Hon Erica Stanford

Minister of Education
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Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

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MPOL 356

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Dear Daran and Ros,

Thank you for your letter of 16 December requesting for a review of the English language requirements for bus drivers applying for residence.

First, I would like to take the opportunity to correct one of the statements in your letter. There was no change last year requiring higher English language requirements for residence for the transport workforce. The required level of IELTS 6.5 (or equivalent) has been in place since the previous Government introduced the Transport Work to Residence Pathway in 2023. As such, it has been known for the last two and a half years that this level, which sits halfway between a "good" and "competent" use of English, is what is required for residence.

Visa Extensions

With regard to visa extensions, you are correct that last year we introduced a minimum level of IELTS 4.0 (or equivalent) for all lower skilled Accredited Employer Work Visas (AEWVs). This level reflects a Limited User level for basic competence, with some proficiency in familiar situations but frequent errors and limited complex expression in speaking/writing, needing improvement in structure and vocabulary to understand details and form full sentences. If a person cannot meet a Level of IELTS 4.0 then it would be very difficult for them to undertake the role of a bus driver, in particular the requirement to be able to engage with public transport users, provide them with information, and communicate in a way that can be understood by a range of people.

I have had raised with me a number of times concerns about the English language skills of bus drivers and been provided examples where people stated that a bus driver was unable to communicate with customers because of their significant English limitations. In some instances, this has placed people at risk. For example, a driver on a specified school route who did not understand his route, missed a number of stops leaving children behind, and when the children on the bus tried to alert him did not appear to understand what they were trying to tell him. As this was a school route there were no adults on the bus who could intervene. Despite parents lodging complaints that same day, the driver was allowed to drive the same bus the following day without supervision and again drove an incorrect route leaving children behind. Then again a third day. I'm sure you can appreciate how situations like this do more to undermine trust and confidence in the community in public transport providers than a bus being cancelled.

I am concerned to read in your letter that you appear to be advocating that drivers who cannot even meet a low limited level of English should be able to have their visa extended. It is unclear to me how an employer could be confident they are able to meet their health and safety responsibilities to their employees, customers, and other road users if they are allowing someone to drive a heavy vehicle with passengers and they do not have basic language competence. If someone has been working as a bus driver for up to three years and are still not able to meet Level 4.0 IELTS then they will not be able to extend their visa and the employer needs to plan for their departure.

I also note that the requirement for Level 4.0 IELTS for an AEWV does not appear to be hampering the ability of employers to recruit people from offshore as seen by the figures below.

Financial year	**Bus drivers approved an AEWV**
2023/24 (IELTS 4.0 introduced April 2024)	241
2024/25	159
2025/26 (as of 17 December)	284

Residence

With regards to residence, as stated above the English language requirement for residence has been consistent since the Transport Work to Residence Pathway was introduced in May 2023 by the previous Government. Prior to this residence pathway being introduced, bus drivers did not have a streamlined pathway to residence and were not previously on skill shortage lists that assisted residence eligibility. The category was created as a limited time pathway to provide a one-off boost of workers to help address critical shortages in key transport roles. At that time it was made clear that this pathway was a short-term interim measure to fill immediate shortages while employers worked on domestic recruitment and retention strategies.

The general objective of the Skilled Migrant residence policy is to provide for the grant of residence visas to those people who demonstrate that they have skills to fill identified needs and opportunities for New Zealand, are able to transfer those skills to New Zealand to contribute both economically and socially, and also have the ability to successfully settle here in the long term.

The minimum standard of English language for principal applicants in skilled work residence visa applications is set to help ensure the applicant will successfully settle in New Zealand and integrate into New Zealand life. Meeting the evidential requirements for English language ability in a way that is robust and independently assessable is important for ensuring good settlement outcomes for migrants relocating to New Zealand and moving from a work visa to gaining residence.

All principal applicants under the Skilled Migrant Category, Work to Residence Category and Straight to Residence Category, regardless of their field of employment, are required to meet a minimum standard of English, to enable successful settlement and skilled employment in New Zealand. Considerations for residence is much broader than the specific role a person is employed in at a given time.

The main English test most do is the International English Language Testing System (IELTS), which only requires a 6.5 overall score, which is considered halfway between a rating of "competent" and "good user" in using the English language. IELTS tests have four components; listening, reading, writing and speaking, with the overall score being the average of the four components' scores rounded to the nearest half. As such, a person could score slightly lower in the writing part of the test (for example a 6.0) and still attain an average score of 6.5 or higher if they performed better in the other three components.

While a person may be granted residence through the transport sector Work to Residence pathway, upon receiving residence there is nothing that requires them to remain working as a bus driver, in the transport sector more generally, or even in the region. I have also received advice from officials that there appears to be a higher attrition rate of transport workers post residence than other roles. As such, consistency of English language requirements across the skilled migrant category provides assurance to New Zealanders that all principal applicants granted residence through this pathway have demonstrated that they meet the same minimum standard.

Bus drivers with a pathway to residence have eligibility for a five-year Accredited Employer Work Visa (AEWV) stay; this provides them with time in New Zealand to upskill their English language ability to meet the skilled migrant requirements for residence. Under the AEWV, 4.0 IELTS is required to extend their visa from three to five years, while 6.5 is only required for residence. Where a bus driver is nearing the end of their three-year AEWV and they are not likely to meet the 6.5 IELTS requirement but they are meeting IELTS 4.0 or above I recommend their employer consider applying for the additional two years for their AEWV. If approved, this will retain the drivers in the public transport system while they work to improve their English language.

Separate from the principal applicant, if the partner and any dependent children aged 16 or older included in the residence application do not get the minimum test score required, they can buy English language lessons instead. Dependent children under 16 do not have any English language requirements.

I am advised that so far over 220 bus drivers have received residence through the transport sector Work to Residence pathway, which indicates that the English language requirements are able to be met.

With regards to your concerns that there will be a driver shortage from mid-2026, it is not clear on what this is based on. Bus drivers who arrived soon after the border re-opened and cannot yet achieve 6.5 IELTS will still be able to extend for two years as long as they are able to achieve 4.0 IELTS. This will take their visa expiry through to mid-2027 at the earliest. Alongside this, the figures provided earlier in the letter show that more bus drivers have already been granted work visas in the first half of 2025/26 than in the entirety of 2024/25. These drivers will have visas to mid-2028 and beyond.

Yours sincerely,

Hon Erica Stanford
Minister of Immigration

Cc Hon Chris Bishop, Minister of Transport