

## Thousands of foreign students caught in limbo by scandal

**Yojana Sharma** 07 February 2019

Thousands of foreign students caught up in an English-language test cheating scandal in Britain five years ago are still in limbo, unable to prove their innocence, with their visas revoked before they were able to complete their courses and their immigration status under a cloud.

But with the British authorities dragging their heels, campaigners, lawyers and parliamentarians are calling for a resolution.

This week a motion was tabled in the United Kingdom parliament expressing concern about some 35,870 overseas students whose visas have been “refused, revoked or curtailed” due to allegations of cheating on the language test.

Thousands of students have already been removed in what the UK Council for International Student Affairs (UKCISA) has said was “one of the largest actions ever taken against foreign students in the UK”, as the Home Office responded to the discovery of fraudulent English-language tests where it was alleged that some students had used ‘proxies’ to take oral English-language tests required to obtain a student visa.

But it has emerged that some may have been wrongly sent back home and others are saying they are innocent and had never cheated and are stuck in Britain, often without their passports, which have been held by immigration authorities as their cases are reviewed, in an interminable Kafkaesque situation years after the initial allegations.

“It’s an outrage that thousands of students are still suffering, five years after the first wrongful allegations,” says Nazek Ramadan, director of Migrant Voice, a London-based charity campaigning for the affected students.

The parliamentary motion tabled by opposition Labour Party Member of Parliament (MP) Stephen Timms on 6 February – with a dozen MPs supporting it within less than 24 hours – urges the government to allow those accused of cheating on the test who are still in the UK to sit a “new secure test”, and to reinstate the previous visa status of those who pass, granting them time to complete their studies and clear their names of the allegations levelled at them, as well as calling for a halt to detentions and removals of the students affected.

**BBC documentary**

It all started with a BBC television *Panorama* documentary in 2014 which investigated English-language proficiency tests required for student visa applicants, uncovering widespread fraud in tests run by United States-based testing company Educational Testing Service (ETS) in at least two test centres in England.

The UK Home Office followed up swiftly with letters to some 35,000 foreign students – the majority of them from India and Bangladesh – accusing them of using a proxy to take the test.

While some cheating did occur, thousands of innocent students appear to be caught up in across-the-board attempts to remove anyone who took the test during that period. Lawyers and parliamentarians say “grave injustices” have occurred in the case of many foreign students caught up in the scandal.

“It’s appalling what was done to these students, and those I have met, I am absolutely convinced did not cheat and have had their visa removed and are suffering the most dreadful hardship as a result,” Timms told *University World News*.

In a previous parliamentary hearing in 2016, it was revealed that after the BBC programme’s allegations, ETS carried out its own analysis of its language tests from 96 test centres and had detected ‘tens of thousands’ of cases of fraud. ETS alleged that the tests must have been taken by surrogates.

According to ETS documents, of 50,870 who sat the test between 2011 and 2014, “over 30,000 definitely cheated and over 20,000 probably cheated”, Timms notes, describing ETS’s conclusions as “dubious”. ETS no longer provides testing services in the UK.

“If they [ETS] are right, this probably means that hardly anybody who took this test did not cheat. I find that completely unbelievable,” says Timms. “Quite a few of these people speak perfectly good English [so] why on earth would they pay a proxy to take a test for them when they can do the test themselves and would have got through with flying colours?”

“The whole thing seems utterly, utterly implausible to me. It is causing enormous hardship to these people, damaging the reputation of this country.”

Many “are stuck here with a very shaky and uncertain future. A lot of them invested their families’ life savings in all of this with absolutely nothing to show for it,” Timms says.

He notes that in a meeting with Home Secretary Sajid Javid in December the minister was “sympathetic” but had not yet acted on the case.

However, a Home Office spokesperson said: “The investigations in 2014 into the abuse of English-language testing revealed systemic cheating which was indicative of significant organised fraud. The scale of this is shown by the fact that over 20 people who facilitated this fraud have received criminal convictions, with prison sentences totalling 68 years.”

Since then the Home Office has reformed the study visa system to tackle abuse.

The spokesperson added: “The majority of individuals linked to the fraud were sponsored by private colleges, many of whom the Home Office already had significant concerns about well before this scandal came to light. Hundreds of colleges which had sponsored students linked to ETS had already had their licences revoked before 2014.”

### **Lack of evidence alleged**

Migrant Voice’s Ramadan said: “We’ve heard from students, lawyers and judges that the Home Office has failed to present any evidence at all in most cases.

“In other cases, the evidence they have presented has been totally flawed. One student told us he was accused of cheating on a test in Leicester, but he’s never been to Leicester and has proof he travelled to a test centre in London on the day in question. Another student never took the test at all but was accused of cheating on it.

“Most students have tried hard to get access to the piece of so-called evidence that the Home Office used to accuse them, but the Home Office has always told them to ask ETS [the testing company] for the recordings,” Ramadan said.

“When they go to ETS, they hit a blank wall and can never get an answer from them. On the rare occasion that lawyers have managed to get hold of the recordings, this has not proven that fraud has occurred. We were told that on at least one occasion, the audio file that was released clearly had the voice of the student accused of using a proxy.”

### **Did not need the language test**

Rashel Hossain from Cumilla in the Chittagong district in Bangladesh took the ETS-run Test of English for International Communication (TOEIC), recognised by the UK authorities since 2011 for non-European Union students, in 2012. He had already sat the International English Language Testing System (IELTS) test in previous years, but that certificate had expired by 2012.

He had just obtained a diploma in business from the London School of Commerce, a branch of the University of Gloucestershire, and needed to apply for an extension to his visa to continue his undergraduate studies there. He chose to sit TOEIC as it would mean a faster delivery of his student visa than an IELTS test.

“It was not a hard test,” Hossain tells *University World New* in excellent English, saying he did little preparation for it.

“In the middle of my undergraduate course I suddenly got a letter from the Home Office saying I had to leave the country. The reason given was that they said I used a proxy for the speaking [part of] the test. They did not give me any chance to prove [otherwise],” he says.

“It is an unfair allegation, I did not come to study English, I came to study business. I already know English.”

He notes that he even took the IELTS test again after that just to prove to himself, and he received a high mark. “The authorities don’t have proof. And they don’t give us any chance to prove [it] because there is no right of appeal” in the way immigration law is currently handled, he says. In most cases appeals are only permitted once people are removed from the UK.

### **Attempt at deportation**

Nazmul Chowdhury, also from Bangladesh, received the same letter in April 2015. He had already graduated from the University of Central Lancashire in England and as a UK graduate did not need to prove English proficiency to go on to postgraduate studies in business.

He too heard that sitting the test was a quicker way to obtain the student visa, which could otherwise take weeks or months. “With TOEIC it only takes a few days.”

“I had already sat IELTS before but did not need to submit it. TOEIC is much, much easier than IELTS,” Chowdhury tells *University World News*.

Yet he also received a Home Office letter in April 2015 suggesting he had cheated on the test. “I’d heard about other people who had been accused of this in the news and I knew it was a trap – once you got the accusation, there was no way out, no way to fight it.”

Worse was to come. Some months later he received another letter saying he had 28 days to leave the country. He says he was really shaken by this.

At one point in 2015 the authorities picked him up around lunchtime and drove him to Heathrow airport wanting to put him on a flight and deport him the same day. When a lawyer friend intervened, he was then sent to a detention centre near the airport and later to the Verne detention centre in Dorset. “They treated me like a criminal. But there is no way to fight it.”

He was required to attend an immigration centre every week to sign. With his case going through review, the Home Office has his passport. “I can’t apply for a visa for any other country, I can’t go home. My family back home in Bangladesh don’t know anything about what’s happening to me. They call me every day to ask when I’m coming home and why I haven’t finished my studies yet.”

As it is illegal for him to work, he is relying on friends, he says. “But how long can you do that? It is four years now. All I am asking is let me take a new test. Assess me again.”

### **Thousands affected**

During a parliamentary debate held in September 2018, opposition Labour MP Wes Streeting said by the end of September 2016 – the last time the Home Office published any figures on these cases – more than 35,870 visa holders had had their student visa refused or curtailed on the basis of the TOEIC test and more than 4,600 had been ‘removed’ from the country – a figure that does not include the number who left of their own accord.

Streeting described the treatment of students as “disgraceful.”

“Blanket decisions were made and people were deported without the chance to defend themselves,” Streeting said, describing the debacle as “a forgotten immigration scandal”.

During the debate late last year Immigration Minister Caroline Nokes defended the government’s actions as “measured and proportionate” and said that the students were removed, but not deported from the country.

This is just semantics for those affected. “I can’t tell my family,” says Chowdhury. “What can you say to them? If you say you are wrongly accused, no one would believe it,” he says, pointing to the UK as a country known around the world for its justice system.

### **‘I just want my name cleared’**

“It’s a nightmare,” says Hossain. “Now I just want my name cleared.” He took the test in order to complete the process to come to the country to study, he says, “not to be involved in any criminal activity. Now I cannot even go anywhere else,” he says, adding the authorities had his passport.

“It is very hard to survive. I have no work rights, no study rights,” he says and adds he is only surviving because of financial support from his family. “I am the eldest, but it is very hard for them right now.” He adds he has had to be treated for depression.

According to an earlier submission to parliament by the National Union of Students (NUS), in some cases institutions were told by the Home Office to remove the students. This, according to the NUS, was later found to be unlawful by immigration tribunals which heard, in a limited number of cases where hearings have occurred, that some students who had been out of the country and were seeking to return to continue their studies were even served with notices at airports and prevented from resuming their paid-up courses.

Timms says students who had already progressed through their university course and were kicked off it because the Home Office cancelled their visa in 2014 should be allowed to return to their course and finish it. “Some universities want them to go back to square one,” he notes. “I spoke to one man who was from Nepal who was within a term of completing his degree. The money is all gone. He doesn’t have tens of thousands to pay.”

Timms and other MPs are now setting up an all-party parliamentary group of people who are concerned about it to “build up pressure” on the government.

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