Eligibility to enrol in New Zealand schools

This circular is about

The eligibility requirements for enrolment in New Zealand schools. It includes:

- changes to education and immigration legislation (see page 2)
- changes to ENROL procedures.

This circular replaces

Circular 2011/01.

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

- Information about the International Student Levy (ISL) and the Export Education Levy (EEL) and the process for collecting these from schools is available on our website:
  - International Student Levy (ISL) – applies to state and state integrated schools: www.minedu.govt.nz/ISL
  - Export Education Levy (EEL) – applies to private schools: www.minedu.govt.nz/EEL

- 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
  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 their eligibility. It defines domestic and international student eligibility.

Changes
There are some changes to eligibility and enrolment processes described in this circular:

• **Limited Purpose Permit (LPP)** is no longer a valid enrolment category. Schools that have students enrolled in this category, who can find no other enrolment pathway, should contact the e-Admin Contact centre, phone 04 463 8383 or email e.admin@minedu.govt.nz to discuss their enrolment.

• **MOE Approved** is the new category to be used to enrol students who are unlawfully in New Zealand, whose enrolment has been approved by the Ministry of Education. There have been some recent changes to that policy. For more details go to: [www.minedu.govt.nz/EnrolmentOfStudentsLivingUnlawfully](http://www.minedu.govt.nz/EnrolmentOfStudentsLivingUnlawfully)

• **Visitor Visa** holders can go to school as a visitor for up to two weeks, at the school’s discretion. No tuition fees are paid and they are not entered on ENROL. Or they can attend a Code signatory school as an international fee-paying student for up to 3 months in any one year. Or they may be on a short-term government approved exchange programme.

• **Interim Visas** are being issued to some parents and students. An interim visa is usually a letter or email from Immigration New Zealand. If the interim visa continues the conditions of their previous visa, it has the same status as the original one. So a student who had a domestic student visa and now has an interim visa (that continues the same conditions) can continue to be a domestic student. The ENROL category – **Visa Domestic** – remains the same, and the new expiry date must be entered.

• **New entrants born in New Zealand since 1 January 2006** need to have their birth certificates checked. These children have been issued with a birth certificate which shows whether they are a New Zealand citizen by birth or not. Children who are not New Zealand citizens by birth may be eligible to enrol by another pathway.

• **Australian students on government approved exchanges** are now able to be entered as exchange students on ENROL.

• A recent change in the Education Act 1989 specifies that **all children who are not eligible to be enrolled as domestic students must be enrolled as international students** if they are provided with an educational programme for more than 2 weeks, or if the school accepts tuition fees for the student. Only schools that are signatories to the Code can enrol international students.

• From 1 July 2012, **exchange students** will be regarded as domestic students. Conditions apply. (see page 5)

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. 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 can only be enrolled at schools that are signatories to the Code of Practice for the Pastoral Care of International Students – [www.minedu.govt.nz/CodeOfPracticeInternationalStudents](http://www.minedu.govt.nz/CodeOfPracticeInternationalStudents).
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 it. 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. Keeping the ENROL records accurate by updating the system is important for funding and audit purposes. Refer to Appendix A for a flowchart to help determine which eligibility criteria each student meets.

Domestic students and international students

Domestic students are funded by the Ministry of Education, and international students are not.

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 enrols in a New Zealand school.

The following are categories of domestic (permanent) students:

- New Zealand citizen
- New Zealand resident (this includes Australian resident)
- 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 generally foreign students who hold a current Student Visa with Conditions, containing the words “Domestic Student”. They are entitled as domestic students for the period of time indicated on the Visa. While almost all domestic (time-bound) students will hold a Domestic Student Visa, some students will have other documents such as an interim visa which is a letter extending the time period of their previous visa. The dependents of diplomats, and those who are MOE approved will have a letter setting out their eligibility.

The Student Visa, or other supporting 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.

For more details and information about Domestic students (time-bound), and the evidence a school must sight, go to Appendix C.

Who are international students?

The Education Act 1989 requires that all students who are not domestic students must be enrolled as international students if they are attending school for more than two weeks, or are paying a fee for education services. Students participating in a school-to-school or sister-school exchange that has not been approved by the Ministry of Education are international students if they attend school.
for more than two weeks. International students are sometimes referred to as foreign or fee-paying students. International students are not funded by the Ministry. For more details, and information about the evidence a school must sight, go to Appendix D.

**Funding implications**

All domestic students and those on a government approved exchange scheme 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 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 international student levies, can be accessed at [www.minedu.govt.nz/InternationalEducationProviders](http://www.minedu.govt.nz/InternationalEducationProviders).

**Waivers - 28 day waiver and extended waiver**

The Education Act 1989 s4(8) allows principals the discretion to have an international student in their school for a period of 28 days. This is sometimes used while a situation is being resolved (e.g., 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 the local office of the Ministry – [www.minedu.govt.nz>ContactTheMinistry](http://www.minedu.govt.nz/contacttheministry).

**Questions and answers**

**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](http://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 make an offer of place to all potential international fee paying students?**

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

**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](mailto:info.code@minedu.govt.nz)

**Who are exchange students?**

Exchange students are overseas students who are in New Zealand to study under an exchange programme approved by the Ministry of Education. This includes school-to-school (or sister school exchanges), as well as those organised by Exchange Programme Organisations (EPOs). The approval process for exchange schemes is administered by the Ministry of Education (in consultation with Immigration New Zealand). For more information, contact [info.code@minedu.govt.nz](mailto:info.code@minedu.govt.nz). For a list of approved EPOs, go to [www.minedu.govt.nz/EPO](http://www.minedu.govt.nz/EPO).
What is the status of exchange students?
A change to the status of exchange students takes effect from 1 July 2012, and from that date, exchange students will be regarded as domestic students. All secondary schools which host approved school-to-school (or sister school) exchanges will need to be signatories to the Code. Responsibility for students who are on an EPO exchange will be with the EPO. Those students can attend any secondary school, whether they are a Code signatory school or not.

Can I enrol a student who has a Visitor Visa that states that they can study for up to 3 months?
Yes, if your school is a signatory to the Code. You can enrol the student for one single period of study up to 3 months in any calendar year. The student must be entered on ENROL as an international student and must pay international fees.

What about short term visitors who are here just for a visit?
A Visitor Visa holder can go to any school as a short-term visitor for up to two weeks if you are not receiving money for the visit. They may not pay any fees, and they are not entered on ENROL as they are just visiting. The school must keep a separate record of their details.

Can students in New Zealand unlawfully go to school?
If they are ordinarily resident in New Zealand, living with their parents or legal guardians, they may be able to enrol as domestic students. Families need to apply to the Ministry of Education. Information collected for this process will not be disclosed to immigration authorities.

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. (Only short-term visitors who are visiting for 2 weeks or less are not recorded on ENROL).

What are the guidelines for eligibility of adult students?
These are set out in Circular 2004/07.

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 student is not able to be verified, the school's funding and staffing will be adjusted.

Who can I contact for more advice?
You can contact the local Ministry of Education office:

<table>
<thead>
<tr>
<th>Location</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whangarei</td>
<td>(09) 436 8900</td>
</tr>
<tr>
<td>Auckland</td>
<td>(09) 632 9400</td>
</tr>
<tr>
<td>Hamilton</td>
<td>(07) 858 7130</td>
</tr>
<tr>
<td>Rotorua</td>
<td>(07) 349 7399</td>
</tr>
<tr>
<td>Napier</td>
<td>(06) 833 6730</td>
</tr>
<tr>
<td>Whanganui</td>
<td>(06) 349 6300</td>
</tr>
<tr>
<td>Lower Hutt</td>
<td>(04) 463 8699</td>
</tr>
<tr>
<td>Nelson</td>
<td>(03) 546 3470</td>
</tr>
<tr>
<td>Christchurch</td>
<td>(03) 378 7300</td>
</tr>
<tr>
<td>Dunedin</td>
<td>(03) 471 5200</td>
</tr>
<tr>
<td>Invercargill</td>
<td>(03) 211 8000</td>
</tr>
</tbody>
</table>

School administration staff who need guidance about the enrolment process, and documents required as evidence for enrolment can contact the e-Admin Contact centre, phone 04 463 8383 or email e.admin@minedu.govt.nz

Issued by
Marilyn Scott
Appendix A: Eligibility to enrol in New Zealand schools

Domestic student enrolment categories

Is the student a New Zealand citizen?

YES

Is the student a New Zealand or Australian resident?

YES

Passport with New Zealand residence class visa

NO

Is the student an Australian citizen?

YES

Australian passport

NO

Does the student fit into any of the categories listed in Appendix C, and have documents to support this?

YES

They most likely have a Domestic Visa. Check the evidence requirements in Appendix C.

NO

Is the student in New Zealand unlawfully, and been ordinarily resident in New Zealand, for at least six months, with a parent or legal guardian?

YES

Parent will supply an approval letter from the Ministry of Education. School can enrol student following the procedure outlined in the letter.

NO

STILL UNSURE?

Check the full list of categories of domestic students and associated documentation in Appendix C; or Call the e-Admin Contact Centre on 04-463 8383, email e.admin@min_edu.govt.nz; or Call Immigration NZ on 0800 558 855 for clarification (with written permission from a parent/caregiver you can ask for information on a particular student’s case).

If a student is not a domestic student, he or she could enrol as an international student, or may not be eligible to enrol in a New Zealand school.
## Appendix B: Domestic students (permanent)

<table>
<thead>
<tr>
<th>Eligibility criteria</th>
<th>Evidence required (verification documentation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. New Zealand citizen</td>
<td>• NZ birth certificate (if the child was born before 1 January 2006) or&lt;br&gt;• NZ birth certificate with confirmation that the child is a NZ citizen by birth (if child was born on or after 1 January 2006) or&lt;br&gt;• Passport (NZ, Tokelauan, Cook Island or Niuean) or&lt;br&gt;• NZ citizenship certificate or&lt;br&gt;• Birth certificate (Tokelauan, Cook Island or Niuean) if the child was born before 1 January 2006 or&lt;br&gt;• Birth certificate (Tokelauan, Cook Island or Niuean) with confirmation that the child is a citizen by birth (if the child was born on or after 1 January 2006) or&lt;br&gt;• Certificate of naturalisation (Tokelauan, Cook Island or Niuean) or&lt;br&gt;• Certificate of registration (Tokelauan, Cook Island or Niuean) or&lt;br&gt;• Letter of confirmation (Tokelauan, Cook Island or Niuean)</td>
</tr>
<tr>
<td>2. New Zealand or Australian resident</td>
<td>• Other passport with NZ residence class visa label or stamp.</td>
</tr>
<tr>
<td>3. Australian citizen</td>
<td>• Australian passport.</td>
</tr>
</tbody>
</table>

### 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)

<table>
<thead>
<tr>
<th>Eligibility criteria</th>
<th>Student verification documents</th>
<th>ENROL category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Either</td>
<td>Or</td>
<td></td>
</tr>
</tbody>
</table>

4. **Parent\(^1\) has a current work visa (or a current interim visa that extends such a visa)**

   Except for:
   - Crew of foreign chartered fishing vessels
   - Seasonal work visa
   - Special 90 day trial visa.

   **NB:**
   - Dependents of some work visa holders may not be eligible for a student visa
   - If the parent’s work visa expires during the year, the student may continue to be enrolled until the end of the current school year. ENROL must be updated with the new expiry date.

   **Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this visa and conditions**

       - Valid Student Visa; **and**
       - Parent’s passport with a valid work visa; **and**
       - Evidence of the family relationship\(^2\)

   **Visadomestic**
<table>
<thead>
<tr>
<th>5. Parent(^1) is a NZ citizen or resident and student has applied for residence visa.</th>
<th>Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this visa and conditions</th>
<th>• Evidence that the parent is a NZ citizen (see 1 above) or 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(^2)</th>
<th>Visa domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Refugee or asylum seeker or protected person - parent or student has made a claim to be recognised as a refugee – check the student’s documents – they may have NZ Residence (see 2 above) or a letter confirming that the application for residence is being considered (see 5 above).</td>
<td>Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this visa and conditions</td>
<td>• Valid Student Visa; or • Temporary Visa label; or • Letter from Immigration NZ; or • NZ issued Certificate of Identity; or • Passport; or • Refugee Travel document</td>
<td>Visa domestic</td>
</tr>
<tr>
<td>7. Parent(^1) has a scholarship funded by the NZ Aid Programme administered by the Ministry of Foreign Affairs and Trade</td>
<td>Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this</td>
<td>• Valid Student Visa; and • Parent/guardian’s passport with a valid Student Visa; and • Letter from Ministry of</td>
<td>Visa domestic</td>
</tr>
<tr>
<td></td>
<td>Visa and Conditions</td>
<td>Foreign Affairs and Trade stating that the parent holds a scholarship; and • Evidence of the family relationship²</td>
<td>Visa Domestic</td>
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<tr>
<td>8. Parent¹ has a military visa</td>
<td>Valid Student Visa with Conditions containing ‘Domestic Student’, or a valid Interim Visa that extends this visa and conditions</td>
<td>• Valid Student Visa; and • Parent’s passport with a valid Military Visa, or an interim visa that extends such a visa; and • Evidence of the family relationship²</td>
<td>Visa Domestic</td>
</tr>
<tr>
<td>9. Parent¹ is doing a PhD at a NZ University</td>
<td>Valid Student Visa with Conditions containing ‘Domestic Student’, or a valid Interim Visa that extends this visa and conditions</td>
<td>• Valid Student Visa; and • Parent/guardian’s passport with a valid Student Visa; and • Evidence of parent’s PhD programme of study; and • Evidence of the family relationship²</td>
<td>Visa Domestic</td>
</tr>
<tr>
<td>10. Parent¹ is a diplomat</td>
<td>A student who is the dependent of someone who holds a diplomatic or consular visa; if the visa expires, the student may continue until the end of the current school year.</td>
<td>• Student’s passport • Letter from the NZ Ministry of Foreign Affairs and Trade Protocol Division confirming that the student has diplomatic or consular immunity status</td>
<td>Visa Domestic</td>
</tr>
<tr>
<td>11. International adoption</td>
<td>Valid Student Visa with Conditions containing</td>
<td>• Valid Student Visa; and/or</td>
<td>Visa Domestic</td>
</tr>
<tr>
<td>12. Parent(^1) is on an exchange programme</td>
<td>Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this visa and conditions</td>
<td>• Valid Student Visa; and • Parent/guardian’s passport; and • Letter from the approved exchange scheme organiser confirming that the parent is on an approved student exchange; and • Evidence of the family relationship(^2)</td>
<td>Visa domestic</td>
</tr>
<tr>
<td>13. International student who has come into CYF care</td>
<td>Letter from CYF confirming the arrangement</td>
<td>Visa domestic</td>
<td></td>
</tr>
<tr>
<td>15. Student in NZ unlawfully</td>
<td>Current approval letter signed by MOE manager.</td>
<td>Select MOE Approved; use the reference number and expiry date from MOE approval letter. There will be instructions in the letter advising the school to contact the MOE; ENROL will be changed to MOE Confirmed</td>
<td></td>
</tr>
</tbody>
</table>
16. Student on a government approved exchange programme  
(after 1 July 2012)  
Prior to this date, use eligibility criteria 18 below.

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>Documentation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Student Visa with Conditions containing “Domestic Student”, or a valid Interim Visa that extends this visa and conditions</td>
<td>Valid Student Visa with conditions of study; or Valid Visitor Visa (for an exchange less than 3 months); or Australian passport; and If the exchange is organised by an approved exchange scheme organisation, student will have a letter from them.</td>
</tr>
</tbody>
</table>

Visa domestic  
(if the student is a Visitor or Australian, use the passport serial number and enter the last date of the exchange as the expiry date)

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, including interim visas  
- record the serial number of the document (usually the visa) on ENROL  
- record the expiry date of the document (usually the visa) on ENROL  
- ensure that families understand the need to apply for a renewal of their visa in plenty of time before it expires.

Note that:
if the document/s you have as evidence are 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.

1 Parent means a mother or a father or a legal guardian.  
2 Evidence of family relationship can include birth certificate, joint passport, adoption papers.
### Appendix D: International students

<table>
<thead>
<tr>
<th>Eligibility criteria</th>
<th>Student verification documents</th>
<th>ENROL category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Either</td>
<td>Or</td>
</tr>
<tr>
<td>17. International fee paying</td>
<td>Valid Student Visa with Conditions of Study that include the name of the school, or a valid Interim Visa that extends such a visa</td>
<td>Valid Visitor Visa A student can enrol using a visitor visa for only up to three months in any calendar year.</td>
</tr>
<tr>
<td></td>
<td>Visa with conditions of study (if the student is a Visitor, use the passport serial number and the last date of their visit as the expiry date)</td>
<td></td>
</tr>
<tr>
<td>18. Student on a government approved exchange scheme</td>
<td>• Valid Student Visa with Conditions of Study that includes the name of the school; or</td>
<td>Visa with conditions of study (if the student is a Visitor or Australian, use the passport serial number and enter the last date of the exchange as the expiry date)</td>
</tr>
<tr>
<td>(until 1 July 2012)</td>
<td>• Visitor Visa (for exchange less than 3 months); or</td>
<td></td>
</tr>
<tr>
<td>After that date, use eligibility criteria 16 above</td>
<td>• Australian passport</td>
<td></td>
</tr>
</tbody>
</table>

### Notes

International fee paying 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.

International fee paying students on visitor visas 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 one single three month period of study in a calendar year, and may not study in term 4 of one year and term 1 of the following year
• pay school fees.

**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
• ensure that families understand the need to apply for a renewal of their visa 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 ‘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 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.