Version
as at 25 March 2026

Education (Domestic Student: Primary and Secondary Education) Notice 2026

(SL 2026/5)

This notice is made by the Minister of Education, by and through Ellen MacGregor-Reid, Secretary for Education, under section 10(1) of the Education and Training Act 2020.

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Notice

1 Title

This notice is the Education (Domestic Student: Primary and Secondary Education) Notice 2026.

2 Commencement

This notice comes into force on 15 February 2026.

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This notice is administered by the Ministry of Education.

3 Interpretation

(1) In this notice, unless the context otherwise requires,—

Act means the Education and Training Act 2020

approved exchange programme organisation means an organisation holding an unexpired approval from the Ministry

approved New Zealand student exchange scheme means a scheme holding an unexpired approval from the Ministry

child means a person under the age of 18 years

dependent child has the same meaning as in section 4 of the Immigration Act 2009

Oranga Tamariki means Oranga Tamariki—Ministry for Children.

(2) A reference in this notice to a student visa, a military visa, or a work visa includes an interim visa letter from Immigration New Zealand that continues the visa type and conditions of the student visa, military visa, or work visa until the end of the period stated in the letter.

4 Persons to be treated as if they are not international students for purposes of Part 3 and related provisions of Act

For the purposes of paragraph (c) of the definition of domestic student in section 10(1) of the Act, persons of a class or description specified in the Schedule are to be treated as if they are not international students for the purposes of the following provisions of the Act:

(a) Part 3:

(b) sections 455, 519, 520, and 524:

(c) clause 11 of Schedule 8.

5 Revocation

The Education (Domestic Students) Notice 2023 (published in the *Gazette* on 29 September 2023, 2023-go4495) is revoked.

Schedule

Persons to be treated as if they are not international students for purposes of Part 3 and related provisions of Act

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1 A person who holds a student visa and who is the dependent child of any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government.

2 A person who holds a student visa or a visitor visa and who is in New Zealand to study under an approved New Zealand student exchange scheme offered by—

(a) a code signatory school; or

(b) an approved exchange programme organisation.

3 A person who holds a student visa and who has entered New Zealand for the purposes of adoption and—

(a) whose adoption application before the Family Court (where the final order will entitle that person to education as a domestic student) is supported by Oranga Tamariki and who has a letter from Oranga Tamariki confirming that support; or

(b) who is the subject of an interim order granted by the Family Court under section 5 of the Adoption Act 1955 (where the final order will entitle that person to education as a domestic student); or

(c) whose adoption application is through an intercountry adoption process under the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993 as given effect in New Zealand through the Adoption (Intercountry) Act 1997 and where—

(i) at least 1 of the adoptive parents is a New Zealand citizen or the holder of a New Zealand residence class visa granted under the Immigration Act 2009; and

(ii) the person has a letter from Oranga Tamariki confirming support for the adoption.

4 A person who holds a student visa and who is the dependent child of an international student who is enrolled in a Doctor of Philosophy programme at a New Zealand university.

5 A person who is in the custody of the chief executive of Oranga Tamariki in accordance with any of the following orders:

(a) an order made under section 78, 101, or 238(1)(d) of the Oranga Tamariki Act 1989 in favour of the chief executive of the Ministry of Social Development:

(b) an order made under section 110 of the Oranga Tamariki Act 1989 appointing the chief executive of Oranga Tamariki as the sole guardian of the person:

(c) an order made under section 33 of the Care of Children Act 2004 where the child or young person is placed under the guardianship of the Family Court or the High Court and the chief executive of Oranga Tamariki is appointed as the agent of the Court with the power and discretion to place the child.

6 A person who holds a student visa and who is the dependent child of an international student who is supported by a scholarship funded by the New Zealand Aid Programme administered by the Ministry of Foreign Affairs and Trade.

7 A person who has a letter from the Protocol Division of the Ministry of Foreign Affairs and Trade confirming that the person is, for the time being, entitled to any immunity from jurisdiction by or under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 for the current school year, until the end of the year in which that status expires.

8 A person who holds a student visa and who is the dependent child of the holder of a valid military visa.

9 A person who has, or who is the dependent child of any person who has, made a claim to be recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009 and who holds a valid temporary visa.

10 A person who has, or who is the dependent child of any person who has, been recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009 and whose application for residence is being processed.

11 Until the end of the year in which the applicable student visa expires, a person who holds a student visa and who is the dependent child of any person who is a New Zealand citizen or the holder of a residence permit under the Immigration Act 1987 or of a residence class visa under the Immigration Act 2009 and—

(a) whose own application for a residence class visa under the Immigration Act 2009 is being considered for approval by Immigration New Zealand at the time the student enrols; or

(b) whose own application for citizenship is being considered for approval by the Department for Internal Affairs.

12 A person who holds a student visa and who is the dependent child of a person who holds a work visa, but only until the end of the year in which the work visa expires.

13 A child who has been certified by the New Zealand Police as a victim of people trafficking and holds an unexpired temporary visa granted under the Immigration New Zealand "Child Victims of People Trafficking" policy.

14 A child who is unlawfully in New Zealand and who holds an unexpired approval from the Ministry confirming that the child meets the following criteria:

(a) at the date of application for the approval, the child and the parent or the child and an extended family member have been ordinarily resident and living together in New Zealand continuously for over 6 months; and

(b) either—

(i) the child has not been previously enrolled at a registered school or other provider within the meaning of paragraph (c) of the definition of provider in section 10(1) of the Act; or

(ii) the child's most recent enrolment was as a domestic student.

15 A person who holds a 2022 Special Ukraine Visa.

16 A person who holds a Critical Purpose Visitor Visa and who is residing in New Zealand at the time of enrolment and who is—

(a) the dependent child of a person who holds a Critical Purpose Visitor Visa; or

(b) the dependent child of a New Zealand citizen or the dependent child of a person who holds a residence permit under the Immigration Act 1987 or a residence class visa under the Immigration Act 2009; or

(c) the dependent child of a person who holds a work visa, but only until the end of the year in which the work visa expires.

17 A person who resides in Tokelau and who is the dependent child of any person who is a Tokelauan or a New Zealand citizen.

18 Until 30 June 2029, a person who resides in Tokelau and who is the dependent child of a person in Tokelau who holds a valid special permit approved by an authorised Administrator of the Tokelau Immigration Regulations 1991.

Schedule item 11: amended, on 25 March 2026, by clause 4(1) of the Education (Domestic Student: Primary and Secondary Education) Amendment Notice 2026 (SL 2026/50).

Schedule item 12: amended, on 25 March 2026, by clause 4(2) of the Education (Domestic Student: Primary and Secondary Education) Amendment Notice 2026 (SL 2026/50).

Schedule item 13: amended, on 25 March 2026, by clause 4(3) of the Education (Domestic Student: Primary and Secondary Education) Amendment Notice 2026 (SL 2026/50).

Dated at Wellington this 4th day of February 2026.

Ellen MacGregor-Reid,
Secretary for Education.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 13 February 2026.

Notes

1 General

This is a consolidation of the Education (Domestic Student: Primary and Secondary Education) Notice 2026 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Education (Domestic Student: Primary and Secondary Education) Amendment Notice 2026 (SL 2026/50)

Wellington, New Zealand:
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