



DEBATE PACK

Number CDP-2018-0111, 1 May 2018

Windrush generation

Commons Chamber, Wednesday 2 May 2018

An Opposition Day debate on the Windrush generation is scheduled for Wednesday 2 May 2018. The matter to be debated has been selected by the Leader of the Opposition.

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.

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1. Background

22 June 2018 marks the 70th anniversary of the arrival of the SS Empire Windrush at Tilbury Docks. It was carrying passengers from the Caribbean who were responding to an invitation to come to the UK to address a post-WW2 labour shortage.

The arrival of the Windrush marked the start of a phase of Commonwealth migration which continued throughout the 1950s and 1960s until commencement of the Immigration Act 1971.

The immigration and nationality rights of people associated with former British colonies have changed over time, as a result of those countries gaining independence from the UK and successive changes to British immigration and nationality law from the 1960s onwards.

Whilst the Immigration Act 1971 provided that foreign nationals who were 'ordinarily resident' in the UK on 1 January 1973 (when the Act came into force) were deemed to have 'settled' status (i.e. Indefinite Leave to Remain), in practice many of these people have been living in the UK for many years without documentary proof of their immigration/nationality status. Long-term residents who arrived from 1973 onwards may also have grounds to remain in the UK.

As laws to detect and discourage illegal immigration have proliferated over the past 20 years or so, some long-term residents have found themselves unable to provide sufficient evidence of their status and eligibility for employment and services 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 have found themselves denied healthcare, pensions and jobs. People eligible to access services have not been able to prove their entitlement. Some have struggled to provide the amount of evidence (and associated fees) that the Home Office has required to issue status confirmation documents.

The Government is responding to recent criticisms by:

- Establishing a helpline and dedicated casework team for people who arrived before 1988 to assist them to obtain confirmation of their status.
- Offering assistance to former residents who have travelled overseas and been unable to re-enter to the UK due to lack of proof of status.
- Checking Home Office records from 2002 onwards to ascertain if anyone deemed to have status under the Immigration Act 1971 has been wrongly removed from the UK.
- Waiving the application fee and some of the requirements for eligibility for British citizenship for this cohort of cases.
- Establishing a compensation scheme for people who have previously been adversely affected by this issue.

2. Current events

2.1 Library Briefing

[E-petition 216539 relating to people who entered the UK as minors between 1948 and 1971](#), Commons Library debate pack CDP-2018-0109, 30 April 2018

2.2 Parliamentary Business

[Windrush](#) [Urgent question]

HC Deb 30 April 2018 c35-55

[Minors entering the UK: 1948 to 1971](#) [Debate on e-petition 216539]

HC Deb 30 April 2018 c1-46WH

[Windrush](#) [Oral statement]

HC Deb 23 April 2018 c619-41

2.3 Government material

[Undocumented Commonwealth citizens resident in the UK](#), Home Office, 25 April 2018

Information about obtaining evidence for undocumented long-term residents of the UK to prove their status here.

Home Office news story, [Free citizenship for the Windrush generation](#),

23 April 2018

[Letter to Caribbean high commissioners and foreign ministers](#), Home Office, 17 April 2018

Immigration Minister Caroline Nokes sets out the commitments that the government has made to support the 'Windrush' generation.

2.4 News, blogs and press

Guardian

[Windrush victims voice shock at scandal's political consequences](#)

1 May 2018

Guardian

[The Windrush scandal shows why we must hold power to account](#)

30 April 2018

The Register

[Windrush immigration papers scandal: what it didn't teach UK.gov about data compliance](#)

30 April 2018

Independent

[Amber Rudd's resignation letter in full and the Prime Minister's response](#)

30 April 2018

Financial Times

[Replacing Rudd with Javid gives the UK a chance for a fresh start](#)

30 April 2018

Guardian

[Don't let Rudd's departure distract from a toxic policy that needs to die](#)

David Lammy 30 April 2018

Telegraph

[How can a government which perpetrates the Windrush scandal be trusted with Brexit?](#)

29 April 2018

Telegraph [Registration required]

[Sajid Javid's Windrush fury: 'It could have been me, my mum or my dad'](#)

29 April 2018

Economist

[Amber Rudd's resignation rattles Theresa May's delicate cabinet](#)

29 April 2018

Spectator

[With Amber Rudd gone, the Windrush scandal moves closer to Theresa May](#)

29 April 2018

New Statesman

[Why scrapping ID cards was the wrong decision for poor, marginalised groups](#)

28 April 2018

Free Movement

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

24 April 2018

Amnesty International UK

[Yes Minister... it is a human rights issue](#)

Steve Valdez-Symonds 16 April 2018

2.5 Parliamentary Questions

[Immigrants: Caribbean](#)

Asked by: David Lammy

To ask the Secretary of State for the Home Department, which Minister in her Department is responsible for the Windrush helpline and taskforce.

Answered by: Caroline Nokes | Home Office

I, as Immigration Minister, am responsible for the Windrush helpline and taskforce.

30 April 2018 | Written question | 137393

[Immigrants: Caribbean](#)

Asked by: David Lammy

To ask the Secretary of State for the Home Department, whether the Windrush helpline is staffed by people who are directly employed by her Department.

Answered by: Caroline Nokes | Home Office

Yes, the helpline is staffed by people directly employed by the Home Office.

30 April 2018 | Written question | 137392

[Immigrants: Caribbean](#)

Asked by: John Healey

To ask the Secretary of State for the Home Department, what action she is taking to ensure adequate access to housing for the Windrush generation.

Answered by: Caroline Nokes | Home Office

Appropriate safeguarding processes are built into compliant environment measures, including the right to redress, but clearly there is more to be done here. We are reviewing compliant environment measures and taking immediate action to introduce additional safeguards to protect Windrush generation cases. These cases will be dealt with quickly and sensitively.

The Home Office has also sent out communications urging other government departments and public authorities to exercise particular care when responding to applications for benefits and services from the Windrush generation. Guidance has also been added to the www.gov.uk website advising landlords on what they should do -

<https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>

Individuals who are unable to access housing in the UK as a result of not provide the appropriate documentation to show that they are entitled to live in the UK should contact the Home Office, by telephone on 0800 678 1925 or by emailing commonwealthtaskforce@homeoffice.gsi.gov.uk. The team will help the applicants to demonstrate that they are entitled to live in the UK and will aim to resolve cases within two weeks when the evidence has been provided.

30 April 2018 | Written question | 137096

[Caribbean: Immigrants](#)

Asked by: Dr Dan Poulter

To ask the Secretary of State for Foreign and Commonwealth Affairs, whether he intends to meet with representatives of the Caribbean to discuss concerns on the immigration status of people of Caribbean birth who have been living and working in the UK.

Answered by: Sir Alan Duncan | Foreign and Commonwealth Office

The United Kingdom will always be grateful for the invaluable contribution made by the thousands of people who came to the UK from the Caribbean. The Government has therefore made considerable efforts to discuss immigration issues with Caribbean leaders and explain the urgent action being taken to rectify cases of those from the Windrush generation.

Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and the Caribbean, and the Rt Hon Caroline Nokes MP, Minister of State for Immigration, met Commonwealth Caribbean Foreign Ministers on 16 April to discuss concerns about the immigration status of the Windrush generation. This was followed by a meeting between the Prime Minister and Caribbean leaders on 17 April. The Prime Minister also met the Prime Minister of Jamaica for a bilateral meeting. Lord Ahmad joined both discussions.

Lord Ahmad meets Caribbean High Commissioners quarterly and these issues will be discussed at the next scheduled meeting.

30 April 2018 | Written question | 136900

[Immigrants: Caribbean](#)

Asked by: Debbie Abrahams

To ask the Secretary of State for Work and Pensions, how many people of the Windrush generation have been denied state pension support in each year since 2010.

Answered by: Alok Sharma | Department for Work and Pensions

DWP officials are working with the Home Office and other Government bodies to help individuals to confirm quickly their residency in the UK and ensure that they receive the support to which they are entitled. The department does not collect statistical information by citizenship status and so does not hold the specific information requested.

DWP has set up a dedicated team to confirm residence in the UK for those people who have engaged with the Home Office in order to apply for leave and have never received the necessary documentation to confirm they qualify. DWP has also arranged a fast-track service into the Home Office Task Force to swiftly confirm the status of Windrush cases who are unable to provide documentation in support of their benefit claim.

26 April 2018 | Written question | 136982

3. Historical background to postwar Commonwealth immigration

[Windrush 70](#), Celebrating 70 years of Windrush

Cabinet Papers, [Origins of Commonwealth immigration](#)

Cabinet Papers, [Commonwealth immigration control and legislation](#)

[MV "Empire Windrush"](#)

HL Deb 18 January 2018 c47-63GC

Guardian

[The Windrush scandal shows Britain desperately needs a migration museum](#)

30 April 2018

BBC News

[Windrush: who exactly was on board?](#)

27 April 2018

BBC News

[Windrush generation: who are they and why are they facing problems?](#)

18 April 2018

Fiona Bawdon, [Chasing Status: If not British, then what am I?](#), Legal Action Group, October 2014

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