

Tertiary Education (Domestic Students) Notice 2024

Under section 10(1) of the Education and Training Act 2020, paragraph (c) of the term “domestic 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 Tertiary Education (Domestic Students) Notice 2024.

(b) This notice shall come into force on **14 March 2024**.

2. Domestic Students

For the purposes of Parts 4 and 5 and related Schedules of the Education and Training Act 2020, in relation to tertiary education, 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 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:

- i. was enrolled on 31 December 2022 at a tertiary education provider for the purpose of participating in training or an apprenticeship that was funded by the Tertiary Education Commission through the Industry Training Fund funding determination in force at the time and issued under section 419 of the Education and Training Act 2020; and
- ii. continues to be enrolled in the same programme of study that is now funded by the Tertiary Education Commission through Determination of Design of Funding Mechanism: Delivery at Levels 3-7 (non-degree) on the New Zealand Qualifications and Credentials Framework and all industry training.

(g) A person who:

- i. is working in New Zealand on an Accredited Employer Work Visa; and
- ii. is working in an occupation that is specified on the Immigration New Zealand Green List or within the scope of a sector agreement; and
- iii. is studying a qualification delivered in the work-based mode of delivery; and
- iv. the qualification has been identified by the appropriate Workforce Development Council as being in the national interest; and
- v. the qualification has been approved by the Tertiary Education Commission as being in the national interest; and
- vi. is enrolled in a programme of study or training, or part of a programme of study or training, that is funded by the Tertiary Education Commission.

(h) 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.

(i) 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 Language Teaching Fund or the Adult and Community Education Fund; and
- ii. residing in New Zealand on either a Partner of a New Zealander Work Visa, a Partner of a New Zealander Visitor Visa, or the 2022 Special Ukraine Visa.

(j) 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. Domestic Student Status not Transferable

For the avoidance of doubt, a person who is to be treated as a domestic student under clause 2 based on their programme or course of study does not qualify as a domestic student for any other programme or course of study, unless that other programme or course also confers domestic student status under clause 2.

Revocation of Tertiary Education (Domestic Students) Notice 2022

This notice revokes the Tertiary Education (Domestic Students) Notice 2022, [New Zealand Gazette, 16 December 2022, Notice No. 2022-go5549](#).

Dated at Wellington this 14th day of March 2024.

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