

Hostile environment policy which affected thousands of foreign students in the UK



Tamana Aziz

The UK Government has deported thousands of foreign national students, accusing them of cheating in their English exams.

A BBC *Panorama* programme in 2014 exposed cheating in some of the colleges where the students sat an English test (Test of English for International Communications). This test is among many that proofs student's language skills and is one of the visa requirements. The government was alerted and they appointed a private US based company (English Testing Services) to carry out an investigation. They identified 33,725 invalid tests taken by students and thousands of others which were questionable.

The government took action and by the end of 2016 7,000 students had had their visas revoked. The government relied their investigation on an automated voice analysis which was later found to be wrong in 20% of cases.

It is difficult to judge how many foreign students have been deported back to their countries for a crime that they did not commit. Most that were returned were not given a chance to respond or appeal the Home Office's decision.

Those who could appeal came before the immigration tribunals. An immigration appeals tribunal in 2016 found the evidence used by the Home Office to deport the students had "multiple frailties and shortcomings".

The evidence was allegedly based on weak evidence by the UK courts; however the government has justified their decisions by pointing to official reports suggesting that more than 100,000 students lived in the UK illegally. The Office of National Statistics

had warned that the actual number of overstays was just under 47,000.

The use of flawed data to justify a clampdown is the Home Office's approach. Its strategy has been to do everything possible to erect bureaucratic hurdles and create a hostile environment for migrants.

We recommend all students who were affected by this policy and removed/deported from the UK to seek legal advice. They may have a case against the government for unlawful curtailment of their leave and removal from the UK.

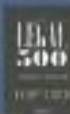
Author Tamana Aziz, Director of Immigration, specialises in Private and Business Immigration law under the Points Based System with significant experience assisting clients with immigration applications under EU law. Recommended in Legal 500 2017 as 'a great communicator' and a 'very committed' individual in her field, Tamana has developed an expertise in dealing with complex appeals (including deportation appeals and country guidance cases) in the Immigration Tribunals, High Court, Court of Appeal and Supreme Court.

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