

“I want my future back”: Briefing note for international students campaign (February 2020)

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 2,400 were deported (a number that continues to rise). 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.

A [Public Accounts Committee report](#) on the matter published in September 2019 describes the Government’s treatment of the students as “shameful”. We read elsewhere in the report:

“It is entirely unacceptable that, despite now recognising that hundreds of people still maintain their innocence, the Home Office has not acted to put right the wrongs caused by its actions.”

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 have been forced to spend tens of thousands of pounds and face years of Home Office appeals. When they win, some are given just 60 days to find a new university to sponsor them. But since the allegation remains on their records, few universities will accept them, with most 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.

In **July 2018**, [we published a report](#) that triggered a [Westminster Hall debate](#), where the issue was described as “Britain’s forgotten immigration scandal”. In **January 2019**, we demonstrated at Westminster with 100 of the affected students. An [Early Day Motion](#) calling for action was later signed by 43 cross-party MPs. In **March**, an APPG on TOEIC was launched, chaired by Stephen Timms MP, with Migrant Voice as the Secretariat. In **May**, the [National Audit Office published a report](#) that [criticised the Home Office](#) for failing to scrutinise evidence and protect innocent students. In **July**, [the APPG on TOEIC launched a damning report](#) following a series of revelatory hearings. Later that month, then [Home Secretary Sajid Javid acknowledged that the Home Office had a “duty” to do more to help](#) those wrongly accused and [published a statement](#) outlining updates to guidance on TOEIC cases and hinting at a future scheme for students to have their cases reviewed. Questioned by Stephen Timms MP on his first day in office, Prime Minister Boris Johnson said he was aware of the issue and would update his colleague soon.

In **September**, the [Public Accounts Committee published their report](#), which describes the Government’s treatment of these students as “shameful”. In **October**, Stephen Timms MP was informed in a letter that the scheme proposed by the former Home Secretary had been scrapped. He later met with the then Immigration Minister Seema Kennedy, along with two students. Migrant Voice is now working with the students and Stephen Timms MP on the next phase of the campaign.