

Guidance on domestic learner eligibility rules for dependent children on 2021 Resident Visa pathway

On 30 September 2021, the Government announced a one-off [2021 Resident Visa](#) for migrants who hold an eligible work visa ('eligible migrants'). To support migrant families, the Government made changes to tertiary education settings so that the **dependent children of eligible migrants are able to access tertiary education as [domestic tertiary students](#)**.

Key points:

- This change is effective from 1 January 2022 to 31 December 2023 and is reflected in the [Domestic Tertiary Student Notice 2022](#).
- Students who meet the Gazetted criteria are **considered as a 'domestic tertiary student' for tertiary education and funding purposes**. This means that they are eligible for the Student Achievement Component (SAC) funding as well as other TEC funding such as the Hardship Fund for Learners (HAFL) and the Targeted Training and Apprenticeship Fund (TTAF).
- If students meet the Gazetted criteria, **they should be treated the same as New Zealand resident class visa holders (not international students) for tertiary education settings including Education Code of Practice**.
- Once the students are assessed to meet the Gazetted criteria, they are considered as a "domestic tertiary student" for the entire duration of 1 Jan 2022 to 31 Dec 2023, providing that they continue to reside in New Zealand. Their domestic tertiary student status will need to be reassessed for study after 31 Dec 2023. Most of the students are likely to have transitioned to a 2021 Resident Visa by that time.

Domestic Students (Tertiary Education) Notice 2022 update ('Gazette Notice')

For the period between **1 January 2022 and 31 December 2023** a learner who meets the following criteria will be considered as a domestic tertiary student ('eligible learner')¹:

- (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 holds 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

¹ Domestic Students (Tertiary Education) Notice 2022, published in the New Zealand Gazette.

- 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 6 months before being granted a Section 61 visa)
 - Longer-term Other Critical Workers visas (granted for longer than 6 months)
 - Longer-term Critical Health Workers visa (granted for at least 6 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:
- Critical Health Workers (granted for longer than 6 months)
 - Other Critical Workers visas (granted for at least 6 months)

Verification of eligible learners

If learners meet the criteria in the Gazette Notice, they are considered to be domestic tertiary students and must be charged domestic fees. Under tertiary education settings, the provider can enrol all eligible learners that meet the Gazette notice criteria as domestic tertiary students, and TEC funding must be made available to them.

According to Immigration New Zealand’s advice, if a learner holds a student visa specific to primary or secondary school study, or a visitor visa and they have not yet transitioned to the 2021 Resident Visa, providers can enrol them, subject to them obtaining a valid tertiary study visa.

Immigration New Zealand advise that if the learner is currently not on a student visa that allows tertiary study and they have not transitioned to residency, they must apply for the Dependent Child Tertiary Student Visa before they start attending classes.

Examples of visas types that eligible learners may hold

A child of a migrant eligible for the 2021 Resident Visa may hold the following types of visas	Verifying learner eligibility for Tertiary Education Organisations (TEOs) Note: For the purposes of enrolments and compliance with TEC funding conditions, TEOs need to sight the following documents.	Further guidance for Tertiary Education Organisations (TEOs)
<i>Dependent Child Tertiary Student Visa</i>	<ul style="list-style-type: none"> • A copy of the Dependent Child Tertiary Student Visa; • a copy of the learner’s identification document. 	TEOs do not need to sight the parent’s work visa as the Tertiary Student Visa is sufficient evidence of domestic student status.

<p><i>Dependent Child Student Visa (study at school)</i></p>	<ul style="list-style-type: none"> • A copy of a learner's <i>Dependent Child Student Visa</i>; • a copy of a learner's parent's work visa (work visa must match the criteria in the Gazette); and • a copy of the learner's identification document that shows date of birth (to verify their age). 	<p>TEOs can enrol learners and offer them a place of study with domestic fees. In order to commence study, learners must obtain the Dependent Child Tertiary Student Visa, if they do not have the 2021 Resident Visa.</p>
<p><i>International student visa (Fee Paying Student Visa)</i></p>	<ul style="list-style-type: none"> • A copy of a learner's current student visa; • a copy of the learner's parent's work visa (work visa must match the criteria in the Gazette); • a copy of the learner's identification document that shows date of birth (to verify their age). 	<p>TEOs can continue to enrol existing learners who were previously studying at their organisation as international students but have now transitioned to domestic tertiary student as their parents are eligible for the 2021 Resident Visa pathway.</p> <p>According to Immigration New Zealand's advice, those learners do not need to re-apply for the Dependent Child Tertiary Student Visa if they wish to continue their study as per the conditions of their current visa.</p> <p>TEOs must charge these learners domestic fees and refund any fee for courses that start on or after 1 January 2022.</p>
<p><i>Visitor visas such as 'Child of a Worker' Visitor Visa</i></p>	<ul style="list-style-type: none"> • A copy of a learner's <i>Child of a Worker Visitor Visa</i>; • a copy of that learner's parent's work visa (work visa must match the criteria in the Gazette); and • a copy of the learner's identification document that shows date of birth (to verify their age). 	<p>If they intend to study short courses of less than three months, they can remain on a visitor visa or seek a variation of conditions to their visa for part-time study.</p> <p>If they intend to study for longer than three months, TEOs can enrol learners and offer them a place of study with domestic fees. In order to commence for study, learners must obtain a Dependent Child Tertiary Student Visa.</p>
<p><i>Interim 2021 Visa</i></p>	<ul style="list-style-type: none"> • A copy of a learner's <i>Interim 2021 visa</i>; and • a copy of that learner's parent's work visa (work visa must match the criteria in the Gazette); or • a Dependent Child Tertiary Student Visa previously granted 	<p>The Interim 2021 Visa is granted to people if they are waiting for an outcome to their 2021 Resident Visa application, and their family's current temporary visas are expiring.</p> <p>Learners can still be enrolled and be funded if they meet the Gazetted criteria.</p> <p>Work and study rights on previous temporary visas are carried over to this interim visa. If a learner's preceding visa was a student visa, they carry study rights and can continue their tertiary education.</p>

Eligibility status for Fees-Free and Student Support

Children of work visa holders on the 2021 Resident Visa pathway are **not eligible** for 'first-year' Fees Free or student support through student loans or allowances.

In order to be eligible for 'first-year' Fees Free or student support, a learner must have been living in New Zealand for at least 3 years while holding a residence class visa; or meet an exemption related to a specific category, such as refugee status.

If the learner enrolls in a course with fees, the learner will need to pay for their domestic fee without student support or Fees Free.

Existing international enrolments transitioning to domestic tertiary students from 1 January 2022

If you have current learners enrolled as international students who will transition to become domestic tertiary students when the change takes effect on or after 1 January 2022, they must only be charged domestic fees. If international fees have been charged and paid for courses starting on or after 1 January 2022, **the international fees must be refunded to the learners.**

If the learner was charged an international student fee for courses that started before 1 January 2022 and continued after that date, the learner was not eligible for domestic fee for those courses.

Frequency Asked Questions (FAQs)

Verification and enrolment

1. What documents do we need to verify when students enrol?

If the student has a current 'Dependent Child Tertiary Student Visa', you only need to sight that visa and do not need to sight their parents' visa. Students who have a 'Dependent Child Tertiary Student Visa' automatically meet the Gazetted criteria.

If the student does not have the 'Dependent Child Tertiary Student Visa', you will need to verify a student's identity document (such as passport), their current visa and their parents' current visa before you can enrol them. You must ensure that the information provided in those documents satisfy the requirements in the Gazette Notice. They must obtain a 'Dependent Child Tertiary Student Visa' before they can commence study.

2. What if the student has an international student visa but meets the Gazetted criteria to qualify as domestic tertiary student?

Eligible students who meet the Gazetted criteria but hold an international student visa with conditions that name a provider and course, may retain that student visa if they study in line with those specific conditions. Tertiary providers will still need to sight their parents' work visa.

According to Immigration New Zealand's advice, they do not need to re-apply for the new 'Dependent Child Tertiary Student Visa' as they already have study rights in New Zealand. They must be charged a domestic tuition fee for any course starting on or after 1 January 2022. If they want to study for a different course or at a different tertiary provider specified on their visa, they will need to obtain a Dependent Child Tertiary Student Visa if they do not currently have the 2021 Resident Visa.

3. Once we have enrolled students, can they commence study immediately?

According to Immigration New Zealand's requirements, students must have a valid tertiary study visa prior to the commencement of their study. If they have an existing dependent child student visa (for primary and secondary school study) and they do not have a 2021 Resident Visa, they must have a Dependent Child Tertiary Student Visa before they can commence study.

4. Do we need to generate an Offer of Place for the student to submit with their visa applications? Is this required or are students supposed to receive an Offer of Place with Domestic Fees?

Payment of fees or offer of place are not required evidence for the Dependent Child Tertiary Student Visa.

5. Do we need to further verify their 2021 Resident Visa later in the year to ensure that they continue to meet domestic tertiary student status?

If a person holds the Dependent Child Tertiary Student visa, they have already been assessed for their eligibility to apply for the 2021 Residence Visa with their parents.

Students who meet the Gazetted criteria are considered as “domestic tertiary student” for the entire duration of 1 Jan 2022 to 31 Dec 2023, provided that they continue to reside in New Zealand. This consideration is independent of their family’s 2021 Resident Visa outcome. You will need to verify they hold the correct visa to study, and domestic tertiary student status for any study beyond 31 December 2023.

Funding, fees and refunds

6. What tuition funding can a tertiary provider access for these students? Are these students eligible for other TEC funding such as Hardship Fund for Learners (HAFL)?

Students who meet the Gazetted criteria are considered as a ‘domestic tertiary student’ for **tertiary education and funding purposes**. This means that they are eligible for most tuition subsidy funding such as Student Achievement Component (SAC), Targeted Training and Apprenticeship Fund (TTAF), as well as the Hardship Fund for Learners (HAFL) and other TEC funding. They are not eligible for first-year fees free funding, student allowance or student loan.

7. Are these students eligible for first year fees-free, student loans and allowances?

Students are not eligible for first-year fees free, loans or allowances as those policies require them to hold a residence-class visa for at least three years.

8. If we charge domestic fees, and later in 2022 (or in 2023 ever) the students’ family are declined residence, can we assume the student will not be held liable for the difference in fees for the enrolment period?

If students meet the criteria in the Gazette, they are domestic student for the full duration until 31 December 2023, regardless if their family is declined residence in the future. While we expect almost all students eligible for this category of domestic tertiary students to transition to their 2021 Resident Visa before 31 Decemeber 2023, if they do not transition into a residence visa they are not liable for retrospective international fee payments.

9. Some students are enrolled in summer school and have paid international student fees. As they are now considered domestic students, do we need to refund them their fees?

Providers should assess students’ eligibility to ensure that they are domestic tertiary student and refund accordingly for the courses that started on or after 1 January 2022.

If the provider charged an international student fee for courses that started before 1 January 2022 and continued after that date, the learner is not eligible for domestic fee. The learner is eligible for domestic fee for courses starting on or after 1 January 2022.

10. Can students become eligible for domestic tertiary status when their circumstances change during the year?

The Gazetted Notice has specific criteria that are time-bound, such as the requirement for parents' to hold a specific visa as at 29 September 2021 in order to qualify for the 2021 Resident Visa. As such, if a student currently does not meet domestic tertiary status under the new category, it is unlikely that they will meet the requirements of that category over the next calendar year.

Other queries

1. Do we need to require students to hold health insurance as they are on a student visa?

Holding insurance is not a requirement for tertiary education funding. It is also not a requirement for this particular group of students when they apply for their Dependent Child Tertiary Student Visa.

2. Do we need to check if students have an overseas police certificate and a chest X-RAY?

Unless they are part of course specific enrolment requirements or placement related requirements, tertiary education providers do not need to request these documents.

3. Are these learners expected to be reported in data returns?

Updated guidance to tertiary education organisations on reporting these learners has been provided through the Single Data Return Manual for 2022, through updates to the Assist Field. There is a specific code for this category of domestic tertiary student from 1 January 2022 to 31 December 2023.