

## The Windrush Scandal – 70 years in the making

### The Windrush Generation

The Windrush generation refers to the immigrants who came to the UK between 1948 and 1971 from Caribbean countries such as Jamaica, Trinidad and Tobago and Barbados.

The name, Windrush Generation, derives from the ship HMT Empire Windrush which originally operated as a German cruise ship, named MV Monte Rosa and during World War II, was used by the Nazi for military use.

In May 1945, she was captured by British forces, converted into a troopship and renamed HMT Empire Windrush in January 1947.

The Empire Windrush transported the first wave of immigrants from the Caribbean to England in June 1948.

Following the end of World War II, Britain was a country short of workers needed to rebuild an economy weakened by the war years and both men and women workers were needed to run public transport, staff the new National Health Service (NHS), produce raw materials and provide essential maintenance and repair work in the construction sector. As a result of the labour shortage, Britain embarked on a post-war drive to recruit labour from the Caribbean.

In 1948, Empire Windrush, which was en route from Australia to England via the Atlantic, docked in Kingston, Jamaica, to pick up servicemen who were on leave. As the ship was far from full, an advertisement was placed in a Jamaican newspaper offering cheap transport on the ship for anybody who wanted to come and work in the UK. As illustrated in the advertisement, the fare was £28 in old money which is equivalent to £600 in today's money.



The Empire Windrush docked at the Port of Tilbury, Essex (near East London), on the 22<sup>nd</sup> June 1948 bringing 492 passengers from Jamaica seeking a better future and standard of life. The arrival of the



passengers became an important landmark in the history of modern Britain, and has come to symbolise the beginning of modern British multicultural society.

Between 1948 and 1970 nearly half a million people (500,00) left their homes in the West Indies to live in Britain. They were all British citizens and, although they never lived in Britain before, they had the right to enter, work and settle if they wanted. Furthermore, since these people had a legal right to

come to the UK, they neither needed nor were given any documents upon entry to the UK, nor following changes in the Immigration laws in the early 1970s.

## The Windrush Scandal

Three key events exacerbated the Windrush immigrants' predicament.

- I. Anyone who had arrived in the UK from a Commonwealth country before 1973 was granted an automatic right permanently to remain, unless they left the UK for more than two years and since the right was automatic, many people in this category were never given, or asked to provide, documentary evidence of their right to remain at the time or over the next forty years, during which, many continued to live and work in the UK, believing themselves to be British.
- II. The "hostile environment" policy, which came into effect in October 2010 introduced measures which included a legal requirement for landlords, employers, the NHS, charities, community interest companies and banks to carry out ID checks and to refuse services if the individual is unable to prove legal residence in the UK and, if they failed to comply, they are liable to fines of up to £10,000. In addition, the policy coincided with sharp increases in Home Office fees for processing "leave to remain" (£3,250), naturalisation (£1,330) and registration of citizenship applications (£1,000).
- III. The only official records of the arrival of many "Windrush" immigrants in the 1950s through to 1970s were landing cards collected as they disembarked from ships in UK ports and in subsequent decades, these cards were routinely used by British immigration officials to verify dates of arrival for borderline immigration cases. In 2010 the landing cards were destroyed despite prior warnings of the problems this would cause for some immigrants who had no other record of their arrival.

The Home Office received warnings as early as 2013, that many Windrush generation residents were being wrongly treated as illegal immigrants and that older Caribbean born people were being threatened with deportation if they could not prove their right to remain in the UK. Letters were received telling them that they had no right to be in the UK, some of whom were told to arrange to leave the UK at once and as they were considered illegal, sometimes they were:

- a. losing their jobs or homes as a consequence of having benefits stopped
- b. refused medical care under the NHS
- c. placed in detention centres as preparation for their deportation
- d. deported or refused the right to return to the UK from abroad

In addition, adults born in the UK, whose parents were 'Windrush' immigrants, were threatened with deportation because they were unable to prove that their parents were legally in the UK at the time of their birth.

A redacted copy of a letter sent out by the Immigration Enforcement Department of the Home Office, to a wrongly classified "illegal immigrant", informing the person of the risk of losing their driving licence, has been included at the end of this document. It clearly illustrates the deliberate and hostile stance of the Home Office from the beginning, towards migrants.

In April 2018, it was estimated that up to 57,000 Commonwealth migrants could be affected, of whom 15,000 were from Jamaica.

The Home Office agencies were accused of:

- a. operating a regime of "guilty until proven innocent" and "deport first, appeal later"
- b. targeting the weakest groups, particularly those from the Caribbean
- c. inhumanely applying regulations by cutting off access to jobs, services and bank accounts while cases were still being investigated

- d. denying medical treatment
  - e. destroying large numbers of original documents which proved right to remain
  - f. making unreasonable demands for documentary proof
  - g. leaving people stranded outside the UK because of British administrative errors or intransigence.
- The Home Office and British government were further accused of having known about the negative impacts that its “hostile environment” policy was having on Windrush immigrants since 2013 and of having done nothing to remedy them.
  - The Justice Secretary David Gauke admitted the Government was “wrong” to have allowed the Home Office’s approach to immigration to have ensnared hundreds of people who were UK citizens. He has been left “ashamed” by the Windrush scandal.
  - Emily Thornberry, the shadow foreign secretary said there was something “rotten at the heart of government” as she slammed the Home Office’s approach to immigration.

<https://inews.co.uk/news/politics/david-gauke-ashamed-by-windrush-scandal/>

On the 16<sup>th</sup> April 2018, The Home Secretary, Amber Rudd, apologised in the House of Commons, for the “appalling” treatment of the Windrush immigrants and the following day, 17<sup>th</sup> April, the Prime Minister, Theresa May, apologised to the 12 Caribbean heads of government for the treatment of Windrush citizens who were wrongly threatened with deportation.

On the 29<sup>th</sup> April 2018, Amber Rudd, was force to resign as she had misled Parliament and the British people that she was unaware of deportation targets set by the Home Office.

The new Home Secretary, Sajid Javid, on the 3<sup>rd</sup> April 2019, stated “Nothing we say or do will ever wipe away the hurt, the trauma, the loss that should *never* have been suffered by the men and women of the Windrush generation, but together we can begin to right the wrongs of Windrush.”



Interestingly, such a statement was made 70 years after the arrival of the first wave of the Windrush generation and came from the lips of the son of an immigrant parent from Pakistan, consequently, he has “skin in the game”.

Let us not forget that although Home Secretary, Theresa May’s “hostile environment policy” came into effect in October 2010, **from day one, back in June 1948, the Windrush Generation has experienced a hostile Britain** – enduring prejudice, intolerance and extreme racism from all sectors of White British society. The government has now, merely “rubber stamped” the hostility towards immigrants, in particularly, people of colour.

We can only hope that a line is drawn under this appalling scandal, which has been *70 years in the making*; ensure both the Home Office and the government have learnt the very serious lessons of the inhumane and cruel treatment towards the Windrush generation and fully implement the recommendations published in both:

- the damning report by the Human Rights Committee on the 29<sup>th</sup> June 2018 and
- the critical report of the Home Affairs Select Committee on the 3<sup>rd</sup> July 2018

## The Windrush Compensation Scheme



On the 3<sup>rd</sup> April 2019, the Home Secretary, Sajid Javid, announced that the government will pay up to £200m in compensation to people whose lives were damaged by the Home Office's mistaken classification of long-term British residents as illegal immigrants. Payments will not be restricted to people from the Caribbean but made to anyone who has been in the UK since 1988 who has been wrongly classified as being here illegally and as a result lost the right to work, access to healthcare and the ability to rent property.

The scheme also extends to:

- i. children and grandchildren of Commonwealth citizens in certain circumstances
- ii. the estates of those who are now deceased but who would have otherwise been eligible to claim compensation
- iii. close family members of eligible claimants where there has been a significant impact on their life or where there is evidence of certain direct financial costs.

You may be able to claim compensation for losses related to the following:

- employment
- immigration fees
- detention and removal
- housing
- health
- education
- driving licences
- banking
- impact on normal daily life

To make a claim you will need to complete one of the three available Windrush Compensation forms:

- i. Windrush Compensation Scheme Primary Claimant Claim Form
- ii. Windrush Compensation Scheme Close Family Claim Form
- iii. Windrush Compensation Scheme Deceased Estates Claim Form

The claim forms are available on the official Home Office Windrush Compensation website. In addition, each form has an accompanying guidance booklet which will help understand the terms used in the form and explain how best to complete the form. You will need to print and complete the form and return the form to the Home Office.

More details about the Windrush Compensation Scheme to obtain help on completing the form and where to return the form is available on the official Home Office Windrush Compensation website.

Click on the link below to access the website.

<https://www.gov.uk/guidance/windrush-compensation-scheme>

It is important to note that claimants must submit their claim form before 1<sup>st</sup> April 2021 when the Windrush Compensation Scheme closes.

## The Windrush Community Support Services

>need to discuss<

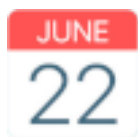
An online form was created and made available to:

1. greatly ease and assist the completion of the Windrush Compensation Claim form
2. to provide quick guidance when completing the form
3. include audio to explain requirements
4. clearly indicate which sections must be completed relating to your claim
5. check the form completion and highlight any missing information before printing the form
6. save the details of the form as you are collecting the documentation and completing the form
7. retrieve the save details so you can resume completing the form
8. print the completed form, avoiding any delay due to illegible hand-writing

The online form can be accessed by clicking on the link below.

<https://windrushform.app/>

## The Windrush National Commemorative Day



A national Windrush Day was introduced in 2018, on the 70<sup>th</sup> anniversary of the landing of the first Caribbean migrants, backed by government funding, will take place on the 22<sup>nd</sup> June of every year across the country. The Windrush Day will recognise and celebrate the contribution of the Windrush Generation and their descendants in rebuilding Britain following World War II.

A Windrush Day grant of up to £500,000 will be available each year to charities and communities seeking to hold commemorative and educational events.

While Windrush Day features a large variety of events around the country, it is not a bank holiday in the UK.

On the 22<sup>nd</sup> June 2019, the Prime Minister Theresa May, announced that London Waterloo Station has been chosen as the location of a new national Windrush memorial and she said “This monument will be seen by thousands of people from all around the world who pass through this station each year, and will be a lasting legacy to the tremendous contribution the Windrush Generation and their children have made to our great country.”

## The Historical Acts of the Parliament of the United Kingdom

The **British Nationality Act 1948**, introduced by a Labour government, created the status of “Citizen of the United Kingdom and Colonies” (CUKCs) as the national citizenship of the United Kingdom and its colonies. There was no immigration control for CUKCs who could settle indefinitely in the UK without restrictions by virtue of having been born in a British colony.

In response to a perceived heavy influx of immigrants, a Conservative government tightened the regulations and introduced the **Commonwealth Immigrants Act 1962**. The Act specified that all Commonwealth citizens without a connection to the UK (including CUKCs who were not born in the UK and not holding a British passport issued by the British Government) were subject to immigration control.

The Commonwealth Immigrants Act 1962 was amended in 1968, further reducing the rights of citizens of the Commonwealth of Nations countries to migrate to the UK. The **Commonwealth Immigrants Act**

**1968** barred the future right of entry previously enjoyed by CUKCs, to those born there or who had at least one parent or grandparent born there.

The Commonwealth Immigrants Act 1968 was superseded by the **Immigration Act 1971** which introduced the concept of patriality or right of abode. The Immigration Act 1971 legally clarified the rights of Commonwealth citizens within the UK in preparation for future membership of the European Communities (EC) which the UK became a member state on 1 January 1973 which gave new automatic rights to EC member state citizens. As a result of the Act, one of the consequences, was to stop the permanent migration of workers from the Commonwealth of Nations.

The **British Nationality Act 1981** marked a turning point of British nationality law. The British Nationality Act 1981 abolished the category of CUKC and introduced the creation of a British citizenship and those who “belong to Britain”. It abolished the historic right of common British citizenship enjoyed by the colonial peoples, which effectively designed citizenship so as to exclude black and Asian populations in the Commonwealth while leaving ‘routes home’ for white nationals born within the boundaries of the empire. Also, immigration and citizenship are now governed by distinct legal regimes.

**Immigration rule changes in 2012** introduced policies which included a legal requirement for landlords, employers, the NHS, charities, community interest companies and banks to carry out ID checks and to refuse services if the individual is unable to prove legal residence in the UK. Landlords, employers and others are liable to fines of up to £10,000 if they fail to comply with these measures. Home Secretary Theresa May stated that “The aim is to create, here in Britain, a really hostile environment for illegal immigrants”.





## Immigration Enforcement

Interventions & Sanctions Directorate  
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40 Wellesley Road  
Croydon, CR9 2BY

[ISDRevocation@homeoffice.gsi.gov.uk](mailto:ISDRevocation@homeoffice.gsi.gov.uk)

16 May 2017

HO Reference:

CID reference: [REDACTED]

### IMPORTANT NOTICE CONCERNING YOUR DRIVING LICENCE

Please do not ignore

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

#### You are at risk of losing your driving licence

According to our records you have no lawful basis to be in the UK. The Home Office is working with other organisations, including the NHS, banks and DVLA to stop access to benefits and services for those with no lawful basis to be in the UK. This includes you.

As you have no lawful basis to be in the UK we are requesting that the Secretary of State for Transport revoke your driving licence under Section 99 (3ZA) of the Road Traffic Act 1988.

When your driving licence is revoked, you must stop driving immediately and return your licence to DVLA. Failure to do so is a criminal offence, for which you could face prosecution and having your vehicle seized.

#### What you should do now

You should take steps to leave the UK immediately. If you need help in leaving the UK please either call the Voluntary Returns Service on 0300 004 0202 or email [voluntaryreturns@homeoffice.gsi.gov.uk](mailto:voluntaryreturns@homeoffice.gsi.gov.uk). If you do not leave voluntarily, you may be prosecuted and face a fine of up to £5000 and up to six months imprisonment. You may also be forcibly removed from the UK and banned from returning for up to 10 years.

If you dispute that you have no lawful basis to be in the UK please contact this office **within 10 working days**, providing evidence that you are in the UK lawfully. Contact should be made by email to [ISDRevocation@homeoffice.gsi.gov.uk](mailto:ISDRevocation@homeoffice.gsi.gov.uk) or you can write to ISD Revocations, Interventions & Sanctions Directorate, Home Office, 17<sup>th</sup> Floor, 40 Wellesley Road, Croydon, CR9 2BY.

Yours sincerely

Interventions & Sanctions Directorate  
Home Office