



NEW ZEALAND COUNCIL OF TRADE UNIONS  
*Te Kauae Kaimahi*

**Submission of the  
New Zealand Council of Trade Unions  
Te Kauae Kaimahi**

**to the**

**Ministry of Business, Innovation and Employment**

**on the**

**Consultation on immigration settings for  
international students**

**P O Box 6645**

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### Summary of recommendations

1. That employer-assisted post-study work visas be replaced as proposed with open work visas of three years for degree level 7 or above and one year for non-degree level 7 or below.
2. That entitlement to family accompaniment on student visas should be considered as part of a wider review based on supporting family unity wherever possible.
3. That the Ministry undertake further work with the Ministry of Education to regulate migration advice provided to international students, and to address any funding implications of the proposed changes for public Tertiary Education Institutions.

### 1. Introduction

- 1.1. This submission is made on behalf of the 30 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With 320,000 members, the CTU is one of the largest democratic organisations in New Zealand.
- 1.2. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.
- 1.3. The CTU welcomes the proposed changes as a contribution to eliminating exploitation in the employment of international students and recent graduates on post-study visas.

## **2. Post-study work rights for international students**

- 2.1. Unions have become aware in recent years of increasing numbers of international students and recent graduates facing severe exploitation in employment. The vulnerability of workers on post-study visas to exploitation has been exacerbated by work rights being tied to specific employers, making it difficult for workers to be confident in raising complaints.
- 2.2. Unions working with migrant workers have become aware that a nexus of exploitation has been formed between unscrupulous employers, low quality education providers, and offshore migration agents. The system is fuelled by debt incurred by the visa-holder to pay fees and commissions to each of these three agents of exploitation, with that debt then becoming a further bond to exploitation in employment.
- 2.3. Removing the requirement for employer sponsorship of post-study work visas, as in proposal one, would be an important step towards ending exploitation of international students and recent graduates. With an open work visa, new graduates who experience exploitation will be significantly freer to make complaints and to seek alternative employment.
- 2.4. Providing a one year open post-study work visa for graduates of non-degree level 7 or below and a three year visa for graduates above degree level 7 strikes an appropriate balance between giving all students an opportunity to gain valuable work experience and giving priority to graduates of higher level education programmes who are likely to contribute professional skills to the economy and complement the domestic supply of skilled labour.

## **3. Settings for partners of international students, and their dependent children**

- 3.1. As the consultation document suggests, the proposed change would not make a significant difference to migration numbers. The important consideration then is that any change is fair and consistent for those it affects.
- 3.2. Migration settings should support the unity of families wherever possible, especially where visas are issued for an extended period and/or with a pathway to residency.
- 3.3. Under the proposed changes, students at degree level 7 and above would be eligible for a three-year open work visa on completion of their studies, during which

they would be able to be joined by partners and children. Entitlement to family accompaniment on student visas could be aligned to the same criteria.

- 3.4. There are other issues and inconsistencies that should be considered. In both the current and proposed systems, single parents are discriminated against since children can only be brought by a Partner of Student visa-holder, not the primary student visa holder. It is also unclear what would happen to the visa status of a child of a student visa-holder whose partner dies or leaves the country.
- 3.5. We recommend that family accompaniment for visa-holders should be considered as part of a broader review to ensure consistency and fairness between different visa types and with the overarching goal of maintaining family unity wherever possible.

#### **4. Regulation of migration advice**

- 4.1. As noted above, unions have serious concerns about the migration advice being provided to students by offshore education recruiters. The effects of unscrupulous and misleading recruitment of international students are acknowledged in the consultation document as contributing to exploitation of international students and graduates. However, under current legislation there are no mechanisms to prevent offshore education recruiters from offering misleading immigration advice.
- 4.2. We support removing the exemption for education agents in the Immigration Act requirements for immigration advisors to be licensed. In addition, Tertiary Education providers should be required by legislation to deal only with licensed recruiters.
- 4.3. We recommend further work between MBIE and the Ministry of Education to identify further opportunities for regulation and standard setting in the area of international student recruitment, with the aim of reducing the prevalence of misleading immigration advice being provided to international students.

#### **5. Continuity of tertiary education funding**

- 5.1. Unions support quality public education at all levels and have been concerned by the trend of tertiary education providers becoming increasingly dependent on full fee paying international students to fund their programmes.
- 5.2. We encourage MBIE to work closely with the Ministry of Education, Tertiary Education Institutions (TEIs), and unions in Tertiary Education to anticipate, monitor

and mitigate any impacts of the proposed changes on funding for TEIs, especially for sub-degree programmes at Institutes of Technology and Polytechnics.

## **6. Conclusion**

- 6.1. Unions support the proposed changes to remove employer-assisted post-study work visas, and to replace these with one year open work visas for graduates of courses up to non-degree level 7 and three year visas for graduates of degree level 7 and above.
- 6.2. We recommend further work to develop an approach to family accompaniment consistent with maintaining family unity wherever possible.
- 6.3. Further work is also needed to address the problem of misleading immigration advice provided by offshore education recruiters.