



Home Office

Implementing Appeals - Educational Testing Service (ETS): casework instructions

Version 1.0

This casework instruction must be read in conjunction with Educational Testing Service (ETS): casework instructions.

Contents

Contents.....	2
About this guidance.....	3
Contacts	3
Publication	3
Changes from last version of this guidance	3
Implementing appeals	4

About this guidance

This instruction provides guidance on how to Implement Appeals following appeals related to the Educational Testing Services (ETS) tools.

This instruction must be read in conjunction with the Educational Testing Service (ETS): casework instructions.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email ETS Policy Guidance.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **10 April 2026**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Implementing appeals

It is important to highlight that not all Educational Testing Service (ETS) related appeals are allowed on the basis that cheating in a TOEIC (Test of English for International Communication) test was not proven. Often an appeal can be allowed only based on Human Rights grounds, but the Judge may determine that the appellant did or did not cheat in their ETS (Educational Testing Services) test:

- if an individual used an invalid / questionable TOEIC certificate in support of any application wins the appeal on Human Rights grounds **only**, then a grant of 30 months permission to stay should be implemented
- if there is a finding that the applicant did not cheat in the ETS test, and all other requirements are met, the applicant should for in-country applications granted a period of 6 month leave outside the rules, which, the applicant must then apply to extend their permission to stay under a category of their choosing or leave the UK - for out of country appeals the only appropriate remedy is to offer the individual a free entry clearance application once they have identified the most suitable route for them to return to the UK
- if there is a finding that the applicant did cheat in the ETS test, even if all other requirements are met, they must be placed on the 10-year route as they will still fail on suitability

However, if the applicant submitted an indefinite leave to remain (ILR) application and the appeal has been won on both ETS and human rights (HR) grounds, and all requirements of the relevant route have been met, proceed to grant ILR.

The table below provides an overview of what actions should be taken depending on the outcome of an appeal or judicial review.

Appeal result	Action
Human Rights Claim - Dismissed ETS deception - Dismissed	In-country appeal They are now subject to removal from UK. Where the appeal has been dismissed on both grounds (HR and ETS) the applicant must be instructed to leave the UK.
Human Rights Claim - Dismissed ETS deception - Allowed	In-country appeal Grant 6 months limited leave outside the rules (LOTR) as a remedy if the

Appeal result	Action
	<p>ETS grounds were the ONLY grounds for the refusal.</p> <p>If granting a period of 6 months, the applicant must then apply to extend their permission to stay under a category of their choosing or leave the UK.</p> <p>‘Switching’ into another category in-country must be allowed exceptionally.</p>
<p>Human Rights Claim - Allowed</p> <p>ETS Deception - Dismissed</p>	<p>In-country appeal</p> <p>Grant 30 months under Exceptions paragraphs of Appendix FM. Suitability must continue to be assessed as not met due to ETS being dismissed.</p> <p>To note: This will put the applicant on the 10-year route to settlement as they will not be able to meet ‘suitability’ due to ETS.</p>
<p>Human Rights Claim - Allowed</p> <p>ETS Deception - Allowed</p>	<p>In-country appeal</p> <p>Grant 30 months under Exceptions paragraphs of Appendix FM.</p>
<p>Human Rights Claim - Allowed</p> <p>ETS Deception - Allowed</p>	<p>Out-of-country appeal</p> <p>30 months HR to be implemented once the applicant has been returned to the UK.</p> <p>Liaise with the appropriate Entry Clearance Team to facilitate this.</p>

Appeal result	Action
<p>Human Rights Claim - Dismissed</p> <p>ETS Deception - Allowed</p>	<p>Out-of-country appeal</p> <p>The only appropriate remedy in these cases is to offer the individual a free entry clearance application once they have identified the most suitable route for them to return to the UK.</p> <p>Contact Central Services for assistance on applying for permission to enter to implement an appeal.</p>

Related content

[Contents](#)