
Date July 2010

Circular 2010/01 Updated

Category Schools

Eligibility to enrol in New Zealand schools - Updated

This circular is about	The eligibility requirements for enrolment in New Zealand schools.
This circular replaces	Circular 2009/01 updated .
The action needed is	Follow the requirements of this circular to ensure that all eligible students are enrolled appropriately.
It is intended for	Boards of trustees, principals and administration staff of state, state-integrated and private schools.
For more information	<ul style="list-style-type: none">• A copy of this circular can be found online at www.minedu.govt.nz/Circulars• Information on international students and tuition fees can be found at www.minedu.govt.nz/InternationalEducationProviders• Information about immigration issues can be found at www.immigration.govt.nz• School administration staff who need guidance about the documents required as evidence for enrolments can contact the e-Admin Contact centre, phone 04-463 8383 or email e.admin@minedu.govt.nz.

Purpose

This circular defines which students are eligible to enrol in New Zealand schools, and what documents are needed to confirm a student's eligibility.

It advises of changes to the categories of eligible students, and changes in documentation provided by Immigration New Zealand to give proof of status. The Ministry of Education and Immigration New Zealand are working to simplify the number of documents a school must check before enrolling a student. 2010 is a transition year; some students will provide multiple documents (as in the past) and some will be able to provide just one document (with appropriate wording).

Who is eligible?

- Every child between the ages of five and nineteen has a right to enrol in a state school if they are a domestic student, or an exchange student. Eligibility ends on 1 January after a student's 19th birthday. Special Education students are eligible until the end of the year that they turn 21 years of age.
- Schooling is compulsory for domestic students between the ages of six and sixteen.
- Students who are not eligible as domestic students may be able to enrol as international fee payers. International fee payers, and exchange students, can only be enrolled at schools that are signatories to the *Code of Practice for the Pastoral Care of International Students*.

Why is it important to determine eligibility on enrolment?

It establishes a student's entitlement to an education, and how the school will be funded to provide that education. Having students enrolled in appropriate categories, supported by the required documentation, ensures that there can be confidence in the integrity of the attendance, enrolment, and funding processes that underpin our education system.

Refer to [Appendix A](#) for a flowchart to help determine which eligibility criteria each student meets.

Who are domestic students?

Domestic students have an entitlement to free state funded education. Some domestic students are entitled to free education throughout their schooling, while others are entitled for a period of time, as shown in a visa or other documents.

Domestic students (permanent)

Domestic students (permanent) have permanent entitlement. The documents that provide evidence of their status need to be sighted and copied only once, when the student first enrolls in a New Zealand school.

The following are categories of domestic (permanent) students:

1. New Zealand citizen
2. New Zealand resident
3. Australian citizen

For more details, and information about the evidence a school must sight, go to [Appendix B](#).

Domestic students (time-bound)

Domestic Students (time-bound) are foreign students who are entitled as domestic students for the period of time indicated on the documents that give them this entitlement. The relevant documents need to be sighted and copied at these times - when a student

- first enrolls in a New Zealand school
- moves to enrol at another school
- provides updated documents to continue their enrolment.

The following are categories of domestic (time-bound) students:

4. Parent* has a work permit and student has a student permit
5. Parent* is a New Zealand resident and student has applied
6. Refugee
7. Parent* is a New Zealand citizen and student has applied
8. Parent* has NZAID or Commonwealth scholarship
9. Parent* is doing a PhD
10. Parent* is a diplomat
11. International adoption
12. Parent* is on an exchange programme
13. Parent* is in the military
14. International in Child, Youth and Family (CYF) care
15. Parent* is on Antarctic programme
16. Student has Limited Purpose Permit.

For more details, and information about the evidence a school must sight, go to [Appendix C](#).

Waivers - 28 day Waiver and Extended Waiver

The Education Act 1989 s4(8) allows principals the discretion to have a foreign student in their school for a period of 28 days. This is sometimes used while a situation is being resolved (eg documents are being organised).

The Ministry does not fund these students. In very exceptional circumstances, the Ministry may extend this waiver while a complex situation is being resolved.

For more details, a principal should contact their local office of the Ministry.

Who are international students?

International students are sometimes referred to as foreign or fee-paying students. Students who do not fit into any of the domestic categories may be able to enrol in a school as international students.

The following are categories of international students:

17. International fee payer
18. Exchange student
19. International visitor

For more details, and information about the evidence a school must sight, go to [Appendix D](#).

* Parent means a mother or a father or a legal guardian

Funding implications

All domestic and exchange students in state and state-integrated schools are funded by the Ministry through a school's operations grant.

The Education Act 1989 s4B specifies that international fee paying students must pay fees to cover all costs including tuition, course fees and administration, as well as the government levy. Information on international students and the payment of levies in relation to international students can be accessed at www.minedu.govt.nz/InternationalEducationProviders

Frequently asked questions

Do I have to enrol a domestic student?

Yes, in general, a state school must enrol a student who is eligible. There are some exceptions:

- a school with an enrolment scheme must abide by that
- a school may enrol a student who is currently excluded or expelled, but is not required to do so, except if directed to by the Secretary for Education. For more information go to www.minedu.govt.nz/SDSRules

Can I enrol international fee paying students?

If your school is a signatory to the Code of Practice, and your board of trustees has a vacant place and makes an offer of place, your school can enrol an international student.

Do I have to enrol international fee paying students?

No. But a school that is a signatory to the Code of Practice can choose to enrol a fee paying student. Schools that are not signatories cannot enrol a fee paying student.

What is the Code of Practice?

"The Code of Practice for the Pastoral Care of International Students" provides a framework for education providers for the pastoral care of international students. The Code is established under section 238F of the Education Act 1989. The Act requires that a provider must be a signatory to the Code to enrol international students. It is administered by the Ministry of Education.

Contact info.code@minedu.govt.nz

Who are exchange students?

Exchange students are international students who are in New Zealand to study under an exchange programme approved by the New Zealand Government. This includes school-to-school exchanges, as well as those organised by Exchange Programme Organisations (EPOs). (For a list of approved EPOs, go to www.minedu.govt.nz/EPO) Exchange students are funded as domestic students.

Do I have to enrol an exchange student?

If your school is a signatory to the Code, you must enrol an exchange student as if they were a domestic student (eg, lives in the school's zone, etc).

Who are short-term international visitors and can I enrol them at my school?

Short-term visitors may attend any school for two weeks or less, and if they do not pay fees to schools for the visit, they do not have to be enrolled.

Frequently asked questions on short-term visitors, along with guidelines for schools, can be found at www.minedu.govt.nz/Circular201001.

Who do I call if I need help to establish the immigration status of a student?

With written permission from a caregiver/parent, you can call Immigration New Zealand on 0508 558 855 and ask for information on a particular student's situation.

Do I have to enter all students into the ENROL system?

All students that are enrolled at your school must be recorded in ENROL – domestic, international, and adult students.

What are the guidelines for eligibility of adult students?

These are set out in Circular 2004/07, available on the Ministry's website.

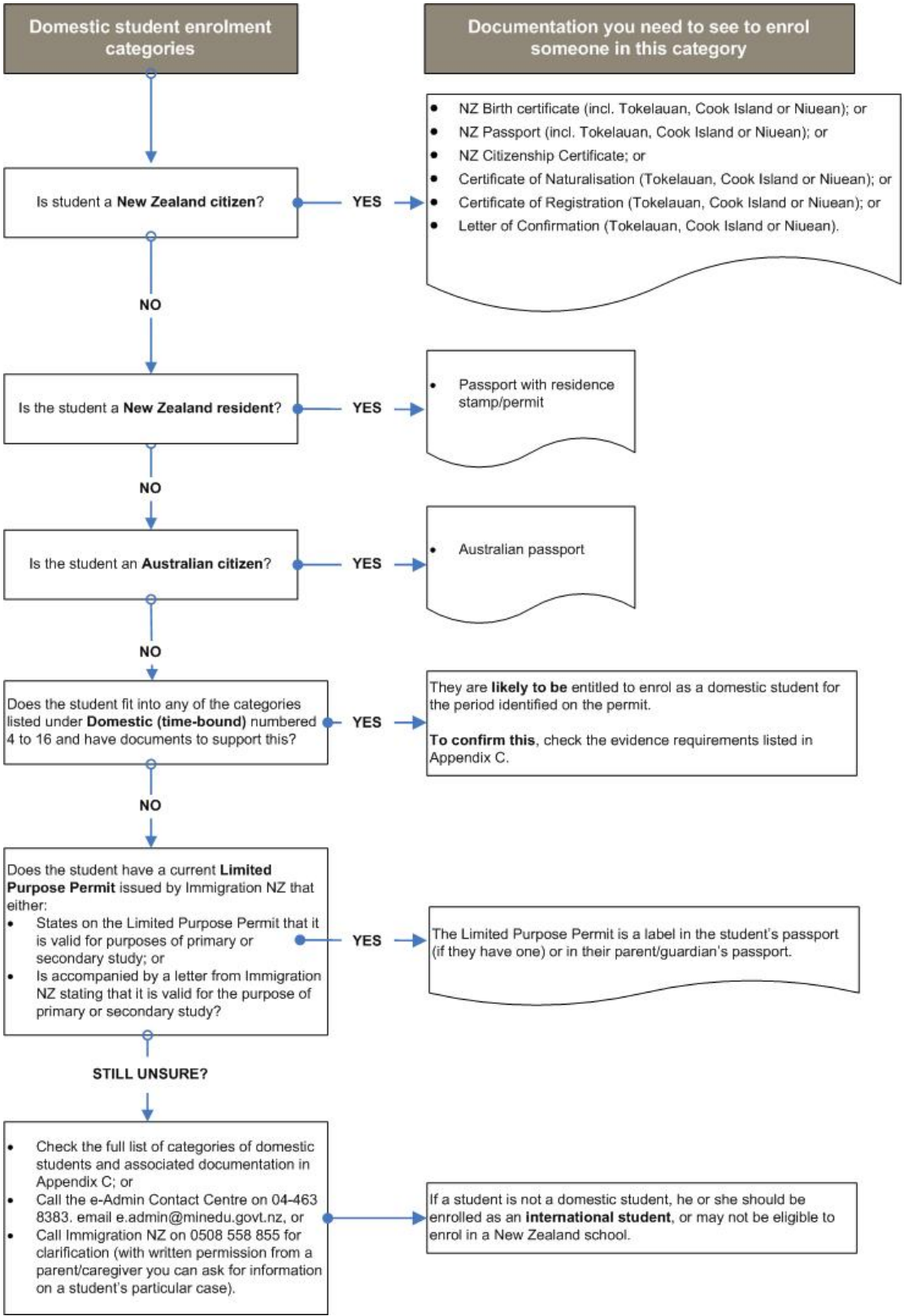
Why do I need to keep copies of documents as evidence of a student's eligibility?

Schools are required to keep evidence of a student's eligibility to enrol in a New Zealand school and make it available on request to Ministry of Education staff, reviewers from ERO, and others authorised to enter the school. In the event of a Resourcing Audit of a school's Annual Return of Students, where the eligibility of a student counted as a domestic or exchange student is not able to be verified, the school's funding and staffing will be adjusted.

Issued by**Jeremy Wood, Group Manager, Education, Curriculum and Performance Group**

Ministry of Education, National Office
45 – 47 Pipitea Street, Thorndon, P O Box 1666, Wellington, New Zealand
Phone 04-463 8000, fax 04-463 8001

Appendix A - Eligibility for enrolment in a New Zealand school



Appendix B – Domestic students (permanent)

Eligibility criteria	Evidence required (verification documentation)
1. New Zealand citizen	<ul style="list-style-type: none"> • NZ birth certificate or • Passport (NZ, Tokelauan, Cook Island or Niuean) or • NZ citizenship certificate or • Birth certificate (Tokelauan, Cook Island or Niuean) or • Certificate of naturalisation (Tokelauan, Cook Island or Niuean) or • Certificate of registration (Tokelauan, Cook Island or Niuean) or • Letter of confirmation (Tokelauan, Cook Island or Niuean)
2. New Zealand resident	<ul style="list-style-type: none"> • Passport with residence permit stamp/label
3. Australian citizen	<ul style="list-style-type: none"> • Australian passport

Notes to administration staff

School administration staff must retain a copy of the documents provided on enrolment if they are the first New Zealand school to enrol the student, or the first school to enter the student into the ENROL system. *Subsequent enrolling schools are not required to sight or copy evidence again for these domestic students.*

Eligibility information should be entered into ENROL for each student.

First select the **eligibility** criteria, and then the corresponding verification document that you have sighted and copied as evidence. The serial number of the document should be recorded in ENROL.

Note that if the document you have as evidence is not in the list for that criteria, you must select a new criteria. If you cannot select an appropriate eligibility criteria and corresponding verification document as evidence, contact the e-admin contact centre to discuss the situation.

Appendix C – Domestic students (time-bound)

Eligibility criteria	Multiple evidence required (verification documents issued prior to 2010)	Single evidence required (verification documents issued from 2010 onwards)
<p>4. Parent* has a work permit and a student has an unexpired student permit, and who is the dependent of any person who has</p> <ul style="list-style-type: none"> • an unexpired work permit, or • a special visitor permit (issued to the holder of an employer-specific work permit dismissed during a 90-day trial period). <p><i>Note: Children of parents with work permits issued under the following immigration policies, which have not been issued with domestic student permits, should be enrolled as international students:</i></p> <ul style="list-style-type: none"> • <i>Crew of foreign chartered fishing vessels, or</i> • <i>Recognised Seasonal Employer Policy, or</i> • <i>Supplementary Seasonal Employer Policy, or</i> 	<ul style="list-style-type: none"> • Valid student visa/permit; and • Parent’s passport with a valid work permit; and • Evidence of the family relationship** 	<p>Valid student visa/permit with conditions containing “Domestic Student”</p> <p><i>See Example 1 in Appendix E</i></p>

* Parent means a mother or a father or a legal guardian

** Evidence of family relationship can include birth certificate, joint passport, adoption papers

<ul style="list-style-type: none"> • <i>Silver Fern Job Search Policy, or</i> • <i>Essential Skills Work Permit (minimum income threshold) Policy.</i> 		
<p>5. Parent* is a NZ resident and student has applied A student who is the dependent of a NZ resident and whose application for NZ residence is under consideration by Immigration NZ.</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • Evidence that the parent is a NZ resident (see 2 above); and • Letter from Immigration NZ confirming student's current application for residence is under consideration; and • Evidence of the family relationship** 	<p>Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i></p>
<p>6. Refugee A student who has made, or the dependent child of a person who has made, a claim to be recognised as a refugee in accord with Part VIa of the Immigration Act.</p>	<ul style="list-style-type: none"> • Valid student permit label; and • NZ issued Certificate of Identity; or • Passport; or • Refugee Travel document. 	<p>Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i></p>
<p>7. Parent* is a NZ citizen and student has applied A student who is the dependent of a NZ citizen and whose application for citizenship is under consideration by the Department of Internal Affairs.</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • Evidence that the parent is a NZ citizen; and • Letter from Department of Internal Affairs confirming student's current application for citizenship is under consideration; and • Evidence of the family relationship** 	<p>Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i></p>
<p>8. Parent* has NZAID or Commonwealth scholarship A student who is the dependent of a person who is the holder of a NZAID</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • Parent/guardian's passport with a valid student Visa/permit; and • Letter from NZAID stating that the parent 	<p>Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i></p>

* Parent means a mother or a father or a legal guardian

** Evidence of family relationship can include birth certificate, joint passport, adoption papers

(including Commonwealth) scholarship.	holds a NZAID (including Commonwealth) scholarship; and <ul style="list-style-type: none"> Evidence of the family relationship** 	
9. Parent* is doing PhD A student who is the dependent of an international student who has enrolled in any PhD programme in a NZ university.	<ul style="list-style-type: none"> Valid student Visa/permit; and Parent/guardian's passport with a valid student visa/permit; and Evidence of parent's PhD programme of study; and Evidence of the family relationship** 	Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i>
10. Parent* is a diplomat A student who is the dependent of someone entitled to diplomatic or consular immunity; or a dependent of such a person who ceased entitlement during the calendar year.	<ul style="list-style-type: none"> Valid student visa/permit; and Parent/guardian's diplomatic passport; and Letter from the NZ Ministry of Foreign Affairs and Trade indicating diplomatic or consular immunity status; and Evidence of the family relationship** 	Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i>
11. International adoption An international student who has entered NZ for the purposes of adoption, where the Final Order will entitle the child to education as a domestic student, and whose adoption is supported by CYF; and <ul style="list-style-type: none"> adoption application is before the NZ Family Court; or has an Interim Order of Adoption. 	<ul style="list-style-type: none"> Valid student visa/permit; and/or CYF letter of support for adoption application: or Interim Order of Adoption 	Valid student visa/permit with conditions containing "Domestic Student" <i>See Example 1 in Appendix E</i>
12. Parent* is on an exchange programme	<ul style="list-style-type: none"> Valid student visa/permit; and 	Valid student visa/permit with conditions

* Parent means a mother or a father or a legal guardian

** Evidence of family relationship can include birth certificate, joint passport, adoption papers

<p>A student who is the dependent of any person who is in NZ to study under an exchange scheme approved by the NZ Government.</p>	<ul style="list-style-type: none"> • Parent/guardian's passport; and • Letter from the approved exchange scheme organiser confirming that the student has been accepted into an approved student exchange; and • Evidence of the family relationship** 	<p>containing "Domestic Student"</p> <p><i>See Example 1 in Appendix E</i></p>
<p>13. Parent* is in the military A student who is the dependent of a member of a visiting force, or its civilian component.</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • Parent/guardian's passport; and • Evidence that the parent/guardian is a member of a visiting force or its civilian component; and • Evidence of the family relationship** 	<p>Valid student visa/permit with conditions containing "Domestic Student"</p> <p><i>See Example 1 in Appendix E</i></p>
<p>14. International in CYF care An international student who has come into the care of CYF through an order under the CYF Act.</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • CYF letter confirming the arrangement 	<p>Valid student visa/permit with conditions containing "Domestic Student"</p> <p><i>See Example 1 in Appendix E</i></p>
<p>15. Parent* is on an Antarctic programme A student who is the dependent of a person associated with a scientific programme or expedition under the Antarctic Act 1960.</p>	<ul style="list-style-type: none"> • Valid student visa/permit; and • Parent/guardian's passport; and • Evidence that the parent/guardian is a member of, or associated with, a scientific programme or expedition under the Antarctic Act 1960; and • Evidence of the family relationship** 	<p>Valid student visa/permit with conditions containing "Domestic Student"</p> <p><i>See Example 1 in Appendix E</i></p>

* Parent means a mother or a father or a legal guardian

** Evidence of family relationship can include birth certificate, joint passport, adoption papers

<p>16. Student has Limited Purpose Permit A student who holds a Limited Purpose Permit (LPP) granted by Immigration NZ for the express purpose of determining his or her immigration status.</p>	<ul style="list-style-type: none"> • LPP stamp on student's or parent's endorsed passport that states it is valid for primary or secondary study; or • Letter from Immigration NZ stating that the student has an LPP for the purpose of primary or secondary study 	<p>See Multiple Evidence</p>
---	--	------------------------------

Notes to administration staff

School administration staff must:

- retain a copy of all the documents provided on enrolment in their school
- retain a copy of any updated documentation
- record the expiry date of the document (usually the permit/visa); from term 3 2010 onwards, ENROL will provide a space to record this date
- ensure that families understand the need to apply for a renewal of their visa/permit in plenty of time before it expires.

Eligibility information should be entered into ENROL for each student.

- Multiple document evidence- if a student presents with multiple documents for evidence then first select the **eligibility** criteria of 'Domestic time-bound' and then select the corresponding **verification** document of 'Valid student visa/ permit with conditions of Domestic Student' as the document sighted. The serial number of the document must be recorded in ENROL.
- Single document evidence- if a student presents with the single document of 'Valid student visa/ permit with conditions of Domestic Student' for evidence then first select the **eligibility** criteria of 'Domestic time-bound' and then select the corresponding verification document of 'Visa Domestic' as the document that you have sighted. The serial number of the document must be recorded in ENROL.

Note that:

- *if the document you have as evidence is not in the list for that criteria, you must select a new criteria. If you cannot select an appropriate eligibility criteria and corresponding verification document as evidence, please contact the e.admin contact centre to discuss the situation*
- *after July 2010, existing and new records for students that are in the Domestic time-bound category will now show as Domestic time-bound rather than their detailed category, eg, Dependent of a valid Work Permit Holder or Refugee claimant or dependent of one.*

Appendix D – International students

Changes to evidence requirements are being introduced. Over the transition period, some students will have evidence of eligibility as shown in the 'Multiple Evidence Required' column, and some will have evidence as shown in the 'Single Evidence Required' column. A student must have one or the other.

Eligibility criteria	Multiple evidence required (verification documents issued prior to 2010)	Single evidence required (verification documents issued from 2010 onwards)
17. International fee paying	<ul style="list-style-type: none"> Valid student visa/permit 	Valid student visa/permit with Conditions of Study that includes the name of the school <i>See Example 2 on page 15</i>
18. Exchange student	<ul style="list-style-type: none"> Valid student visa/permit, and Letter from Exchange Programme Organisation to verify that student is part of an approved exchange 	See Multiple Evidence
19. International visitors	<ul style="list-style-type: none"> See Single Evidence 	Valid Immigration visitor visa/permit A student can enrol using a visitor visa for only up to 3 months in any calendar year

Notes

- International fee paying students and exchange students must:
 - be offered a place in a school before applying for a student visa/permit
 - be enrolled at a school that is a signatory to the *Code of Practice for the Pastoral Care of International Students*
 - pay school fees, except for students on approved exchange schemes.
- International visitors must:
 - be enrolled at a school that is a signatory to the *Code of Practice for the Pastoral Care of International Students*

- not be enrolled for more than three months
- pay school fees, except for students on approved exchange schemes.

Short-term visitors are defined in the guidelines and frequently asked questions available at www.minedu.govt.nz/Circular201001

Notes to administration staff

School administration staff must:

- retain a copy of the documents provided on enrolment in their school
- retain a copy of any updated documents, including a *Variation of Conditions (VOC)* letter from Immigration New Zealand if the student is transferring to your school from another NZ school
- record the expiry date of the document (usually the permit/visa); from term 3, 2010 onwards, ENROL will provide a space to record this date
- ensure that families understand the need to apply for a renewal of their visa/permit in plenty of time before it expires
- advise Immigration New Zealand if a student leaves their school, or has their enrolment terminated.

Eligibility information should be entered into ENROL for each student.

First select the **eligibility** criteria of either 'Student on government approved exchange scheme' or 'International Fee Paying', and then the corresponding **verification** document that you have sighted and copied as evidence. The serial number of the document must be recorded in ENROL.

Note that if the document you have as evidence is not in the list for that criteria, you must select a new criteria. If you cannot select an appropriate eligibility criteria and corresponding verification document as evidence, please contact the e-admin contact centre to discuss the situation.

