

Rt Hon Yvette Cooper MP  
Home Affairs Committee  
Committee Office, House of Commons  
London  
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Dear Yvette,

10 June 2019

Below is my latest monthly update on the work of my department in relation to Windrush, in line with the commitments I have previously made to your Committee. This update reflects the status as of 30 April 2019, and provides further detail on:

- The work of the Taskforce
- The historical cases review
- The Windrush Compensation Scheme

### **The Work of the Taskforce**

In total, under both the initial arrangements put in place prior to the establishment of the Windrush Scheme (Table 2), and under the Windrush Scheme itself (Table 6), **6,470** individuals have been granted some form of documentation by the Taskforce.

The reason this figure is different from the sum of Table 2 and Table 6 is because some of those who applied under the initial arrangements went on to submit a successful application for citizenship under the Windrush Scheme.

I have also provided further detail below on the work of the Taskforce, covering the following areas:

- Initial regularisation of status process
- The Windrush Scheme – in-country applications
- The Windrush Scheme – overseas applications
- Refusals under the Windrush Scheme
- Publication of revised Windrush Scheme and Guidance
- Support to vulnerable individuals and those experiencing hardship
- Urgent and exceptional support

## Initial regularisation of status process

On 16 April 2018, the Home Office established a Taskforce to ensure that members of the Windrush generation could evidence their right to be in the UK. This section provides details relating to this immediate Home Office response to Windrush. The data provided covers:

- Individuals contacting the Taskforce and called back by a caseworker
- Individuals given documentation confirming their status
- Nationality of those given documentation confirming their status
- Date of arrival in the UK
- Decision timeliness

Some figures for April 2018 to January 2019 have changed slightly since the last update, because of the normal process of assuring records on the Casework Information Database, which is a live operational system. There may be more adjustments in future as a result of further assurance work. I have included these figures in italics to make clear where these slight changes have occurred.

*Table 1: Call-back referrals*

This table relates to people who believed themselves to be part of the Windrush generation and contacted the Taskforce after the call centre opened on 19 April 2018. They were asked for further details during that call and, if they were considered possible Windrush cases, were referred for a call back from a caseworker.

Month	Total 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
Jul-18	110	89	21
Aug-18	15	12	3
Sep-18	25	25	0
Oct-18	9	9	0
Nov-18	5	5	0
Dec-18	0	0	0
Jan-19	0	0	0
Feb-19	0	0	0

Mar-19	0	0	0
Apr-19	0	0	0
<b>Total</b>	<b>6,603</b>	<b>6,010</b>	<b>593</b>

These numbers include only first contact 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.

Call and email volumes have continued to reduce significantly and there have been no new Windrush cases contacting the helpline, for applications under the interim arrangements, since November.

*Table 2: 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). Data is broken down by date, by nationality 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	139
May-18	1,284
Jun-18	698
Jul-18	168
Aug-18	113
Sep-18	28
Oct-18	9
Nov-18	8
Dec-18	5
Jan-19	6
Feb-19	1
Mar-19	3
Apr-19	5
<b>Total</b>	<b>2,467</b>

Some of the people helped by the Taskforce are excluded from this data, such as those people who attended a Premium Service Centre appointment but for whom it was confirmed that they already held the necessary documentation, or those who went on to submit a successful application for citizenship under the Windrush Scheme before they had been issued with ILR or NTL documentation.

*Table 3: Nationality of those given documentation confirming status*

The Committee will note that two of the individuals in this table are British citizens. These are people who approached the Taskforce to request confirmation of their status, and were issued with a document to confirm their British nationality.

Nationality	Arrived before 1 January 1973	Arrived after 31 December 1972	Family Member	Not recorded	Grand Total
Antigua & Barbuda	6	2	0	0	8
Aruba	2	0	0	0	2
Australia	21	10	0	0	31
Bahamas	0	1	0	0	1
Bangladesh	3	4	0	0	7
Barbados	198	26	10	0	234
British Citizen 'British Person Overseas'*	1	1	0	0	2
Brunei	12	1	2	0	15
Darussalam	1	0	0	0	1
Burma (Myanmar)	1	1	1	0	3
Cameroon	0	1	0	0	1
Canada	38	4	0	0	42
Curacao	1	0	0	0	1
Cyprus	2	2	0	0	4
Denmark	1	0	0	0	1
Dominica	58	7	1	0	66
Dominican Republic	1	1	1	0	3
France	2	0	0	0	2
Gambia	0	1	1	0	2
Germany	1	0	0	0	1
Ghana	7	5	3	0	15
Grenada	74	19	5	0	98
Guadeloupe	3	0	0	0	3
Guyana	60	13	2	0	75

India	81	23	3	0	<b>107</b>
Ireland	1	0	0	0	<b>1</b>
Jamaica	1,036	111	46	0	<b>1,193</b>
Kenya	12	5	0	0	<b>17</b>
Libya	1	0	0	0	<b>1</b>
Malawi	0	1	0	0	<b>1</b>
Malaysia	12	18	0	0	<b>30</b>
Malta	9	0	0	0	<b>9</b>
Mauritius	10	4	2	0	<b>16</b>
Morocco	0	1	0	0	<b>1</b>
New Zealand	12	10	1	0	<b>23</b>
Nigeria	43	12	5	1	<b>61</b>
Pakistan	13	9	0	0	<b>22</b>
Philippines	0	1	0	0	<b>1</b>
Seychelles	2	0	1	0	<b>3</b>
Sierra Leone	6	6	2	0	<b>14</b>
Singapore	3	2	0	0	<b>5</b>
South Africa	7	4	0	0	<b>11</b>
Sri Lanka	4	2	0	0	<b>6</b>
Stateless Person (Article 1 of 1954 Convention)	1	0	0	0	<b>1</b>
St Kitts & Nevis	23	3	3	0	<b>29</b>
St.Lucia	63	6	7	0	<b>76</b>
St Vincent & the Grenadines	73	8	4	0	<b>85</b>
Trinidad & Tobago	77	15	2	0	<b>94</b>
Uganda	7	4	0	0	<b>11</b>
United Rep of Tanzania	4	3	0	0	<b>7</b>
United States of America	6	3	1	0	<b>10</b>
Unspecified Nationality	1	0	1	0	<b>2</b>
Zambia	0	3	0	0	<b>3</b>
Zimbabwe	3	4	2	0	<b>9</b>
<b>Grand Total</b>	<b>2,003</b>	<b>357</b>	<b>106</b>	<b>1</b>	<b>2,467</b>

\*'British person overseas' includes: British National (Overseas), British Overseas Citizen, British Overseas Territories Citizen, British Protected Person, British Subject.

*Table 4: Date of arrival in the UK*

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

Month	Arrived before 1 January 1973	Arrived after 31 December 1972	Family Member	Not recorded	<b>Total</b>
Apr-18	120	15	4	0	<b>139</b>
May-18	1,072	157	55	0	<b>1,284</b>
Jun-18	552	116	30	0	<b>698</b>
Jul-18	131	29	8	0	<b>168</b>
Aug-18	85	24	4	0	<b>113</b>
Sep-18	22	6	0	0	<b>28</b>
Oct-18	8	1	0	0	<b>9</b>
Nov-18	6	2	0	0	<b>8</b>
Dec-18	2	3	0	0	<b>5</b>
Jan-19	4	2	0	0	<b>6</b>
Feb-19	1	0	0	0	<b>1</b>
Mar-19	0	1	2	0	<b>3</b>
Apr-19	0	3	1	1	<b>5</b>
<b>Total</b>	<b>2,003</b>	<b>357</b>	<b>106</b>	<b>1</b>	<b>2,467</b>

*Table 5: Decision timeliness*

This table shows the 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.

Numbers of decisions have continued to reduce as we move through the outstanding applications made before the Windrush Scheme launch. These outstanding cases were more complex cases which required more detailed information gathering before we could issue documentation to the individuals, hence a greater number of these decisions took longer than two weeks.

Month	Decided within 2 weeks of biometric enrolment	Decided beyond 2 weeks of biometric enrolment	Total (by Month)
Apr-18	139	0	139
May-18	1,259	25	1,284
Jun-18	585	113	698
Jul-18	15	153	168
Aug-18	4	109	114
Sep-18	4	24	28
Oct-18	3	6	9
Nov-18	0	8	8
Dec-18	1	4	5
Jan-19	0	6	6
Feb-19	0	1	1
Mar-19	0	3	3
Apr-19	0	5	5
<b>Total</b>	<b>2,010</b>	<b>457</b>	<b>2,467</b>

#### The Windrush Scheme – in-country applications

On 24 May 2018, I 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 2018.

The following section includes information on:

- Number of individuals granted citizenship or NTL/ILR under the Scheme
- Nationality of individuals granted citizenship or NTL/ILR under the Scheme
- Date of arrival in the UK
- Refusals under the Windrush Scheme

*Table 6: Number of individuals granted citizenship or NTL/ILR under the Scheme*

Month	Number of individuals granted citizenship or NTL/ILR	Number of individuals granted citizenship	Number of individuals granted NTL/ILR
May-18	0	0	0
Jun-18	590	587	3
Jul-18	901	869	32
Aug-18	791	660	131
Sep-18	382	294	88
Oct-18	529	409	120
Nov-18	489	352	137
Dec-18	335	226	109
Jan-19	454	271	183
Feb-19	245	168	77
Mar-19	413	219	194
Apr-19	437	226	211
<b>Total</b>	<b>5,566</b>	<b>4,281</b>	<b>1,285</b>

*Table 7: Nationality of individuals granted citizenship or NTL/ILR under the Scheme*

There are 82 British citizens included in this table. These are individuals who approached the Taskforce to request confirmation of their status, and were issued with a document to confirm their British nationality.

Nationality	Arrived before 1 January 1973	Arrived after 31 December 1972	Family Member	Not recorded	Grand Total
Antigua & Barbuda	10	0	3	0	13
Aruba	3	0	0	0	3
Australia	93	15	11	0	119
Austria	1	3	0	0	4
Bahamas	2	0	0	0	2
Bangladesh	22	18	4	0	44
Barbados	320	21	20	1	362
Belgium	2	3	0	0	5
Belize	0	0	2	0	2
Brazil	1	0	0	0	1
British Citizen	29	7	41	5	82
'British Person Overseas'*	38	7	3	0	48
Brunei Darussalam	1	0	0	0	1
Burma (Myanmar)	5	0	1	0	6
Canada	125	24	3	0	152



Cape Verde	0	1	0	0	1
Chile	0	4	0	0	4
China	2	1	0	0	3
Curacao	3	0	0	0	3
Cyprus	12	3	1	0	16
Democratic Republic of the Congo	0	1	0	0	1
Denmark	5	3	0	0	8
Dominica	99	9	2	0	110
Dominican Republic	3	0	2	0	5
Egypt	0	1	0	0	1
Ethiopia	0	0	2	0	2
Fiji	2	1	0	0	3
Finland	3	1	1	0	5
France	18	12	5	0	35
Gambia	1	0	0	0	1
Germany	17	10	2	1	30
Ghana	29	19	12	0	60
Greece	1	0	1	0	2
Grenada	136	22	13	0	171
Guadeloupe	3	0	0	0	3
Guyana	81	10	3	0	94
Honduras	0	1	0	0	1
India	559	145	32	1	737
Iran (Islamic Republic of)	0	1	0	0	1
Iraq	1	1	0	0	2
Ireland	6	1	1	0	8
Israel	1	0	0	0	1
Italy	203	30	9	1	243
Jamaica	1,732	146	139	2	2,019
Kenya	22	7	3	0	32
Libya	1	0	0	0	1
Malawi	2	0	0	0	2
Malaysia	54	24	9	0	87
Malta	58	8	6	0	72
Mauritius	17	6	4	0	27
Morocco	3	0	0	0	3
Netherlands	10	9	2	0	21
New Zealand	30	13	4	0	47
Nigeria	64	18	19	0	101
Norway	0	1	0	0	1

Pakistan	31	16	5	0	<b>52</b>
Panama	0	2	0	0	<b>2</b>
Papua New Guinea	0	0	1	0	<b>1</b>
Philippines	0	0	1	0	<b>1</b>
Portugal	4	0	1	0	<b>5</b>
Refugee - Article 1 of the 1951 Convention	1	0	0	0	<b>1</b>
Seychelles	2	1	1	0	<b>4</b>
Sierra Leone	12	3	5	0	<b>20</b>
Singapore	5	7	0	0	<b>12</b>
Slovenia	0	0	1	0	<b>1</b>
South Africa	19	8	2	0	<b>29</b>
Spain	11	5	1	0	<b>17</b>
Sri Lanka	7	2	1	0	<b>10</b>
Stateless Person (Article 1 of 1954 Convention)	1	0	0	0	<b>1</b>
St Christopher & Nevis	2	0	0	0	<b>2</b>
St Kitts & Nevis	26	0	2	0	<b>28</b>
St.Lucia	112	10	15	0	<b>137</b>
St Vincent & the Grenadines	119	9	11	0	<b>139</b>
Sweden	5	3	1	0	<b>9</b>
Tonga	1	0	0	0	<b>1</b>
Trinidad & Tobago	129	22	6	1	<b>158</b>
Turkey	1	2	0	0	<b>3</b>
Uganda	14	2	0	0	<b>16</b>
Ukraine	1	0	0	0	<b>1</b>
United Rep of Tanzania	6	1	0	0	<b>7</b>
United States of America	27	16	8	0	<b>51</b>
Unspecified Nationality	2	2	16	0	<b>20</b>
Uruguay	0	0	1	0	<b>1</b>
Uzbekistan	0	0	0	1	<b>1</b>
Vietnam	0	1	0	0	<b>1</b>
Zambia	0	2	2	0	<b>4</b>
Zimbabwe	6	12	5	0	<b>23</b>
<b>Grand Total</b>	<b>4,374</b>	<b>733</b>	<b>446</b>	<b>13</b>	<b>5,566</b>

\*‘British person overseas’ includes: British National (Overseas), British Overseas Citizen, British Overseas Territories Citizen, British Protected Person, British Subject.

*Table 8: Date of arrival in the UK*

Month	Arrived before 1 January 1973	Arrived after 31 December 1972	Family Member	Not recorded	<b>Total</b>
May-18	0	0	0	0	<b>0</b>
Jun-18	531	31	28	0	<b>590</b>
Jul-18	789	35	77	0	<b>901</b>
Aug-18	666	83	42	0	<b>791</b>
Sep-18	306	58	18	0	<b>382</b>
Oct-18	426	72	31	0	<b>529</b>
Nov-18	357	92	40	0	<b>489</b>
Dec-18	239	68	28	0	<b>335</b>
Jan-19	303	103	48	0	<b>454</b>
Feb-19	179	50	15	1	<b>245</b>
Mar-19	288	80	44	1	<b>413</b>
Apr-19	290	61	75	11	<b>437</b>
<b>Total</b>	<b>4,374</b>	<b>733</b>	<b>466</b>	<b>13</b>	<b>5,566</b>

The Windrush Scheme – overseas applications

Since the launch of the Windrush Scheme, the Taskforce has also received applications from overseas, albeit in much smaller volumes than from people in the UK. We continue to work through these applications, and the following table details the types of documentation granted to date:

*Table 9: Overseas applications*

Period	Granted Right of Abode	Granted Returning Residents Visa	Granted Visit Visa	Granted LOTR	Application Withdrawn	<b>Total</b>
April 2018 to 2019	21	68	19	1	20	<b>129</b>

*Table 10: Overseas grants by nationality*

The breakdown of nationalities granted overseas is as follows:

Nationality	April 2018 - 2019
Barbados	4
Canada	4
Cyprus	1
Dominica	1
Germany	1
Ghana	3
Grenada	1
Guyana	3
India	3
Jamaica	55
Malta	1
New Zealand	1
Nigeria	13
Pakistan	1
St Lucia	6
St Vincent	1
Trinidad and Tobago	7
United States	3
<b>Total</b>	<b>109</b>

#### Refusals under the Windrush Scheme

We continue to issue refusals to individuals who have submitted applications under the Windrush Scheme.

*Table 11: Refusals under the Windrush scheme*

	Applied in the UK	Applied Overseas	Total
Refusals to 30 April 2019	796	649	1,445

As I outlined in my previous updates, none of the refusal decisions have been made lightly, and all of them have had lengthy and detailed consideration. The decision to refuse in these cases has been checked and challenged extensively at operational level and been approved at Ministerial level. Policy

experts have been engaged to ensure that all refusals are in line with our policies and guidance.

*Table 12: Reviews of refusals under the Windrush Scheme*

Any individuals who receive refusal notifications have the right to request a free review, which will be undertaken by an experienced member of staff in the Chief Casework Unit. This team is entirely independent of the teams responsible for initial decision-making and can provide additional assurance that decisions are correct. New information may be provided by the applicant, or otherwise identified, during the review. This can lead to an overturned decision. We are learning lessons from cases that have been overturned, to further improve our processes. The following table outlines the progress of these reviews, as at 30 April 2019:

Period	Requests for review of refusal	Review in progress	Decision upheld	Decision overturned
To end April 2019	126	20	103	3

I will continue to provide updates on these cases.

#### Publication of revised Windrush Scheme and Guidance

We keep the Windrush Scheme guidance and application forms under constant review. Following the last revision in July 2018 we have made several changes to the Scheme and associated Guidance.

In terms of the Scheme policy, there are two key changes:

Firstly, I am extending the Windrush Scheme to provide for a free citizenship application for qualifying returning and returned residents once they meet the residence requirements for citizenship. In each case, to qualify for a free nationality consideration, applicants under these categories must be a Commonwealth citizen of a qualifying country and have been settled in the UK before 1 January 1973. The change in policy reflects that this group are people who have contributed to the UK over a number of decades, many of whom will have believed that they were British when they arrived and left the UK.

I am also proposing to waive the Knowledge of Language and Life requirement for this group. This will require a Statutory Instrument. This will be taken forward in due course.

Secondly, I am extending the definition of a 'parent' under the Scheme. As you know, eligibility extends to the children of Windrush parents. However, the Taskforce has had small number of cases where a child was brought to the UK to live with close relatives after their parents died and where the relative qualifies under the Windrush Scheme.

These cases are not currently eligible under the Scheme because while the definition of 'parent' under the Immigration Rules includes 'a person to whom there has been a genuine transfer of parental responsibility on the grounds of the original parent(s)' inability to care for the child', it only applies to a child born in the UK. I am therefore revising the definition of "parent" for the purposes of the Scheme to include a child born outside the UK.

A revised version of the Guidance will also be published which reflects these changes and makes a number of other minor clarifications.

We are also making several minor changes to the Windrush Scheme application form for people in the UK. This will make clear that Question 5 on page 14 of the application form need only be answered where an individual is applying for British citizenship under the Scheme.

I will be placing a copy of the revised Scheme and Guidance in the House of Commons' Library.

### Support to vulnerable individuals and those experiencing hardship

The Taskforce has a dedicated Vulnerable Persons Team (VPT) to provide help and advice where safeguarding and vulnerability issues are identified. Whilst all members of the Taskforce are equipped to identify, handle and offer support to vulnerable customers, the VPT was established to ensure that those in most urgent need could obtain support and advice via a single point of contact within the Taskforce. The VPT has had notable success in resolving individual issues and building trust. This has been reflected in the feedback provided to the team by those who have received assistance.

To the end of April, the VPT has provided support to 782 individuals with 74 cases ongoing. They continue to receive approximately five new referrals each week.

The VPT have made 319 referrals to DWP in relation to fresh claims and reinstatement of benefits, with 206 individuals given advice and support on issues relating to housing.

### Urgent and exceptional support

When I announced the extension of the consultation period for the Windrush Compensation Scheme on 11 October, I acknowledged that there may be some urgent and exceptional cases where it is right to consider whether individual circumstances warrant support to be provided before the Compensation Scheme was in place.

The policy for support in urgent and exceptional circumstances, setting out the approach and decision-making process for these cases was published on 17 December. The scheme has a very clear purpose to provide support to members of the Windrush cohort who have an urgent and exceptional need, and compelling reasons why this could not wait for the full compensation scheme.

The intention was that the policy would only stay in place until the compensation scheme was operational, at which point the policy would be reviewed.

The urgent and exceptional support policy remains in place and we continue to consider applications for assistance already made under that policy. Now we have launched the Windrush Compensation Scheme, applications for urgent and exceptional support should be submitted alongside an application for the full scheme. We will still provide payments under the urgent and exceptional policy pending consideration of compensation under the full scheme; but any payment made under the urgent and exceptional policy may be deducted from the amount of compensation offered under the full scheme.

The majority of requests for urgent and exceptional support received have been concluded. In some cases, this is because the Taskforce is awaiting further information from claimants. The Taskforce is working closely with individuals who have submitted requests in order to assess their current circumstances and gather the necessary evidence to support the urgency of their claim.

I would like to emphasise that all these cases have had full and detailed consideration. Any decision made in these cases has been checked and challenged extensively at operational level and been approved a senior official level.

The following table details the status of claims under the policy, as at 30 April:

Period	Requests for support	Under consideration	Approved	Declined	Withdrawn
To end April 2019	91	34	13	41	3

In addition to these figures, and as set out in the annex to the monthly report dated 17 December, three exceptional payments for flights to return to the UK were made before the official launch of the policy on 17 December.

### **Historical cases review**

In August last year I wrote to the Committee with the provisional results of the historical review of 11,800 individuals of Caribbean Commonwealth nationality, born before 1 January 1973, who have been removed and / or detained by the Home Office since 2002. The review sought to identify individuals where there was an indication in their record that they could have been in the UK before 1973. This review identified 164 individuals whose details were passed to the Taskforce so that they could contact them. We have now traced 139 of these individuals. These individuals either already have status, are now in contact with the Taskforce or, in the case of 20 individuals, are deceased. The Taskforce is continuing to work proactively with partners in the UK and overseas to obtain contact details for the remaining individuals, and to make contact.

The 164 included 18 individuals whose records indicated they were in the UK before 1973 and that they stayed here permanently but were unable to demonstrate their continuous residence here which led to them being removed or detained in an immigration removal centre or reporting centre. These 18 people are who we consider are most likely to have suffered detriment because their right to be in the UK was not recognised, and therefore where the department was most likely to have acted wrongfully. As I have informed the Committee previously I have written to offer a full, formal apology to these 18 individuals (or, in the case of the three deceased, their families), of which 15 have been sent. My officials continue to work proactively to trace the remaining two individuals, and next of kin of the other deceased individual, so that the three outstanding letters can be sent on.

The remaining 146 either appeared to have left the UK to reside overseas for more than two years, thereby losing their entitlement to indefinite leave to remain, or were stopped at the border, temporarily detained in a port holding room for a brief period whilst border officials established their status, before being allowed to enter the country.

Of the 164 individuals, 83 were removed. As with previous updates to the Committee, I would also like to provide an update on the contact we have made with 55 of these individuals. These 55 individuals are a subset of the overall total of 139 individuals we have made contact with and which we refer to above. 12 individuals within the 83 are unfortunately deceased and there are 16 individuals whom we have so far been unable to contact, despite attempting to do so in a number of different ways. For example, where the Home Office does not hold any current contact details, we have contacted the Department for Work and Pensions and HMRC to see if their records confirm a current footprint in the UK or whether a pension from overseas is being received. We have also worked with the relevant British High Commissions to try and make contact with those who may be living overseas.

Of the 55 individuals with whom we have made contact, their current status is as follows.

*Status of individuals removed with whom the Home Office has made contact*

Current status of individuals contacted

Indefinite Leave to Remain/other Leave to remain granted by the Taskforce	5
10-year visitor visa granted by the Taskforce	3
Right of Abode / Citizenship granted by the Taskforce	11
Will be submitting an application under the Windrush Scheme	29
Confirmed they will not be making an application	7
<b>Total</b>	<b>55</b>



## Criminality

As I have expressed consistently in my updates to the Committee, I make a purposeful distinction between criminal and other cases. In my 21 August letter I explained that our review of 11,800 did not include individuals defined in our systems as being a 'criminal case type' but that work was ongoing to check this was not too broad a category. In my 12 November letter I explained that we had revised our methodology and would now continue to exclude individuals who had been deported following a criminal conviction in the UK. For individuals who had not been deported we would continue to exclude them if they had been convicted and given a single sentence of imprisonment of 12 months or longer, (in line with section 32(4) of the UK Borders Act 2007 and Section 11C of the Nationality, Immigration and Asylum Act 2002 which make clear there is a public interest in deporting foreign criminals who have been imprisoned for 12 months or more).

Applying these revised criteria, records of an additional 322 individuals of Caribbean Commonwealth nationality, born before 1 January 1973, who had been removed and / or detained by the Home Office since 2002, have been reviewed. From these we identified 10 people where there was an indication in their record that they could have been in the UK before 1973, who had been held in some form of detention.

None of the individuals had been removed from the UK but all 10 were detained. Of the 10:

- 3 individuals were stopped at the border, temporarily detained in a port holding room whilst border officials established their status, before being allowed to enter the country. Their detention was unrelated to their previous criminal convictions.
- 7 individuals served time in prison for a criminal offence for less than 12 months. They were then held in prison or an immigration removal centre under immigration powers at the end of their prison sentence after having been referred to the Home Office by the prison to consider deportation action. Once it had been established, either by the department or at an immigration appeal hearing, that the individual was exempt from deportation under s7(1) of the Immigration Act 1971, or that deportation was disproportionate under Article 8 of the Human Rights Act, all individuals were released from detention. Detention lengths range from 1 day to a maximum of 5 months. The records of all 7 indicate they arrived in the UK before 1973 and have stayed here permanently and I have written to them offering a full, formal apology.

Details of all 10 have been passed to the Taskforce who are starting to contact those not already in touch with them. We have also produced case summaries for all 10 which have been shared with the Lessons Learned Review.

## Compliant Environment sanctions

The department has also been reviewing the impact of aspects of the Compliant Environment on potential members of the Windrush Generation. As I have said previously, many compliant environment checks are conducted by

other agencies and bodies, without that action being instigated by the Home Office. Beyond individual cases which are drawn to our attention it is not possible to say how many of the Windrush generation may have been inadvertently affected by the compliant environment in this way.

We have therefore reviewed the cases of 1,977 individuals of Caribbean Commonwealth nationality, born before 1 January 1973, whose data has been proactively shared with other government departments by the Home Office with the intention of instigating action taken by a partner or third party to deny or revoke a service to an individual, or to penalise a third party for employing or housing them. Again, the review sought to identify those individuals where there was an indication in their record that they could have been in the UK before 1973, and who had action taken against them.

As above, individuals who had been deported following a criminal conviction in the UK, and individuals who had not been deported but who had been convicted and given a single sentence of imprisonment of 12 months or longer, were excluded.

This review has identified 55 individuals who have had action taken against them/a sanction applied following proactive data sharing by the department and whose records indicate they could have been in the UK before 1973. Of these 55, nine individuals had more than one action taken against them. A total of 65 actions were taken against these 55 individuals, broken down as follows:

- 8 driving licences were revoked
- 3 had an HMRC benefit or credit revoked
- 22 had a DWP benefit revoked or were issued with an invoice for repayments to be made for benefits they had previously received
- 29 had a “nudge” letter sent to their employer, advising the employer to conduct a “right to work” check. In 2 of these cases a civil penalty notice was subsequently issued to their employer.
- 1 individual’s details were passed to their NHS trust to consider raising an invoice on the basis they had no entitlement to free NHS treatment.

Of the 55 individuals:

- There are 46 whose records indicate they were in the UK before 1973 and that they stayed here permanently but were unable to demonstrate their continuous residence. These individuals are therefore most likely to have suffered detriment because their right to be in the UK was not recognised which led to sanctions being applied to them. I have written to these individuals to offer a full and formal apology or, in the case of one individual who is sadly deceased, their family.
- There are 9 individuals whose records indicate that they were in the UK before 1973 but appear to have then left the UK to reside overseas for more than two years, thereby losing their entitlement to indefinite leave to remain.

Seven of the 55 people identified by the review of Compliant Environment sanctions were part of the 164 individuals who were removed or detained. In

addition, one of the 55 is part of the 10 individuals with criminality who were removed or detained.

Details of all 55 have been passed to the Taskforce who are starting to contact those not already in touch with them. We have also produced case summaries for all 55 which have been shared with the Lessons Learned Review.

Of the 46 individuals most likely to have suffered detriment, and to whom I am apologising, we know that some had services (e.g. driving licences or benefits) taken away. In all these cases these services have been restored or repayments made. One individual is sadly deceased. In the case of some individuals who received apology letters we are not certain what action, if any, was taken after 'nudge' letters were sent to their employers, although we do know that the two civil penalties issued to employers were both cancelled. If individuals did lose their employment following these letters they may be able to claim compensation for this. Finally, in the case of one individual, their NHS trust was told they had no entitlement to free NHS treatment, but we do not know whether an invoice was issued.

#### Independent Assurance

In my letter of 21 August, I said that we had commissioned independent assurance of the work of the historical review to ensure we can have confidence in the approach taken and the resultant findings. This work was carried out by an external firm who looked at all elements of the review. This independent assurance is now complete, and I have received confirmation from the Permanent Secretary that the review was constructed correctly and that its operation was effective. Documentation produced by the review was comprehensive, concise, clear and of a high quality, the quality assurance approach adopted was commended, and in sample testing no cases were discovered of an individual who was misclassified as arriving after 1973 instead of before.

A pictorial representation of the work of the historical cases review is attached at Annex A. A detailed breakdown of the results is attached at Annex B.

### **Windrush Compensation Scheme**

On Wednesday 3 April 2019, I announced the launch of the Windrush Compensation Scheme. The launch of the compensation scheme marks a key milestone in righting the wrongs experienced by some members of the Windrush generation.

Detailed information about the compensation scheme, including the rules that govern the scheme, with the forms and guidance that people need to make a claim, are available online at: <https://www.gov.uk/guidance/windrush-compensation-scheme>. The helpline can be contacted on 0800 678 1925 for those wishing to receive printed copies of the claim form or for any other queries and is free if calling from within the UK. Those calling from outside the UK will be called back.

The Home Office is committed to raising awareness of the scheme, and to encouraging eligible people of all nationalities to submit a claim. Eligibility for compensation goes beyond members of the Caribbean Commonwealth, and we are putting in place a programme of events with key stakeholders, faith and community organisations to promote both the scheme and the wider work of the Commonwealth citizens taskforce. Full details are available via the gov.uk page.

I will publish data related to the compensation scheme as part of these updates in due course, including the number of claims, and the number of payments made.

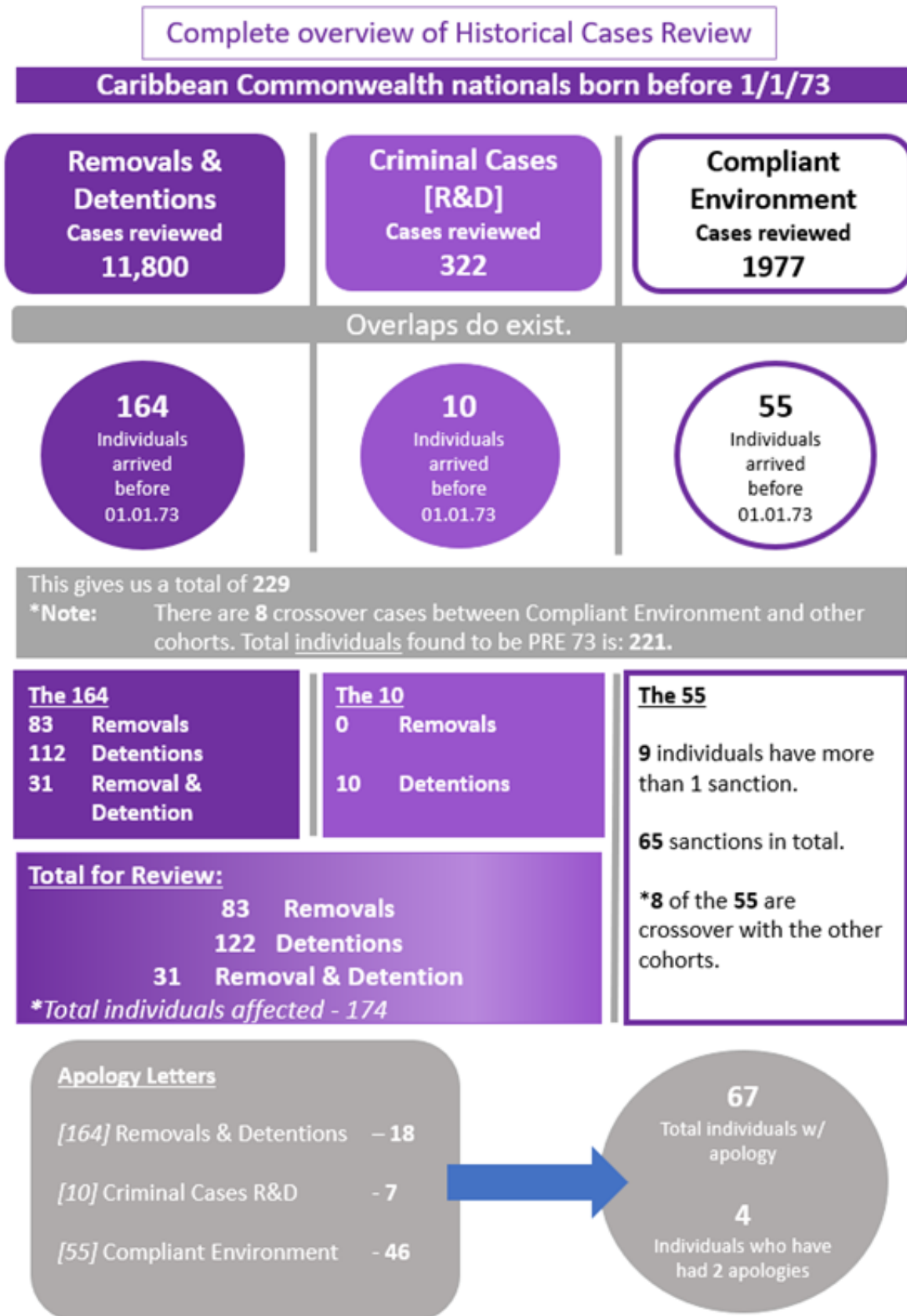
I will ensure that action is taken to ensure the highest standards are met not only in the processing of cases, but also in continued efforts to publicise the scheme and ensure those entitled to redress receive it.

Yours sincerely,

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

**Rt Hon Sajid Javid MP**

## Annex A– pictorial representation of results



## Annex B - breakdown of results

### 164 Removals & Detentions

164 individuals were identified by the review whose records indicated they arrived in the UK before 1 January 1973 and who have been removed and/or detained since 2002.

Of these:

- 83 individuals were removed
- 112 individuals were detained –  
(31 individuals were both removed and detained)

<b>Gender</b>	
Male	86
Female	78
<b>Total</b>	<b>164</b>

<b>Nationality</b>	
Barbados	22
Dominica	6
Grenada	10
Guyana	2
Jamaica	92
St. Kitts & Nevis	4
St. Lucia	12
St. Vincent & The Grenadines	3
Trinidad & Tobago	13
<b>Total</b>	<b>164</b>

### **83 Removals (out of 164)**

<b>Gender</b>	
Male	37*
Female	46*
<b>Total</b>	<b>83</b>

\* these numbers have changed slightly since the update provided in November 2018 due to further checks

<b>Country Removed To</b>	
Barbados	4
Canada	1
Dominica	1
France	2
Grenada	3
Guyana	1
Jamaica	36
Nigeria	1
Spain	1
St. Kitts & Nevis	1
St. Lucia	3
St. Vincent & The Grenadines	1
Switzerland	2
Trinidad & Tobago	6
USA	14
Unclear	6
<b>Total</b>	<b>83</b>

<b>Nationality</b>	
Barbados	4
Dominica	2
Grenada	3
Guyana	1
Jamaica	61
St. Kitts & Nevis	1
St. Lucia	4
St. Vincent & The Grenadines	1
Trinidad & Tobago	6
<b>Total</b>	<b>83</b>

<b>Year</b>	<b>Enforced Return</b>	<b>Verified Return</b>	<b>Voluntary Departure</b>	<b>Port Removal</b>	<b>Total</b>
2002		1			<b>1</b>
2003				2	<b>2</b>
2004					<b>0</b>
2005			1	3	<b>4</b>
2006	1	5		2	<b>8</b>
2007		2	2	4	<b>8</b>
2008		1	1	2	<b>4</b>
2009		5	2	1	<b>8</b>
2010		2	2	1	<b>5</b>
2011	1	3	1	1	<b>6</b>
2012		4		3	<b>7</b>
2013		4		4	<b>8</b>
2014		1	4	2	<b>7</b>
2015		3	2	2	<b>7</b>
2016		4	2	2	<b>8</b>
<b>Total</b>	<b>2</b>	<b>35</b>	<b>17</b>	<b>29</b>	<b>83</b>



**112 Detentions (out of 164)**

<b>Gender</b>	
Male	64
Female	48
<b>Total</b>	<b>112</b>

<b>Nationality</b>	
Barbados	18
Dominica	5
Grenada	8
Guyana	2
Jamaica	51
St. Kitts & Nevis	4
St. Lucia	11
St. Vincent & The Grenadines	2
Trinidad & Tobago	11
<b>Total</b>	<b>112</b>

<b>Year of detention</b>	<b>Immigration Removal Centre Detention</b>	<b>Police station detention</b>	<b>Port Detention</b>	<b>Total</b>
2002	1			<b>1</b>
2003	1		2	<b>3</b>
2004			1	<b>1</b>
2005	2		7	<b>9</b>
2006	1		5	<b>6</b>
2007			9	<b>9</b>
2008			5	<b>5</b>
2009			9	<b>9</b>
2010			7	<b>7</b>
2011	3		5	<b>8</b>
2012		1	9	<b>10</b>
2013	2		8	<b>10</b>
2014			10	<b>10</b>
2015	1		9	<b>10</b>
2016	1		6	<b>7</b>
2017	2		5	<b>7</b>
<b>Total</b>	<b>14</b>	<b>1</b>	<b>97</b>	<b>112</b>

## **10 Criminality**

10 individuals were identified by the review of previously excluded criminal cases whose records indicated they arrived in the UK before 1 January 1973 and who had been detained since 2002.

<b>Gender</b>	
Male	8
Female	2
<b>Total</b>	<b>10</b>

<b>Nationality</b>	
Jamaica	7
St. Lucia	2
Trinidad & Tobago	1
<b>Total</b>	<b>10</b>

<b>Year of detention</b>	<b>Immigration Removal Centre Detention</b>	<b>Immigration Detention in Prison</b>	<b>Port Detention</b>	<b>Total</b>
2005			1	1
2006	1	2		3
2007				0
2008		1		1
2009	2	1		3
2010				0
2011				0
2012				0
2013			1	1
2014			1	1
<b>Total</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>10</b>

## **55 Compliant Environment**

55 individuals were identified by the review whose records indicated they arrived in the UK before 1 January 1973 and who have had a sanction applied following proactive data sharing by the Home Office.

<b>Gender</b>	
Male	35
Female	20
<b>Total</b>	<b>55</b>

<b>Nationality</b>	
Barbados	4
Dominica	2
Grenada	2
Guyana	3
Jamaica	38
St. Lucia	4
Trinidad & Tobago	2
<b>Total</b>	<b>55</b>

<b>Year of sanction</b>	<b>Total</b>
2014	6
2015	21
2016	16
2017	12
<b>Total</b>	<b>55</b>

## **221 Combined results**

A total of 221 individuals have been identified by the Historical Cases Review. This is because 8 individuals were both removed/detained and subject to proactive compliant environment sanctions.

<b>Gender</b>	
Male	125
Female	96
<b>Total</b>	<b>221</b>

<b>Nationality</b>	
Barbados	25
Dominica	7
Grenada	12
Guyana	5
Jamaica	133
St. Kitts & Nevis	4
St. Lucia	16
St. Vincent & The Grenadines	3
Trinidad & Tobago	16
<b>Total</b>	<b>221</b>