

Te Kōmihana Whai Hua o Aotearoa – The New Zealand Productivity Commission is seeking submissions on the Immigration productivity and wellbeing issues paper, to assist with the recommendation informing the Government long-term ‘working-age immigration policy’.

Te Herenga Waka – Victoria University of Wellington (Wellington) would like to submit on the following presented questions:

The Treaty of Waitangi and Te Ao Māori

1. *In what ways should the Crown honour the Treaty of Waitangi in developing and applying immigration policy? What changes are needed to policy or implementation?*
9. *Which concepts within Te Ao Māori, or Māori perspectives and values, are most applicable to immigration policy and why? What would or should including these concepts, perspectives or values mean for immigration policy?*

Immigration, productivity and wellbeing

3. *Is the Commission’s proposed framework a useful way of thinking about the immigration system for this inquiry? What changes would you make?*
4. *What should the overall objectives for the immigration system be?*

Students

24. *Are the current criteria for obtaining post-study work rights satisfactory? What criteria should be added or removed (and on what basis)?*
25. *To what extent should international students have rights to work in New Zealand?*
26. *Should visa applicants who have gained a New Zealand qualification receive a special preference for residence?*
27. *Should there be any restrictions on the kinds of sectors or occupations students can work in during or after study? Why, or why not?*
28. *Should the level or nature of qualifications that students are studying affect work rights during or after study? Why, or why not?*

Other ways for New Zealand to source skills and talent

34. *What more can immigration policy do to attract specialist ‘high-impact people’? What other complementary policy changes might be needed?*

Acknowledgements:

The submission has been led by Senior Advisor to the Assistant Vice-Chancellor (International) Dr. Alsu Swarder.

Assistant Vice-Chancellor (Matauranga Maori) Dr. Meegan Hall has contributed to The Treaty of Waitangi and Te Ao Māori sections.

Wellington University International recruitment and pastoral care teams, Associate Deans International, Planning and Management Information Director have been contributing to the international student visa-related questions.

Part 1. The Treaty of Waitangi and Te Ao Māori

1. *In what ways should the Crown honour the Treaty of Waitangi in developing and applying immigration policy? What changes are needed to policy or implementation?*

The University shares the concerns expressed in the paper around Māori perspectives and roles as tāngata whenua not being appropriately reflected in the Immigration Act and immigration policy setting.

We have the following recommendations:

- A. New Zealand governmental policies and systems should reference and consider the commitments outlined in Te Tiriti o Waitangi as the foundational document acknowledged and signed by the vast majority of Māori signatories, rather than the English language Treaty document.
- B. The articles of Te Tiriti o Waitangi provide some principles that are relevant and important for the functioning of the New Zealand immigration system. We encourage that the system be regularly evaluated and monitored against these principles, such as:
 - a. The principle of **kāwanatanga**, which advocates for good governance and acting reasonably and in good faith
 - b. The principle of **rangatiratanga**, which supports the authority of Māori people and perspectives in immigration policy and practice
 - c. The principle of whai wāhi (participation), which reinforces that Māori should be included in how immigration policymaking is being designed and operationalised.
- C. The concept and principles of biculturalism should be promoted within the Immigration system, both internally and in relation to the visa-holders arriving in New Zealand. Where it may not be practical or actionable to introduce compulsory requirements for all, it is recommended that the immigration system facilitates opportunities for newcomers to gain a conceptual and practical understanding of the implications of Aotearoa New Zealand's bicultural context. It may be worth considering whether this should be a required competency in addition to the English proficiency requirements for some long-term or permanent visa categories.
- D. Positive impact and achievements in the fields of the preservation, promotion, and support of Indigenous knowledge and cultures and decolonisation should be considered as a separate category for High Impact visa category, to ensure that New Zealand welcomes the immigrants who will contribute positively to further develop New Zealand biculturalism and promote Te Tiriti o Waitangi principles in the productivity outputs.

9. *Which concepts within Te Ao Māori, or Māori perspectives or values, are most applicable to immigration policy and why? What would or should including these concepts, perspectives or values mean for immigration policy?*

We would like to promote a number of Māori values as determining the immigration policy direction:

A. Kāwanatanga

The value of good governance that is inclusive in its decision-making processes is fundamental to achieving an immigration system that reflects this country's history and context. As such, the New Zealand immigration system needs to serve the needs and expectations of Māori and the governance of the system must account for the appropriate representation of the variety of those needs, and for that representation being intrinsic rather than tokenistic. The Crown voice should not dominate the governance structures.

B. Whai wāhi

The value and principle of participation is underpinned in Te Tiriti o Waitangi. One of the outcomes of a successful immigration system and one valuable for the New Zealand community, is foreigners becoming fully-functioning members of New Zealand society and communities, enabled to positively impact the relevant professional fields and be well. They come with valuable knowledge, culture, skills, diversity of experiences and understanding and, provided the positive contributions are enabled, this is a step in building the resilience of New Zealand. In tangible immigration policy outcomes, it could mean ensuring all visa holders have access to certain hours of working, as without that, one cannot participate fully in society. It may also mean foreigners have access to build the relevant skills and knowledge to enable true participation: English and Māori language skills, New Zealand history, understanding of New Zealand society, its institutions, ways to participate in the communities and work industries. Another way to reflect this value in the immigration context is to consider

- 1) What the prospective newcomers need for their effective participation in society and to establish effective enabling pathways, eg. identify long-term economic and social needs and communicate them out, provide guidance on the skills and capabilities that would help people to fully take their place in communities.
- 2) What the foreigners want to bring and how they are able to participate through open channels of communication about that as part of the pathway, visa application and settlement process.

C. Manaakitanga

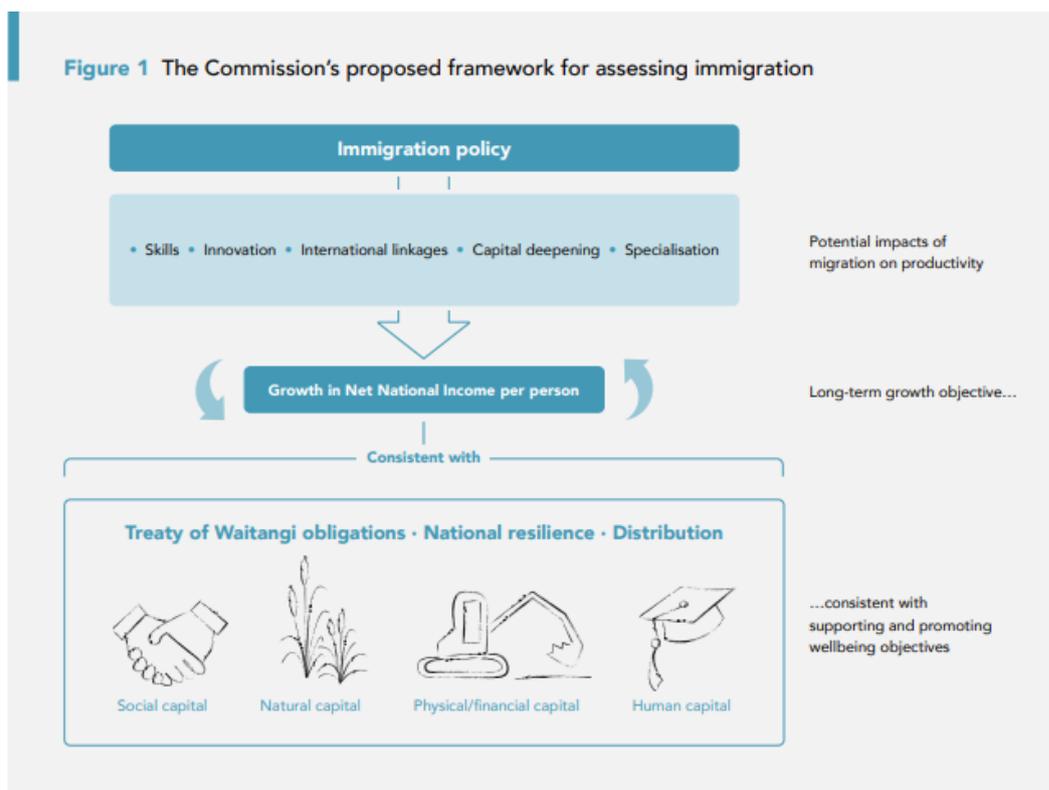
The value of manaakitanga is critical in Māori society and has direct relevance to how we welcome foreigners to this country. Showing hospitality and generosity, and being respectful and generous in ways that enhance the mana of newcomers arriving in New Zealand, and enhance the mana of our people and country, needs to be a central part of the immigration process. This includes making sure that the operational systems and processes are well designed, efficient, and user friendly and do not demand burdensome actions when it is possible to avoid those. It also may be reflected in emphasising empathy and respect for the integrity of each individual applying for a visa to come to New Zealand or to stay in New Zealand, alongside the immigration requirement for risk-mitigation and checking that they do not pose a threat to New Zealand society. This value asks for an evaluation of how a visa applicant and visa holder feels while participating in the immigration system, meaning much higher sensitivity of customer service and much more active acknowledgment and address of unique needs of the applicants, that has been manifested before.

D. Kaitiakitanga

The principle of kaitiakitanga reminds us of our role in guardianship, care, and our duty to protect and nurture those who are in need of that. In the immigration setting, this demands the re-evaluation of the criteria for visa eligibility. Currently, there is a large emphasis on financial security, which discriminates against the majority of the foreigners that are coming from less privileged backgrounds and brings highly inequitable outcomes to the immigration system. The system accepts and rewards predominantly monetary wealth and privilege, and further introduces this into New Zealand society. A New Zealand immigration system that was respectful of the value of kaitiakitanga, would introduce alternative ways to assess the eligibility criteria and ability of the applicants to be healthy and impactful contributors to New Zealand society. New visa categories should be introduced that offer more equitable pathways for those from underprivileged backgrounds who want and need to come to New Zealand and will contribute positively to our communities. Our duties as Kaitiaki should also ensure that applicants with disabilities or unique needs have adequate access to the immigration system.

Part 2. Immigration, productivity, and wellbeing

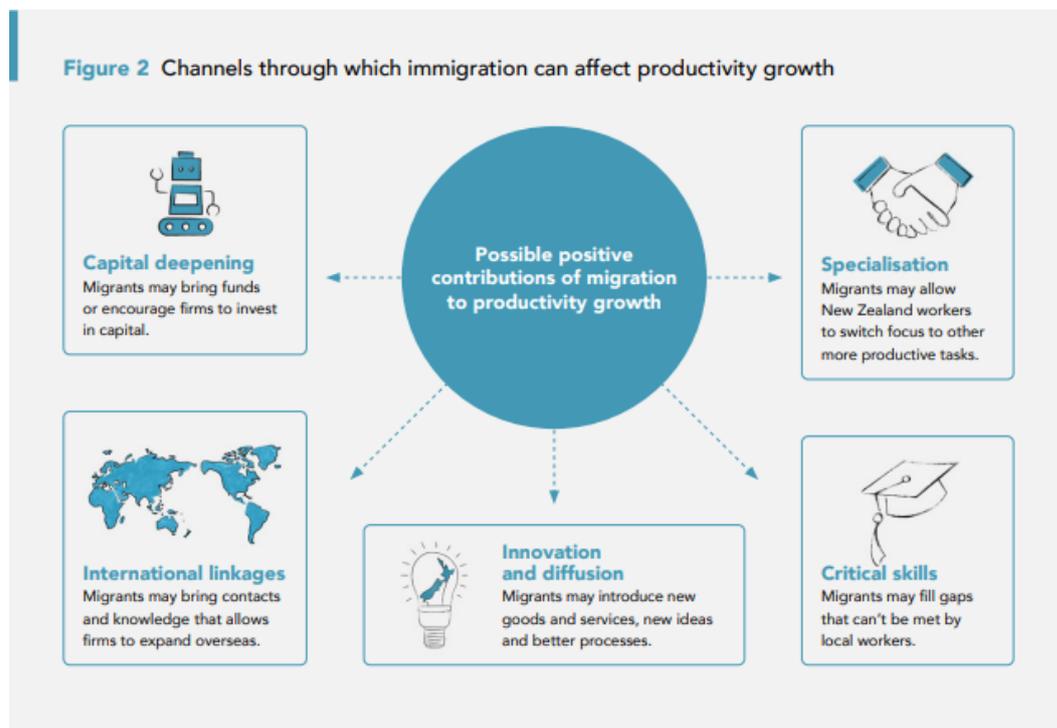
2. *Is the Commission's proposed framework a useful way of thinking about the immigration system for this inquiry? What changes would you make?*



All of the indicators mentioned within the framework are relevant and the framework overall appears to be a useful tool to measure the impacts. This framework has been widely used by the Treasury and other governmental departments and the consistency will be beneficial for further development of the applicable methodology.

However, more work is required to simplify the structure of the tool and make it more measurable and unambiguous. The following recommendation may improve the usability of the framework:

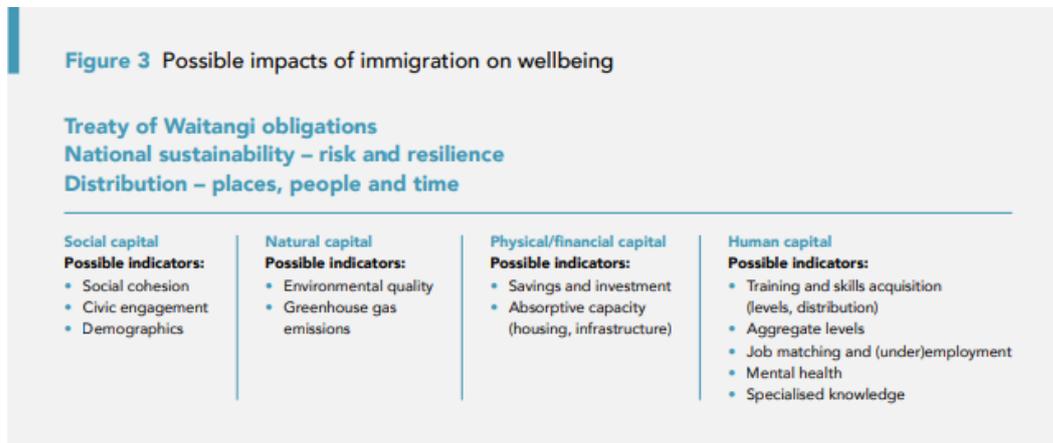
- remove the intermediate layer currently sitting across (Te Tiriti o Waitangi, National resilience, distribution) and considering which aspects of these obligations must be included in the social capital, natural capital and human capital objectives. The assumption is that any policy decisions that are not consistent with Te Tiriti or National Resilience would negatively impact one or more wellbeing objectives. These negative impacts need to be measured as well.
- Consider National Resilience impact as one of the productivity impacts (productivity will not bring any benefits to the economy and society if it doesn't contribute to National Resilience or at least does not compromise it).
- Provide a list of agreed indicators and measurable impacts for both productivity and wellbeing
- Avoid a binary approach or positioning productivity impacts against wellbeing as they are interconnected and compromised wellbeing will bring down productivity in the long-term.



We suggest that **Specialisation** is removed or re-worded as a contribution. The notion of attracting migrants to New Zealand to give a chance to New Zealanders to be specialised or switch to more productive tasks strikes as establishing a segregation within the workforce with “1st quality jobs being available to New Zealanders, and sub-quality jobs assigned to work immigrants”. If some work tasks are less productive than others and do not provide benefits to wellbeing, these tasks or work areas, need improvement, not migrant labour to fulfil them.

Introduce a contribution based on **Resilience**. Migrants are bringing a diversity of life experience and human capital that translates into resilience in work place and community. To establish themselves, migrants build additional support networks and protection mechanisms

and further develop their personal resilience. This contributes to the resilience of businesses and communities and is foundational for sustainable and ethical productivity. As mentioned before, National Resilience may fit better as one of the productivity impacts.



- Te Tiriti o Waitangi obligations strengthening should come under the Social Capital objective. It is a shared societal obligation and improves overall social accord.
- Social cohesion should be re-defined in a clearer and more measurable/intuitively understood way. ‘Social cohesion’ as a term is too complex and academic. There is no shared agreement on what it implies and it is open to interpretations depending on political and social-economic approaches. Cultural and/or community building competencies could be a possible alternative.

2. *What should the overall objectives for the immigration system be?*

The immigration system is a tool and as such it plays a key supporting role in achieving the vision and objectives of relevant industry and society as a whole. We believe that the overall objectives for the immigration system need to encapsulate that. They should emphasise the supportive role of the immigration system and the fact that the vision and directions come from outside of the immigration system, but are shared with the vision and directions of each industry supported.

As an example, we would like to analyse the student visa objectives, provided in the Paper, and suggest some ways of improvement. Page 16 quotes the objectives for the student visa as “ to contribute to New Zealand ‘s sustainable economic development by:

- Facilitating the entry of genuine students, with a focus on attracting and developing students who have the skills and talent New Zealand needs;
- Increasing global connectedness;
- Supporting the sustainable growth of export education capability;
- Earning foreign exchange; and
- Strengthening New Zealand education, while managing risk to New Zealand and maintaining social cohesion.

1. It would bring more cohesiveness to public policies if the vision and strategy of the Ministry of Education is followed. The International Education Strategy would provide direction for the student visa objectives as the guiding policy that this particular visa supports.

We would recommend to link to, or reference, MoE International Education Strategy 2018-2031 <https://enz.govt.nz/about-enz/international-education-strategy/>, and the Research, Science & Innovation Strategy (RSI Strategy) once released.

2. Te Tiriti shared obligations should be acknowledged by including relevant Māori values and perspectives. Maori scholars and policy-makers would identify if, or how, visa objectives can be aligned with Te Ao Māori. For example, contributing to akoranga could be included as one of the objectives (in the sense of learning from the student, improving global competencies and global awareness through learning from international students).
3. Acknowledge the role of immigration policy on wellbeing of New Zealand by introducing relevant non-economical objectives, that are part of International Education strategy for New Zealand.
4. Avoid objectives that are not relevant to immigration policy or are too ambiguous;
 - a. for example 'Facilitating the entry of genuine students, with a focus on attracting and developing students who have the skills and talent New Zealand need;' - immigration does not assess skills and talents of the prospective students as part of the student visa, only acceptance by the academic institution is assessed, so this is not at all relevant to the student visa.
 - b. 'Strengthening New Zealand education, while managing risk to New Zealand and maintaining social cohesion' – is too ambiguous, open to interpretation, does not add any value to understanding the purpose of this policy or how to apply it.

Based on this we would suggest the following objective for the student category visa:

To contribute to New Zealand's sustainable economic development and the wellbeing of its population by facilitating the vision and objectives of the International Education Strategy, in particular by:

- **Facilitating the entry of genuine students to participate in the high value international education system;**
- **Increasing global connectedness;**
- **Facilitating international research and partnerships;**
- **Supporting the sustainable growth of export education capability;**
- **Earning foreign exchange;**
- **Facilitating diverse multicultural student communities;**
- **Facilitating global citizenship of New Zealand students; and**
- **Contributing to the strength of Akoranga**

Part 3. Students.

24. *Are the current criteria for obtaining post-study work rights satisfactory? What criteria should be added or removed (and on what basis)?*

Prior to discussing the details of the post-study work rights criteria, we would like to express grave concern about any risk of post-study work rights being removed for New Zealand University graduates. International education is one of the top New Zealand export industries and is integral to a healthy development of New Zealand tertiary education, research and technical innovation. However, New Zealand international tertiary education will not be able to recover and further evolve if post-work rights are removed. In the macro-economic context of a post-COVID economic crisis, the competition is increasingly fierce and all developed English-Speaking countries are actively attracting international students; they have made post-work rights one of the main instruments of promotion. This follows the most recent trend that shows that prospective international students value employability and graduate work opportunities above other factors and, at the very least, as highly as the ratings¹. Most of New Zealand's closest competitors (Australia and Canada), are very similar in terms of the length of the visa provided and the eligibility criteria. Others, like the UK and USA have a shorter length of post-study work visa but much higher ranked universities and an abundance of scholarship funding, internships and employment options. In addition, many of our competitors provide post-study work rights for online students. This is a significant difference with our post-study work provisions that are currently available to the students that study in New Zealand. New Zealand education providers are not able to match the resources or reputation of our closest competitors. The country's perception as a safe and inclusive education destination is arguably its biggest selling point and culling post study work rights poses a massive risk to this perception and the industry as a whole.

Country ²	Length of PSW visa (for most students, exceptions apply)	Regional extentions	Online study PSW visa	
Australia	2-4 years	1-2 additional years depending on the region	Can apply within 12 months of completion	
Canada	3 years	none	100% online study qualify if outside of the country; 50% if online in Canada	

¹ [ISS 2021 Benchmarking Report - VUOW](#)

² <https://monitor.icef.com/2021/09/measuring-the-economic-impact-of-foreign-students-in-the-uk-and-the-countrys-competitive-position-in-international-recruitment/>
<https://monitor.icef.com/2021/03/ireland-extends-post-study-work-eligibility-for-students-studying-remotely-due-to-covid/>
<https://monitor.icef.com/2021/02/canada-international-students-can-complete-studies-online-and-still-be-eligible-for-post-study-work-permit/>
<https://www.timeshighereducation.com/news/uk-relaxes-post-study-work-visa-rules-remote-learners>

UK	2 years	none	Qualify if enter the country before the end of their course or by April 2022	
Ireland	2	none	yes	
USA	1-2 years	none	no	

We would also caution against making it difficult for employers to hire international graduates because of New Zealand labour market needs. As the rest of the world opens up post COVID, there may be a rush of qualified young New Zealand workers moving overseas which could create even more shortages in the labour market. Strangling migration would only exacerbate this problem.

The criteria for the post-work rights visa:

Online study:

For students who completed their New Zealand university qualifications in New Zealand, the criteria for the post-work right visa should remain unchanged. However, the government may consider adding additional visa time if the employment is undertaken within the regions or/and professions that have workforce shortages.

Online study outside of New Zealand:

For students who are unable to travel to New Zealand to undertake or complete their studies because of the COVID-19 environment and any other online students, more flexibility of how online study qualifies for a post-study work visa is required. In particular, the criteria of holding a valid student visa before applying for a PSW visa should be removed. This would enable the student that had to complete their study from their home country without a student visa, to exercise their right to work in New Zealand once they are able to travel. The higher flexibility and empathy of the system for the constraints that the modern COVID-19 environment imposed on students will align with government public service values as well as the Māori values introduced earlier. It is also an acknowledgement of the immense effort University academic and professional staff members invest in supporting students to receive a high-quality education, skills and to successfully graduate while studying online.

We would also recommend counting online study towards OPSW visa eligibility for post-graduate students and if there is a requirement for on campus study, make it one trimester equivalent only. That will allow more postgraduate students to undertake most of their study overseas before travelling for their New Zealand in-country experience, which for some will be combined with the post-study work experience. Similarly, the eligibility for the work visa provision would be welcomed by the university as an acknowledgment by the government of the quality and value of the learning that the students undertake online.

Introducing established online study pathways for both international and domestic students have several positive effects on both productivity and wellbeing of New Zealanders. The new delivery needs have been driving, and will be increasingly driving, innovation and new technology introduction in the areas of dual or online delivery. The availability of dual delivery is providing great support to some of the most vulnerable groups of New Zealand students, e.g. students with disabilities, students with dependents, and supports their wellbeing and ability to progress with their studies. By making online

study more attractive and valued for international students who pay full tuition fees and contribute significantly to the welfare of the universities, it would also drive the further development and improvement of this delivery mode that is now a necessity for New Zealand education infrastructure.

25. *To what extent should international students have rights to work in New Zealand?*

We see no reasons to change the extent to which international students have a right to work in New Zealand. Reduced amount of hours of work during the term time and ability to work full-time during academic breaks, is the best way to ensure students remain focused on their academic studies while still having ability to work is particularly important for international students. Through exercising their right to work while study, international students:

- develop employability skills that are part of the graduate outcomes of their qualification;
- gain experiential learning that is a compulsory part of some professional qualifications;
- develop New Zealand cultural, community and language competencies that are not taught as part of their university qualification;
- develop a support network that helps an international student to stay well in New Zealand and provide intercultural competencies and international connections and exposure to New Zealanders;
- integrate in New Zealand society and become participants and contributors to the welfare of New Zealand communities and to New Zealand productivity
- prepare themselves to be effective in the workforce after completion of their studies
- forge relationships with New Zealanders that lead to international opportunities
- contribute to a more diverse, multi-cultural and inclusive New Zealand society

In addition, we would like to point out that international students fill a substantial gap within academic and research industry by taking casual and short-term jobs as research-assistants, tutors, lab technicians and other entry level research and academic jobs, that are absolutely necessary for the smooth operation of a University or a research facility. In the 2020 Graduate Outcomes Survey, 20% of international graduates reported holding research assistant, similar junior research or academic jobs³.

In terms of the hours of work, Victoria University of Wellington survey results show that 44% of international students engage in some form of work while studying. In terms of hours, 56% report no work, 11% 1-5 hours, 10% 6-10 hours, 18% 11-20. In addition, 31% are also involved in voluntary work of 1-5 hours a week and 11% >5 hours a week.⁴

This data shows that students self-regulate their hours depending on their ability to work and academic pressure. With the financial investment that international students make to study in New Zealand, universities tend to prioritise studies over work and universities do not see the need to impose any further limitations in addition to the ones that already are in place.

26. *Should visa applicants who have gained a New Zealand qualification receive a special preference for residence?*

³ VUW Graduate Outcome survey, 2020.

⁴ VUW Have your Say survey, 2020.

The current system where New Zealand graduates receive additional points toward their residence application is meaningful. This does not make university education a pathway to residency in itself, but it reflects the value of a New Zealand university qualification in preparing international students for the New Zealand labour market.

27. *Should there be any restrictions on the kinds of sectors or occupations students can work in during or after study? Why, or why not?*

We believe there should be no restrictions. The New Zealand labour market and competition will determine whether a particular graduate is needed in the market. Any guidance on what occupations or industries may be in demand in New Zealand long-term would be appreciated both by the universities and prospective students, international and domestic. But that can only be helpful as insights into long-term (5-10 years) projections about where the economy is going and must not be restrictive.

28. *Should the level or nature of qualifications that students are studying affect work rights during or after study? Why, or why not?*

Current policy regarding the level of qualifications that qualify student for post-study work visa is satisfactory and should not be changed. The nature of the university qualification should not determine student eligibility for work, it is up to the individual employers to exercise the agency around evaluating whether qualifications are fit for the employment opportunities on offer.

Other Student Visa-Related Feedback

We would like to suggest that student visa requirements related to the academic study (course-load, programme studied etc) should be more flexible and rely on the University pastoral care specialist recommendations.

Pastoral care teams see that the lack of flexibility of the student visa requirements have negative impacts on their health and wellbeing. The strict student visa conditions of full-time study are not compatible with the modern study environment, uncertainties, and pressures. It imposes unnecessary mental strain and does not support students' mental health. It also directly counteracts the work that the student pastoral care advisors are putting in case-managing the students and supporting them in finding the study and life balance that is optimal to their success.

Student visa requirements need to be more flexible and health professionals and university staff members who are working with international students should be in a position to pass their judgement and make a recommendation of what the optimal course load for a particular student should be, taking into account their unique circumstances, history and equity and diversity needs. Immigration policy makers are not equipped to make blanket decisions for all groups of students.

In particular, more flexibility is required for situations when students want to change degrees, drop a course(s), take a break from study, or make any other changes to their program within the same university. Existing rigidity is forcing struggling students into being oversubscribed academically and their performance and wellbeing suffer. This affects New Zealand and its reputation because it results in the student not contributing to the country's culture, workforce or economy.

Immigration policy as it relates to student visas, needs to take into consideration the explorative and self-development focused nature of this stage of a person's life. Freedom to change circumstances and make new decisions and take new life paths is an intrinsic part of a university education as it

prepares people work and later life. The Immigration system should not impose the inhumane, meaningless rigidity that doesn't leave space for a student to find themselves, be well and successful in the new country, culture, and education system of a New Zealand university.

The strongest recommendation we are putting forward in relation to student visas is not an answer to the posed questions, as they do not necessarily ask about the negative impact on the New Zealand university staff members' and industry's productivity and wellbeing. Yet, changes to immigration policy may be the most negatively impactful of all existing policy frameworks on staff members dealing with international students.

Currently the length and unresponsiveness of student visa processing is the biggest barrier to international students enrolling at Victoria University of Wellington. The average visa processing times in 2021 were around 6 weeks and dozens of students were lost because they could not get their visa in time. Considering less than 3% of VUW students get their visas declined, it seems unjustifiable that staff members are under so much pressure to support students through late enrolment and late onboarding and academic programme integration, and that student academic success is put at risk by lengthy processing times.

As mentioned before, the inflexible mechanics of immigration policy operationalisation for the enrolled student adds a lot of pressure negatively impacting productivity and wellbeing of the pastoral care staff members and academics supporting international students.

The inability to be flexible and apply discretion was made obvious in a recent incident the university faced in relation to the border exception which allowed 1,000 students to return to New Zealand. INZ updated their instructions so that students from the 1,000 cohort had to have left New Zealand prior to May 31st, 2020 to be nominated. They applied these instructions retroactively to pending visa applications which were submitted before the instructions were communicated, resulting in many of our students having their visas declined at the final stages of their application. This situation was emblematic of an approach to application assessment which is needlessly burdensome on INZ staff, international students, and university staff. Allowing more flexibility around student visa conditions would lead to better educational outcomes for students and reduce administrative and compliance bloat for staff.

34. What more can immigration policy do to attract specialist 'high-impact people? What other complementary policy changes might be needed?

New Zealand overall is in need of talented 'high-impact' individuals. Universities as a sector would benefit from that as high-impact people often participate in teaching and research. They often set up initiatives that contribute to a more diverse and inclusive society, provide opportunities for internships, jobs and community building. They are the type of people who have potential to provide a wide range of benefits both for productivity and wellbeing of New Zealanders, including in new ways that we have not yet established.

The Global Impact Visa initiative has been a successful example of how 'high-impact people' can be attracted. This visa should be independent of any employer or salary and individual's financial assets should not influence the eligibility for the visa. The same or similar to the proposed productivity/wellbeing impacts framework could be re-purposed for evaluating the impact of the previous experience of the individuals applying for a high-impact visa.

Te Tiriti commitments could be honoured by including specific indigenous-wellbeing impacts:, eg theoretical or practical achievements in the sphere of decolonisation, revitalisation of indigenous communities, promotion of indigenous culture and language, Māori contributors to the policy development would be able to establish the relevant impacts.