

The Domestic Tertiary Students Notice 2022

Under section 10(1) of the Education and Training Act 2020, paragraph (a)(iii) of the term “domestic tertiary student”, the Minister of Education acting by and through Andy Jackson, Hautū | Deputy Secretary, Te Puna Kaupapahere | Policy, Ministry of Education under delegated authority, gives the following notice.

Notice

1. Title and Commencement

- a. This notice may be cited as the Domestic Tertiary Students Notice 2022.
- b. This notice shall come into force on **1 January 2022**.

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:
 1. 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;
 2. the partner and any child in New Zealand of a person under paragraph 2(c)(i);
 3. the parent and any sibling 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 funded 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:
 - i. enrolled in a course of study or training funded by the Tertiary Education Commission through the Intensive Literacy and Numeracy English for Speakers of Other Languages Fund or the Adult Community Education Fund; and
 - ii. residing in New Zealand on either a Partner of a New Zealander Work Visa or a Partner of a New Zealander Visitor Visa.
- i. 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.
- j. For the period between 1 January 2022 and 31 December 2023, a person who is:
 - i. residing in New Zealand; and
 - ii. aged 25 years or under as at 1 January 2022; and

iii. either;

- A. the child of a person who held a valid visa of one of the following types as at 29 September 2021:
- Post Study Work Visa
 - Talent (Accredited Employer) Work Visa
 - Essential Skills Work Visa
 - Religious Worker Work Visa
 - Talent (Arts, Culture, Sports) Work Visa
 - Long Term Skill Shortage List Work Visa
 - Silver Fern Practical Experience Work Visa
 - Trafficking Victim Work Visa
 - Migrant Exploitation Protection Work Visa
 - Skilled Migrant Category Job Search Work Visa
 - Victims of Family Violence Work Visa
 - South Island Contribution Work Visa
 - Work Visa granted under Section 61 (provided the applicant held another eligible visa type within six months before being granted a Section 61 visa)
 - Longer-term Other Critical Workers visas (granted for longer than six months)
 - Longer-term Critical Health Workers visa (granted for at least six months); or
- B. the child of a person who holds a Critical Purpose Visitor Visa granted between 29 September 2021 and 31 July 2022 under one of the following categories:
- Other Critical Workers visas (granted for longer than six months)
 - Critical Health Workers (granted for at least six months).

3. Revocation of the Domestic Tertiary Students Notice 2021

This notice revokes the Domestic Tertiary Students Notice 2021 published in the [New Zealand Gazette, 21 April 2021, Notice No. 2021-go1466](#).

Dated at Wellington this 10th day of December 2021.

ANDY JACKSON, Hautū | Deputy Secretary, Te Puna Kaupapahere | Policy, Ministry of Education.