

“I want my future back”: Briefing note for international students campaign (April 2019)

In February 2014, BBC Panorama revealed cheating by some international students on an English language test known as TOEIC at two London test centres. The UK government asked Educational Testing Service (ETS), the company that ran the test, to investigate, while also placing ETS itself under criminal investigation.

As a result of the investigation by ETS, the Home Office accused almost 34,000 students of cheating. Their visas were immediately revoked or refused and they were told to leave the country. More than 1,000 were deported. A further 22,000 were told their test results were “questionable”.

Most had no right of appeal in the UK so no way to defend themselves. But cases that have made it to the courts have shown that the evidence the Home Office relied upon to make the accusations is largely absent – and where it does exist, it’s deeply flawed. Students have been accused of cheating in one test centre, while having proof they sat the test in another. Others were accused having never sat the test at all.

In a [December 2017 ruling](#) on a TOEIC case, Lord Justice Underhill said:

“It is the Secretary of State’s case that the proportion of the impugned decisions that was wrong or unfair is very small indeed; but even if that turns out to be the case the individuals affected by those decisions will have suffered a serious injustice.”

Five years on and many of the students who stayed in the UK to try and clear their names are destitute and suffering severe mental health problems. Most haven’t seen their families back home for five years and have missed weddings and funerals of close relatives. Many have contemplated or attempted suicide.

Those fighting legal battles find themselves trapped. We are aware of several cases where the Home Office has made an offer to settle out of court, a process that has then been extended for months and ultimately come to nothing, or withdrawn from the case and offered to pay the student’s fees, before re-issuing the original allegation again. Those who have won their cases have faced years of Home Office appeals before eventually being given 60 days leave to find a new university to sponsor them. But since the allegation has not been expunged from their records, no university will accept them, deeming them “high risk”.

Those who have left the UK can’t start new courses, find good jobs or get a visa for any other country due to the black mark against their name. Many have also been rejected by their families, who have a strong belief in this country’s justice system and can’t believe the UK would treat an innocent person this way. Those fighting their case from abroad have made little progress, due to problems with internet connections and video links. In December 2017, judges ruled that an out-of-country appeal was not a suitable remedy in TOEIC cases, but this is the only appeal route allowed to most of the accused.

Some of the students have been campaigning for justice for years. In 2017, we at [Migrant Voice](#) joined them in their fight. We are asking the government for 3 things:

1. Let the students sit a new Secure English language test.
2. Clear the names of those who pass and remove the criminal allegations against them.
3. Give them back the status they lost and grant them enough time to complete their studies.

Last July, [we published a report](#) that triggered [a Westminster Hall debate](#) in September, where MPs questioned Immigration Minister Caroline Nokes on the issue. During that debate, Wes Streeting MP said this was “Britain’s forgotten immigration scandal.”

In January this year, we demonstrated at Westminster with around 100 of the affected students. Since then, more than 40 MPs from all parties have signed [this Early Day Motion](#) calling for action. In March, an APPG on TOEIC was launched, with Migrant Voice as the Secretariat. On 1 April, the Home Secretary said he had made “final decisions” on this matter. We are now waiting to hear the details of those decisions.