

10 June 2024

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I refer to your email of 16 May 2024 in which you request the following under the Official Information Act 1982 (OIA):

1. *Has any recipient of an MFAT scholarship, who has requested that they not be required to refund the scholarship, been granted that request? If so, what were their circumstances, including why was their request granted?*
2. *Has any recipient of an MFAT scholarship, returned to their home country at the end of their study, but a member of their family who accompanied them has been allowed to either remain in or return to New Zealand before the end of the 2-year "exclusion" period, and the recipient has not been required to refund the scholarship? If so, what were their circumstances, including why was their request granted?*

On 24 May 2024, we advised that responding to your request as currently framed would require review of a significant amount of information to locate information potentially in scope. Therefore, it is likely that your request would be refused under section 18(f) of the OIA, as it would require substantial collation and research. We notified you that the current bond deferral policy for Ministry of Foreign Affairs and Trade (MFAT) scholarships came into effect on 7 September 2022 and sought your agreement to refine your request to be for:

1. *Has any recipient of an MFAT scholarship awarded in the period 7 September 2022 to present date, who has requested that they not be required to refund the scholarship, been granted that request? If so, what were their circumstances, including why was their request granted?*
2. *Has any recipient of an MFAT scholarship awarded in the period 7 September 2022 to present date, returned to their home country at the end of their study, but a member of their family who accompanied them has been allowed to either remain in or return to New Zealand before the end of the 2-year "exclusion" period, and the recipient has not been required to refund the scholarship? If so, what were their circumstances, including why was their request granted?*

You agreed to this refinement on the same day.

All MFAT scholarships for the period 7 September 2022 to the present date fall under the umbrella of the Manaaki New Zealand Scholarship Programme (MNZSP). The MNZSP was administered by MFAT up to 31 October 2022. On 1 November 2022, the administration of the MNZSP transferred to Education New Zealand (ENZ).

In our view, it would have been necessary under section 14 of the OIA to transfer part of your request to ENZ because the information you requested in relation to Manaaki Scholarships from 1 November 2022 is held by ENZ. However, we are aware that you have already made your request to ENZ, and on that basis, we have not transferred it.

This response focuses on the time period during which MFAT was responsible for administration of the MNZSP (namely, 7 September – 31 October 2022).

There have been no recipients of a MNZSP scholarship awarded in the period 7 September 2022 to 31 October 2022, who have requested that they not be required to refund the scholarship and then have been granted this request. Nor has there been any recipient of a MNZSP scholarship awarded in the period 7 September 2022 to the 31 October 2022, who returned to their home country at the end of their study, but a member of their family who accompanied them has been allowed to either remain in or return to New Zealand before the end of the 2-year "exclusion" period where the scholarship recipient has not been required to refund the scholarship.

For your information, we have attached the bond deferral policy which became operational on 7 September 2022.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: [www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/](http://www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/)

If you have any questions about this decision, you can contact us by email at: [DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz). You have the right to seek an investigation and review by the Ombudsman of this decision by contacting [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett  
for Acting Secretary of Foreign Affairs and Trade

# Manaaki New Zealand Scholarships Bond Deferral Policy

## Purpose

The purpose of this policy is to describe when and why a Manaaki New Zealand scholar may defer their bond period.

This policy must be read in conjunction with the related standards.

## Application

This policy will apply to all scholars studying under the Manaaki New Zealand Scholarships programme, regardless of type of scholarship.

## Responsibilities

The following roles have specific responsibilities under this policy:

Role	Responsibility
Senior Scholarships Adviser and Scholarships Adviser (ENZ)	<ul style="list-style-type: none"> <li>Implement this policy</li> <li>Seek advice from Senior Policy Officer (MFAT) for complex cases</li> </ul>
MNZSP Manager (ENZ)	Monitor and report on this policy
Senior Policy Officer (MFAT)	<ul style="list-style-type: none"> <li>Draft policy and recommend changes as necessary based on reporting received</li> <li>Advise on any complex cases</li> </ul>
Unit Manager Scholarships (MFAT)	Review and approve policy

## Context

Scholars funded by the Manaaki New Zealand Scholarships Programme are required to return to their home country at the end of their study for a period of two years (or one year, for scholars studying for six-months or less). This is referred to as a "bond" period and is intended to ensure benefits from this development investment are realised by the partner country.

## Principles

The Ministry will allow bond deferral in accordance with the following principles:

- The experience of a Manaaki New Zealand Scholarship should enhance the mana of the scholar, their home country, and Aotearoa New Zealand
- Scholarships are offered as a development intervention, to provide education and training to individuals who will go on to contribute to their countries' economic and social development
- Deferring the bond period is an exception: our clear expectation is that scholars return home
- Applicants to the Manaaki New Zealand Scholarships Programme are not incentivised to see this as a pathway to obtaining New Zealand residence, or to otherwise seek to remain in New Zealand
- A scholar's eligibility to enter or remain in Aotearoa New Zealand has no bearing on our decision regarding deferral and vice versa.

## Policy statements

### Acceptable reasons to defer a scholar's bond period

The Ministry will agree to a deferral where a scholar:

- Is unable to return home due to a *force majeure* event:
  - a sudden, exceptional change outside of the scholar's control, and
  - where returning home would put the scholar in danger, and
  - the situation is unlikely to change within the next 12 months
- Has unforeseen medical events/needs which impact their ability to safely travel
- Requires study-related practical work experience (e.g. senior medical or pharmacy students) which is not possible or practical in their home country
- Is offered a scholarship for further study, whether in New Zealand or in a third country, for the duration of that study.

### Unacceptable reasons to defer a scholar's bond period

The Ministry will not agree to a deferral:

- In order for a scholar to take up an offer of employment in Aotearoa New Zealand
- Where a scholar chooses not to return home.

### Reasons to defer a scholar's bond period requiring case-by-case consideration

The Ministry will need to consider on a case-by-case basis deferral where a scholar:

- Has gathered substantial family/whānau bonds in the course of undertaking their scholarship (such as a New Zealand citizen child or children)
- Is able to self-fund further study, assessing their motivation to serve their bond in their home country at the conclusion of that further study.

## Exceptions management and consequences of policy breach or non-compliance

Any deviation from this policy must be approved in advance by the Unit Manager Scholarships. The deviation must be notified to the policy sponsor.

Unauthorised breaches of this policy may be viewed seriously by the Ministry as a breach of the Code of Conduct. The Code of Conduct states that "employees are expected to fully comply with Ministry policies in their work". Depending on the circumstances, breach of this policy may result in disciplinary action, up to and including dismissal. Any such breaches should be notified to the policy owner and sponsor.

## Standards

The following Ministry standards are also relevant/related to this policy:

- [Operational Guidelines NZ Tertiary Jan 2020](#)
- [Operational Guidelines Study in the Pacific](#)
- [NZELTO Policy Handbook](#)
- [NZSTTS Policy Handbook](#)

## Related content

The following Ministry documents are also relevant/related to this policy:

- [Bond Policy Decision Paper](#)
- Bond Policy (TBD)

### **Relevant legislation and regulations**

The Ministry must comply with the following legislation/regulations:

- [Public Finance Act 1989](#)
- [Immigration Act 2009](#)
- [MFAT-funded NZ Scholarship Student Visa \(via Immigration New Zealand\)](#)

Released under the Official Information Act

# Appendix

## Policy improvements

The following improvements have been identified that should be considered during future reviews. Use the Ministry values while identifying improvements. For more information on how to use the values see the [Policy writing guidelines](#).



Section	Improvement description	Comments
Principles / Policy Statements	Consider Te Tiriti o Waitangi obligations; consult with Māori on Scholarships programme more broadly then apply TOW principles to this policy.	
Reasons to defer a scholar's bond period requiring case-by-case consideration	Adjusted phrase: ", i.e. now has New Zealand citizen children" so that policy statement can apply to multiple scenarios, but does give an indication of the strength of the relationships required to consider a deferral.  Updated 11/11/2022	This should have read "such as" rather than "i.e.". It was initially drafted as being removed and then was corrected on advice from Joanna Kempkers regarding the intent of this potential deferral reason.

## Policy governance

<b>Document ID</b>	INFO-139-123
<b>Sponsor</b>	Divisional Manager, Global Development and Scholarships
<b>Policy owner</b>	Unit Manager, Scholarships
<b>Policy contact</b>	Senior Policy Officer, Scholarships
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<b>Review date</b>	7/09/2023
<b>Approval</b>	<a href="#">Joanna Kempkers, approval of initial policy</a> <a href="#">Joanna Kempkers, approval of edit November 2022</a>