

Know Your Rights as an International Student

Tuition Fee Refunds

International Education is New Zealand's fifth largest export earner and International students are vital to New Zealand, both in terms of the economic contribution they make while they are studying in New Zealand and particularly as ambassadors for New Zealand when they return home.

However, fewer international students were choosing to study in New Zealand due to dodgy education providers and unscrupulous student agents damaging New Zealand's export education reputation. Encountering difficulties obtaining refunds of the tuition fee is only one of the examples.

Generally speaking, there are several government bodies covering the entire education system in New Zealand. Ministry of Education (www.minedu.govt.nz) has a substantial operational role in the early childhood and schooling sectors such as strategic leadership and policy development. The Tertiary Education Commission (www.tec.govt.nz) and the New Zealand Qualifications Authority (www.nzqa.govt.nz) have a more direct interface with the tertiary education sector. International Education Appeal Authority is a judicial body specifically designed for international students to make complaints about the care, advice or services they receive from their education provider or the provider's agent.

For the interests of international students who are studying at private training establishments (PTEs), the relevant legislations specify minimum entitlement for the international students to claim the refunds.

From 15 October 2012, the statutory refund rules for international students enrolled in PTEs for courses of three months and more are:

- a) PTEs will be able to retain up to 25% of total fees paid if an international student withdraws within the first 10 working days (based on actual expenses incurred) (5 working days if the course is of five weeks or more but less than three months);
- b) The refund period starts on the first day on which the PTE requires the student to attend the establishment to receive tuition as part of the programme or training scheme;
- c) In order for a PTE to retain payments up to the maximum percentage of the fee total, the PTE must show it has incurred expenses in relation to one or more cost components (including agent's commission) set out in the statute and the amount it will retain is not more than the total of the expenses incurred.

If the course is under five weeks and the withdrawal occurs up to the end of the 2nd day after the start of the course, the PTE must pay an amount equal to the fees paid less a deduction of 50%. However, if two days constitutes the full amount of tuition paid for by the student, the PTE may retain 100% of the payment.

Note: separate rules apply to domestic students.

NZQA requires all PTEs to have policies and procedures in place for student withdrawals and refunds. Students should receive information about this from the PTEs when they enrol. The refund can be more than, but cannot be less than, the entitlement specified in the legislation.

Although in some cases, where the education providers do not fall into any category as abovementioned (schools or PTEs), they are still obliged to follow this guideline and are captured under the International Education Appeal Authority, which covers all the education providers in New Zealand.

If you need help in relation to your tuition fee refund, please feel free to contact Tom at Queen City Law. We are here to help.

Disclaimer: This publication is necessarily brief and general in nature. You should seek professional advice before taking any further action in relation to matters dealt with in this publication.

About the author Tom Chen

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