

## **Consultation on proposed changes to the *NZQF Programme Approval and Accreditation Rules 2013***

NZQA is seeking comment on proposed changes to Rule 18 of the *NZQF Programme Approval and Accreditation Rules 2013*.

The *NZQF Programme Approval and Accreditation Rules 2013* are available online at <http://www.nzqa.govt.nz/assets/About-us/Our-role/Rules/Prog-App-Accred-Rules.pdf>

Rule 18 sets out the English language requirements for international students.

The proposal is one option to address the issues being experienced. This consultation seeks your views and NZQA would welcome suggestions of other means to address the issues.

### **Proposed changes**

The first proposed change to Rule 18 would mean that the Category 1 and approved Category 2 providers who are currently able to use internal or NZQA-approved English proficiency assessments for international students would be able to use these tests only for students from countries with an annual student visa approval rate of at least 90 per cent.

The second proposed change to Rule 18 would mean that Category 1, 2 and 3 providers could use previous study at schools where English is the medium of instruction only as evidence of English proficiency for students from countries with an annual student visa approval rate of at least 90 per cent.

### **Why is NZQA proposing a change?**

The proportion of student visa applications being declined by Immigration New Zealand over the last year has highlighted an issue with English language testing in some countries.

Immigration New Zealand reports that the decline rate of Indian student visa applications has increased noticeably. The majority of these declines have been due to doubtful bona fides, mainly due to poor English proficiency. A bona fide applicant must show, amongst other things, that they "genuinely intend a temporary stay in New Zealand for a lawful purpose and are unlikely to breach the conditions of their visa." In this case the lawful purpose is education and the appropriate level of English is required if applicants are to succeed and not be likely to breach the conditions of their visa (which includes attending and making satisfactory progress in their education).

Immigration New Zealand data provided to NZQA shows that the visa applications in question are more likely to have been declined when tertiary education organisations (TEOs) did not use an internationally recognised test of English language proficiency: i.e. when providers have used their own English language assessment or prior study at schools where English is the medium of instruction as evidence of English proficiency.

Assurance needs to be provided that TEOs have robust controls in place to ensure their English language testing is authentic and reliable.

The proposed changes would bring New Zealand practice closer in line with English language requirements in other countries (see Appendix One).

NZQA wants to ensure that any changes to Rule 18 are flexible enough to cater for similar issues arising in future from any country where visa approval rates drop.

## **How would the rule change?**

NZQA is proposing to change Rule 18 of the *NZQF Programme Approval and Accreditation Rules 2013*.

The first proposed change to Rule 18 would mean that the Category 1 and approved Category 2 providers who are currently able to use internal English or NZQA-approved proficiency assessments for international students would be able to use these tests only for students from countries with an annual student visa approval rate of at least 90 per cent.

The second proposed change to Rule 18 would mean that Category 1, 2 and 3 providers could use previous study at schools where English is the medium of instruction as evidence of English proficiency only for students from the same list of countries with an annual student visa approval rate of at least 90 per cent.

## **How would the rule change affect providers?**

### *Proposal 1 (Internal English proficiency assessments)*

Category 1 providers would no longer be able to use internal or NZQA-approved English proficiency assessments for students from countries with an annual student visa approval rate that is lower than 90 per cent.

The Category 2 providers who are approved to use their own English proficiency assessment under rules 18.3 and 18.4 would no longer be able to use those tests for students from countries with an annual student visa approval rate that is lower than 90 per cent.

Category 1 and 2 providers who are approved to conduct testing on behalf of other providers would no longer be able to do so for students from countries with an annual student visa approval rate that is lower than 90 per cent.

The proposed change would not affect Category 3 providers as they are not able to use internal or NZQA-approved English proficiency assessments. Category 4 providers do not enrol international students.

### *Proposal 2 (English as a medium of instruction)*

Category 1, 2 and 3 providers would no longer be able to use previous study with English as the medium of instruction as evidence of English language proficiency for students from countries with an annual student visa approval rate that is lower than 90 per cent.

The proposed changes would not affect Category 4 providers as they do not enrol international students.

## **Which countries would be on the lowest risk list?**

NZQA would use annual New Zealand student visa approval rate data provided by Immigration New Zealand to establish a list of lowest risk countries, defined as countries that have an annual New Zealand student visa approval rate of at least 90 per cent.

The list would be updated in February or March each year, based on Immigration New Zealand data from the previous calendar year.

Immigration New Zealand publishes student visa approval rate data on its website at: <http://www.immigration.govt.nz/migrant/general/generalinformation/statistics/>

### List of lowest risk countries for 2014

Based on Immigration New Zealand data for the 2014 calendar year, countries with a New Zealand student visa approval rate of at least 90 per cent (the lowest risk countries) include:

- Algeria
- Andorra
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Barbados
- Belarus
- Belgium
- Bolivia
- Bosnia & Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Burundi
- Canada
- Cape Verde
- Chile
- China
- Colombia
- Costa Rica
- Croatia
- Czech Republic
- Denmark
- Dominica
- Ecuador
- El Salvador
- Estonia
- Fed St of Micronesia
- Finland
- France
- Germany
- Great Britain
- Grenada
- Guatemala
- Guinea
- Hong Kong
- Hungary
- Iceland
- Indonesia
- Ireland
- Italy
- Jamaica
- Japan
- Kazakhstan
- Kiribati
- Kuwait
- Laos
- Latvia
- Lithuania
- Luxembourg
- Macau
- Macedonia
- Malawi
- Malaysia
- Mauritius
- Mexico
- Monaco
- Netherlands
- Norway
- Oman
- Panama
- Papua New Guinea
- Paraguay
- Poland
- Portugal
- Romania
- Russia
- Samoa
- Saudi Arabia
- Seychelles
- Singapore
- Slovakia
- Solomon Islands
- South Africa
- South Korea
- Spain
- St Lucia
- Sweden
- Switzerland
- Taiwan
- Tanzania
- Thailand
- Timor Leste
- Tonga
- Trinidad and Tobago
- Tunisia
- Tuvalu
- United Arab Emirates
- United Nations
- USA
- Vanuatu
- Zambia

### Internationally recognised English proficiency tests

Providers would have to use an internationally recognised English language proficiency test for students from any country with an annual New Zealand student visa approval rate of less than 90 per cent.

The internationally recognised English proficiency tests listed in Appendix Two of the *NZQF Programme Approval and Accreditation Rules 2013* are:

- the International English Language Testing System (IELTS)
- the English Language proficiency test of the Educational Testing Service (TOEFL)
- the University of Cambridge ESOL Examinations
- the New Zealand Certificate in English Language (NZCEL)

- the Pearson Test of English (Academic)
- the International English for Speakers of Other Languages (IESOL) qualifications by City and Guilds.

### **What other responses to this issue have been undertaken by NZQA?**

NZQA is taking compliance action against PTEs with student visa decline rates of more than 30 per cent of visa applications, and for whom Immigration New Zealand issues more than 100 student visas per year.

Notices of intention to impose a condition on registration have already been issued to several PTEs. If imposed, this condition would limit the evidence of proficiency to the use of an internationally recognised test, as listed above.

### **Timeline for the proposed change**

2 April – 15 May	Consultation on rule change
16 May – 10 June	Feedback from public consultation incorporated into final change to Rule 18 for NZQA Board approval
25 June	Rule change to NZQA Board for approval

### **Proposing alternative options**

NZQA is seeking the best solution to the English language testing issue. Alternative proposals to address the issue are welcome.

### **How can I provide comment?**

Please send comments on the proposed change or suggestions for a more appropriate option to [QADconsultation@nzqa.govt.nz](mailto:QADconsultation@nzqa.govt.nz) by **Friday 15 May 2015**

If you have any questions regarding the change, please contact Avril Keller, Team Leader, Quality Assurance Strategy, by email on [Avril.Keller@nzqa.govt.nz](mailto:Avril.Keller@nzqa.govt.nz).

## APPENDIX ONE: Cross-country comparison of English language requirements

<b>Australia</b>
<ul style="list-style-type: none"><li>• Citizens from the United Kingdom, United States of America, Canada, New Zealand and the Republic of Ireland do not have to submit evidence of English proficiency.</li><li>• Student visa applicants from other countries must submit results from an internationally recognised test: IELTS, OET, TOEFL, Pearson, Cambridge English: Advanced.</li><li>• Streamlined Visa Processing Providers (SVPs) are required to explain how they will ensure that the students have a sufficient level of English</li><li>• <a href="https://www.immi.gov.au/FAQs/Pages/how-can-i-prove-i-have-competent-english.aspx">https://www.immi.gov.au/FAQs/Pages/how-can-i-prove-i-have-competent-english.aspx</a></li></ul>
<b>Canada</b>
<ul style="list-style-type: none"><li>• Each post-secondary school decides the level of language proficiency required.</li><li>• For example, post-secondary programmes in Ontario require international students whose first language is not English to submit the results of an internationally recognised English language proficiency test such as TOEFL or IELTS.</li><li>• <a href="http://www.ontariocolleges.ca/apply/international-applicants">http://www.ontariocolleges.ca/apply/international-applicants</a></li><li>• IELTS is the most common language requirement for Canadian universities.</li></ul>
<b>Republic of Ireland</b>
<ul style="list-style-type: none"><li>• Applicants for courses, other than short term preparatory English courses, are required to submit results from an internationally recognised English language test: IELTS, TOEFL, English Test for Academic and Professional Purposes (ETAPP), Pearson, Cambridge English Language Assessments (CELA).</li><li>• <a href="http://www.inis.gov.ie/en/INIS/English%20Language%20Requirements.pdf/Files/English%20Language%20Requirements.pdf">http://www.inis.gov.ie/en/INIS/English%20Language%20Requirements.pdf/Files/English%20Language%20Requirements.pdf</a></li></ul>
<b>United Kingdom</b>
<ul style="list-style-type: none"><li>• Students are required to sit an approved test (Trinity College, Cambridge English Language Assessment, IELTS from 6 April 2015)</li></ul> <p>Exceptions:</p> <ul style="list-style-type: none"><li>• Bachelor level qualification in English</li><li>• Prior study at a school in the UK</li><li>• Identified by sponsor as a 'gifted student'</li><li>• Citizens of: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago</li><li>• <a href="https://www.gov.uk/tier-4-general-visa/knowledge-of-english">https://www.gov.uk/tier-4-general-visa/knowledge-of-english</a></li></ul>

## United States of America

- Students applying for direct entry to a degree at university in the USA whose native language is not English must provide proof of their proficiency.
- TOEFL scores are the most common language requirement for American universities but most will accept IELTS.
- Some programmes do not require an official TOEFL or IELTS score, but require students to successfully complete the institution's ESL pathway program.
- <http://travel.state.gov/content/visas/english/study-exchange/student.html>

## **Request for feedback on the implementation transition period required for any changes to Rule 18**

On 2 April 2015, NZQA invited comment on two proposed changes to Rule 18 of the NZQF Programme and Accreditation Rules 2013. Rule 18 sets out the English language requirements for international students.

The first proposed change to Rule 18 would mean that the Category 1 and approved Category 2 providers who are currently able to use internal or NZQA-approved English proficiency assessments for international students would be able to use these tests only for students from countries with an annual student visa approval rate of at least 90 per cent.

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### **The implementation transition period required for any changes to Rule 18**

NZQA recognises that any changes to Rule 18 would need to give some providers time to adapt their current business processes before any changes to the rule take effect in time for it to apply to student recruitment for 2016. For this reason, we invite you to include in your submission to the consultation a response to the following:

*What steps would be involved for your organisation to adapt your business processes and what time would you require to make these adaptations in order to comply with the proposed rule changes? Please include the reason for your response.*

Please email your comments to [QADconsultation@nzqa.govt.nz](mailto:QADconsultation@nzqa.govt.nz).

The deadline for submissions is **Friday 15 May 2015**.