

Outcome 4: Immigration matters

O4

 [Link to outcome 4 in the Code](#)

Signatories must:

- (a) ensure that they do not allow or continue to allow a person to undertake educational instruction if that person is not entitled under the Immigration Act 2009 to undertake the educational instruction; and
- (b) take reasonable precautions and exercise due diligence in ascertaining whether international students are entitled under the Immigration Act 2009 to undertake the educational instruction for which they enrol.

The intent of this outcome is to ensure signatories are confident that the international students they enrol meet immigration requirements to study in New Zealand.

This means that you are up to date with current immigration requirements and have robust processes in place for checking student visas prior to enrolment, monitoring student visa validity during enrolment, and reporting any suspected breaches to Immigration New Zealand.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:

-  'Star icon' signals suggestions for good practice
-  'Arrow icon' draws attention to website resources.

18. Process

18(a)

Ensure that each international student who enrolls with you has the necessary immigration status for study in New Zealand

Familiarise yourself with current immigration requirements

In order to know whether students you are enrolling have the appropriate immigration status, you must be familiar with current immigration requirements for study in New Zealand.

Immigration requirements and questions relating to a student's immigration status rest with Immigration New Zealand.



Full details of immigration requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available from Immigration New Zealand and can be viewed on their [website](#).

It is your responsibility to ensure that relevant staff are up to date with immigration requirements for study in New Zealand.

As a minimum, you should be aware that:

- a student visa (or a limited visa granted for the purpose of study) is required for international students coming to New Zealand to study for more than three months. Study must be the main purpose of the visit
- a student visa is subject to conditions and any breaches must be reported to Immigration New Zealand
- visa conditions include, but are not limited to:
 - having sufficient funds for living and studying in New Zealand
 - attending classes at all times unless there are genuine reasons for any absences, and making satisfactory academic progress
 - studying at the place of study specified on the student visa
 - having acceptable insurance for the duration of the student visa
 - working no more than the hours specified on the student visa (NB: year 12 and 13 school students may apply for a variation of conditions with permission of the school to allow them to work up to 20 hours per week).
 - living with a parent or legal guardian if required.

Checking and monitoring the student's entitlement to study

Checking students have the valid and appropriate visa **prior** to enrolment can be done in a number of ways, including:

- using [Immigration New Zealand's VisaView](#) service
- sighting the international students' visa in their passport.

When sighting the visa, check for the following:

- that the name of your organisation is the one stated on the visa
- that the dates on the visa are current
- that the student is enrolling/enrolled in the programme and campus that is stated on the visa.

18(a) (continued)**Ensure that each international student who enrolls with you has the necessary immigration status for study in New Zealand**

It is important to keep accurate records, including the following:

- a photocopy of the title page and the visa page of the student's passport
- a copy of the VisaView enquiry results page
- a record of commencement and expiry dates of the visa
- a copy of the international student's insurance policy.

You need to have processes in place to monitor the ongoing validity of your students' visas during the period for which they are enrolled with you, to ensure that they continue to meet their visa conditions. For example, processes to monitor international students' academic progress, attendance, and expiry dates of visas.

Immigration New Zealand may request evidence from signatories to confirm that their international students are complying with visa conditions.

Further information about Guardian/Visitor visa conditions (for international students under the age of 18)

If a parent is accompanying an international student for the sole purpose of education in New Zealand, the parent's visa must state the name of the dependent (international student) that the parent is responsible for while living in New Zealand. The international student must live with their parents (or legal guardians).

Schools can complete routine checks to see if students are living with their parent/s and that they are still in New Zealand. Should a school find that a parent or legal guardian is no longer living in the home or has returned to their home country, they need to inform Immigration New Zealand, as well as continue to apply outcome 6 of the Code to ensure the safety and wellbeing of the student in question.

→ See *guidelines for clause 24 Process: international students under ten years*.

18(b)**Report suspected breaches to Immigration New Zealand**

Known or suspected breaches of visa conditions by international students must be reported to Immigration New Zealand. If you suspect an international student has breached their visa conditions, contact Immigration New Zealand at educationproviders@mbie.govt.nz.

18(c)**Notify Immigration New Zealand of terminations of enrolment**

If an international student's enrolment is terminated before the end of the anticipated enrolment period, you must notify Immigration New Zealand by completing the termination of enrolment form on the [Immigration New Zealand](#) website.