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Home Secretary

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

The Windrush Generation: Government response

Thank you for your letter of 5 October on the Government's response to the Home Affairs Select Committee's report on *the Windrush Generation*.

I have addressed your questions relating to our review of historical removals and detentions, and on the compliant environment, in my regular update to the Committee, which I have attached to this letter.

In response to your question on the Windrush Compensation Scheme, you will be aware that I have now extended the consultation period and I wrote to you to provide you with further detail on 12 October.

You enquired about the work the Home Office is doing to assist undocumented children to regularise their status and an associated report being undertaken by the Independent Chief Inspector of Borders and Immigration. The review into the Border, Immigration and Citizenship chargeable services by the Independent Chief Inspector of Borders and Immigration is now underway and is expected to conclude later this year. I intend to give the Chief Inspector's findings careful consideration, once they are available. My officials are also continuing to look at policy options to consider how best to assist this group in regularising their status.

Finally, I will be writing to you separately on the subject of Sir Alex Allan's report.

I am placing a copy of this letter and the accompanying monthly HASC update in the House library.

Rt Hon Sajid Javid MP
Home Secretary

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 September 2018, and provides further detail on:

- The work of the Taskforce, including the first refusals made under the Windrush Scheme
- The historical review of removals and detentions
- The Windrush Compensation Scheme

This month's update provides additional detail from the work of the taskforce and the historical review of removals and detentions, in line with my commitment to openness and transparency with the Committee.

The Work of the Taskforce

I have provided 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

Initial regularisation of status process

On 16 April, 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 an experienced 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 to August 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.

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. They were asked for further details during that call and, if they

were considered possible Windrush cases, were referred for a call back from an experienced 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
Total	6,589	5,996	593

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.

Call and email volumes have continued to significantly reduce during September and there are now very few new Windrush cases contacting the Taskforce.

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 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	138
May-18	1,282
Jun-18	697
Jul-18	168
Aug-18	114
Sep-18	28
Total	2,427

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.

Nationality of those given documentation confirming status

Nationality	April to September 2018
Jamaica	1,177
Barbados	232
India	106
Grenada	96
Trinidad & Tobago	91
Other Nationalities	725
Total	2,427

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	Total
Apr-18	119	15	4	0	138
May-18	1,076	159	46	1	1,282
Jun-18	552	116	25	4	697
Jul-18	112	22	5	29	168
Aug-18	77	19	5	13	114
Sep-18	22	4	1	1	28
Total	1,958	335	86	48	2,427

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.

Numbers of decisions have continued to reduce during September 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	138	0	138
May-18	1257	25	1282
Jun-18	584	113	697
Jul-18	15	153	168
Aug-18	4	110	114
Sep-18	3	25	28
Total	2001	426	2427

The Windrush Scheme – in-country applications

On 24 May, 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.

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

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	588	2
Jul-18	900	870	30
Aug-18	786	659	127
Sep-18	382	294	88
Total	2,658	2,411	247

Nationality of individuals granted citizenship or NTL/ILR under the Scheme

Nationality	Number of individuals granted citizenship or NTL/ILR	Number of individuals granted citizenship	Number of individuals granted NTL/ILR
Jamaica	1,229	1,181	48
Barbados	233	228	5
India	219	166	53
Grenada	96	93	3
Trinidad & Tobago	95	87	8
Other Nationalities	786	656	130
Total	2,658	2,411	247

Date of arrival in the UK

Month	Arrived before 1 January 1973	Arrived after 31 December 1972	Family Member	Not recorded	Total
May-18	0	0	0	0	0
Jun-18	532	30	28	0	590
Jul-18	790	32	76	2	900
Aug-18	664	82	40	0	786
Sep-18	307	57	17	1	382
Total	2,293	201	161	3	2,658

Refusals under the Windrush Scheme

We continue to make significant progress in granting citizenship and other documentation proving status through the Windrush Scheme. The Taskforce are proactively helping individuals to understand the status for which they are eligible and the evidence required to demonstrate this status. Recognising the difficulties individuals have faced in documenting residence that goes back decades, the Taskforce continue to work with other Government departments to gather the evidence needed to support applications, taking on much of the burden of proof from the applicant. I am clear that across the applications we have received we have sought to find reasons to grant, not reasons to refuse.

However, it was made clear in published guidance when the Scheme was launched that applicants would need to meet the eligibility criteria for documentation or citizenship under the Windrush Scheme. If these criteria were not met, then the applications would naturally fall for refusal. I advised in last month's update that we had begun the process of refusing cases, and the first types of cases which we refused were those which had been refused citizenship because of serious criminality and those from applicants living overseas who were ineligible for the Scheme. During September we issued 41 such refusals, 25 to people in respect of citizenship who already held indefinite leave to remain and therefore their right to remain in the United Kingdom is unaffected and 16 to people overseas who were ineligible.

I would like to reiterate that 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. While such a process gives assurance that the correct decisions are being made, I also acknowledge that it has led to unavoidable delay.

In addition, there are some cases outstanding which, due to their complexity, are taking longer than anticipated to process. It is likely that a significant proportion of these cases will lead to more refusals.

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. As I have committed to Parliament, no information provided to the Taskforce will be passed onto Immigration Enforcement for immigration control purposes.

We are continuing to issue refusals and will provide further updates on these cases.

The Windrush Scheme – overseas applications

Since the launch of the Windrush Scheme, the Taskforce has also received applications 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:

Period	Granted Right of Abode	Granted Returning Residents Visa	Granted Visit Visa	Application Withdrawn	Total
May to Sept 2018	3	27	11	9	50

Support to vulnerable individuals and those experiencing hardship.

The Taskforce has a dedicated Vulnerable Persons Team in place to provide help and advice where it is identified that a need exists with regard to safeguarding and vulnerability. On identifying a need, the team works in close partnership with the relevant department, local authority or charity, to ensure that the appropriate services and support are in place.

The team maintains a direct contact point with service providers to ensure individuals are not placed at risk through homelessness, benefit suspension or due to an inability to access healthcare. Any individual identified as vulnerable or facing hardship, or suffering from a mental or physical impairment is provided with a direct point of contact within the Taskforce team and is supported through the Windrush process.

In addition the Home Office has contracted Citizens Advice Bureau to provide bespoke professional advice, including debt advice to those experiencing immediate financial problems.

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 a payment to be made before the Compensation Scheme is in place. I have asked my officials to develop a framework for considering such cases and I will publish that policy in due course.

Historical review of removals and detentions

In my previous update, I informed the Committee that I had written to offer a full, formal apology to the 18 individuals (or, in the case of the three deceased, their families) whom we consider are most likely to have suffered detriment because their right to be in the UK was not recognised, 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.

For the wider group of 164 identified in the historical review, which includes the 18, I can now confirm that we have traced 117 individuals. These individuals either already have status, are now in contact with the Taskforce or, in the case of 11 individuals, are deceased. The Taskforce are continuing to work proactively with partners in-country and overseas to obtain contact details for the remaining individuals, and to make contact.

In your letter of 5 October, you asked for further information in relation to the historical review of removals and detentions. As I set out in my letter of 21 August to the Home Affairs Select Committee, and my letter of 8 October to the Joint Committee on Human Rights, to date my department has excluded all individuals with a “criminal case type” marker, but we have been reviewing this approach to ensure we have not adopted too broad a definition. Because of this, the numbers we gave in our update of 21 August remain provisional and subject to change.

Following work to review the population of previously excluded cases, we have identified that some individuals with a criminal case type marker may have committed only a minor offence/s or have been acquitted or not prosecuted. We have therefore revised our methodology. We will continue to exclude individuals who have been deported following a criminal conviction in the UK. These individuals will have committed crimes that were considered serious enough to have met the deportation threshold at the time and, as part of the deportation process, would have been offered the opportunity to make representations as to why their deportation should not proceed and to legally challenge the decision. For individuals that have not been deported (for example, individuals who have been detained but not removed) we will exclude them if they have been convicted of a single sentence of imprisonment of 12 months or longer.

Both Section 32(4) of the UK Borders Act 2007 and Section 117C of the Nationality, Immigration and Asylum Act 2002 make clear that there is a public interest in deporting foreign criminals who have been imprisoned for 12 months or more, into which category these individuals will fall. As Home Secretary it is my duty to protect the public and I therefore draw a purposeful distinction between criminal and other cases. We are therefore excluding these individuals from the Historical Review because I do not wish to include those for whom Parliament has said there is a public interest in their deportation.

Work is now underway to review the previously excluded cases. Any who do not meet the exclusion criteria set out above will then have their records checked to identify whether there is anything to suggest they told the Home Office that they came to the UK before 1973, and their details will be passed to the Taskforce who will seek to proactively contact them. The exclusion of any individuals does not prevent anyone from contacting the Taskforce themselves.

I will continue to keep the Committee updated on the progress of this work and as I have said before, the work of the historical review unit will be independently audited.

Results of the historical review of removals and detentions

I have previously provided your Committee with the initial results of the historical review of removals and detentions. There has been significant interest in these figures, and therefore I thought it would be helpful to provide more detail of these figures to the Committee.

Please find below a breakdown of the 83 (out of the 164) people who were removed. This includes the year of removal, type of removal, the nationality of the individual involved and the country to which they were returned.

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

Nationalities	
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
Total	83

Gender	
Male	38
Female	45

Countries Removed To	
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
Total	83

Contact made with the 83 individuals removed

I would also like to update on the contact we have made from those who have been removed. Of the 83 individuals who were removed, we have made contact with 42. Those 42 individuals are a subset of the overall total of 117 individuals we have made contact with and which we refer to above.

8 individuals are deceased and there are 33 individuals whom we have been unable to contact, despite attempting to do so in a number of different ways. For example, where the Home Office does not hold contact details, we have contacted the Department for Work and Pensions to see if their records confirm a pension from overseas is being received and we have worked with the relevant British High Commissions to try and make contact with those who may be living overseas.

Of the 42 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	3
10 year visitor visa granted by the Taskforce	3
Right of Abode / Citizenship granted by the Taskforce	7
Will be submitting an application under the Windrush Scheme	28
Confirmed they will not be making an application	1
Total	42

Windrush policy

You have asked about our policy response to individuals who were in the UK before 1973, but appear to have left the UK for more than two years. In particular, you wanted further details on our policy response to people who arrived as children, and who had intended to come back to the UK and now wish to return.

I can confirm that the Windrush Scheme is open to Commonwealth Citizens (as defined under the Scheme) outside the UK who were settled in the UK before 1 January 1973 but whose settled status has lapsed because they were out of the UK for more than 2 years.

Anyone who was previously permanently resident and wants to return to the UK permanently will be considered for a Returning Resident visa. It is free to apply for a Returning Resident visa.

For anyone who qualifies as a Returning Resident but states on the application that they only want to visit the UK, the Taskforce will consider whether they also meet the requirements for a visit visa under the Immigration Rules and, if so, they will be granted a 10-year multiple entry visit visa which will allow them to visit the UK for up to 6 months at a time within that 10-year period. As with the wider Taskforce approach, we will help people to gather the evidence they need to support their application.

Windrush Compensation Scheme

Since the launch of the consultation on the Windrush Compensation Scheme in July, six roadshow events have been led by Martin Forde QC and Wendy Williams (independent adviser on the Windrush Lessons Learned Review) in London, Nottingham, Bristol, Birmingham, Leeds and Manchester. These events have been welcomed by the affected community and have given a

platform to those directly affected to share their stories and discuss individual cases. The Home Office has run two additional targeted events since my last update, face to face focus groups with the affected community and those representing them, to help inform the design and implementation of the Compensation Scheme. These were held in London and Birmingham.

I made a statement to the House on 11 October announcing an extension to the consultation period, which will now run to 16 November. This follows strong advice from Martin Forde QC that the consultation should be extended to allow more time for people to respond, based on his engagement with various community groups and the roadshows he has undertaken in recent weeks. I remain committed to moving quickly but carefully in establishing the Scheme and this short extension balances the need to give people more time to respond to the consultation while minimising undue delay to the launch of the Scheme.

In your letter of 5 October you asked when the Compensation Scheme would be open. I am determined that we design a Compensation Scheme that effectively addresses the losses people have faced. It is important that we listen to the views of those affected and understand their experiences, through the consultation, to help us get the Scheme right. I will announce details of the final Scheme and ensure it is open for applications as soon as possible after the consultation process has ended.

I continue to believe it is important that we take a cross party-approach which recognises the most important thing we can do is ensure the wrongs which some members of the Windrush generation have faced are put right. I can reassure members that my department remains entirely focussed on righting the wrongs experienced by the Windrush generation.