



**Briefing Note: Advice on response to MP Michael Wood's letter on issues regarding access to English for speakers of other languages provision for migrants**

<b>To:</b>	Hon Jenny Salesa, Associate Minister of Education		
<b>Date:</b>	26 July 2018	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1139197
<b>Drafter:</b>	Mary Kuepper	<b>DDI:</b>	s 9(2)(a)
<b>Key Contact:</b>	John Brooker	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

**Summary**

- On Friday, 13 July 2018, you received a letter from Michael Wood, Member of Parliament (MP) for Mt Roskill, on issues regarding access to English for speakers of other languages (ESOL) provision for migrants.
- We have outlined the rules around access to education in New Zealand, and how that affects ESOL provision, as well as the rationale behind these rules. This helps explain our proposed response.
- We have attached a proposed response for you to consider.

  
pp. Andy Jackson  
Group Manager  
Tertiary Education

26/07/2018

## Background

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1. In his letter of Friday, 13 July 2018, Michael Wood raised two issues regarding access to ESOL provision for migrants:
  - a. visa constraints and eligibility for funding of work visa holders and partners on work visas, and
  - b. the disconnect between immigration goals for a productive migrant workforce and education priorities applied by the Tertiary Education Commission (TEC).
2. Michael Wood wrote to you on behalf of s 9(2)(a) English Language Partners New Zealand Trust (ELP) Auckland Central, who voiced these issues in a recent meeting with Michael Wood.
3. Michael Wood asked for you to consider these issues and to advise of any response that could be provided to ELP Auckland Central.
4. Michael Wood also noted that if it is of interest to you, he expects ELP Auckland Central to be very welcoming of the opportunity to meet and discuss these issues with you in more detail.

### **About English Language Partners (ELP)**

5. ELP is a not-for profit organisation, with a mission to provide English language skills for resettlement of refugees and migrants. Their aim is to help these learners engage and participate in New Zealand society as quickly as possible.
6. ELP offers English courses through various TEC funds, including Workplace Literacy and Numeracy, Intensive Literacy and Numeracy (ILN) - ESOL, Adult and Community Education (ACE) in Communities, and Student Achievement Components (SAC) Levels 1 and 2 (non-competitive). They also receive Immigration Levy (also referred to as ESOL – Migrant Levy) and Pre-purchased English Language Tuition fees.
7. ELP has 23 centres nationwide, 300 staff, mostly part-time tutors at the centres, and 2,000 volunteers. The delivery is through home-based tutoring and classes.

### **Government-funded ESOL**

8. Government-funded ESOL provision supports adult migrants to gain the necessary English language skills to fully participate in the labour market and the community.
9. ESOL provision is intended to serve those migrants that may lack English language proficiency to engage in life in New Zealand, or support to utilise their English skills in everyday New Zealand settings.
10. The TEC funds ESOL provision through two ESOL-specific funds, the ILN ESOL fund and the Refugee English fund, to increase adult literacy and numeracy, provide pathways to other learning opportunities and employment, and contribute to workplace productivity. In 2017, these two funds served 3,589 learners (Table 1).
11. The TEC also funds ESOL through the SAC 1 and 2 fund. In 2017, just under 11% of that allocation targeted ESOL provision, serving 2,561 learners (Table 1).
12. Some ESOL provision is also delivered through the Workplace Literacy and Numeracy fund and the ACE fund, but these funds do not specifically target ESOL.

Table 1. Funds specifically targeting ESOL in 2017

Fund	Allocation (\$)	Actual Delivery (\$)	Number of learners
Intensive Literacy and Numeracy - ESOL	\$12,097,500	\$11,720,772 <sup>1</sup>	3,129
Refugee English	\$2,392,344	\$1,415,562	460
Student Achievement Component Levels 1 and 2	\$9,618,622	\$9,356,887	2,561

Source: TEC

## Explanations of the issues raised by Michael Wood

13. The issues raised by Michael Wood, on behalf of ELP Auckland Central, focus mainly on who is able to access ESOL provision.
14. Specifically, ELP Auckland Central is concerned that the non-funding of partnership and work visa holders and the constraints placed on studying on a partnership or work visa exclude many people from receiving the language input they need at the start of their settlement journey. Michael Wood also relayed a suggestion by ELP Auckland Central to provide an exemption on secondary work visas for studying English.

## Implications of the domestic student definition for migrant access to ESOL

### Current settings

15. Tertiary education funding is restricted to domestic students, as defined under section 159 of the Education Act 1989 (the Act). This generally includes New Zealand citizens and holders of a residence-class visa (including Australian residents).<sup>2</sup> It excludes people on work or partnership visas.
16. People from the Cook Islands, Niue and Tokelau have New Zealand citizenship and therefore automatically gain domestic student status in New Zealand. However, this does not apply to people from other Pacific nations.
17. People on work visas can access education, including ESOL provision, but not as a TEC-funded student. Providers could accept them as unfunded students, in a class with TEC-funded students, or charge them fees. If people on work visas, including partners, wish to study extensively, they would need to apply for a study visa.
18. Work or partnership visa holders can also apply for residency if they have demonstrated a commitment to stay in New Zealand. This will give them access to government-funded education.
19. The Minister of Education can gazette changes to enable some groups to be treated as if they are not international students (i.e. eligible for government tertiary subsidies). This currently includes:<sup>3</sup>
  - a. asylum seekers
  - b. a person who has made a claim to be recognised or has been recognised as a refugee
  - c. a person studying under a New Zealand Government approved exchange programme at a tertiary education provider

<sup>1</sup> The actual value of delivery was \$13,466,085 in 2017. This includes providers who over-delivered against their funded allocation. Providers did not receive additional funding for over-delivery. The TEC recovered \$376,728 of under-delivery from 2017.

<sup>2</sup> The definition is also available on the Ministry of Education's (the Ministry) [website](#).

<sup>3</sup> These classes of people to be treated as domestic students were gazetted in 2011 ([here](#) and [here](#)), and in 2016 ([here](#)).

- d. a person enrolled in a Doctor of Philosophy (PhD) programme at a New Zealand university
  - e. a person undertaking industry training, and
  - f. a person on a temporary visa who wants to train as a search and rescue volunteer (through the ACE fund only).
20. Government significantly subsidises tertiary education for domestic students. Providing free or subsidised tertiary education, including ESOL provision, to non-residents or non-domestic students is outside the current policy settings. These settings ensure our confidence that only those people who will stay in New Zealand after their studies, and contribute to our economy and society, will benefit from the significant investment in tertiary education.

#### *Things to consider in expanding access to ESOL*

21. In considering access to government-funded education, government would also have to assess potential impacts on ESOL funding needs and access against the potential gain from likely long-term residents obtaining access to ESOL when they arrive. For example, extending the eligibility for ESOL provision to people in particular visa categories (e.g. work visa, partnership visa) could displace long-term residents from ESOL access.
22. Work visa holders are generally expected to meet minimum standards of English proficiency. Even if an applicant provides evidence that they have an English-speaking background or are a competent user of English, they may still be asked to provide an English language test result to show they meet the minimum standard. This means that work visa holders are less likely to need ESOL support.
23. MBIE is currently reviewing visa categories. While this work is ongoing, we do not consider it timely to consider extending access for work visa holders, as changes to temporary visa categories are likely.

#### **Clarification of the targeting of specific funds**

24. ELP Auckland Central also expressed concerns about specific literacy funds, such as ILN ESOL, being restricted to lower level learners. ELP Auckland Central note this is a disconnect between immigration goals for a productive migrant workforce and education priorities applied by the TEC.
25. While specific funds used for literacy and language training, such as the ILN ESOL fund, are focused primarily on lower levels, funding for ESOL provision at higher levels is also available. For example, the TEC funds ESOL qualifications and courses at Levels 3+ on the New Zealand Qualifications Framework (NZQF) through the SAC Level 3+ Fund and the Refugee English Fund.
26. We also note that ELP receives ESOL-specific funding through the ILN ESOL and ACE funds (see paragraph 6), within which provision is at both lower and higher levels.

#### **Annex**

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Annex One: Suggested response to MP Michael Wood's letter



## MP for Manukau East

Minister for Building and Construction

Minister for Ethnic Communities

Associate Minister of Health

Associate Minister of Education

Associate Minister of Housing and Urban Development

30 JUL 2018

Michael Wood  
MP for Mt Roskill  
Parliament Buildings  
WELLINGTON 6160

Dear Michael

Thank you for your letter of 13 July 2018 about literacy and language learning for speakers of other languages. I acknowledge the work of English Language Partners (ELP) in supporting people with English as a second language.

Access to English for speakers of other languages (ESOL) is intended to assist migrants and refugees that may lack English language proficiency. Tertiary education funding is restricted to domestic students, which includes New Zealand citizens and holders of residence-class visas.

I acknowledge the current rules mean people on work or partnership visas are ineligible for funding for education and ESOL provision. Any change to these policy settings would require careful consideration of the potential impacts on current ESOL funding, against the benefits of TEC-funded ESOL provision for people on work or partnership visas. The current policy settings do not exclude people on work visas from accessing non TEC-funded education and ESOL provision. If work visa holders wish to study extensively, they can apply for a study visa.

With regard to literacy funds such as ILN ESOL being restricted to lower level learners, funding for ESOL provision at higher levels is also available. TEC funds ESOL qualifications through the Student Achievement Component Level 3+ Fund and the Refugee English Fund. I acknowledge the issues raised are complex, so I suggest ELP get in touch with John Brooker, Senior Policy Manager, Tertiary Policy Group at [john.brooker@education.govt.nz](mailto:john.brooker@education.govt.nz) or on 04 463 0912.

I trust you find this information useful. I wish English Language Partners well.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jenny Salesa'.

**Hon Jenny Salesa**  
**Associate Minister of Education**