One removes the employer-assisted post-study work visa as this was identified as being a significant contributing factor to the exploitation of international students. As the visa requires the student's job offer to meet certain requirements (such as wage thresholds or alignment with their qualification), this has resulted in some students 'buying' jobs to help them meet these requirements. In other cases students will stay with an employer who is exploiting them in order to gain the work experience required to support a Skilled Migrant Category (SMC) visa application.

Summary of responses

Of the 2,039 responses to Proposal One, a slight majority of 54 percent supported removing employer-assisted work visas with 46 percent not in support.



Support for Proposal One

Of those who supported it, the main reasons were because:

- it would reduce the exploitation of students;
- promote choice for students looking for employment;
- remove students' dependency on employers; and
- remove the ability for employers to 'sell' residence.

² This can be up to three years if a student is working towards occupational registration.

The effects on those who supported Proposal One included that:

- it would provide more time and opportunity to find the right job (when coupled with other proposals that retain the existing length of post-study work rights);
- be more transparent for students and employers;
- reduce Immigration New Zealand (INZ) administration requirements; and
- help attract more bona fide students to higher levels of study.

Two-thirds of graduates (those who had completed study in New Zealand as international students, many of whom were currently on post-study work visas) supported this proposal. Unions and Student Associations were also very supportive of this change, although some suggested the proposal does not go far enough to address migrant exploitation.

Students

Students in support of this proposal noted this would address some of the issues associated with unscrupulous employers, for example:

it is no secret that many employers use this to sell employer-assisted work visas and create some unnecessary job positions

As a current graduate looking for a job in the job market, noticed lots employers do have different levels of exploitation on graduates who needs a further work visa, for example, no pay for 3 months training, no pay wage at all within the first year.

For other students, particularly those who would also receive three-years open work visa (as a result of Proposal Three), a major theme was that they considered this proposal would allow them to focus on finding the right job, with one student noting:

I believe for a student, to apply for the employer-assisted working visa, he/she is actually spending most of the time on finding a sponsor, rather than finding a job which fully utilize his/her skills and gain more experience. Finding a sponsor for such visa in most time, end up with the student working with some not good/mediocre jobs just to keep that visa longer. It is not a good thing for both the international student and the working market. By removing the requirement of finding a visa sponsor, it gives the student more freedom, and more time to look for a better job, to understand the tech sectors of NZ, as well as understanding him/herself in the matter of working in NZ.

Education Providers

Education providers who supported this proposal were largely of the opinion it would reduce exploitation, and promote choice, for example:

This will stop the exploitation tactics being used on vulnerable international students, and allow eligible international students to find work that better suit their qualifications and skills

Allow students to pursue work that they are able to secure without limiting their options.

Employers of international students

The themes that came through from employers were similar to those of education providers, which focused on the reduction of exploitation and the promotion of student choice, with one employer noting:

It will create more employment options for students and for employers it will make it easier to employ students who have completed their education.

Immigration agents

Many immigration agents commented the proposal would reduce exploitation, with one agent noting:

I accept that the desperation involved in finding a job within 12 months which it is hoped can lead to residence, makes students vulnerable to unscrupulous employers.

Another agent emphasized the proposal would promote choice:

Three years "open" work visa will give students more flexibility on employment seeking, and give employers less burden on signing up qualified applicants. The market will act its natural selection role. It will also reduce employers' manipulation on graduates.

Other³

In this group, submitters considered the proposal would reduce exploitation, remove employer dependence and promote choice:

Employers use the chance to make the under table deal. Employer offer the position does not exists , job description is tailor made for people who want to get work visa and residency. Market price for PR is up to \$60k. Also employers could control and save lot of money compare to employ the local people. [edited]

We see the current system as bonded or slave labour which contributes to exploitation of desperate and vulnerable migrants. removing this and replacing it with open visas will give migrants the freedom to change jobs and expose illegal and/or unethical practices of greedy employers. the current settings have resulted in low wages and conditions for locals kiwis as well because employers constantly prey on migrants as cheap source of labour.

Not in support of Proposal One

Of those who weren't supportive, the main reasons were that it:

- would be negative for business;
- would hinder former students' ability to gain residency;
- was not fair to students; and
- would reduce the numbers of international students who come to New Zealand to study.

The effects for those not supportive of Proposal One included:

- not having the opportunity to get much practical experience after finishing study (for those studying at non-degree level 7 and below); and
- feeling like investment in study had been wasted if they weren't able to get the same work rights they anticipated when they came to New Zealand.

For employers, the effects included creating labour shortages and education providers saw this change leading to a reduction of international student enrolments (when coupled with other proposals limiting total post study work entitlements).

Many submitters, including those in support of the proposal, noted the focus should be on education providers and employers not meeting education and employment standards, rather than the students, with one student commenting:

We have spent our fortune to have an international degree in our resume but that is futile without international experience to help solidify our credentials. Many employers who are willing to take us on...It's about giving back to the country (NZ qualification) where we acquired the knowledge...exploitation needs to be eradicated but not everyone should be penalised for the act of few. Instead, MBIE should work on rooting out corrupt practice of employers who are hand in gloves with the student and does it for monetary gain. [edited]

Students

The majority of responses from current students who did not support the proposal commented it was not fair, for example:

Because I believe post work visa helps students face real world work environment and problems and obtain practical skills that cannot be gained only by theoretical knowledge provided by colleges. If government thinks students are attracted here for permanent residence, they should think over maintaining higher criteria for PR instead.

³ The 'Other' category includes those listed under 'other' in Table 1, as well as Advocates and Student Association submitters.

Students also noted the proposal would have a negative effect on the New Zealand economy and it hindered the pathway to residency with one student commenting:

New Zealand should continue employer assisted post-study work visa, it should still be up to the employers to decide if they will support an employee and not, this will also serve as a support for students like me who wants to be a citizen here in the near future

Education providers

The concerns from education providers were about the effects of the proposal on their establishments, in that it would decrease student numbers and have a negative effect on business, with one PTE noting:

International students bring a whole range of skills and qualities that we need in the economy. Students will not come and study in NZ if there are limited work opportunities for them after studying. It will make students consider other countries. Our PTE solely relies on International students and our business will most likely have to close if these proposed changes go ahead. [edited]

Employers of international students

Responses from employers of international students considered the proposal would have a negative effect on the New Zealand economy, with one employer commenting:

International students...are enthusiastic in [applying] their learnings at work place. Rather than removing the rights to work we should be looking at making practical full time work with assessments as part of the curriculum...students with merits in both practical and theoretical streams should be convinced to stay in our country. New talent, young blood and enthusiastic ideas our vital for our country's success. We should change our approach [to this issue]...leverage it the right way...I have approached winz for hiring people and bitter reality is that only 10 percent people put genuine effort to get a job...We can't progress as an economy without workforce. We need to encourage and sell New Zealand as home to some of the best talents in the world rather than shutting [the] door. [edited]

Immigration agents

Immigration agents responded that Proposal One would be negative for business and decrease student numbers, with one agent noting:

The polytechnic sector, where international education is keeping many institutions afloat will struggle under this policy. Fact is that most students come to New Zealand seeking a pathway to residency. New Zealand education has [no] other unique selling proposition apart from a potential pathway to residency. [edited]

Other

In this group, reasons for not supporting Proposal One were that it would be negative for business and reduce student numbers, with one submitter on behalf of a student union commenting:

Though I welcome Immigration's initiative to get rid of the exploitation but completely removing the employer assisted visa is like shooting in dark. You cannot make a blanket rule in this sector risking future of thousands of would be employees and hundreds of employers who genuinely want to hire employee and don't want to go through "NIGHTMARE" hassles of fulfilling tons of immigration requirements for the market test.

Proposal Two: provide a one-year post-study open work visa for non-degree Level 7 or below qualifications

What was proposed

Currently, once international students complete their study they may be eligible for:

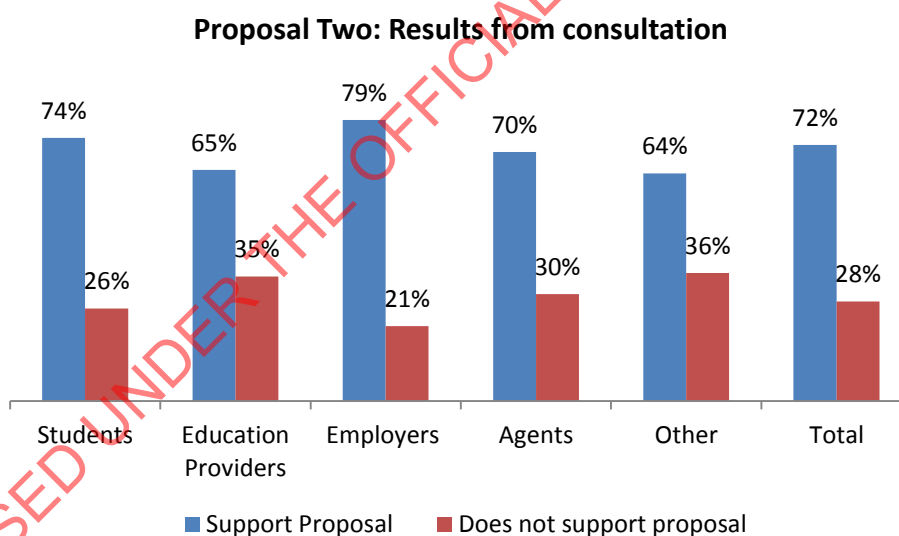
- an initial one-year open work visa. This entitles the international student to work in any role for any employer; and then
- a two-year⁴ employer-assisted visa which requires an offer of fulltime work in the same discipline as a student's New Zealand qualification.

Proposal Two reduces total post-study work rights for those studying at non-degree Level 7 and below to one year (a reduction of two years of work rights).

It provides an opportunity for students studying at non-degree Level 7 and below to gain some New Zealand work experience while also aligning a student's investment in New Zealand education with the post-study work rights available to them.

Summary

Of the 1,425 respondents to Proposal Two, 72 percent were supportive and 28 percent were not in support of the proposal.



Support for Proposal Two

Of those who supported Proposal Two, the main reasons were that it:

- supports opportunities for graduates to gain some practical, New Zealand-based experience; and
- provides better options and choices for students.

Submitters, even those who were supportive, argued this proposal, in tandem with Proposal Four, will have negative effects on student numbers and revenues of education providers.

Many of the current students who supported this proposal noted this would not affect them as they were studying at a higher level and would therefore be entitled to more generous provisions.

⁴ This can be up to three years if a student is working towards occupational registration.

Students

Students who supported this proposal considered it gave them a fair chance and provided better choice and opportunities, with one student noting:

They studied hard and pays more money than domestic. In a case they like a tax payer too. They should at least at a chance on prove themselves, rather than get kicked out after paid a lot of tuition fees.

Students also commented on the opportunity to gain work experience in New Zealand being a drawcard, with one student noting:

Post study work visa provides the opportunity of practically implementing the skills learnt while studying which makes an individual employable globally. Eliminating the option of Post study work visa would result in a decline [in] international students...while I was choosing my study destination, I considered things like cost, quality, post study opportunities and [lifestyle]. I chose NZ over UK because of post study work opportunity. [edited]

Education Providers

Comments from education providers who supported Proposal Two considered it would give students more choice and better opportunities, with a university noting:

We support this proposal as it provides time and opportunities for good non-degree graduates to seek work in NZ and sends a positive message to those intending to study and settle in NZ about the type of qualifications they need to target for study and settlement in NZ

This group also noted the benefits to students in being able to gain New Zealand work experience and the benefits to our economy, with one ITP commenting:

Manpower is always in need in New Zealand. Lower level degree can solve the problem of manpower shortage and the student from level 6 can also handle the job.

A further comment from a PTE noted:

Students need time to look for work opportunities in New Zealand. This should be a win-win situation. Later, if those graduates have skills to meet the needs of NZ business, they might get some other options... NZ education should not be only about classrooms, exams etc. I believe the post-study work visa provides the student with learning applied management skills...another extension of the learning process. This is the value we offer at the moment. [edited]

Employers of international students

Of those employers who were supportive of this proposal, the reasons were centred around fairness, though many suggested modifications, as in the comment below:

It is fair to give international students one year work visa, but not for qualifications lower than level 7. A lots of Indian and Chinese students use this as a back door to gain residency. The government should fix this hole.

Another employer commented:

Less strong on this. We have found that many of the students doing a below L7 qualification actually have a L7 or higher qualification from overseas so have a greater level of skill and experience than a lower qualifications implies. Possibly allow this if they have a L7 or higher qualification and study L5 or better in NZ.

Immigration agents

Immigration agents commented on the fairness of the proposal and that it was necessary to attract potential students to New Zealand, with one agent noting:

Non-degree level 7 programs are sold to international students who already have a qualification in their home country...they want to find employment after the course in order to put their knowledge into practice, establish and adapt in a new environment, and oftentimes justify the fees they have paid for their NZ education. [edited]

Another agent emphasized the need to incentivise students to come and also the benefits to New Zealand economy:

It is important to incentivize them so that NZ can attract good students who want to get some hands-on work experience related to their studies. These students may then be able to study further which is good for the economy.

Other

In this group, many submitters commented that the proposal provided better opportunities for students. One noted:

This gives a fair opportunity to students to find a job related to their qualification. It takes them about 3-6 months to get a job, and these are jobs not related to their qualification. We need to offer this ethically. We don't want to be seen as a government just bringing students in NZ to study and sending them back the instant they complete their course. Most importantly, these graduates pay tax which enhances economic growth. [edited]

Many of these submitters considered the proposal would benefit the economy, with one commenting:

New Zealand needs trades people, not just degreed workers. Someone who has completed a qualification in building, construction, wood processing, and similar courses should be able to get a one-year open work visa.

Not in support of Proposal Two

Those who were not in support noted the likely effect would be:

- a reduction in students; and
- a negative effect on the labour market.

One submitter noted the 'change provides benefits to degree providers but disadvantages vocational-based education providers'.

In addition a number of submitters, both supportive and unsupportive, raised concerns with the way Graduate Diplomas are considered non-degree qualifications. Submitters, especially education providers and students, argued Graduate Diplomas should be treated the same as degree-level qualifications, because for a student to be eligible to enrol in a Graduate Diploma they would likely have previously completed a Bachelor degree. In some cases, however, education providers will grant entry to a Graduate Diploma if the student can demonstrate equivalent practical, professional or educational experience.

As Proposal Four requires students completing qualifications at Level 7 to undertake two years of full time study in order to qualify for post-study work rights and most Graduate Diplomas take one year to complete, the combined effect of Proposals Two and Four will mean international students undertaking Graduate Diplomas would not be entitled to any post-study work rights.

Officials met with education provider stakeholders as part of the consultation process and ITP and PTE representatives were particularly concerned about the effect that Proposals Two and Four would have on their ability to attract international students.

More discussion on these issues is provided in the 'Recurring Themes' section of this report.

Students

The majority of responses from students who did not support the proposal commented it was not fair to affected students, with one current student noting:

I think all the international students should be treated equally. Since non-degree students and students below level 7 will not have 2 years employer assisted work visa, why not allow them to also have 3 years post-study work visa?

Students also considered that the work visa should be longer than a year, with one student commenting:

I think they should also be given more opportunity to find a suitable job as one year is not enough time to find a skilled job.

Education providers

Education providers who did not support Proposal Two suggested that the work visa should be longer, with one ITP commenting:

This proposal addresses the issue of graduates being exploited by unscrupulous employers...but reduces work rights for these students from three years to one. We propose that the open post-study work visa be extended to three years for graduates diplomas below level 7 where a regional need for graduates has been identified.[edited]

Further comments from this group were that the proposal was not fair and would not deliver any benefits to New Zealand, with one PTE commenting:

There is no valid reason to restrict graduates to a 1-year work visa. This will not achieve either of the objectives identified in the consultation document – it will not deliver the skills New Zealand needs for growth and it will not reduce exploitation, all it will achieve is a drastic reduction in students choosing NZ as a study destination.[edited]

Employers of international students

There was no real consensus of opinion from the small number of employers who did not support Proposal Two, although a few were in agreement that the work visa should be longer, with one commenting:

Not long enough to be able to apply all the skills they have learnt and [doesn't provide] security or stability for them or for the children in our ECE Centres.

Immigration agents

There were a small number of responses from immigration agents who did not support this proposal, with responses varying. Some suggested that the visa should be geared towards demand in the New Zealand job market with only a few agreeing that the work visa should be longer, as one commented:

We need to tailor the policy to suit study programme. For example if they are learning trades, we need to allow them more time to work and gain experience here which is good to New Zealand economy. I believe trades certificate graduates such as electrician, carpentry, plumber should be given 5 years post study work visa.

Another submitter considered that we should be adopting a more open immigration policy:

Because "ONE" year would not really help. Why couldn't we learn from other countries' immigration policies, i.e. in Canada students are being offered 3 years open work visa. How can we compete, with other countries with an open immigration policy, if we -instead of making it more appealing - we are making it even more restricted? [edited]

Other

A small number of these submitters were against the idea of students having any work rights, but most submitters considered that the visa should be longer, with one commenting:

Here is the main point. Government's main purpose is to reduce exploitation by these changes. Most of the people who get exploited in New Zealand are the ones who study non degree level 7 or below. So, They should also get 3 years open work visa. If government won't do so then, after finishing job search visa these students will get exploited again as they will have to work under specific employer on their next visa which will be most likely essential skill work visa. So, 3 years open work visa should be for everyone who finishes study.

Proposal Three: provide a three-year post-study open work visa for degree Level 7 or above qualifications

What was proposed

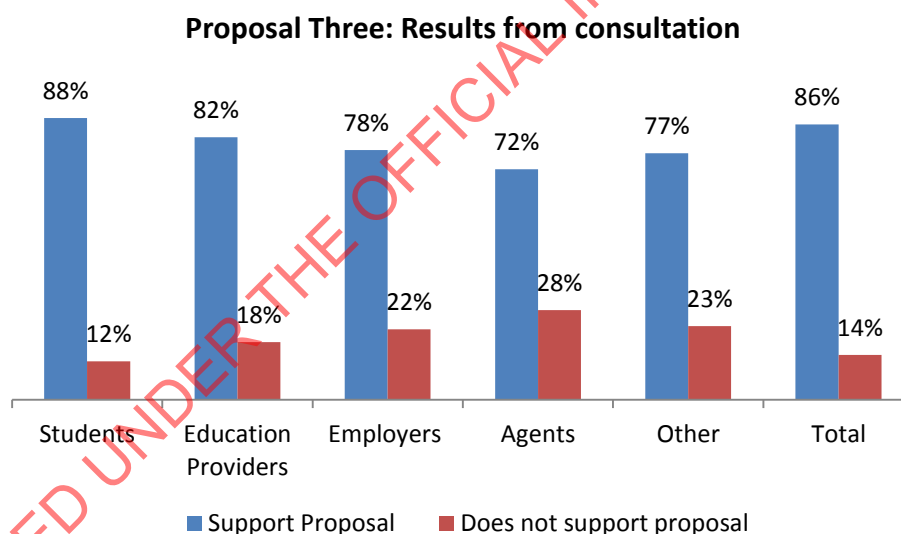
Currently, once international students complete their study they may be eligible for:

- an initial one-year open work visa. This entitles the international student to work in any role for any employer; and then
- a two-year⁵ employer-assisted visa which requires an offer of fulltime work in the same discipline as a student's New Zealand qualification.

This proposal provides a total of three years open post-study work rights for students studying towards Level 7 Bachelor degrees or higher. Taken in combination with Proposal One, which removes the employer-assisted component of post-study work visas, this change better aligns a student's investment in New Zealand education with the post-study work rights available while strongly signalling the skills New Zealand wants to attract by referencing higher level study.

Summary of responses

Of the 1,320 responses, 86 percent were supportive of Proposal Three and 14 percent were not supportive.



Support for Proposal Three

Of those who supported Proposal Three, the main reasons were:

- it would provide better opportunities for students;
- give students more time to find a suitable job;
- allow students to contribute to the economy; reduce the exploitation of students; and
- increase the attractiveness of New Zealand to international students.

Those supportive of the proposal believed it would:

- increase the likelihood that international students would stay in New Zealand longer to work;

⁵ This can be up to three years if a student is working towards occupational registration.

- increase the number of international students studying at higher levels; and
- be more likely that employers would employ international students if they could have a longer working relationship with them.

Students

Students considered the proposal would provide better opportunities for them, with a current student noting:

This proposal will greatly impact me, as I am near finishing my masters degree, and I am also planning to apply for a doctorate (PhD). Having a higher degree, I wish to use my skills and knowledge gained here and from elsewhere to help with my future employment. I am interested in applying for residency in this country, and this proposal can aid me and other students to do that.

Students also commented this would make New Zealand more appealing for some students, with a prospective student submitting the following:

Provide a three year open work visa post-study for degree level 7 or above will allow international students to have more choices after graduating, and they can make New Zealand more cost effective, increase the attractiveness of studying in New Zealand, and make more highly-educated international students choose New Zealand.

Students in support of this proposal also saw it as giving students more time to find a suitable job while also allowing them to contribute to the New Zealand economy, as reflected in the following comment:

Three years will give chance to international students to upgrade their skills in related area, work openly with any employer Nationwide. This will lead to increase the productivity of the economy and help the students to maintain their mental health.

Many students supported the differentiation for those studying degree level and higher to get more work rights, with a current student noting:

International students who study for degree level 7 or above need to meet higher entry requirements and are more likely to have bona fide purpose...likely to be fluent in English and well-educated. Immigrants who are fluent in English and well-educated are more likely to quickly adapt into NZ culture and society. They are less likely to be the causes of social problems. Many employers may not have chance to recruit capable employees since they are afraid of the uncertainty in short period of open work visa. [edited]

Education Providers

Positive responses from education providers cited: the ability for students to find a suitable job; the positive contribution to the New Zealand economy that higher quality graduates would entail; and better opportunities for students which would attract more international students, with a submitter from a university noting the effect would be an:

Increase in international enrolments at all levels; and opportunity to further diversify international student population [edited]

While there was a high level of support from Education Providers for the three years, the issue of whether this proposal included Graduate Diplomas, as has been a recurring theme of the consultation, was raised by many submitters, with one PTE submitter noting:

[This] gives the graduate plenty of time to fit in to New Zealand society. Graduate Diplomas L7 ARE NOT the same as Diplomas ... a Graduate Diploma L7 student must already have a degree from their country and IELTS at 6.0. This is very different from entry into a Diploma at L7. Graduate Diplomas are 120 credits i.e. one year only and no possibility for them to get a Post-Study Work Visa under the present proposal. This is unjust and not sensible given the student's background i.e. a school leaver from India who does a two year Diploma in NZ would get a one year visa but a University Graduate doing a Graduate Diploma would get nothing. [edited]

And an ITP submitter's comment captured the broader concerns about how the Graduate Diploma is being treated:

The three year post study work visa option will help with attracting students into our quality Bachelor, Postgraduate, and Masters programmes that are covered under the proposal. However, excluding the Graduate Diploma from this particular proposal will have serious ramifications on [our] Region.[edited]

Employers of international students

Employers of international students' main reasons for supporting the proposal were it would promote higher quality graduates, give students better opportunities, be beneficial to society and the economy, and be fair, with one employer commenting:

To allow the students to contribute to the society they have been living in and paying to belong to and learning. Also to allow them to put the valuable skills and commitment to practical use and to provide these skills and stability to our ECE learners. It is untenable to take the money from the international students and then tell them they can't work here and use the skills they have learnt.

Immigration agents

The main themes from immigration agents in support of Proposal Three were it gave students better opportunities and more time to find a suitable job, with one agent submitting:

To help and appreciate "real students" Universities used to provide 4 years degree, 2 years masters. Now, we have 3 years degree (90+ percent) and 1 or 1.5 years master. Too many pathways, short cuts, won't help getting a strong and healthy migrant or job market. To help the real students, with longer open visa, will keep the qualified ones. [Edited]

Other

In the 'Other' category, reasons for supporting the proposal were it would provide more time for students to find a suitable job, better opportunities for students and would reduce exploitation, with one submitter noting:

3 years visa would give sufficient time to explore options and get a good level of work experience to decide future plans. Plus open visa would mean less chances of exploitation and more opportunities

Not in support of Proposal Three

Of those who did support the proposal, the main reasons were:

- submitters considered it was not fair to international students and education providers focussed on lower level courses;
- the proposal would have a negative effect on the New Zealand economy, specifically through reduced numbers of international students due to reduced post-study work rights;
- three years was too long; and
- the proposal gave international students false hope of gaining residency.

Students

Responses from current students who did not support the proposal considered it was not fair, with one current student noting:

Because same as the lower degree and diplomas, students who are taking this are as well studying and paying. The number of year of open-work visa should depend on the complexity of work, who are in demand or listed under the short list of workers.

A group of student submitters raised concerns about the effect this proposal would have on those studying early childhood education in New Zealand, noting:

It's unfair to give only degree level 7 students three year open work visa. As for students who studying early childhood in New Zealand we also need to support our learning. We need three years to get fully-registered. I'm currently study non-degree level 7 diploma of early childhood education in § 9(2)(b)(ii). This is one

of two pathways to become a qualified teacher in New Zealand. If proposals two and four take effect, I would only be provisionally certified and never have the chance to fully apply what I have learnt to practice for two years to become a true professional by the New Zealand education sector, which would go against my initial intent of choosing this course. [edited]

Other reasons were that three years was too long and the proposals would not reduce exploitation, with one graduate commenting:

Many international students come for 1 year post graduate course and take business, marketing, economy, management... these kinds of majors are impossible to find decent job, even to local students. Students graduating from these majors are often buying job offers. I know people [from wealthy backgrounds who come here]. They are not rich enough for entrepreneur visa but merely 40k NZD tuition fee, plus another 50-80k NZD buys a manager position offer... small money for them. Granting these students 3 years work visa equals more time to buy work offer. For students study engineering, even 1 or 2 years is enough for them and it helps to make NZ more competitive. Considering most students doing marketing or management major, you will see these PR applicants increase. Thus Immigration NZ's policy is actually encouraging visa fraud. [edited]

Education providers

Education providers noted the proposal was not fair, the visa should be shorter and that implementation of the proposal would have a negative effect on the New Zealand economy, with a submitter from a University commenting:

There is a reason we call student visa, to be able to study. This type of visa can't be use a trampoline for residency. Student is not high skilled migrant, there are two different categories.

The concerns from some education providers were about the effect Proposal Three would have on their establishments, as reflected by PTE submitters:

More and more unqualified students will flow into majors of level 8 or above which may cause academic cheating or surrogate exam-taker. It will damage New Zealand's study reputation, also cannot solve the long-term shortage of labour demand in local markets.

This may result in students selecting Universities and ITPs over us resulting in less student enrolment at PTEs which are currently not having the approval to offer degree programmes.

Employers of international students and Immigration agents

Responses from employers of international students considered the proposal was not fair and it would have a negative effect on the NZ economy, with one agent commenting:

The impact to my company as an Immigration agent is positive as we have more students coming, but it is bad for the country as our NZ young graduates will have less job opportunities. Unemployment rate will rise.

Other

In this category, reasons for not supporting the proposal were that three years was too long and that it would have a negative effect on the New Zealand economy. One New Zealand citizen's comment sums this up:

Three years is far too generous. These students will compete with local graduates for scarce entry level positions and graduate roles. Often graduates will only stay a few years in their first post-graduate job. With international students receiving a 3 year visa, employers may well choose them as opposed to a local graduate. Some countries such as the UK have no post-study open work visa, yet still manage to attract students. Why are our degrees so poorly regarded that they can't attract students without added bonuses? Also Australia which may be our closest competitor in the market offers a Temporary Graduate visa (subclass 485) of two years duration for Bachelor degrees. It makes sense to match this, but not be more generous. Our tertiary institutes should be able to compete against Australia in terms of high quality qualifications at a reasonable price. There should be no need to offer a 3 year visa, and there is the potential downside of international students competing against local students for scarce quality graduate roles.

Proposal Four: require students completing non-degree Level 7 or below qualifications to undertake at least two years of study in order to gain eligibility for post-study work rights.

What was proposed

Currently, to be entitled to post-study work rights, there are different minimum study duration requirements for different levels of study:

- at least one academic year (30 weeks) at bachelor level (includes Level 7 diplomas), or
- at least two academic years (60 weeks) at sub-degree levels, either as one course or two subsequent qualifications with a progression (eg Level 5 or Level 6 diplomas and above).

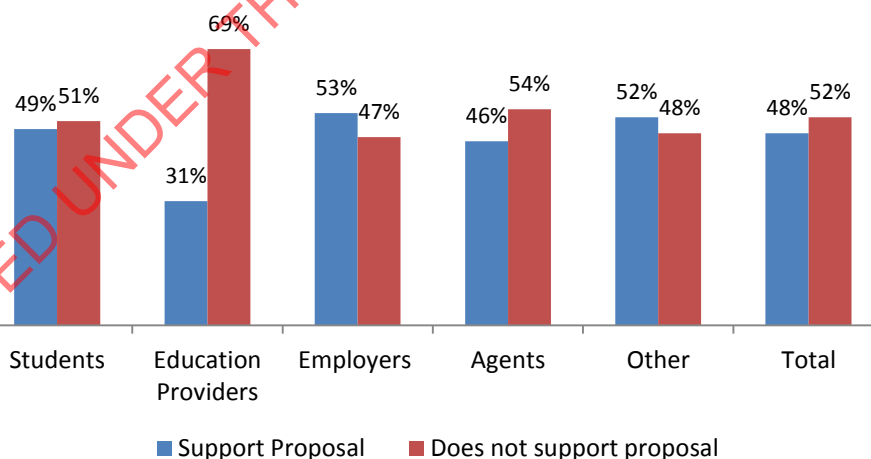
This proposal requires those studying at non-degree NZQF Level 7 (which included Graduate Diplomas and Level 7 Diplomas) to do at least two years of study to be entitled to post-study work rights. This proposal would align requirements for those studying at non-degree Level 7 with existing requirements for those studying at sub-degree level (i.e. from Level 6 and below).

This proposal better links entitlements to post-study work rights with the export revenue that New Zealand gains from a student's investment in their education. It also better aligns post-study work rights with students' investment in New Zealand's export education industry and better categorises non-degree NZQF level 7 qualifications with the employment outcomes of graduates.

Summary of responses

Of the 1,253 submitters who responded to this proposal, there was a fairly even split between those who support the proposal (48 percent) and those who don't (52 percent).

Proposal Four: Results from consultation



Support for Proposal Four

Of those supportive of this proposal, the main reasons were it would:

- lead to better prepared students;
- promote genuine students focused on education not residency; and
- be of benefit to the New Zealand economy. Some submitters were supportive of the proposal only if Graduate Diplomas at Level 7 were to be treated the same as a Bachelor degree.

For example, one submitter in support noted:

I do not agree with graduate diplomas no longer being considered degree levels qualifications. This flies in the face of everything I have learned and done when working with NZQA on numerous applications for graduate diplomas. These are Level 7 qualifications, they sit in the so called 'degree space' NZQA's words. To now remove them from that space is totally contradictory. The tutorial staff are required to be research active, the students have to enrol with an undergraduate degree – the NZQA application process is the same as that of a degree application. [edited]

Many submitters who supported Proposal Four noted there would be no effect on them.

Students

The themes that came through from students included that the proposal would ensure better prepared students, with a current student noting:

Many international students choose low quality and short -term courses to obtain visas to stay in NZ. The entry requirements for non-degree level 7 are lower than that of degree at level 7 or above. Therefore, they may find difficulties in adapting in NZ society due to English limitations and cultural understanding. The increase in studying time will offer chances to improve their English and cultural understanding. [edited]

A number of students also considered it would help promote genuine students, with a prospective student commenting:

I think people you want to have an international professional experience should look for a higher international educational experience as well. I am not sure if low qualified people should have the right to work in New Zealand as they are going to work in low qualified jobs.

Other students considered it would be fairer to students, with one graduate commenting:

I think this would be fair. But look into PTEs which will try to get NZQA approvals to offer this programme [to] new customers. PTEs are selling residency...PTEs should be checked on student outcomes. [edited]

Education providers

Positive responses from education providers included commentary that this would promote genuine students, with one submitter from an English Language Provider noting:

I personally know hundreds of students who do not have sufficient English skills to study level 5, but they graduate with level 7. They sit for internal tests around 10 times (sometimes) until they pass! [edited]

Other education providers in support of Proposal Four considered this proposal would provide better opportunities for students, but also noted concerns if Graduate Diplomas were included in this proposal, with one University submitter commenting:

It provides time and opportunities for good non-degree graduates to seek work in NZ and sends a positive message to those intending to study and settle in NZ about the type of qualifications they need to target. Our only query is whether Graduate Diplomas (normally one year) are included in this proposal because if they are it will make these qualifications less attractive to those that want post study working opportunities. This seems at odds with the draft International Study which wants to 'incentivise high-quality study' and ensure that those that seek to move to New Zealand are 'appropriately skilled.' [edited]

Employers of international students

Employers who supported this proposal considered it would make for better prepared students because, as one employer noted, it would:

allow students to contribute to the society they have been living in and paying to belong to.; and to put the valuable skills to practical use, providing skills and stability to our ECE learners. It is untenable to take their money and then tell these students they can't work and use the skills they have learnt here. [edited]

Immigration agents

Positive responses considered the proposal would provide for better prepared students and promote genuine students, with one agent noting:

I believe a one year course is too short to received a work right. Without a good foundation in qualification/ knowledge, there is a higher chance that these students be undertaking poor employment or be exploit by the bad employer; which is the current issues.

Other

Reasons for supporting the proposal for 'others' were it would give students a fair chance, provide better opportunities for students and promote genuine students. One submitter noted:

Absolutely support this. I work at a polytechnic teaching a level 7 one year graduate diploma. None of my students actually care about the course and they don't end up working in the field the course prepares them for - because they can't in NZ due to industry requirements that do not recognise overseas qualifications. Students are here for residency and working and end up working in low skilled, poorly paid jobs.[edited]

Not in support of Proposal Four

The majority of submissions by education providers were not in support of this change, with two thirds of submissions attributed to PTEs. Many noted that Graduate Diplomas required the student to hold a Bachelor Degree or equivalent and an additional year of study is not required, or desirable. Some submitters suggested this proposal would incentivise education providers to artificially extend the duration of their courses.

Many student submitters also noted that they already had bachelor degrees from outside New Zealand and did not need to study for more than one year.

The effects for those who do not support this proposal included a likely reduction in students, particularly at PTEs and ITPs, where some noted this would have a significant financial impact.

Students

Some students noted that they considered the proposal was not fair, with a prospective student commenting:

The very policy would only add revenue for the academic institution yet it may add learning cost and time for the students still the added one year seems a waste of time.

Some students noted that the proposal would have a negative effect on the New Zealand economy, with a current student submitting:

Graduate dip/cert is level 7 qualification, by gaining it means the graduate is academically as competent as bachelor degree graduates. Some occupation which are more important to NZ than business graduates e.g. dialysis technician, or other allied health/scientific and technical professions, only have entry level qualifications as grad dip/cert instead of a degree in NZ. Restraining the post student visa for such graduates will discourage future students to commit themselves to such vital occupations for NZ.

Many students noted it would have an effect on those undertaking Graduate Diplomas in teaching, with a current student noting:

The length of study is only one of the factors that should be taken into consideration... I'm studying towards a level 7 graduate diploma. It only lasts for 15 months, so according to the proposal I would not be granted the work visa. However, this GD is one of the only two teacher-training programs recognized by the Education Council. We have a higher enrol requirement compared to a level 8 PGD student. [edited]

Education providers

The concerns from this sector were about the effects of the proposal on their establishments, that it would have a negative flow on effect to the labour market, that the proposal did not make sense, was not fair and would have a high financial cost to students.

Some education providers not in support questioned whether this proposal made sense, with a submitter from a University noting:

This proposal bans the opportunity of work visa for those who want to study graduate diploma which is also a good source of international students. Graduate diploma is not certified in some countries such as China. As a result, this makes no sense to choose to study graduate diploma in NZ. [edited]

Many education providers were concerned about how Graduate Diplomas were being treated in this proposal, with an ITP provider commenting:

The Graduate Diploma is a one year qualification that has a very important purpose: allowing well-educated students, already holding a Bachelor Degree, to have an enrolment option to increase their breadth of knowledge by qualifying again to level 7 in a new field. Such a student would not be eligible for level 8 studies so a level 7 GD is their only reasonable option. This student with an overseas Bachelor Degree AND a GD from New Zealand could be considered more highly qualified than those who only hold a New Zealand Bachelor Degree, yet under this proposal only the less qualified student would receive work rights. The removal of work rights for GD graduates is inconsistent with retaining work rights for New Zealand Bachelor Degree graduates. We feel that the Graduate Diploma is being unfairly targeted due to a lack of distinction between it and other level 7 Diplomas that have been developed to admit lower level international students who do not already hold a Bachelor Degree. [edited]

Some commented on a negative flow-on effect to the labour market, with a PTE noting:

This was a hard one to answer. In some ways I support it since it makes sure students are sincere about their desire to experience New Zealand and not just take advantage, but it also may be an unnecessary and arbitrary ruling. Sticking to the letter of this law will cut out some good workers that may contribute to New Zealand's economy and international attractiveness. So it's both a yes and a no for this proposal.

Employers of international students

Responses from employers of international students not supporting the proposal suggested the proposal wouldn't solve current issues with one employer noting:

NZ already has shortages in a number of area's (Hospitality, Engineering, Health, IT). This will only serve to worsen this issue.

Many employers questioned the value of the proposal, with one commenting:

One year studies are more than enough for many jobs. Once some start working career progression start automatically. Two years studies would make no difference in my hiring decision.

Another emphasised this point, noting:

I don't see any difference between one year and two years study courses other than more credits and assignments. We should be looking at the merits, grades and quality of institutions... There are institutes like our prestigious Auckland University and on the other hand we have got small pop up institutes... NZQA needs to review how it provides authorisation and ensures standardisation. [edited]

Immigration agents

Immigration agents considered that the proposal was not fair, noted it would have a negative effect on PTEs and immigration advisers and would not solve current issues. Agents also raised the issue of Graduate Diplomas with one agent noting:

All graduate diplomas provided in New Zealand are one year program. If as proposed, all graduate diploma students are no longer entitled to have post-study work visa. In the meanwhile, all applicants to graduate diploma are required to have a bachelor's degree to be admitted. Therefore, graduate diploma should not be treated as non-degree level 7. It should be degree level 7 or above.

Other

In the Other category, reasons for not supporting the proposal were that it was not fair and that it would have an adverse effect on students, PTEs and Immigration Agents with one submitter noting:

Most of them have earned a very good degree overseas. They already have their degrees, masteral [sic] and even doctorate. Two years of study will be too much and too costly for them. We in NZ should be more sensitive and more humane. That is what we are known for globally.

Submitters here raised the issue of Level 7 Diplomas with one peak body commenting:

The requirement for a two year qualification at this level would not be attractive to international students, the majority of whom have completed recognised degrees. They chose the Level 7 undergraduate programme precisely for its vocational approach and its ability to access work opportunities... We treat our PTEs like pariahs where the 'quality' standard has no effective recognition. Students are required to attend PTEs for a minimum of 20 hours per week while ITPs and Universities have no such requirement. There has been significant investment in Level 7 programmes following specific encouragement by relevant government agencies to offer higher level qualifications. The Diploma Level 7 as a qualification has a unique position in NZ, being focused on vocational outcomes. Graduates are more job-ready on graduation than would be the case of degree (or graduate diploma) graduates. [edited].

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Proposal Five: require Level 8 or 9 qualifications to be in an area specified on the LTSSL for partners of international students to be eligible for work visas, and allow dependent children to be eligible for fee-free compulsory schooling.

What was proposed

Partners of international students are eligible for a 'Partner of a Student' work visa, if the international student is studying towards:

- a qualification at Level 7 in an area specified on the Long Term Skill Shortage List (LTSSL); or
- a qualification at Level 8 or higher.

Dependent children of the holders of a 'Partner of a Student' work visa are eligible for a student visa to attend compulsory schooling.

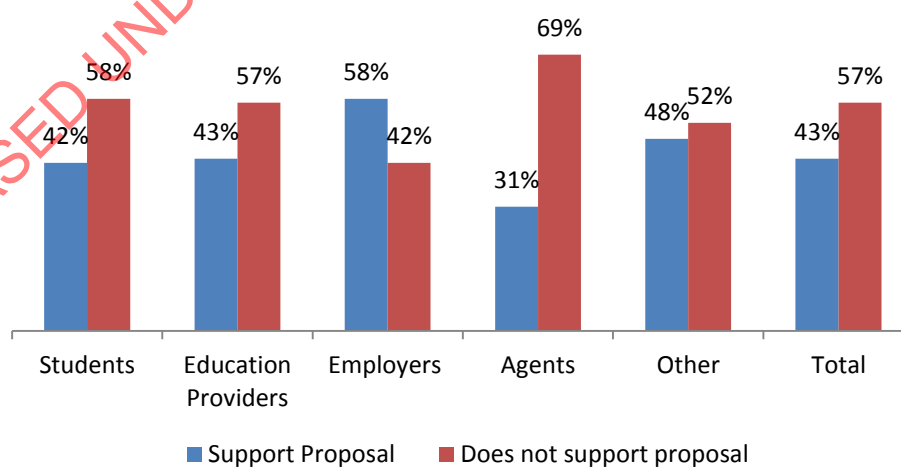
It is proposed international students studying at Level 8 or Level 9 must be studying in an area specified on the LTSSL for their partner to be eligible for 'Partner of a Student' work visa. No change is proposed to the settings for Level 7 and below, or for Level 10 qualifications. This will align the requirements at Level 8 and 9 for international students to sponsor a partner, with the current settings for international students studying at Level 7.

This proposal is intended to encourage more international students to complete qualifications in areas of identified skill shortages. It will also signal to international students and the wider education sector which types of qualifications are most valuable to New Zealand and therefore merit work and study rights for partners and dependent children.

Summary of responses

Of the 1,133 submitters who responded to Proposal Five, the majority (57 percent) did not support it, while 43 percent were supportive.

Proposal Five: Results from consultation



Support for Proposal Five

Of those who supported the proposal, the major themes that came through were:

- linking the requirements to skill shortage lists would alleviate skill shortages;
- it would benefit the economy (through a positive effect on the labour market); and
- it was fair (in regards to changing proposals to better link to entitlements).

While many of the respondents supportive of the proposal noted there would be no personal effect on them, the main identified likely effect was a reduction of students with families enrolling in qualifications at Levels 8 and 9 in areas not specified on the LTSSL.

Many submitters who were in support of Proposal Five noted that there would be little or no effect on them but others considered that it would benefit New Zealand, with one submitter noting that:

Genuine students will express their interests as NZ govt wanted

Students

The themes that came through from students included that the proposal was fair and it would benefit families and the economy, with a graduate noting:

I have personally known a lot of people who've come to NZ, study a short course and bring their dependent partner along and gain residency. These short courses are useless to the students and the economy of the country. It's just an easy pathway to residency for the students and their partners, which is unfair to genuine students who still have to work their way to residency by actually studying meaningful courses, find jobs that relate to their studies.

A number of students also considered it would alleviate skills shortages, with a current student noting:

Those people who studying at Level 8 or 9 and be studying in an area specified on the Long Term Skill Shortage list, are apparently want to immigrant to NZ, and NZ needs them, they want to live in NZ, it is the win-win situation right?

Other students considered it would benefit society, with a current student noting:

I indeed think that couple with high education degree could create greater value for the society. As for them, they could live easier in a foreign country.

Education Providers

Positive responses from education providers included that the proposal would benefit the economy, with an ITP submitter noting:

Low skilled candidate cannot contribute to NZ economy as much as a highly skilled candidate.

Other positive responses were the proposal would alleviate skills shortages, with a PTE submitter noting:

Because this makes sense. In order to give their families access to free schooling and work permit, they should be bringing their knowledge and workforce in the areas of need.

Other responses included it would benefit families and society, with an ITP submitter noting:

It will encourage those who have already successfully completed high degrees at a high standard to come to New Zealand with their families to further their study.

Employers of international students

Employers who supported the proposal considered it would benefit the economy, because, as one employer noted:

As this is a greater commitment (cost) to NZ beyond just the student I think that it is reasonable that we limit it to the better students who are more likely to give back long term value to NZ.

Other positive responses were the proposal would also benefit families, with one employer noting:

New Zealand needs highly skilled workforce, their dependants must be supported while they study and invest here.

Immigration Agents

Positive responses from this group considered the proposal would alleviate skills shortages and benefit the economy with one immigration agent noting:

Right now many of these international students study higher level but still useless business courses at postgrad level to make their family members eligible for free education and work rights. So in the end the family members took advantage of the system, but the applicant with their postgrad business studies do not provide any added value to the skills base of NZ. Narrowing down the options to the LTSSL jobs is surely beneficial in the long term in inviting people with the skills we most need.

Other

Positive responses from this group considered the proposal would alleviate skills shortages with one submitter noting:

Good idea. For us to spend taxpayer money on educating foreign children etc, the parents should be contributing valuable skills to NZ. But please go over the skills shortage list and make sure it is accurate.

Other submitters considered it would benefit both families and the economy with one submitter noting:

It is right of everyone to get education and most migrants who come to study higher studies are married and have children. This will attract more highly skilled people to come into country and help nz economy.

Not in support of Proposal Five

Of those who didn't support the proposal many:

- believed it wasn't fair;
- would have a detrimental effect on families;
- would mean quality candidates would choose not to come as it would mean being separated from their families; and
- New Zealand would miss out on experienced and qualified people.

The effects for those against the proposal included some current students saying they would leave New Zealand if this was applied to them. It was noted that these changes will limit New Zealand's ability to attract high quality postgraduate students to New Zealand. Some education providers would be significantly affected, with one estimating a 50 percent decrease of postgraduate students, and another a 90 percent decrease of students, in both cases leading to reduced revenue and job losses.

Universities New Zealand raised concerns that international students undertaking Masters Degrees at Level 9 would be significantly disadvantaged by this proposal as these students are often older and accompanied by family. In addition their partners often support them to study and so concerns were raised that there would be a reduction in Masters students.

Students

The themes that came through from students included that the proposal was not fair with a current student noting:

It against humanitarianism, there are only limited number of international students who study at level 8 or 9. Also there are not many areas in LTSSL which got level 8 or 9. It block[s] their ways entirely.

Students also considered that family was important, with a current student noting:

The proposal sounds like it's trying to avoid students taking advantage of the situations, when it is almost always students trying to provide the best for their families around the decisions they have made.

Other students considered it would be to the detriment of society, and potentially stop some students from coming, with a current student noting:

Most of [these students] are married and even having kids. When they consider their further study, they are not making a decision only about themselves but including their family as well, and for those not studying LTSSL area, to decide to study in NZ means separate from their family and this will make NZ less favourable. However, NZ may wish to attract this group which brings positive impact on society regardless of their major, having this level of qualification is already a potential treasure of the society and country.

Education Providers

Responses from education providers considered that the proposal would deter some students from choosing to study in New Zealand with one ITP noting:

We predict students with partners will choose not to study in New Zealand...This is contradictory to the goal of these proposals to increase the proportion of students in New Zealand studying at higher levels. These mature students, often with professional experience, provide a richer classroom experience...become better qualified and experienced graduates...and an asset to the workforce. In addition to the economic loss to host institutions; schools and communities will lose diversity from the students' children...This proposal is counter to government imperatives for regional growth, [and] the draft international education strategy goal of creating global citizens of New Zealand students. [edited]

Other responses were that the proposal did not make sense, with one English language provider noting:

Level 8/9 study hard, invest a lot, so it doesn't matter what they study, they should have the same benefits that are currently offered for their families. The end result is a qualified student who studied in NZ, and a partner who may also be well qualified...NZ trains one person, and the partner will also be qualified to work in NZ. In my experience, families who are planning to do a post graduate course have a good profession, university or tertiary degrees (both parents). If they don't have those qualifications or good jobs in their countries, it is very difficult to get the money to pay for the post graduate course, flight tickets, etc. [edited]

Employers of international students

Employers of international students provided little comment on this proposal. Those who did considered the proposal was not fair and stressed the importance of families, with one employer noting:

Most students who want to study level 8 or 9, [have] partners or children, if [study] only specified on the Long Term Skill Shortage List apply partner visa, it is unreasonable.

Immigration Agents

Responses from immigration agents included that there were not many LTSSL options, with one agent noting:

Not many LTSSL options for Level 8 or 9 students. The govt may consider allowing partner to be eligible for work visa if principal applicant studies for a Master's degree level or above. I think it is ok to remove the fee-free schooling option but allow work visa option to the partner so that couple can afford international school fees. The partner will be paying taxes and the international fees will benefit NZ economy. [edited]

This group of submitters also stressed the importance of family, with one agent noting:

The LTSSL does not reflect the rapidly changing needs of the employment market, which are better addressed in the ISSL. If we are going to allow students a 3 year, open work visa, settlement will be better achieved if they have family with them. Where a student was in a partnership relationship before being granted the Student visa, the partner/children of any student entitled to a three year open work visa, should be granted Partner of a Student rights, and partner of a work visa holder rights subsequently. [edited]

Other

Responses from this group considered that the proposal was not fair, would have a negative effect on the economy and did not reflect the importance of family, with one submitter noting:

All of the partners of student should be provided with a work visa irrespective of the level of course study because student and family needs financial support and if the partner gets to work they will not be in financial crisis and will be able to contribute to the economy with their income tax.

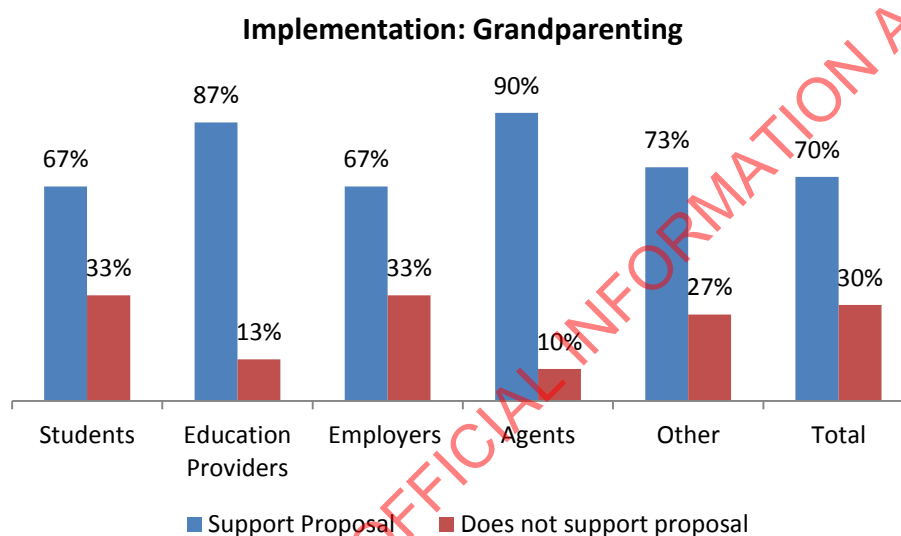
Implementation

What was asked

Submitters were asked for their views on whether students with current visas should be exempt from the changes as well as how long would be needed to accommodate the changes.

Summary of responses

Of the 1,222 submitters who responded to the question regarding whether international students with current visas should be exempt from the proposals, 70 percent supported grandparenting and 30 percent did not.



Grandparenting

Of those who were in support of grandparenting, there was broad consensus that it would be unfair to apply policies retrospectively, when students couldn't have anticipated these changes, particularly when international students invest significantly to come to New Zealand. Many submitters considered it would reflect badly on New Zealand. An immigration agent made the point (reflected by many other submitters) that:

... any of the issues are not the fault of the [current] students, and further changes should not abuse the commitment and trust they have put in NZ ... [edited]

Some submitters noted that their support for grandparenting was provisional on allowing for access to proposed changes where these changes were favourable for the student, with one submitter capturing the point:

The rules that have been applied for the current students are the old rules and they must be exempted for the proposed changes. They can be included in the proposed changes only if the impact will be beneficial to them.

Some submitters who were not supportive didn't want all the changes grandparented because they wanted current students to be able to benefit from some of the new settings:

I think proposals 1 and 3 should apply to current students. Otherwise, the exploitation of new graduates by employers in these two years will exacerbate. However, proposals 2 and 4 should exempt current students.

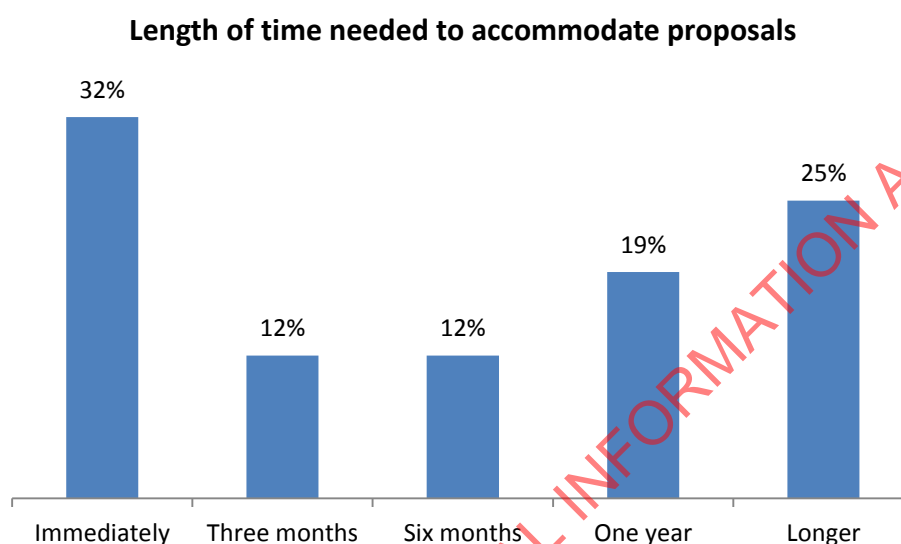
Another noted that changes were being made to reduce exploitation so should be brought in straight away:

Legislators should think how [to] cut down abuse happening already and not just for the incoming student [edited]

Many submitters who expressed support for grandparenting made the same arguments as many of those who did not support it (i.e. wanting to have changes of direct benefit to them made immediately, while providing grandparenting for other changes).

Time needed to accommodate changes

There was a fair amount of variance in the time submitters considered was needed to introduce the changes, with more in favour of bringing it in immediately than the other time periods, as the graph below reflects.



Many of those who wanted it introduced immediately were keen to see the entitlements of proposals one and three accessible as soon as possible.

Of those who wanted to have some time to bring it in, it was reasoned that this was needed to minimise the impact, with one ITP provider noting:

If the proposed policy changes were to take effect without any revision, it would take longer than one year to effectively accommodate these changes in a way that minimises damage to [our organisation], the ITP sector and to wider New Zealand export education industry. [edited]

Many of those who wanted to see some lead in time were keen to see some proposals come into effect immediately (specifically proposals one and three).

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Recurring themes

This section highlights themes that were raised across multiple proposals, across multiple categories of submitters. These were:

- The categorisation of Graduate Diplomas
- The impact of proposed changes on ITPs and PTEs
- The impact of proposed changes on regions and industry
- Exploitation remedies incorrectly targeting students

Graduate Diplomas

As noted in the summaries of feedback on proposals two and four, many, across the spectrum of submitters, raised the issue of how Graduate Diplomas were being considered as non-degree Level 7 (and the diminished work rights that were being offered alongside). The predominant feedback was that it was not appropriate to treat Graduate Diplomas as 'non-degree Level 7'. One University submitter noted:

There are non-degree level 7 courses (graduate diplomas) that we consider stand-alone qualifications of high value that would qualify students to work in their industry. Examples are Graduate Diplomas in Teaching, Supply Chain Management, Law and Finance. These stand-alone, one year programmes are widely used to re-train graduates into professions such as teaching or law, or to upskill professionals quickly. These programmes also attract graduates into areas not necessarily popular with New Zealand students ... and play an important role in providing pathways for professionals to come to New Zealand, in a way that recognises their previous qualifications. [edited]

Many also made the point that Graduate Diplomas built on existing qualifications, and the introduction of Proposal Four would mean further unnecessary study for affected students:

If the Proposal Four were implemented, graduate diploma students might have to take another higher level program to get a work visa to complete their teacher registration. It would take more time and costs more money. Moreover, it is very likely the latter study is not necessary. [edited]

A common theme raised was the link between Graduate Diploma study and professional registration and the impact proposed changes would make have on the ability to gain registration:

I think the proposals don't consider those professions that require registered qualifications. Students in such programs definitely need work in New Zealand to become qualified. Many students come to study just for the qualification. If they only are allowed to study but not allowed to complete their qualification process, it is really a waste of time and money for these students.

Many submitters noted it was not the role of immigration to define quality within levels of study:

There is a massive mistake in your proposal. On page 4, it states "non-degree level (like Graduate Diplomas)" - a simple check of the New Zealand Qualifications Framework would reveal that Graduate Certificates, Graduate Diplomas, Postgraduate Certificates, and Postgraduate Diplomas are ALL defined by NZQA as degrees!!

The quality assessment of qualifications does not fall under the purview of Immigration New Zealand. This function already resides with NZQA and INZ should rely on the NZQA assessment when determining what post-study work rights could be available to international students.

The impact of proposed changes on ITPs and PTEs

Many submitters indicated the proposals would have a significant impact on ITPs and PTEs, including closures, job losses, adjustments to programmes (with an impact on the programme offering to domestic students). Many submitters reported on likely impacts:

The anticipated fall in student numbers that would be likely to result from the proposed changes would undermine years of work and financial investment ... Inevitably it would impose significant financial challenges on particular providers in both private and state sectors. [edited]

The PTE contribution to GDP of approx. \$1.1 - \$1.5b will evaporate.

Our PTE solely relies on International students and our business will most likely have to close if these proposed changes go ahead.

Many considered that immigration levers were being used when decisions about studying should sit within the education environment. Many submitters also considered the issue of quality and the level of study were being conflated:

It is important to distinguish between the quality and level of education. A qualification at Level 7 or below is not necessarily low quality or of low value. For example, there is high demand for workers with training and skills in: information and communication technologies, quantity surveying and supply chain logistics. These are one-year courses at L7 that deliver quality labour market outcomes.

Although some counterpoints were offered, with one submitter noting:

Polytechs should not have Level 7 and above international students in their classes who find it virtually impossible to gain IELTS 7 Academic to register with professional bodies. These students, with inadequate English, are relying on domestic students to do group work on projects, when the international students do not have the English to make a full contribution.

The impact of changes on regions and industry

Many submitters, particularly Advocates and Education Providers, raised concern about the impact some of these proposals would have at a regional level, and on particular industries that rely on international students for labour:

These proposals fail to consider the unique requirements of individual regions, and places a strong market preference on higher level qualifications that do not meet industry requirements within regional New Zealand. These proposals will reduce the number of appropriately qualified workers needed by industry.

Many submitters noted the proposed changes would have a huge impact through the loss of potential labour, particularly in areas of skill shortages, or in regions that have issues attracting and retaining staff, with some noting they are reliant on the pipeline from education providers for skilled staff. Many raised concerns that these proposals had given no consideration to New Zealand's workforce needs, as reflected in the following feedback from a stakeholder meeting:

Ideal state would be working back from what does New Zealand need and workforce planning so we can identify what we need at a regional view, some [Economic Development Agencies] are doing that. That would be a logical starting point.

The role of employers, providers and agents in exploitation

Some of these issues have been canvassed in the summary of submissions on Proposal One. Many submitters considered students were being targeted by these proposals rather than those directly responsible for the exploitation of students, with one submitter on behalf of a union noting we need to:

Ensure that rogue employers are punished, and not the exploited migrants, when complaints are forwarded to the Labour Inspectorate or Unions. Exploited migrants tend to be scared in fear of losing their visa. [edited]

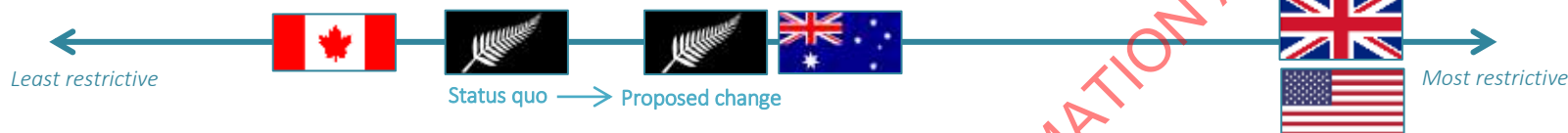
One Immigration advisor noted:

The student market has been a concern for many advisers in the industry. We've seen first-hand how students are exploited and how education agents and advisers sell a false dream of residence in NZ. Many advisers and agents get big commissions from the schools and do not care where or what the students study. As long as they can make a quick buck, they are happy.[edited]

Level 4 to 6 and non-degree Level 7 qualifications

New Zealand: *Status Quo:* After 24 months of study students are entitled to a one year open work visa and then a two year employer assisted work visa.
Change: Retain one-year open work visa and Graduate Diplomas towards registration are entitled to a further year of work rights. Provide a two-year open work visa for qualifications outside Auckland.
Australia: International students who graduate with a qualification related to an occupation in demand in the Australian labour market are usually eligible to work for 18 months in an occupation related to the qualification.

Canada: Open work visa for the same length as the qualification.
Ireland, USA and UK: No post-study work rights at sub-degree level.



Bachelor level qualifications

New Zealand: *Status quo:* After 12 months of study students are entitled to a one year open work visa and then a two-year employer-assisted work visa.
Change: Replace one-year open and two-year employer-assisted with a three-year open work visa.
Australia: Students are eligible for a work visa for two years.
Canada: Open work visa for the same length as the qualification, or three years if the qualification took two years or longer.

Ireland: Students are eligible for a 6 month open work visa.
USA: Students are eligible for a one year work visa in a role directly related to the field of study. Students who undertake study in a STEM field can apply for a two year extension to their visa.
UK: Students with a “genuine and credible” business idea can qualify for a one year visa with the possibility for renewal for a further 12 months.



Post-graduate level qualifications

New Zealand: *Status Quo:* After 12 months study entitled to a one year open work visa and then a two year employer assisted work visa.
Change: Replace one-year open and two-year employer-assisted with a three-year open work visa.
Australia: Students who have completed qualification at Level 8 or 9 are entitled to a two year work visa and those who complete Masters (Level 9) by research are entitled to three years. Level 10 entitles the student to a four year work visa.
Canada: Open work visa for the same length as the qualification, or three years if the qualification took two years or longer.

USA: Students are eligible for a one year work visa in a role directly related to the field of study. Students who undertake study in a STEM field can apply for a two year extension to their visa.
UK: Students with a “genuine and credible” business idea can qualify for a one year visa with the possibility for renewal for a further year. Students who have completed a doctorate can qualify for a one year extension to their student visa to allow them to find employment.
Ireland: Students who have completed a qualification at Level 9 or 10 are eligible for a two year open work visa. A Level 8 qualification entitles students to a one year open work visa.

