



## Why Brexit Will Lose, Remain Don't Deserve to Win and White Men and Indian Girls

People just need to calm the hell down about Brexit/Remain. It's all a grey area and either way Britain will find a road to greatness. Bloody hell they survived the Romans, the plague, French invasions, Spanish invasions (well attempts), Papal wars, World Wars. So just calm the hell down.

Remain will win by 63% to 37% for out. Don't get upset. Do some yoga and meditate.

But so many voting Remain want to give the EU a bloody good hiding. We want to say to the rest of Europe to stop asking for money and telling us what to do and maybe those who did not themselves benefit from economic migration also want to say 'stop sending us migrants'.

Oh, Brexit will lose not on the arguments or the case made by Boris or Gove. Incidentally they've totally elbowed out Priti Patel (Employment Minister) - pretty much the next most senior person in favour of Brexit - because Johnson and Gove know this is a pitch to be PM and like hell are they going to give Priti airtime - fight woman - it's about profile not principle.

I know a thing or two about media profile, from my own TV shows, to columns in the Financial Times to a reach of 300m for my paper reviews, to my own TV shows, so hear me Priti - this is your best chance at UK wide profile and you are being elbowed out. Airtime for great jobs numbers is nowhere near as important as airtime from now until 23rd June.

How many women complain about white middle class men in the workplace dominating the conversation - well don't let Johnson and Gove do that to you. Come on, sharp elbows - push to the front. Do it not just for the cause, screw the cause, do it because women need to see you at the front, because ethnic minorities need to see you at the front and because white men telling the rest of us how bad immigration just looks racist.

Don't get me wrong - I don't want Priti to tell us immigration is bad, after all the child of immigrants making that argument borders on denial or dementia - but just make other arguments on camera.

Whatever happened to diversity? I don't know where Johnson and Gove hide her, but she's not even in background shots. Come on woman - let's hear you roar.

I first met Priti at the home of a former Tory Cabinet member who was hosting Margaret Thatcher who had come especially for Priti's campaign to be MP. Margaret would not let white middle aged men elbow her out of the way.

Anyway - over to Brexit/Remain. You know how we are fed up of the shouting over statistics - seriously I query the IQ of most MPs who think that playground banter matters. Let me tell politicians about politics - all political victories come down to hope. Every single one. Not fear. Never fear. Even Hitler - promised hope to his people, not fear of immigrants - that can come later once you're in power.

Anyway, politics 101 over, Brexit could have learnt from how Gandhi framed another British decision - not Quit EU, but Quit India.

He said, 'I am not anti-foreigner, I am anti-foreign rule. I am not anti-British, I am anti-British rule, I prefer the imperfect rule of my own people to the perfect rule of foreigners.'

So too with Brexit - there lacks a politician of statesmanship, or stature, of greatness who inspires hope. Who says, 'I am not anti-EU, I am against EU rule. I seek Independence for Britain. Consider unbound what we can do as a free country.' Why did India leave an Empire - the most richest and powerful in the world? Why did they stay with it for so long? The argument had not been framed by enough politicians in the right way for so long. Hope beats fear.

After all as Gandhi said, 100,000 British soldiers cannot control 100m Indians if those Indians do not wish it. You make them wish it, by making them believe in hope over overcoming fears you need not state - and those fears we tangible of civil war and genocide in India - even then adept politicians achieved more through hope. Never think it was inevitable. Australia was a dominion until just a few decades ago and still carries the British flag within its own.

## Defence lawyer compares man on trial for alleged student sex attacks to 'accused celebrity'

The lawyer defending a man accused of sex attacks on two students compared his plight to that of an accused celebrity as he urged

jurors not to 'condemn him on suspicion alone'. Zubair Pervez, 21, is accused of going into a teenager's room at a

Manchester Metropolitan University halls of residence in the early hours and intimately groping her. It is alleged that after the 18-year-old fought him off, Pervez went to the room of another female student. This second alleged complainant, who was also 18 at the time, says she woke up in the morning to find him

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## The Fight Continues Against the ETS TOEIC Fraud Allegations



Sasha Lal

The 'TOEIC' uproar began in 2014 when the Secretary of State of the Home Department made a decision to cancel particular individuals' visas; who had leave to remain

in the United Kingdom on the ground that they received an English Language qualification on a 'TOEIC' certificate by fraud.

If you held a Tier 1, Tier 2, Tier 4 Student Visa, spouse/unmarried partner/fiancé/civil partner or Indefinite Leave to Remain and have not been able to re-enter the UK, or extend your leave in light of your 'TOEIC' certificate, this article may be of particular interest to you.

The leading cases in regards to this topic are R (Gazi) v Secretary of State for Home Department (ETS - Judicial Review) (IJR) [2015] UKUT 327 (IAC) and R (Mahmood) v Secretary of State for the Home Department [2014] UKUT 439 (IAC). The Secretary of State relied upon BBC 'Panorama' whom investigated the English Test Centers, and found that individuals' gained a 'TOEIC' through deception. They used various ways, such as proxies to undertake speaking and listening tests, and by invigilators giving the correct answers for written tests.

TOEIC is a certification administered by the Educational Test Service (ETS). ETS is one of the largest English Testing organisations in the world; they assess around 50 million tests per annum. 200,000 student visas are issued in the UK annually with 1,700 approved Government approved colleges. The Secretary of State investigated the grey area of TOEIC and came to the conclusion that around 33,000 tests were seen as 'invalid' or 'questionable' tests relating to fraud.

More recently in a judgement that has been reported in the case of SM and Qadir v Secretary of State for the Home Department (ETS - Evidence - Burden of Proof)[2016] UKUT 229 (IAC) bought by two international students. The Upper Tribunal ruled that the Home Office have relied on 'hearsay' evidence, failing to prove why the students were told to leave the UK, cancelled or denied a visa. This judgement now opens up a possible gateway of appeals to students experiencing a similar situation with regards to their 'TOEIC' certificate.

The Home Office has relied on two witness statements known as 'generic evidence' which is used in

every case relating to these specific types of case. 'Neither witness had any qualifications or expertise in the scientific subject matter of these appeals.' The Home office was entirely dependent on the information provided by the ETS.

One expert opinion (Dr. Harrison) had been taken into consideration; his evidence was described, as 'balanced, measured and truthful, containing no hint of exaggeration or conjecture.'

To summarise the judgment by Justice McCloskey and Deputy Upper Tribunal Judge Saini 'The Secretary of State has not discharged the legal burden of establishing that either Appellant procured his TOEIC certificate by dishonesty.' The Judge relies on this by further stating that the Secretary of State's evidence given has been limited with little evidence provided by the ETS organisation. In contrast the Presidential Panel found the Appellants evidence to be 'impressive in its entirety' and found no indication of invention, exaggeration or evasiveness.'

Keith Vaz MP, Chairman of the Home Office Select Committee told The Independent: 'this is a devastating verdict on ministers and officials at the Home Office. It is clear that there are many innocent people who speak impeccable English who have been denied their right to remain in the UK because of the reaction of the Home Office.'

Therefore, in light of the summary above on the current situation of 'TOEIC', we must await a full judgment to consider what may happen next.

At Duncan Lewis Solicitors, our team of specialist immigration lawyers specialise in Judicial Review and Appeal matters in the UK.

Contact us at [privateimmigration@duncanlewis.com](mailto:privateimmigration@duncanlewis.com) for further information.

### About the Author: Sasha Lal

Sasha Lal joined Duncan Lewis in March 2016 as a Caseworker in the immigration department. Prior to joining Duncan Lewis, Sasha completed the Bar Professional Training Course (BPTC) at City Law School, gaining a Competent grade, she was called to the Bar by the Inner Temple in November 2015. Sasha holds an LLB degree from London Metropolitan University; she received a 2:1 grade. Sasha has undertaken several legal and voluntary work placements, including National Centre for Domestic Violence (NCDV), Witness Service and Vocalise.

