

Negotiating the boundaries of responsibility: Rethinking test takers and the ethics of testing

Kellie Frost
University of Melbourne

While the importance of accounting for the use of tests as policy instruments is by now widely acknowledged, validation frameworks in language testing rest on core assumptions which, I argue, preclude consideration of the lived experiences and subjectivities of test takers, and of the intentions and purposeful actions these experiences and subjectivities engender. As a result, the complex and dynamic ways that test taker actions are implicated in generating test and policy consequences remain hidden from view, as do the ethical implications of the wider societal impacts of testing practices. Drawing on studies examining test taker experiences of the use of English testing for immigration purposes in the Australian context, I highlight the disconnect between how test takers, test users and language testers come to attribute meanings to testing practices in this complex policy setting, and the types of conflicting decisions and actions which then emerge. To conclude, I argue for a renewed criticality in language testing that extends beyond evaluations of how well, if at all, test uses align with the expectations of test users and/or language testers, to a focus on the expectations of test takers as the stakeholder group to whom we must be primarily accountable. This demands not only further research into the lived experiences of those subjected to testing practices, but also an engagement with the wider discursive space within which problems of language and of policy are imagined, and the ways in which language testing, as a discipline, is implicated in the production of idealised language users, workers, and citizens, together with the various exclusions these entail.

Keywords: skilled migration, language policy, test takers, test impact, critical language testing

Introduction

English proficiency has long featured as a key criterion within skilled migrant selection processes in Australia, for the most part without controversy. However, over

the past decade, formal test requirements have become increasingly restrictive, with repeated and prolonged test taking attempts now the norm for large numbers of temporary visa holders seeking permanent status, regardless of having completed tertiary studies in Australia and having been living in the country for several years (Frost & McNamara, 2018; Hoang & Hamid, 2017; Knoch et al., 2020). As has been the case in other anglophone countries, particularly the UK (e.g., Khan, 2019) and the USA (e.g., Kunnan, 2018; Schissel, 2019), this trend has prompted an increased focus on the impact of English testing on migrants in Australia, with many raising concerns of it functioning to hinder integration, not only by restricting access to employment and other opportunities associated with permanent status, but also by supporting a deficit view of migrants from non-English speaking backgrounds, thereby legitimising exclusionary and potentially racist agendas (Berg, 2011, Dickie, 2016, Frost & McNamara, 2018, Hamid et al., 2019).

However, as is generally the case when tests are used as policy instruments, evaluating the validity and the societal effects of English testing for immigration purposes in the Australian context represents a significant challenge to the field of language testing. Although Shohamy (2001, 2006, 2009) has long emphasised the role of tests in producing 'de-facto' language policies, little progress has been made in the field concerning how to account for the social values and political agendas underlying test uses (McNamara, 2012; McNamara & Roever, 2006). This becomes especially salient in contexts of immigration and other highly politicised areas of policy, where consensus over test purpose among stakeholders cannot be assumed, and where competing values are clearly at play. As discussed elsewhere (Frost, 2019), despite acknowledgement of the diverse and often conflicting stakeholder perspectives involved in immigration and other policy spaces, revisions to argument-based validation and fairness frameworks (e.g., Bachman & Palmer, 2010; Kunnan, 2018; Xi, 2010), which have foregrounded societal consequences and the need to ensure tests deliver beneficial effects to stakeholders, remain centred on the intentions of test users. These intentions must align with measurement principles as intended by test developers if validation is to proceed, and validation research is overwhelmingly focused on the technical quality of tests and their associated potential to enable effective and defensible decision-making on the part of test users.

Test taker intentions, by contrast, occupy a marginal position, at best; test takers feature primarily as theoretical abstractions rather than as real persons, deconstructed into the components of knowledge and skills that constitute test constructs. Individual attributes, perceptions, intentions, and actions that fall outside of what is defined as 'language ability' in theoretical models are considered to represent potential sources of 'construct irrelevant variance' – a threat to technical quality, and efforts are made in test design to preclude their influence (Bachman & Palmer, 2010; O'Sullivan & Green, 2011). As a result, the lived experiences, subjectivities, and purposeful actions

of test takers, and the ways in which these are impacted by the social values and structural inequalities implicit in the definition and measurement of test constructs, remain peripheral to most, if not all, validation work in language testing (see also McNamara, 2012; Schissel & Khan, 2021).

As will be demonstrated in this paper, testing in the context of Australia's skilled migration policy highlights limitations in the ways that test purpose, and especially test takers, are conceptualised within validation frameworks in language testing, which has arguably led to a lack of engagement in the field with questions of the wider societal impacts of policy driven testing practices, as well as with the values and ideologies these practices support. The paper begins with an overview of how English testing functions within formal skilled migrant selection processes in Australia. As I demonstrate, tests are embedded within a suite of other human capital criteria, which creates an inherent arbitrariness, from a language testing perspective (see also Frost 2019). Drawing on Foucault (1977, 2008), I suggest that testing in this policy context be characterised as a technology of contemporary, neoliberal governance, operating at a distance and no longer serving to produce docile subjects, as conceptualised in work by McNamara (2012) and earlier work by Shohamy (2001, 2006), but in this context functioning as part of a broader apparatus to produce active, enterprising individuals, who are responsible for enhancing the value of their human capital – their attractiveness and employability, by improving their English test scores. Following this, I situate the English requirements within the wider employment-immigration policy nexus in Australia, with a focus on the paradoxes this creates, especially for test takers. This is followed by a discussion of key findings from studies examining test taker experiences of the use of English testing for immigration purposes in the Australian context, which highlight the disconnect between how test users and migrants, as test takers, come to attribute meanings to testing practices in this complex policy setting, and the types of conflicting decisions and actions which emerge. To conclude, I consider recent advances in language testing aimed at addressing the complexities of such policy spaces, as well as ongoing limitations, and recommend a shift in thinking away from evaluations of how well, if at all, test uses align with the expectations of test users and/or language testers, to a focus on the expectations of test takers as the stakeholder group to whom we must be primarily accountable.

English for skilled migration in Australia

In Australia, while English test requirements are only compulsory for migrants seeking permanent residency via the skilled migration program, these account for around two-thirds of the annual permanent migration intake, with most already residing in Australia on temporary visas after having completed qualifications at Australian universities (Department of Home Affairs, n.d.). English test requirements

for skilled migration are situated within a wider points-test system of migrant selection, in which attributes across a range of categories, including English ability, age, qualification level, and length of time in employment, among others, are each assigned a discreet numerical value, and these values are aggregated to produce a total number of points. To become eligible to apply for permanent residency, migrants must accumulate at least the minimum number of points required, as set by government, across relevant categories (see Table 1, below). The points test system was designed to select the “best and the brightest” skilled workers (Dutton, 2018) - those possessing the human capital needed to be able to gain employment in a short period, and at a skill level commensurate with their qualifications and experience, to maximise the contribution of the migration program to the labour market and the national economy.

Table 1. Core points test criteria (minimum requirement = 65 points)

Age:	
At least 18 but less than 25 years	25
At least 25 but less than 33 years	30
At least 33 but less than 40 years	25
At least 40 but less than 45 years	15
English (IELTS 6 or equivalent is a minimum requirement, with no points attached):	
Proficient English (IELTS 7 or equivalent)	10
Superior English (IELTS 8 or equivalent)	20
Skilled employment experience ²	
Overseas skilled employment (outside Australia):	
At least 3 but less than 5 years	5
At least 5 but less than 8 years	10
At least 8 years	15
Australian skilled employment (in Australia):	
At least 1 but less than 3 years	5
At least 3 but less than 5 years	10
At least 5 but less than 8 years	15
At least 8 years	20
Education:	
Doctorate	20
At least a Bachelor degree	15
Diploma or trade qualification	10

The English tests recognised for skilled migration purposes in Australia, including IELTS, were originally designed to assess the English proficiency of students entering universities, or in the case of IELTS General, technical colleges (Ingram, 2004). None were designed for use in employment or immigration policy contexts, yet the testing

² The maximum number of points that can be claimed for skilled employment experience is 20 across the two sub-categories of overseas and Australian employment.

companies that develop such tests now actively promote their instruments for these purposes (Fulcher & Davidson, 2009; Frost, 2019). It is also noteworthy that a requirement of IELTS 7 in all four skill areas of speaking, writing, listening and reading, as applied in the points test system across all occupations, is higher than the English requirements for university entry in most discipline areas, while IELTS 8 exceeds the requirements for professional registration in even the most highly skilled professions, including law and medicine. Besides these anomalies, the location of English test score criteria within a suite of other 'human capital' attributes comprising the points-test system, together with the way selection operates, discussed further below, creates inherent non-language related contingencies, and therefore an arbitrariness. This undermines any potential link between test scores and the real-world English demands migrants face, as demanded by validation frameworks, regardless of how vaguely these demands might be articulated. Firstly, the actual English score needed by a migrant will depend on how they fare across other core categories. Based on the information provided in Table 1, above, this can lead to situations in which two migrants in the same profession, with the same qualifications (e.g., a PhD – 20 points) and level of work experience (e.g., 5 years in Australia – 15 points), but who differ in age by as little as one year, will require different English test scores to become eligible for a permanent visa; let us assume one is 39 years old (25 points), and one is 40 years old (15 points). In this example, the 40 year old so far has 50 points and will need IELTS 8 to satisfy the minimum points-test requirement, whereas the 39 year old, who received 10 extra points for age, will need only IELTS 7.

This contingency is further exacerbated by the ensuing selection process. Those meeting the minimum points test requirement become eligible for permanent residency, but rather than being guaranteed a visa, they must submit an expression of interest, at which point they enter a pool of eligible applicants in their qualification area. The government sets quotas on the number of visas available in professions where the supply of migrants is thought to exceed labour market demand, and eligible applicants are then ranked in order of their points total (see also Frost & McNamara, 2018; Frost, 2019). What this means is that the English score required by a migrant not only depends upon their own human capital profile, but also on the profile of other applicants in their profession who are applying in the same visa allocation round. There is thus also an inherent ambiguity and uncertainty associated with the English requirement from a migrant perspective – IELTS 7 or IELTS 8 might be needed, and there is no way to specify this in advance. Besides these contingencies, the government also periodically reviews the points-test total required for eligibility, and has made adjustments at least three times over the past decade; it was set at 65 in 2011, lowered to 60 in 2012, and raised again to 65 in 2018, leading to the possibility that the same 40 year old person described in the hypothetical example above would have faced a lower English test score requirement in 2017 than if they applied in 2018.

This arbitrariness clearly conflicts with any notion of intended score meanings as situated within validation frameworks in language testing. As set out in Frost (2017, 2019), argument-based validation frameworks in language testing (e.g., Chapelle et al., 2010; Kane, 2006, 2012, 2013; Xi, 2008) are premised on a condition that tests are intended to measure the language abilities needed to meet the communicative demands of a specified domain of use. Where test uses do not align with such a premise, as is the case in immigration policy in Australia and elsewhere, “validity chaos” ensues (Fulcher & Davidson, 2009, p. 125); that is, validation cannot proceed. Instead, language testing for immigration is indicative of a wider privileging of selective, especially skilled migration over other forms, such as family migration and reunification, which has been occurring over the past decade not only in Australia, but also in the United Kingdom, across Europe, and in an increasing number of non-Organisation for Economic Co-operation and Development countries (Boucher, 2020; Koslowski, 2018, Rocca et al., 2020). This tendency has been associated with a parallel shift in conceptualisations of citizenship, away from traditional notions of social citizenship towards what has been termed *human capital citizenship* (Ellermann, 2020, p. 2516), whereby the immediate economic value of migrants is prioritised over the longer term and intergenerational social contributions traditionally associated with permanent migration (see also Bassel et al., 2021; Boucher, 2020; Burke et al., 2018). In the specific context of Australia’s immigration policy, English test scores are converted into a corresponding human capital value, defined as a number of points on a common human capital scale, which enables the value of vastly different attributes to be aggregated. The human capital value of English is assumed in the abstract and is not impacted by mounting evidence of a lack of relevance of test constructs to the actual communicative practices valued in workplaces in Australia (e.g., Canagarajah, 2017, 2018; Piller & Lising, 2014).

The use of tests further reflects a trend towards the commodification of English, which has been widely associated with discourses of neoliberalism (e.g., Cameron, 2005; Canagarajah, 2020; Kubota & Takeda, 2020; Heller, 2010). Neoliberalism, as the term has come to be used in areas of sociolinguistics and applied linguistics, refers to “the marketization of everything for profit purposes, characterized by expanding the market’s reach wider beyond nation-states and deeper into people’s thinking and identities” (Canagarajah, 2020, p. 560). In the context of skilled migration, English as human capital thus becomes both an attribute and a commodity that can be exchanged for profit, with higher test scores indicating a higher market value. The value of English is assumed in the abstract, as noted above – it is not tied to any context of use, and it is considered to be acquirable with sufficient investment of time and money on the part of migrants, in education, or, as is increasingly the case in Australia, in repeat test taking.

Thus, in order to situate test purpose in this policy context, a wider lens is required than that which is typically applied in test validation processes, one which encompasses the wider discursive space within which problems of language and of policy are imagined. The neoliberal positioning of English as human capital, and as a commodity which can be acquired with sufficient investment, is arguably an effect of widely circulating discourses of neoliberal governance, through which the project has become the production of responsible, self-regulating, agentive, and entrepreneurial individuals, able to adapt with flexibility to dynamic circumstances and conditions. As mentioned in the introduction, this represents a shift away from earlier conceptualisations of disciplinary power as enacted directly on the body, to produce submissive, 'docile' subjects (Foucault, 1977; McNamara, 2012; Shohamy, 2001, 2006), and represents instead a shift towards the promotion of conditions enabling 'freedom' to act in ways which align with the rationalities of the neoliberal self (Foucault, 2008). Within this discursive context, promoting agency on the part of migrants to improve their English test scores is associated with resilience building, not just at an individual level but also at the level of national and global markets and economies, and as a result, of societies in general (Lo Bianco, 2021). This logic linking English, capital, and resilience in the face of rapid change and increasing uncertainty, is increasingly pervasive across all aspects of life, providing legitimacy to a host of policy interventions, including the use of language tests for immigration purposes. It is a logic which has been embraced by governments, professional bodies and employers (see below), and promoted by testing companies, regardless of an arbitrariness and lack of relevance of test constructs from the perspective of language testing expertise.

Paradoxes of Australia's employment-immigration policy nexus

As set out thus far, the nature of English testing, embedded as it is within a suite of non-language criteria and other skilled migrant selection processes, undermines the logic of measurement and of validation as it is conceived in language testing. This problem is further compounded by the embeddedness of the skilled migration program within the wider employment-immigration policy nexus in Australia, which stems in large part from the privileging of skilled migration over other forms, including family migration. Firstly, would-be permanent residents are incentivised to pursue the English test scores needed to access the skilled migration pathway, since for many this is the only available option, and secondly, professional bodies and individual employers are driven to prioritise setting their own policies to align with government requirements, in the former case to mitigate the risk of misalignments between similar professional bodies (Knoch, this issue), and in the latter case, to mitigate against the risk that migrants they recruit will be unable to take up or continue with their employment. For example, large, international accounting firms typically specify English proficiency scores of IELTS 8 as a prerequisite to graduate

recruitment for this reason (Parry and Jackling, 2015). It has also been widely noted that job advertisements in certain skill areas associated with migrant labour, such as information technology, include the need for a permanent visa as part of core selection criterion (e.g., Arkoudis et al, 2009; Gribble 2014).

A requirement for permanent residency as a condition for employment implicitly invokes an English test score requirement, since the latter is involved in obtaining a permanent visa. In this case, migrants are driven to strive for the highest possible English test score - IELTS 8, even without employers stipulating an explicit IELTS 8 requirement; they need to gain the maximum possible points for English in the points-test, to compensate for being unable to accumulate points associated with employment experience. Thus, the policy of individual employers, aimed at mitigating risk from their own perspectives, intersects poorly with government criteria for skilled migration from the perspective of migrants. For migrants, this intersection produces a cycle of exclusion, with English tests potentially functioning, as some have argued, to promote a permanent supply of temporary workers, vulnerable to exploitation on the part of unscrupulous employers (Dickie, 2016; Lising, 2017; Piller & Lising, 2014; Robertson & Runganaikaloo, 2014).

Migrant experiences of immigration policy driven testing

As discussed above, the layered policy space, where English score requirements are engaged for different purposes by governments, professional bodies, and employers, all test users, creates an impetus for migrants to strive for IELTS 8. Research thus far into the experiences of migrants in this context has demonstrated that such aspirations come at a significant cost, in terms of both time, money, and de-skilling (e.g., Frost, 2017; Gribble, 2014; Robertson, 2016). Frost (2017), based on a longitudinal study of the experiences of four skilled migrants taking English tests for the purpose of gaining permanent residency in Australia, found that inconsistencies between English test experiences and communicative experiences at work and in social settings led to perceptions that score requirements were arbitrary. These perceptions in turn prompted all four migrants to prioritise test preparation over engagement in work, and to forgo opportunities for building social networks as well as professional opportunities in order to dedicate time and resources to test preparation and repeat test taking, with one individual considering leaving professional employment to work at McDonalds, if a request to his employer to reduce his employment hours from full-time to part-time employment was not granted. In a larger study focussed specifically on the experiences of accounting graduates seeking permanent skilled visas, Frost, Fan et al. (2019) similarly identified a tendency to prioritise test preparation and repeat test taking over efforts to gain employment and to engage in social activities, which in this case was also driven in part by obstacles to employment for temporary visa

holders in the accounting profession. These findings are consistent with an earlier study by Robertson (2016), who cites an example of a graduate who had gained employment as an accountant on a temporary visa but felt compelled to leave the position in order to focus on test preparation, so as to acquire a permanent visa as a means of gaining certainty over her residency status, and also of widening career options.

Migrant perceptions and experiences of English testing are thus situated in relation to the context of the wider policy and employment-related obstacles they face, and in relation to their overall migration intentions, in decision making about strategic, goal directed actions. On the one hand, these actions reflect a perceived disconnect between test experiences and experiences of communicating for work and other purposes, which has implications for the credibility and ethical value of existing language testing practices. On the other hand, migrant experiences and responses to testing as embedded within layers of policy have wider policy implications, given evidence that test obstacles hinder engagement with work and social networks, rather than facilitating rapid labour market success and social integration, as intended by government.

Future directions in language testing

These and other challenges raised by policy driven testing have been taken up in recent articulations of validity in language testing, which have sought to integrate an explicit articulation and evaluation of policy aims and impacts into test validation arguments (Chalhoub-Deville & O'Sullivan, 2021; Knoch & Macqueen, 2020). These efforts signal both a recognition that test purpose and consequences cannot be readily disambiguated from policy aims and other policy-enacted effects, and an acknowledgment of responsibility on the part of language testers for the wider policy effects that testing practices play a role in producing, even if only in part. Such efforts thus represent a significant step forward, although they remain centred on the perspectives of test users and language testing experts, with test taker perceptions and intentions remaining marginal, and with questions of social values still largely unaddressed. As such, questions of consequences remain primarily oriented around the intentions of test users and language testers; are the test and the policy functioning as intended, and producing the intended effects? They also implicitly assume a measurement purpose, which, as demonstrated in the Australian immigration policy context, is not necessarily involved in policy intentions, except in the most abstract, ideological sense, whereby higher test scores represent higher values of English as human capital compared to lower test scores.

As language testers, we either tend to situate ourselves as technical experts, outside of and neutral to the workings of policy, or we criticise ideologies without engaging

with the tensions and complexities of the policy space. A focus on the perspectives and experiences of test takers, I argue, enables the identification of wider social consequences of test uses, as well as a more nuanced understanding of the various complexities of intersecting policies, tests and individuals, from the perspective of those negotiating them. As I have further suggested in this paper, in order to account for the values implicit in testing practices, it is also necessary to continue to move towards a wider lens, encompassing surrounding policy aims and conditions, as put forth by Knoch and Macqueen (2020), but going further to include an interrogation of the wider discourses which situate English as a commodity and an aspect of human capital, and which legitimise the uses of tests for purposes not well aligned, if aligned at all, with measurement principles in language testing. Such an interrogation is needed to shed light on and encourage meaningful engagement with the more implicit ethical dilemmas testing presents in immigration and other high stakes policy contexts, and to promote a renewed criticality in language testing. As a field we must confront the ways in which our own knowledge and practices function to reify potentially obsolete notions of standard English norms, and to produce idealisations of migrant identities, and of language learning and learners, which privilege economic value and profit over more long term, sustainable and meaningful educational and social agendas. Our practices should mirror the expectations of those subjected to tests, migrants and other test takers, who, by and large, are seeking access to opportunities for integration across various dimensions of social life, and to whom we owe an obligation to ensure that assessment practices enable rather than hinder such goals.

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