

The Domestic Tertiary Students Notice 2021

Under section 10(1) of the Education and Training Act 2020, in the definition of the term “domestic tertiary student”, the Minister of Education acting by and through Andy Jackson, Deputy Secretary, Graduate Achievement, Vocations and Careers, Ministry of Education under delegated authority, gives the following notice.

Notice

1. Title and Commencement

(1) This notice may be cited as the Domestic Tertiary Students Notice 2021.

(2) This notice shall come into force on the day after the date of its publication in the *New Zealand Gazette*.

2. Persons of the Following Class or Description are Required to be Treated as if They are Not International Students:

- a. A person who has a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade confirming that they are for the time being entitled to any immunity from jurisdiction by or under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 (for the current academic year, and until the end of the year in which that status expires).
- b. A person who has made a claim to be recognised as a refugee or a protected person under Part 5 of the Immigration Act 2009, and who is the holder of a valid temporary visa.
- c. A person who is:
 - i. recognised as a refugee or a protected person under Part 5 of the Immigration Act 2009 who, for the time being, has not been granted a New Zealand residence class visa;
 - ii. the partner and any child in New Zealand of a person under paragraph 2(c)(i);
 - iii. the parents and any siblings in New Zealand of a person under paragraph (2)(c)(i) who is a dependent child.
- d. A person who is in New Zealand to study under a New Zealand Government approved exchange programme at a tertiary education provider.
- e. A person who is enrolled in a Doctor of Philosophy programme at a New Zealand university.
- f. A person who is enrolled at a tertiary education provider for the purpose of participating in training or an apprenticeship that is funded by the Tertiary Education Commission through the Industry Training Fund in force at the time and issued under section 419 of the Education and Training Act 2020.
- g. A person who is:
 - i. enrolled in a course of study or training purchased by the Tertiary Education Commission for search and rescue training; and
 - ii. entitled to remain in New Zealand on a visa for at least six months from the date of their enrolment in that course of study or training.
- h. A person who is enrolled at a tertiary education provider in a short-term work-related training course that:
 - i. receives no funding from the Tertiary Education Commission under section 419 of the Education and Training Act 2020; and
 - ii. is for a period of 10 days or less; and
 - iii. is required by their employer for the particular work being undertaken.

3. Revocations

This notice revokes the Domestic Students (Tertiary Education) Notice 2019 published in the [New Zealand Gazette, 15 November 2019, Notice No. 2019-go5290](#).

Dated at Wellington this 21st day of April 2021.

ANDY JACKSON, Deputy Secretary Graduate Achievement, Vocations and Careers, Ministry of Education.