



Home Office

Home Secretary

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Rt Hon Yvette Cooper MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1A 0AA

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Dear Yvette,

At the evidence session on Tuesday 15 May, I committed to providing you with regular updates on the work of my department in relation to Windrush. This month's update has been included as an annex to this letter and focuses on the immediate period following the establishment of the Taskforce, as well as information on the historical reviews and the compensation scheme. Future monthly updates will provide detail on activity under the Windrush scheme which came into force on 30 May, following the introduction of secondary legislation.

I also wanted to take this opportunity to answer the outstanding questions from your letter of the 24 May. I have sought to answer each of your questions under thematic headings for ease.

The work of the Taskforce

You have asked whether we will be contacting those within the Windrush cohort who have been removed. The Taskforce has been reaching out to the 31 administrative removals identified through the initial historical review of Caribbean nationals now aged 45 going back to 2002. However, current contact details for a number of the individuals are not available so the Taskforce is working with Caribbean High Commissions to contact as many of this cohort as possible. I have provided a progress update on this work in the monthly report at the annex.

Appeals

You have asked for further detail on the review mechanisms associated with the Windrush scheme. As I indicated at the evidence session, the taskforce is now routinely helping to discharge the burden of evidence by helping build a picture of an individual's life here, mainly by working with other government departments to find evidence of a person's life in the UK. I can confirm that a person eligible to apply under the Windrush Scheme who is not issued with a document will be able to request a free administrative review which will be undertaken by a team independent of the initial decision-making team.

Statutory rights of appeal are set out in primary legislation. Applications under the Windrush scheme include citizenship, No Time Limit and settlement. There is no provision in legislation for an appeal for any of these routes.

There will continue to be a right of appeal whenever a human rights claim is refused, but an application under the Windrush Scheme is not a human rights claim. A person who does not qualify for documentation under the Windrush Scheme can also apply under any existing immigration route. If they make a human rights claim and that is refused they will have a right of appeal against the decision on the human rights claim.

Criminality

I have made a commitment that no information provided to the Windrush Taskforce will be passed onto Immigration Enforcement for immigration control purposes. Beyond immigration matters, it may come to our attention that individuals are wanted in connection with potential criminal activity. My officials have a legal duty to keep the public safe. Therefore, if it comes to their attention that an individual is wanted by the police for criminal activity, they must act on that. However, this is not the same as referring an individual to Immigration Enforcement to take action on their presence in the UK.

You asked how the Taskforce was approaching applications from individuals with spent criminal convictions. Commonwealth citizens who arrived in the UK and were settled before 1973 who apply for British citizenship are required to meet the good character requirement. Where, as a result of their criminality, an applicant is precluded from meeting the good character requirement, they will be provided with a document confirming their settled status or right of abode. If the applicant does not apply for British citizenship or does not qualify for naturalisation, the Taskforce will consider whether they are settled in the UK and if so, they will be given a document confirming their settled status.

Compliant environment

First, let me reiterate the immediate safeguards we have put in place to protect those from the Windrush generation from being wrongly and erroneously impacted by compliant environment measures. We have paused pro-active data sharing with other government departments and delivery partners on data for all nationalities over 30 years old for a period of three months. This covers HMRC, DWP and the DVLA. We have gone further with access to financial services measures and significantly restricted pro-active data sharing with banks and building societies via Cifas (the specified anti-fraud authority), to persons subject to deportation action due to criminal activity

You asked what we are doing to evaluate the impact of the compliant environment. It is right that we understand its impact; that it is meeting our aim to deter immigration offending, and vitally, that safeguards are effective in ensuring it is not capturing those who are entitled to access work, benefits and services in the UK. I have asked my officials to look at the best ways of evaluating the effectiveness of the compliant environment to ensure it is effective, and that there is no adverse impact on individuals who have a right to be here and to access those services.

You asked for assurance that we can identify where the compliant environment has wrongfully impacted on people, and whether any Windrush citizens were on the Cifas database as of 1 March 2018. Many of the compliant environment checks are conducted by other agencies and bodies, for example landlords and agencies will conduct right to rent checks and employers or employment agencies will conduct right to work checks.

Beyond individual cases which are drawn to our attention, it is therefore not possible to say how many of the Windrush generation may have been inadvertently affected by these aspects of the compliant environment. The historical review unit has begun reviewing compliant environment cases where the Home Office has instigated the action taken by a partner or third party to deny or revoke a service to an individual, or has taken action to penalise a third party for employing or housing an unlawful migrant; a final figure of those affected will not be available until this review is complete.

With respect to the banking measures, you asked us to establish whether any Windrush citizens have been subject to freezing orders, to consider the Independent Chief Inspector of Borders and Immigration's finding that 10% of cases on Cifas were wrong; and, whether information from the Cifas database has been used to freeze individual's bank accounts without giving them any notice.

No freezing orders have been applied for, granted or have been revoked following an appeal under the powers contained in Schedule 7 of the Immigration Act 2016. We continuously review the technical specification used for sharing data with Cifas which forms our disqualified persons list used by banks and building societies for the 2014 and 2016 Act.

On those individuals who have experienced a loss of employment, the Taskforce helpline is not collating this information as their focus is to assure people of their status and ensure that they are supported through the process. The compensation scheme call for evidence was the first step to listen to those affected, before engaging on the details of the scheme. Although a criterion has not yet been set for compensation, the aim of the scheme is make appropriate redress for the losses that people have suffered in recent years through not being able to access a range of things including public services, or employment or housing because of the regulations that Home Office put in place or the immigration regime more generally. When the compensation scheme has been launched I will provide, as part of my regular update to the committee, an update on those individuals that have made claims through the scheme.

Immigration reporting requirements

My department is not readily able to provide information on Windrush individuals' reporting requirements on 1 January 2018. My priority remains the department's work to review historic removals and detentions, on which I have provided the committee with an update in the annex of this letter. I want to take stock of the emerging findings of this initial work before going any further.

Instructions have been issued to all staff in Immigration Enforcement, including those in reporting centres, not to take any enforcement action against anyone who may fall within the Windrush scheme. Such cases will be investigated and escalated to senior managers, and referred to the Taskforce where appropriate.

Tier 1

The Committee asked how many people who have been refused a Tier 1 application for HMRC issues and removed from the UK are cases where the HMRC has decided against taking enforcement action.

The Home Office does not have information relating to any action that may or may not have been taken by HMRC in respect of any of these applicants. HMRC and the Home Office have very different remits. From HMRC's perspective, there is no reason why

anyone should claim to have higher earnings than they actually do. The Home Office does not routinely notify HMRC when someone makes an application for leave to remain and there is no justifiable reason for us to do so. HMRC will therefore be unaware when someone claims higher earnings in a leave to remain application than is shown by their tax returns. Similarly, they will be unaware when someone has amended their tax records shortly before applying to UKVI for settlement, and that they may have only made the amendment for that purpose.

The Immigration Minister has written to the committee with an update on the review and has committed to sharing this with you when the final report is completed.

At the evidence session today I committed to writing to you about what support is available for any individual suffering hardship by the end of this week. I will send the next monthly Windrush update in August.

A handwritten signature in black ink, appearing to read 'S. Javid', with a small comma at the end.

Rt Hon Sajid Javid MP

Annex - Monthly Windrush report June 2018

The Work of the Taskforce

On 16 April, the Home Office established a Taskforce to ensure that members of the Windrush generation were able to evidence their right to be in the UK. This report provides details relating to this immediate Home Office response to the Windrush issue. I would ask the committee to note that as all data has been taken from live operational systems, it is possible that the numbers will change slightly as information in those systems is updated. The data provided covers:

- Individuals contacting the Windrush Taskforce and called back by an experienced caseworker
- Individuals given documentation confirming their status
- Decision timeliness

Call-back referrals

This table relates to people who believed themselves to be part of the Windrush generation and made contact with the Taskforce after the call centre opened on 19 April. They were asked for further details during that call and, if they were considered possible Windrush, were referred for a call back from an experienced caseworker.

Month	Number referred for call backs	Number referred	
		for call backs (enquiry received by phone)	Number referred for call backs (enquiry received by email)
Apr-18	2,873	2,748	125
May-18	3,302	2,925	377
Jun-18	264	197	67

These numbers include only first contacts with the Taskforce leading to a call back. For the first ten days of the call centre operation, before the introduction of a bespoke IT system, it was possible for a single individual to receive multiple call backs.

Individuals given documentation confirming status

The following tables refer to individuals referred to a UK Premium Service Centre after contacting the Windrush Taskforce, and who have been issued with documentation to confirm their right to remain in the UK. Documentation confirming status includes people given Indefinite Leave to Remain (ILR) and No Time Limit (NTL) grants of leave. Data is broken down by date, by top five nationalities, and by date of arrival in the UK. This data comes from the Casework Information Database.

Month	Number of individuals given documentation confirming status
Apr-18	141
May-18	1,294
Jun-18	690
Total	2,125

Nationality	April-June 2018
Jamaica	1,014
Barbados	207
India	93
Grenada	88
Trinidad & Tobago	85
Other Nationalities	638
Total	2,125

People who attended a Premium Service Centre appointment but for whom it was confirmed that they already held the necessary documentation, and those who went on to submit an application for and be granted citizenship under the Windrush Scheme before they had been issued with ILR or NTL documentation are excluded from this data.

Date of arrival in the UK

This table shows whether individuals given documentation arrived in the UK before or after 1 January 1973, based on evidence gathered and recorded by the Taskforce.

Month	Arrived before	Arrived after	Family Member	Not recorded
	1 January 1973	31 December 1972		
Apr-18	117	14		10
May-18	1,017	149	32	96
Jun-18	519	108	15	48

Decision timeliness

This table shows the amount of time taken for decisions for those given documentation based on the time between biometric enrolment and the date of the decision being despatched. Biometric enrolment is a key part of the evidence gathering process, which normally occurs at the individual's first appointment at the Premium Service Centre. The Taskforce aims to complete the decision-making process within two weeks of all the evidence being gathered. Usually this will be from the point that biometrics are taken, although in some cases further evidence is supplied by the applicant or other sources after this point. Some decisions will fall outside these timescales due

to their complexity, but for those completed within two weeks the vast majority have been completed on the same day.

Month	Decided within 2 weeks of biometric enrolment	Decided beyond 2 weeks of biometric enrolment
Apr-18	140	1
May-18	1,253	41
Jun-18	577	113

A higher proportion of decided cases fell outside the two week timescale in June than in May. This is because the Taskforce moved to conclude those cases that had been held pending further information checks.

The Windrush Scheme

On 24 May, the Home Secretary laid a Written Ministerial statement setting out the Windrush Scheme, which ensures that members of this generation, their children born in the UK and those who arrived in the UK as minors will be able to apply for citizenship, or various other immigration products, free of charge. The scheme came into force on 30 May. In June 584 individuals have been recorded as being granted citizenship through the Windrush Scheme. In the next update, I will be able to provide further detail on those applying under the Windrush Scheme and granted citizenship.

Historical reviews

I would also like to update you on the work we have been doing in relation to removals and detentions of people who might have been part of the Windrush generation.

As I stated to the committee, the department carried out an initial examination of all removals and deportations, dating back to 2002 when electronic record-keeping began, of Caribbean Commonwealth nationals now aged over 45, those old enough to have been settled here before 1973 and therefore protected by the 1971 Act.

This has not been a straightforward exercise, principally because there is no simple way to search our systems to identify individuals who may have been settled here before 1973. Each case has required manual examination by skilled caseworkers of the electronic record, and where necessary the associated paper file.

In this initial examination of around 8000 removals we found 63 cases of individuals where there was an indication in the record that that the individual could have been in the UK before 1973. Of these, 32 related to deportations of foreign national offenders and 31 were administrative removals, most of which were voluntary returns.

As I have already explained to the committee, I have instructed officials in the Taskforce to try and make contact, where possible, with the 31 people who had been administratively removed. Of these 14 are now in discussion with the Taskforce. We continue to work with relevant Caribbean governments to obtain contact details where we do not have them and I am grateful for the assistance they have been providing.

The remaining 32 individuals are foreign national offenders and I have asked my officials to distinguish between the two groups purposefully as these individuals have gone through a deportation process, through which they would have had an opportunity to appeal. As Home Secretary, it is my duty to protect the public, which includes the deportation of foreign national offenders. It is my view that if there are individuals who believe that they have been wrongfully deported, then it is up to them to determine whether they think they are protected under the 1971 Act.

This initial work however was done at pace to scale the issue. We therefore set up a new unit and over 150 staff have been redeployed to historical review and associated work to do the removals work again and to also examine historical detentions. We are also looking at cases of people who have been held at the border for further examination and were then either subsequently admitted or who were denied entry.

For any new pre-73 cases identified, we will also seek to put them in touch with the Taskforce, if they have not already made contact.

My officials have also begun a review of compliant environment cases where the Home Office has instigated the action taken by a partner or third party to deny or revoke a service to an individual, or has taken action to penalise a third party for employing or housing an unlawful migrant.

I will keep the Committee informed of our historical review work through these regular updates.

Compensation scheme

The call for evidence for that scheme ended on 8 June and the Home Office is now preparing to launch the next stage of consultation, working with affected communities. This was the first step to listen to those affected, before engaging on the details of the scheme. The scheme will be set up as soon as possible after we have consulted.

I wrote separately to the committee recently on the need for a hardship fund for members of the Windrush generation. It remains my priority to ensure that

those who have struggled to demonstrate their right to be here are supported to do so.