



## DEBATE PACK

Number CDP-2018-0109 , 27 April 2018

# E-petition 216539 relating to people who entered the UK as minors between 1948 and 1971

**Westminster Hall, Monday 30 April 2018,  
4.30pm**

A Westminster Hall debate on E-petition 216539 relating to people who entered the UK as minors between 1948 and 1971 is scheduled for Monday 30 April 2018 at 4.30pm. The debate is scheduled by the [Petitions Committee](#) and will be opened by Steve Double MP, a member of the Petitions Committee.

You may watch the debate online at [parliamentlive.tv](http://parliamentlive.tv)

The text of the [Petition](#) follows. This includes the link at the end.

### **Amnesty for anyone who was a minor that arrived in Britain between 1948 to 1971**

Windrush Generation were invited as settlers and as British subjects. Minors also had the right to stay. We call on the government to stop all deportations, change the burden of proof and establish an amnesty for anyone who was a minor. The government should also provide compensation for loss & hurt.

With successive changes in immigration policy and legislation over the last 70 years along with the independence of countries which now form part of the Commonwealth this has created uncertainty and lack of clarity and justice for tens of thousands of individuals who have worked hard, paid their taxes and raised children and grandchildren and who see Britain as their home.

<https://www.theguardian.com/uk-news/2018/mar/30/antiguan-who-has-lived-59-years-in-britain-told-he-is-in-uk-illegally>

### **Petitions Committee**

The Petitions Committee is set up by the House of Commons to look at e-petitions submitted on [petition.parliament.uk](http://petition.parliament.uk) and public (paper) petitions presented to the House of Commons. There is more information [here](#).

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

## 1.1 The 'hostile environment'

In 2012 the then Prime Minister David Cameron established a working group comprised of ministers drawn from across Government and tasked with considering whether existing rules preventing illegal migrants from accessing benefits, employment and public services could be administered more effectively, and whether existing rules on migrant access were overgenerous and should be tightened.<sup>1</sup> Theresa May, then Home Secretary, told the *Telegraph* "The aim is to create here in Britain a really hostile environment for illegal migration."<sup>2</sup>

The Committee was initially called the 'Hostile Environment Working Group' before being renamed the 'Inter-Ministerial Group on Migrants' Access to Benefits and Public Services'.<sup>3</sup> As at March 2013, its membership comprised:

- Minister of State for Immigration
- Minister of State for Care Services
- Minister of State for Employment
- Minister of State for Government Policy
- Exchequer Secretary to the Treasury
- Minister of State for Housing and Local Government
- Minister of State for Schools
- Minister of State for Foreign and Commonwealth Affairs
- Minister of State for Universities and Science
- Minister of State for Justice
- Parliamentary Under-Secretary of State for Health
- Parliamentary Under-Secretary of State for Transport<sup>4</sup>

Its policies were implemented by the *Immigration Act 2014*, which introduced a range of measures aimed at creating a 'hostile environment' for individuals in the UK without valid leave. The Coalition Government's stated intention was to deny illegal migrants access to public and other services and benefits to which they were not entitled by virtue of their immigration status, in the expectation that this would persuade large numbers to depart the UK voluntarily and would reduce

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<sup>1</sup> Independent Chief Inspector of Borders and Immigration, '[An inspection of the 'hostile environment' measures relating to driving licences and bank accounts: January to July 2016](#)', October 2016, para 4.1

<sup>2</sup> '[Theresa May interview: 'We're going to give illegal migrants a really hostile reception'](#)', *Telegraph*, 25 May 2012

<sup>3</sup> '[Lib Dem MP attacks coalition's plans for immigration reform](#)', *the Guardian*, 13 July 2013

<sup>4</sup> Independent Chief Inspector of Borders and Immigration, '[An inspection of the 'hostile environment' measures relating to driving licences and bank accounts: January to July 2016](#)', October 2016, para 4.2

the so-called pull factor for anyone thinking to come to the UK to settle illegally.

With the *Immigration Act 2016* the Home Office sought to extend the 'hostile environment' measures in relation to driving licences and bank and building society accounts. It closed various gaps in the 2014 Act and introduced more severe sanctions.

Since autumn 2017 Ministers have chosen to refer instead to the 'compliant environment'<sup>5</sup> and at Prime Minister's Questions on 25 April 2018 Theresa May highlighted the use of the phrase 'hostile environment' by Liam Byrne when Minister of State for Borders and Immigration.<sup>6</sup>

## 1.2 The 'Windrush children'

Commonwealth citizens were invited to come to the UK following the Second World War in order to address a labour shortage. The children of those who migrated to the UK prior to 1 January 1973 (when the immigration controls of the *Immigration Act 1971* came into force) have a right to be in the UK.

Whilst the 'hostile environment' policies were aimed at tackling illegal immigration, those without documentary proof of their right to be in the UK found themselves denied healthcare, pensions and jobs. People eligible to access services have not been able to prove their entitlement.

There is confusion as to whether people may have been detained and deported in error: Immigration Minister Caroline Nokes suggested this had happened<sup>7</sup> but was contradicted by Home Secretary Amber Rudd who said she is "not aware of any specific cases of a person being removed in these circumstances."<sup>8</sup> Ms Rudd has since announced that the Home Office is "checking all Home Office records going back to 2002 to verify that no one has been deported in breach of this policy." She said that as of 23 April "no cases have been identified that breach the protection granted under the 1971 Act." She promised to keep the House informed and to have the data independently audited.<sup>9</sup>

## 1.3 Home Office response

On 16 April the Home Secretary acknowledged that some people lack the documentation that proves their right to be in the UK and said she was sorry for the confusion and anxiety they have felt.<sup>10</sup> She apologised for the "appalling" treatment that some people have suffered and promised to check with high commissioners as to whether people have

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<sup>5</sup> Eg [HC Deb 14 December 2017 c234-5WH](#); [HC Deb 23 April 2018 c630](#)

<sup>6</sup> [HC Deb 25 April 2018 c871](#)

<sup>7</sup> ITV News, '[Some members of Windrush generation have been wrongly deported, immigration minister admits](#)', 16 April 2018

<sup>8</sup> [HC Deb 16 April 2018 c28](#)

<sup>9</sup> [HC Deb 23 April 2019 c620-2](#)

<sup>10</sup> [HC Deb 16 April 2018 c27](#)

been deported in error.<sup>11</sup> In response to an Urgent Question asked by David Lammy, Ms Rudd announced the establishment of a Home Office team dedicated to helping those people evidence their right to be in the UK and to access the necessary services.<sup>12</sup> She tasked this team with 'resolving cases within two weeks when the evidence has been provided'. She stated her intention that no-one will have to pay for documentation.

The following day the Prime Minister apologised to Caribbean leaders during a meeting in Downing Street. She told them: "I want to dispel any impression that my government is in some sense clamping down on Commonwealth citizens, particularly those from the Caribbean."<sup>13</sup>

In a statement to the House of Commons on 23 April, Ms Rudd announced she will take steps to assist the Windrush generation to acquire British citizenship.<sup>14</sup> She promised to waive the payment of citizenship and naturalisation fees, to waive the requirement of sitting the knowledge of language and life in the UK test and to permit those who made their lives here but have since retired to their country of origin to return to the UK. She also announced a compensation scheme will be established by the Home Office. She explained that it will 'be run by an independent person' and promised that further details will be provided in the coming weeks. Her announcement was immediately criticised for being too narrow.<sup>15</sup>

On 25 April the Home Secretary gave evidence to the Home Affairs Committee. She denied that the Home Office sets targets for removals, only to return to the House the next day to acknowledge that the Home Office has been using local targets "for internal performance management." Ms Rudd said she had been unaware of the practice and promised to ensure that it stopped.<sup>16</sup>

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<sup>11</sup> [HC Deb 16 April 2018 c15](#)

<sup>12</sup> Home Office press release, '[New team to help Commonwealth citizens confirm their status in the UK](#)', 16 April 2018

<sup>13</sup> 'May says sorry to Caribbean leaders over Windrush scandal', *FT*, 17 April 2018

<sup>14</sup> HC Deb 23 April 2018 c619-620

<sup>15</sup> 'Amber Rudd promises easier route to citizenship for Windrush migrants', *FT*, 23 April 2018

<sup>16</sup> [HC Deb 26 April 2018 c1017-1018](#)

## 2. News and blogs

Free Movement

[Windrush cases and the standard of proof: moving the goalposts](#)

24 April 2018

Home Office

[Free citizenship for the Windrush generation](#)

23 April 2018

Members of the Windrush generation who arrived in the UK before 1973 will be eligible for free citizenship, the Home Secretary Amber Rudd announced today.

The offer, which will be available to people from all Commonwealth countries, not just Caribbean nationals, will extend to individuals who have no current documentation, those who already have leave to remain and want to advance their status, and children of the Windrush generation.

In addition, the [Home Secretary confirmed](#) that a compensation scheme will be set up for individuals who have suffered loss or damage because of their inability to evidence their right to be in the UK and to access services. The Home Office will be engaging with stakeholders on the scope of the compensation on offer and appointing an independent adviser to oversee the scheme.

A new customer contact centre will be set up to make sure that anyone struggling to navigate the many different immigration routes can speak to a person and get appropriate advice. The centre will be staffed by experienced caseworkers who will offer expert advice and identify a systemic problem much more quickly in the future.

Home Secretary Amber Rudd said:

The contribution of the Windrush generation and their right to be in the UK is in no doubt and I deeply regret the situation that has arisen.

It is only right that the significant contribution the Windrush generation have made to the UK is recognised. That is why I want to ensure they can acquire the status they deserve – British citizenship – quickly, at no cost and with proactive assistance through the process. It is also why I want to make sure we set up a compensation scheme that works in the best interests of those affected.

I hope that the measures I announced today will begin to reassure people as to their position and their valued status in this country.

As well as not having to pay the fees associated with a citizenship application, people in these circumstances will not be required to pass the normal Knowledge of Language and Life in the UK test.

People who arrived in the country between 1973 and 1988 will also be supported to access the most suitable route to regularise their status. In order to establish which route is most suitable, people in this group will be able to take advantage of the new dedicated team which has been set up to help people confirm their status and will be given a decision on their application within 2 weeks of the necessary evidence being collected.

The new team has already successfully resolved 9 cases and made 84 appointments to issue documents to individuals who have been in touch with the team through the freephone helpline.

In addition, extra measures will be introduced to help those who arrived before 1973, spent their life in the UK and are now having difficulty returning either for a visit or to reside. The Home Office will help to facilitate their return on the most suitable route and waive any associated fees.

Joint Council for the Welfare of Immigrants; Liberty

[Dossier of Failure - Windrush and the Hostile Environment](#)

23 April 2018

Extract:

JCWI (The Joint Council for the Welfare of Immigrants) & Liberty have today [Monday 23rd April] called for the appointment of an Independent Commission to review the workings of the Home Office and the legal framework of the 'hostile environment'.

Alongside the call, JCWI and Liberty have published a *Dossier of Failure*, detailing the need for an Independent Commission into the systematic failures which culminated in the Windrush scandal.

JCWI and Liberty have decided to release the dossier following a private JCWI meeting with No 10 last week in which it became clear that the Prime Minister had no intention of dealing adequately with the failures that led to the Windrush scandal. Instead, No 10 used the meeting to attempt to obtain a public statement from JCWI backing the Home Office. JCWI refused to make such a statement.

The *Dossier of Failure* establishes:

- The Home Office's deliberate intent in creating the hostile environment which resulted in the Windrush scandal;
- That the Home Office knew before and after they implemented the hostile environment that it would result in problems for people legally resident and British citizens who didn't have the right documents;

- The Home Office's failure to heed multiple warnings about the harmful impact of the hostile environment;
- The Home Office's failure, despite recommendations, to monitor the impact of the hostile environment;
- That Home Office decision making is error-prone and often arbitrary;
- That the government has repeatedly tried to reduce scrutiny and corrective mechanisms in the Home Office, rather than dealing with problems.

In Parliament, an Early Day Motion (EDM) has been tabled by Caroline Lucas MP, co-leader of the Green Party, calling for an Independent Commission. It is co-sponsored by David Lammy MP, Layla Moran MP, Liz Saville Roberts MP, Stuart MacDonald MP and Emma Reynolds MP. It is expected to attract cross-party support.

Because of the Prime Minister's role as Home Secretary between 2010 and 2016, JCWI believes only an independent commission, operating independently from the government, can properly investigate the failure of the Home Office and the decisions which led to the Windrush scandal.

(... ...)

Free Movement

[Guest post: the fee for children to register as British is the next Windrush scandal](#)

20 April 2018

Free Movement

[Legal aid would have prevented the Windrush scandal](#)

17 April 2018

Home Office

[New team to help Commonwealth citizens confirm their status in the UK](#)

16 April 2018

A new team to help Commonwealth citizens confirm their status in the UK has been announced by the Home Secretary today.

The new dedicated team will work across government to help individuals identify and gather evidence to confirm their existing right to be in the UK. The team will include a dedicated contact point and aim to resolve cases within 2 weeks once the evidence has been put



together. In addition, no one affected will be charged for the documentation which proves their right to be here.

The package of measures is being introduced to support individuals, who have resided in the UK for an extended period of time, and encourage them to come forward and regularise their stay. It will help guide individuals through the process and use data from across government to help build a picture that will evidence a person's right to be here.

Home Secretary Amber Rudd said:

This is about individuals, people who have built their lives here in the UK and contributed so much to our society. I don't want them to feel unwelcome or to be in any doubt about their right to remain here. There is absolutely no question about their right to remain and I am very sorry for any confusion or anxiety felt.

The vast majority will already have documentation that proves their right to be here. For those that don't I am announcing a new dedicated team that will be set up to help these people with getting the documentation they need and do it quickly.

We've also set up a webpage and have been speaking to charities, community groups and High Commissioners about providing advice and reassurance to those affected and we will set up a dedicated contact point to ensure this is resolved as soon as possible.

The new team will work with HM Revenue and Customs, the Department for Work and Pensions, the Department of Health and Social Care, the Department for Education and other relevant bodies to help people evidence their right to be here.

The Home Office has also published a [new web page](#) which provides information and guidance for former Commonwealth citizens.

It gives examples of the type of evidence that can be provided to support applications including exam certificates, employment records, your National Insurance number, birth and marriage certificates or bills and letters.

Free Movement

[Windrush children: why Commonwealth citizens are being denied immigration status](#)

13 April 2018

## 2.1 Press

BBC News

[Windrush: Home Office 'to scrap immigration removals targets'](#)

26 April 2018

Financial Times

[Pressure grows on Amber Rudd over UK deportation targets](#)

26 April 2018

The Register

[Windrush immigration papers scandal is a big fat GDPR fail for UK.gov](#)

Dave Cartwright 26 April 2018

Channel 4

[Amber Rudd: I should have seen Windrush issue coming months ago](#)

Gary Gibbon 25 April 2018

Guardian

[Windrush scandal: five unanswered questions](#)

25 April 2018

BBC News

[Home Office 'was told about Windrush problems in 2016'](#)

25 April 2018

Guardian

[The Windrush scandal shows the need for immigration legal aid](#)

25 April 2018

Guardian

[Windrush generation fear hotline will be used for data gathering](#)

24 April 2018

## 3. Parliamentary Business

### 3.1 Ministerial Statements

#### [Windrush](#)

HC Deb 23 April 2018 c619-22

#### **The Secretary of State for the Home Department (Amber Rudd):**

From the late 1940s to the early 1970s, many people came to this country from around the Commonwealth to make their lives here and to help rebuild Britain after the war. All Members will have seen the recent heartbreaking stories of individuals who have been in the country for decades struggling to navigate an immigration system in a way that they should never, ever have had to.

These people worked here for decades. In many cases, they helped to establish the national health service. They paid their taxes and enriched our culture. They are British in all but legal status, and this should never have been allowed to happen. Both the Prime Minister and I have apologised to those affected and I am personally committed to resolving this situation with urgency and purpose.

Of course, an apology is just the first step we need to take to put right the wrong these people have suffered, but before I get on to the steps we will be taking I want to explain how this situation has arisen. The Immigration Act 1971 provided that those here before it came into force should be treated as having been given indefinite leave to enter or remain in the UK, as well as retaining a right of abode for certain Commonwealth citizens. Although the Empire Windrush docked in the port of Tilbury in 1948, it is therefore everyone that arrived in the UK before 1973 who was given settlement rights and not required to get any specific documentation to prove those rights. Since 1973, many of the Windrush generation would have obtained documentation confirming their status or would have applied for citizenship and then a British passport.

From the 1980s, successive Governments have introduced measures to combat illegal immigration. The first NHS treatment charges for overseas visitors and illegal migrants were introduced in 1982. Checks by employers on someone's right to work here were first introduced in 1997, measures on access to benefits in 1999 and civil penalties for employing illegal migrants in 2008, and the most recent measures in the Immigration Acts of 2014 and 2016 introduced checks by landlords before property is rented and checks by banks on account holders.

The public expect us to enforce the immigration rules approved by Parliament as a matter of fairness to those who abide by the rules, and I am personally committed to tackling illegal migration because I have seen in this job the terrible impact it has on some of the most

vulnerable in our society. But steps intended to combat illegal migration have had an unintended, and sometimes devastating, impact on people from the Windrush generation, who are here legally, but who have struggled to get the documentation to prove their status. This is a failure by successive Governments to ensure these individuals have the documentation they need.

This is why we must urgently put it right, because it is abundantly clear that everyone considers people who came in the Windrush generation to be British, but under the current rules this is not the case. Some people will still just have indefinite leave to remain, which means they cannot leave the UK for more than two years and are not eligible for a British passport. That is the main reason we have seen the distressing stories of people leaving the UK more than a decade ago and not being able to re-enter.

I want to enable the Windrush generation to acquire the status they deserve—British citizenship—quickly, at no cost and with proactive assistance through the process. First, I will waive the citizenship fee for anyone in the Windrush generation who wishes to apply for citizenship. This applies to those who have no current documentation, and also to those who have it. Secondly, I will waive the requirement to carry out a knowledge of language and life in the UK test.

Thirdly, the children of the Windrush generation who are in the UK are in most cases British citizens. However, where that is not the case and they need to apply for naturalisation, I shall waive the fee. Fourthly, I will ensure that those who made their lives here but have now retired to their country of origin can come back to the UK. Again, I will waive the cost of any fees associated with the process and will work with our embassies and high commissions to make sure people can easily access this offer. In effect, that means that anyone from the Windrush generation who now wants to become a British citizen will be able to do so, and that builds on the steps that I have already taken.

On 16 April, I established a taskforce in my Department to make immediate arrangements to help those who needed it. This included setting up a helpline to get in touch with the Home Office. Let me be quite clear that this helpline and the information shared will not be used to remove people from the country. Its purpose is to help and support.

We have successfully resolved nine cases so far and made 84 appointments to issue documents. My officials are helping those concerned to prove their residence and they are taking a proactive and generous approach so that they can easily establish their rights. We do not need to see definitive documentary proof of date of entry or of continuous residence. That is why the debate about registration slips and landing cards is misleading. Instead, the caseworker will make a judgment based on all the circumstances of the case and on the balance of probabilities.

Previously, the burden of proof on some of the Windrush generation to evidence their legal rights was too much on the individual. Now we are working with this group in a much more proactive and personal way in order to help them. We were too slow to realise that there was a group of people that needed to be treated differently, and the system was too bureaucratic when these people were in touch.

The Home Office is a great Department of State. It works tirelessly to protect us. It takes millions of decisions each year that profoundly affect peoples' lives, and for the most part it gets these right. But recent events have shown that we need to give a human face to how we work and exercise greater judgment, where and when it is justified. That is why I will be establishing a new customer contact centre, so that anyone who is struggling to navigate the many different immigration routes can speak to a person and get appropriate advice. This will be staffed by experienced caseworkers who will offer expert advice and identify a systemic problem much more quickly in the future. I will also be putting in place 50 senior caseworkers across the country to ensure that, where more junior members of staff are unsure about a decision, they can speak to someone with experience to ensure that discretion is properly exercised.

There has also been much concern about whether the Home Office has wrongly deported anyone from the Windrush generation. The Immigration Act 1971 provides protection for members of this group if they have lived here for more than five years and if they arrived in the country before 1973. I am now checking all Home Office records going back to 2002 to verify that no one has been deported in breach of this policy. This is a complex piece of work that involves manually checking thousands of records. So far, 4,200 records have been reviewed out of nearly 8,000 that date back to 2002, and no cases have been identified that breach the protection granted under the 1971 Act. This is an ongoing piece of work and I want to be absolutely certain of the facts before I draw any conclusions. I will ensure that the House is informed of any updates, and I intend to have this data independently audited once my Department has completed its work, to ensure transparency.

It was never the intention that the Windrush generation should be disadvantaged by measures put in place to tackle illegal migration. I am putting additional safeguards in place to ensure that this will no longer happen, regardless of whether they have documentation or not. As well as ensuring that the Home Office does not target action against someone who is part of the Windrush generation, I will also put in place greater protection for landlords, employers and others conducting checks in order to ensure that we are not denying work, housing, benefits and services to this group. These measures will be kept carefully under review, and I do not rule out further changes if they are needed.

Now I will turn to the issue of compensation. As I said earlier, an apology is just the first step we need to take to put right these wrongs.

The next and most important task is to get those affected the documents that they need. But we also do need to address the issue of compensation. Each individual case is painful to hear, but it is so much more painful, and often harrowing, for the people involved. These are not numbers, but people with families, responsibilities and homes—I appreciate that. The state has let these people down, with travel documents denied, exclusions from returning to the UK, benefits cut and even threats of removal—this, to a group of people who came to help build this country; people who should be thanked.

This has happened for some time. I will put this right and where people have suffered loss, they will be compensated. The Home Office will be setting up a new scheme to deliver this which will be run by an independent person. I will set out further details around its scope and how people will be able to access it in the coming weeks.

I am also aware that some of the individual cases that have come to light recently relate not to the Windrush generation but to people who came to the UK after 1 January 1973. These people should have documentation to confirm their right to be here, but I recognise that some will face similar issues in documenting their rights after spending so many years in this country. Given that people who have been here for more than 20 years will usually go on a 10-year route to settlement, I am ensuring that people who arrived after 1973, but before 1988, can also access the Windrush taskforce, so they can get the support and assistance needed to establish their claim to be here legally. I will consider further, in the light of the cases that come forward, whether any policy changes are needed to deal fairly with these cases.

I have set out urgent measures to help the Windrush generation document their rights, how this Government intend to offer them greater rights than they currently enjoy, how we will compensate people for the hardship they have endured and the steps I will take to ensure this never happens again. None of that can undo the pain already endured, but I hope that it demonstrates the Government's commitment to put these wrongs right going forward.

## 3.2 Debates

### [Windrush](#)

HC Deb 23 April 2018 c619-41

Debate following Oral Statement, above

## 3.3 Parliamentary Questions

### [Engagements](#)

**Asked by: Jeremy Corbyn**

(... ..)

We recognise that the Home Secretary has rightly apologised to the Windrush generation and made a commitment to compensate people for the hardship they have endured. The Government are committed to compensation in theory, but as yet nothing in practice. There is an understandable lack of trust on the part of the Windrush generation, so can the Prime Minister today be clear and confirm that those British citizens, who have worked, paid taxes here for decades and been wrongly denied pensions and benefits, will be fully compensated?

**Answered by: The Prime Minister (Mrs Theresa May)**

It is absolutely right that across this House we should all be absolutely clear in our determination to ensure that we stamp out racism in every form. Let me set out to the House the action that has been taken. My right hon. Friend the Home Secretary made very clear the offering in her statement to the House that those who came here before 1 January 1973 from Commonwealth countries—this is from Commonwealth countries as a whole—will be offered citizenship status without paying the fee and without taking the knowledge of language and “Life in the UK” test. The children of the Windrush generation who are in the UK will in most cases be British citizens already, but where that is not the case, they will be able to apply to naturalise at no further cost.

We are also taking action in relation to those who made their life here but retired to their country of origin and have found it difficult or impossible to return to the UK. We will work with high commissions to make sure that they can easily access the offer of formal British citizenship, because the Windrush generation are British; they are part of us. There will be a compensation scheme, the details of which my right hon. Friend will set out in due course, but I think everybody will see that the action the Government have taken is because we know the Windrush generation are British, they are part of us, and we will ensure that.

HC Deb 25 April 2018 c870-1

## [Windrush Generation](#)

Oral questions

HL Deb 23 April 2018 c1341-3

## [Engagements](#)

**Asked by: Neil O'Brien**

The whole House will be aware of the stories of people who came to this country from the Commonwealth more than 45 years ago—people who are facing the anxiety of being asked for documents they cannot provide to prove their right to reside in the country they call home. Will the Prime Minister update the House on what she and the Government are doing to provide reassurance in these cases?

**Answered by: The Prime Minister (Mrs Theresa May)**

My hon. Friend raises a very important issue which I know has caused a great deal of concern and anxiety, so I would like to update the House.

People in the Windrush generation who came here from Commonwealth countries have built a life here; they have made a massive contribution to the country. These people are British. They are part of us. I want to be absolutely clear that we have no intention of asking anyone to leave who has the right to remain here. For those who have mistakenly received letters challenging them, I want to apologise to them. I want to say sorry to anyone who has felt confusion or anxiety as a result of this.

I want to be clear with the House about how this has arisen. Those Commonwealth citizens who arrived before 1973 and were settled here have a right conferred by the Immigration Act 1971 to live in the UK. They were not required to take any action with the Home Office to document their status. The overwhelming majority already have the immigration documents they need, but there are some who, through no fault of their own, do not, and those are the people we are working hard to help now. My right hon. Friend the Home Secretary has made clear that a new dedicated team is being set up to help these people evidence their right to be here and access services, and it will aim to resolve cases within two weeks, once the evidence has been put together.

HC Deb 18 April 2018 c311-2



### 3.4 Early Day Motions

#### [Windrush 70<sup>th</sup> Anniversary](#)

**Helen Hayes:** That this House notes that 22 June 2018 will be the 70th anniversary of the arrival of the HMT Empire Windrush at Tilbury Docks carrying passengers from the Caribbean; further notes with gratitude that many Windrush passengers had previously served in the UK armed forces during the Second World War; recognises the important role that those passengers played in the post-war reconstruction of the UK and in the establishment of the newly created NHS; further recognises the enormous social, political and cultural contribution that Windrush passengers and ensuing generations have made to British society and to the establishment of modern, multi-cultural Britain; and calls on the Government to designate 22 June Windrush Day in recognition and celebration of the Windrush Generation.

19 April 2019 | Early Day Motion | 1187

#### [Independent Review of Home Office Immigration Policy and Practice](#)

**Caroline Lucas:** That this House notes the Home Office's long track record of delay, maladministration and poor quality decision-making while implementing increasingly harsh anti-immigrant policies; deplores the cruel and grossly unfair treatment of Commonwealth citizens legally resident in the UK, including denial of NHS health care, dismissal from employment, arbitrary detention under Immigration Act powers, threat of removal from the UK and destitution; believes that such mistreatment is a direct result of deliberate policies, and in particular the then Home Secretary's creation of a hostile environment under the Immigration Act 2014, which places an unreasonable onus on individuals to produce often long lost evidence of residence; deeply regrets the failure of the then Home Secretary to act upon policy recommendations set out in the October 2014 Legal Action Group report Chasing Status, which included establishing a specialist unit within the Home Office to deal with Windrush Generation cases; commends the work of the Joint Council for the Welfare of Immigrants, Praxis Community Projects, the Refugee and Migrant Centre and others in supporting individuals stripped of their legal rights; welcomes the current Home Secretary's belated acknowledgement that the Home Office has become too concerned with policy and strategy and sometimes loses sight of the individual; and calls on the Government to establish an independent commission to review Home Office policies and practice, their impact on black and minority ethnic communities and how they might be reformed to improve fairness and efficiency.

19 April 2018 | Early Day Motion | 1182

## 4. Organisations and further reading

UK Visas and Immigration, [Guidance for undocumented Commonwealth citizens](#), 25 April 2018

Home Affairs Committee, [Windrush Children inquiry](#)

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