

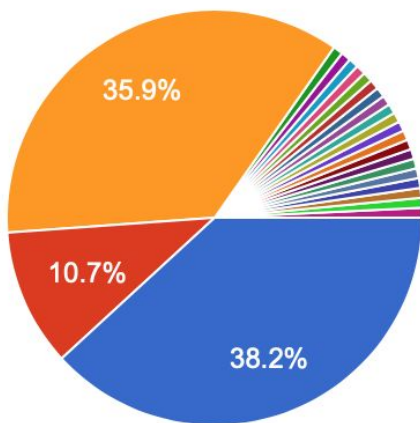
My Future Back Campaign Survey Analysis

In May 2020, Migrant Voice and Bindmans Law Firm agreed to design and circulate a survey to students affected by the TOEIC scandal in order to assess the different routes and outcomes of individual cases. The survey included questions asking students to explain the various steps taken throughout their case, as well as the subsequent actions taken by the Home Office. The survey answers will be used to inform the Migrant Voice 'My Future Back' campaign, as well as be used by Bindmans to consider how best to proceed with legal cases.

We received a total of 131 responses to the survey. The results can be seen below.

SECTION 1

Q1. How did the Home Office first take action against you?



38.2% - They refused my application for further or indefinite leave to remain

10.7% - They told my college or university to withdraw me from my course and then curtailed my visa because I didn't have a sponsor

35.9% - They curtailed my visa directly

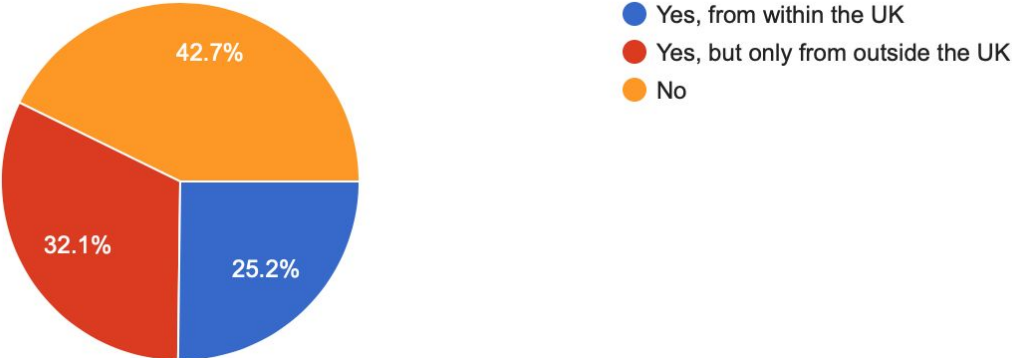
Other answers included:

- One answer told of how the Home Office refused the individual leave to enter when they were returning to the UK from abroad
- Four answers told of how Home Office border control broke into the individual's homes and detained them.

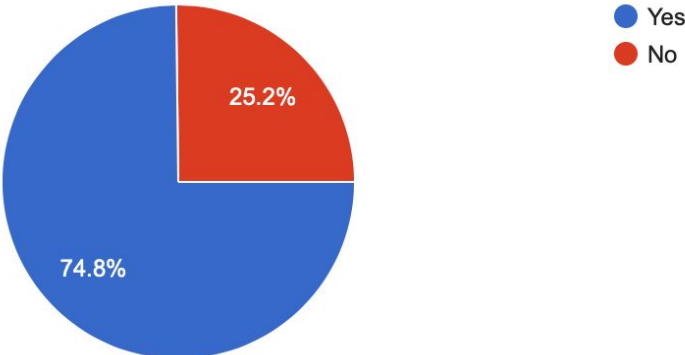
Q2. When did this happen?

Dates given range from May 2012 to Dec 2019, with the majority of answers referring to dates between July 2014 to November 2014.

Q3. Did you have a right of appeal?

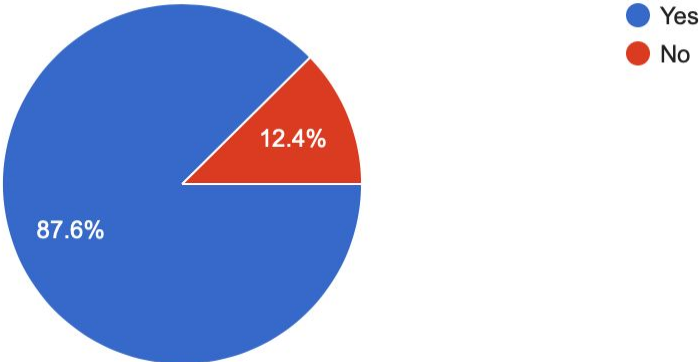


Q4. Were your studies interrupted by the allegation of cheating?

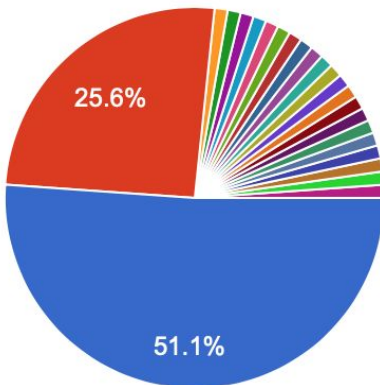


SECTION 2: Judicial Review

Q1. If you did not have a right of appeal from within the UK, did you bring a judicial review?



Q2. What was the outcome?



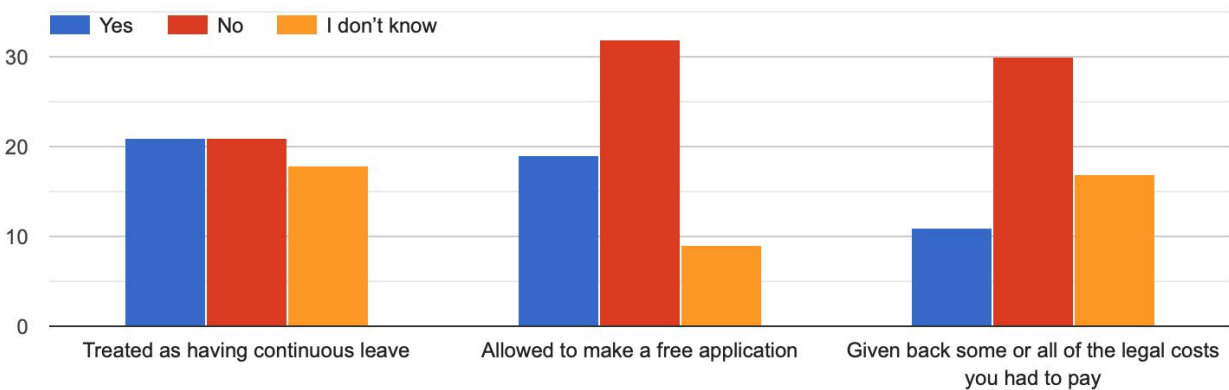
25.6% - I got a consent order giving me a right of appeal

51.1% - I lost my case

Other answers included:

- Still waiting for the outcome
- Application for JR was not accepted

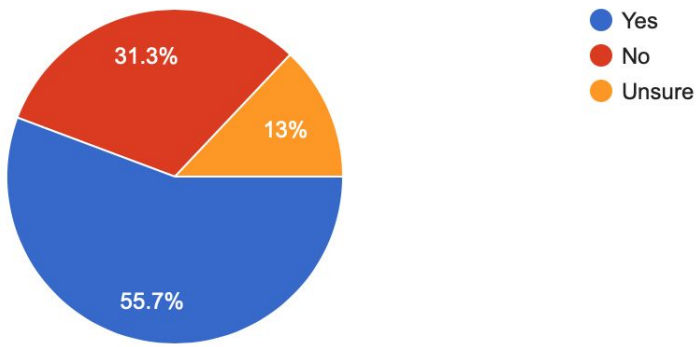
Q3. If you got a consent order, did it state that you would be:



Note: A high number of survey respondents did not answer this question, and as we can see from the results above, many simply answered 'I don't know', suggesting that we should not place too much emphasis on the answers given.

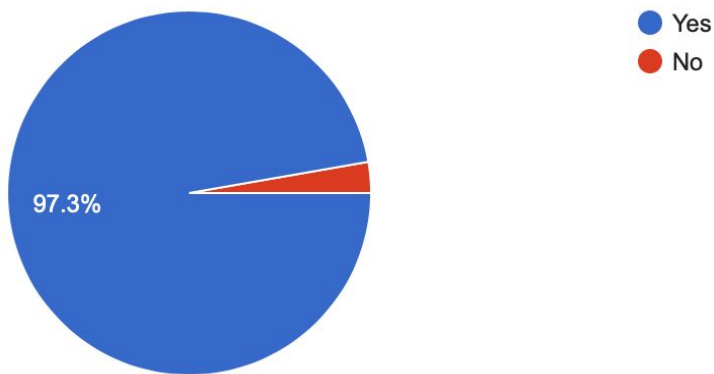
SECTION 3: First Tier Tribunal

Q1. Have you had an appeal in the First Tier Tribunal?

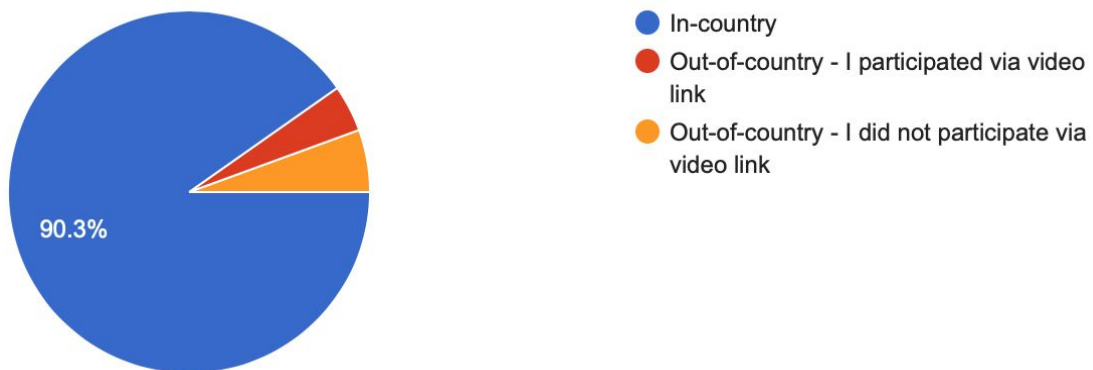


SECTION 4: Result of the FTT

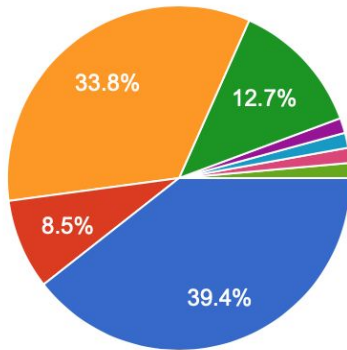
Q1. Did you have a lawyer at your appeal hearing?



Q2. Was your appeal in-country or out-of-country?



Q3. What was the outcome of your appeal?



39.4% - I won my appeal

8.5% - I lost my appeal, but the tribunal said I did not cheat

33.8% - I lost my appeal and the tribunal thought I cheated

12.7% - I have not had a decision yet

Other answers given:

- Won appeal, but only the second time
- Hearing date was adjourned due to Covid-19 and waiting for a new date

SECTION 5: Lost Appeals

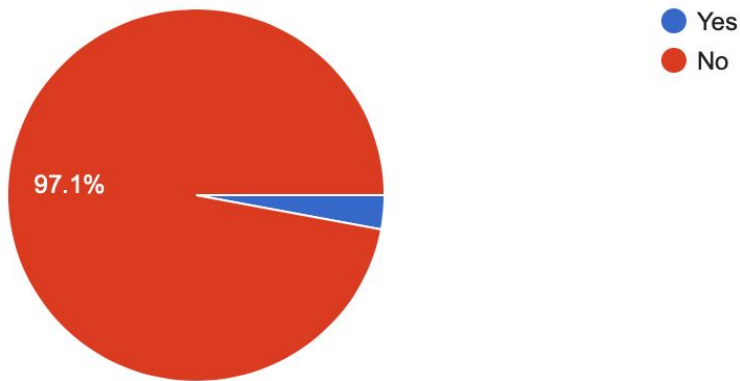
Q1. If you lost your appeal, what was the date of the judgement?

Dates given ranged from September 2014 to March 2020, with the majority of answers falling in Jan 2020.

Q2. If you lost your appeal, did you appeal to the Upper Tribunal? What happened?

According to survey responses, the majority of cases were rejected. Seven respondents are still waiting to hear the decision. In two cases, the appeal was won and 2.5 years leave to remain granted.

Q3. If you lost your appeal, but the tribunal said you did not cheat, were you granted any leave to remain?



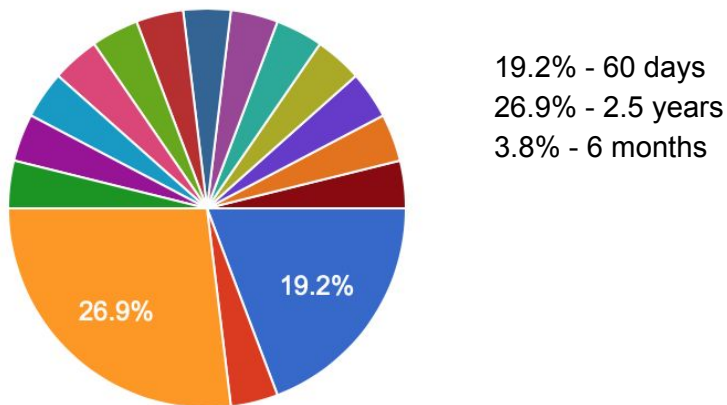
Q4. If you were granted some leave to remain, how much were you granted?

We received 19 responses to this question, with the following answers:

- 2 people said they received 2.5 years
- 1 person said they received 3 years
- The remaining 16 answers reaffirm that the respondent did not receive any leave

SECTION 6: Won Appeals

Q1. What grant of leave were you given after you won your appeal?



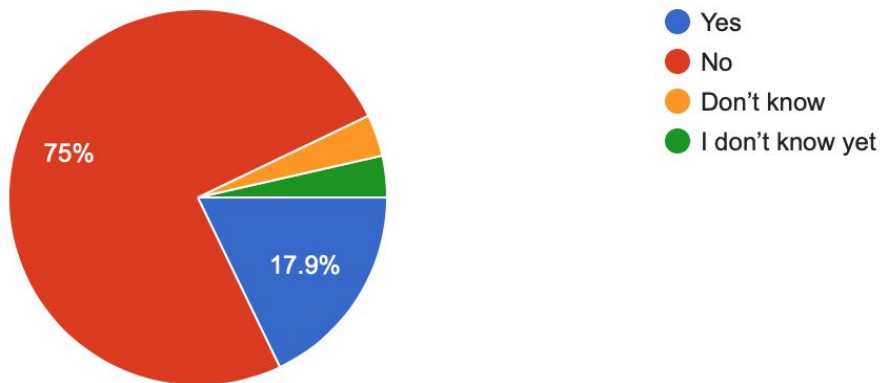
Other answers given:

- Four respondents said they were still waiting on a response
- One respondent said they were granted ILR
- One respondent said the Home Office challenged the decision
- One respondent said they received 2 years leave

Q2. If 'other', what application were you appealing from?

- ILR - Home office challenged
- ILR - Home office challenged
- ILR - Given ILR
- ILR - Given ILR
- ILR - Given 2.5 years
- FLRM - Home Office appealed against FTT decision to the UTT
- Tier 1 - 1 month DLR
- Human Rights - 2 years
- 10 years private life - Home office challenged

Q3. Has the Home Office appealed against the ruling?

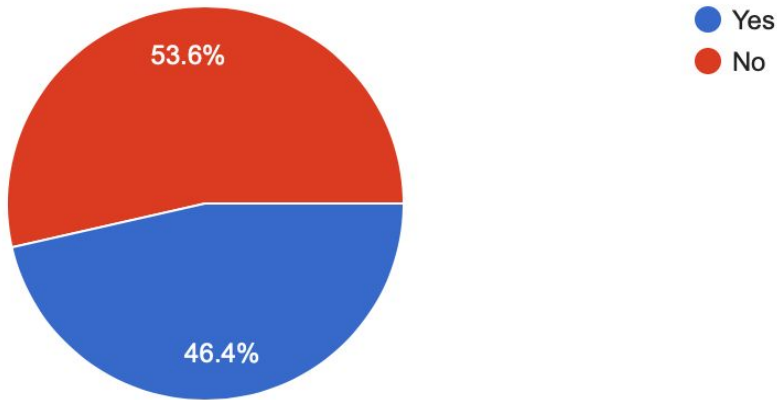


Q4. If yes, what happened?

Six responses were given to this question:

- In one response, the Home Office asked permission to go back to the UTT, but their request was refused
- The other additional five responses are not relevant to this particular question

Q5. Have you made any further applications for leave to remain since you won your appeal?

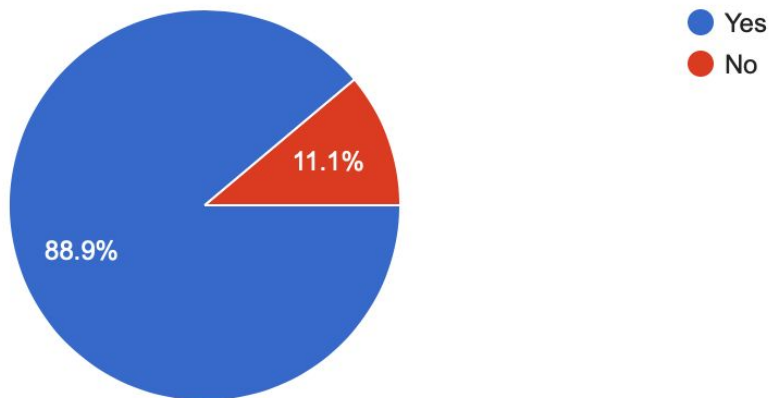


Q6. If yes, what application did you make?

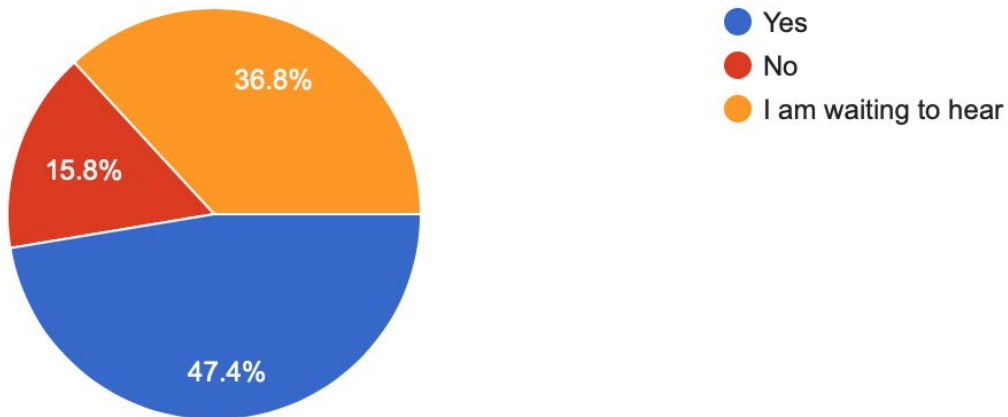
We received 7 responses to this question:

- Four responses = ILR
- One response = Spouse visa
- One response = Asking for reconsideration in amount of leave granted (6 months to 30 months)
- One response = FLRFP

Q7. Did you pay a fee?



Q8. Was your application successful?



Q9. If your application was not successful, what was the reason given?

We received three responses for this question:

- Two responses said TOEIC was the reason
- One response given was that another application had been successful

Q10. How long have you been in the UK overall now?

We received 28 responses to this question. Answered spanned from 7 years to 16 years, with the most commonly given response being 10.5 years.

Q11. How long has it been since the allegation of cheating was first made against you by the Home Office?

We received 27 responses to this question. Answered spanned from 4 years to 9 years, with the most commonly given response being 6 years.

Q12. Do you have any children? If yes, how old are they and when were they born?

Six respondents said they had children. All the children are under 6 years old.

Q13. Upon winning your appeal, have you been able to continue/complete your studies?

20 people responded to this question. 4 said they were able to complete their studies, whilst 16 said they were not.

SECTION 7: Final questions

Q1. Did you have to pay any costs for any court hearings to the Home Office or did the Home Office have to pay any of your costs? If so, how much and for what part of the case?

Some of the answers to this question are unclear, but it appears that 22 respondents did have to pay some costs to the Home Office. Only on 1 occasion does it seem that the Home Office paid any costs to the appellant. Out of the 22 respondents who said they had to pay costs to the Home Office, the amount ranged from £128 to £2,500. It was not clear what part of the case was paid for in individual responses.

Q2. Overall, how much have you spent in legal fees appealing against the allegation of cheating?

Answers to this question ranged from £250 to £50,000, with the majority of answers falling between £10,000 and £15,000.

Q3. Have you been detained for any period since you were first accused of cheating?

26 respondents said yes they had been detained at least once. 14 respondents said no, they have never been detained.

Q4. How has the current coronavirus pandemic affected you?

Out of the 131 responses, you can see references below:

- 48 respondents mentioned that not having a right to work is causing huge problems
- 20 respondents mentioned they are struggling to pay rent or have been made homeless
- 35 respondents mentioned that they are struggling to buy essentials like food
- 15 respondents mentioned that they are suffering from depression, with 4 also mentioning suicide
- 4 respondents mentioned that they have no money to carry on fighting against their TOEIC allegation
- 7 respondents said that they are solely relying on family to survive
- 7 respondents mentioned their bad health

- 10 respondents mentioned that they are feeling anxious and stressed due to the pandemic causing a delay in their TOEIC case

Q5. Please use this space for any additional information that you wish to add.

In terms of additional information submitted:

- One person has said they never sat the TOEIC test, but that their college was shut down due to the TOEIC allegations
- A few people mentioned losing their cases due to wrong information being supplied by their solicitor.
- One person mentioned that the Home Office had agreed to waive future application fees, but didn't and the student had to pay it.

Q6. If you are happy for us to get in touch with you in the future about your answers, please provide us with your name and email address below.

98 respondents said that we could get in touch in the future.