

Submission for immigration settings

Tēnā koe Productivity Commission,

Thank you for publishing a draft report that is well researched and clearly structured. In saying that, Study Group NZ Limited, as an education provider for international students, would like to raise the following concerns on some of the recommendations proposed in the report.

Recommendation 1

The Immigration Act should be amended to require the Crown to take account of the country's absorptive capacity (our ability to successfully accommodate and settle new arrivals) when determining the "national interest".

Recommendation 3

Amendments to the Immigration Act should specify that, in preparing an immigration GPS, the Government must describe what it considers New Zealand's absorptive capacity to be and how it intends to manage that capacity, or invest to expand capacity, in order to align it with long-term policy objectives.

Both recommendations mention the country's 'absorptive capacity', which can be assumed to be partly related to Finding 6.¹ Although the report suggests other factors that exacerbate the strain on housing and infrastructure, we find the continued 'scapegoating' of our nation's problems on migrants to be damaging and harmful.

Temporary migrants are often either taxpayers themselves or support taxpaying industries, such as education. In doing so, they should provide no more strains on our system than ordinary citizens. Finding 8 rightfully pointed out that the core of our housing and infrastructure issue is due to an "inability or unwillingness in the past to fund this infrastructure" by the central government. Therefore, the blame should be centred on the government, and not the migrants.

As an education provider, we have a duty of care to our international students, and we are concerned that such outdated rhetoric would continue to place our students in harm's way in the communities, who would be more susceptible to acts of racism (physical or verbal) from those disgruntled.

Recommendation 2

The Immigration Act should be amended to require the Minister to regularly develop and publish an immigration Government Policy Statement (GPS).

Although it is a good idea to have a consistent strategy on immigration, the report neglected to address two additional concerns.

The first is the Immigration Act's exemption from the Human Rights Act on disability. There have been numerous reports in recent years of international students being rejected for other temporary or permanent visa types after they have completed their studies.² In some severe cases, our immigration system has gone even further by denying students with disability at the student visa stage.³ Even within the draft report, the characteristics of an immigration policy still alludes to diverse international students being a burden to our system (page 15, specifically points three and six).

The second concern is around the prescriptive focus on 'high-value industries' and 'skills shortages' in an immigration policy, which can affect education providers' own strategic interest to increase diversity across different disciplines. Education providers understand that education is not purely based on outcomes and deliverables, but the process itself also holds intrinsic value. By having international students across all disciplines, their cultural values, experiences, and principles are woven with our own to create a better world and future for everyone. If the

¹ Increases in New Zealand's population from net migration have exacerbated rapid house price increases, reflecting several factors including underlying and persistent constraints on the supply of housing.

² For example, see <https://www.stuff.co.nz/national/122705232/auckland-woman-with-disability-wins-years-long-immigration-battle> and <https://www.1news.co.nz/2021/06/20/this-man-is-facing-deportation-because-of-his-disability/>.

³ For example, see <https://www.stuff.co.nz/national/125911967/family-in-limbo-after-10yo-autistic-daughter-denied-visa-to-stay-in-new-zealand> and <https://www.stuff.co.nz/national/122877085/ten-year-old-faces-deportation-over-special-needs-schooling-support>.

immigration setting truly respects Te Tiriti o Waitangi, the taonga that international students bring to, what would be deemed, 'low-value' disciplines should also be respected.

Ultimately, these two concerns are tied to the new *Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021*. In the new Code of Practice, an education provider must have a system in place to listen to diverse learners' voice (Outcome 2: Sections 11-12). The ableist approach of our immigration system place education providers in a difficult position when discussing and setting goals and strategies for disabled learners and learners who would like to pursue 'low-value' disciplines, knowing that they may not have a future in Aotearoa New Zealand. Additionally, the requirement of the Code of Practice to provide career advice to our students, i.e. Section 17(2)(d) and 79(d), would also be made more challenging by the concerns raised. This creates an uncomfortable juxtaposition between the inclusive framework that tertiary education providers try to promote and the harsh reality that faces international students.

Recommendation 4

The Ministry of Business, Innovation and Employment should develop and publish an evaluation programme for major visa categories, to assess their net benefits. Uncapped visa categories and those that offer open work rights, such as the various bilateral working holidaymaker schemes and student work visas, should be priorities for evaluation. The Investor 1 and 2 migrant categories would also merit evaluation.

The lack of consistency and transparency around how work rights are granted for student visas has been an ongoing issue, and the proposed evaluation programme is a welcoming one. Although the criteria for schools is reasonably straightforward, the interpretation of the criteria for tertiary education providers and private training establishment are often ad hoc and dependent on individual case officer.⁴ This creates unfairness and inequality for the international students where some would be granted work rights and others would not.

Additional concerns

Other than the aforementioned concerns, another concern that has not been addressed succinctly in the report is the lack of transparency, consistency, accountability, and overall unproductivity of Immigration New Zealand (INZ). The severe delays in students visa processing time and frequent mistakes by INZ meant that it is often difficult for international students to focus on their learning and for education providers to remain compliant. This is particularly important in the context of the upcoming *Education and Training Amendment Bill (No 2)*, currently with the Select Committee.

Thank you for giving us a platform on which to raise our concerns. Please do not hesitate to get in touch with us for further comments.

Nāku iti nei, nā

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⁴ See Immigration Operation Manual U13.15 <https://www.immigration.govt.nz/opsmanual/#47535.htm>.