

Statement to Parliament: Home Secretary statement on the Windrush generation

From the late 1940s to the early 1970s, many people came to this country from around the Commonwealth to make their lives here and help rebuild Britain after the war.

All members of this House will have seen the recent heartbreaking stories of individuals who have been in this country for decades struggling to navigate an immigration system in a way they never, ever should have been.

These people worked here for decades. In many cases they helped establish the National Health Service. They paid their taxes, enriched our culture. They feel British in all but legal status and this should never have been allowed to happen.

Both the Prime Minister and I have apologised to those affected and I am personally committed to resolving this situation with urgency and purpose.

Of course an apology is just the first step we need to take to put right the wrong these people have suffered, but before I get on to the steps we will be taking I want to explain how this situation has arisen.

The Immigration Act 1971 provided that those here before it came into force should be treated as having been given indefinite leave to enter or remain in the UK, as well as retaining a right of abode for certain Commonwealth citizens.

Although HMS Windrush docked in the Port of Tilbury in 1948, it is therefore everyone that arrived in the UK before 1973 who were given settlement rights and not required to get any specific documentation to prove these rights.

Since 1973 many of this Windrush generation would have obtained documentation confirming their status or would have applied for citizenship and then a British passport.

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

The public expects us to enforce the immigration rules approved by Parliament as a matter of fairness for those who abide by the rules.

And I'm personally committed to tackling illegal migration because I have seen in this job the terrible impact has on some of the most vulnerable in our society.

But these steps intended to combat illegal migration have had an unintended, and sometimes devastating, impact on people from the Windrush generation, who are here legally, but have struggled to get the documentation to prove their status.

This is a failure by successive governments to ensure these individuals have the documentation they need and this is why we must urgently put it right.

Because it's abundantly clear that everyone considers people who came in the Windrush generation to be British. But under the current rules this is not the case. Some people will just have indefinite leave to remain, which means they cannot leave the UK for more than 2 years and are not eligible for a British passport.

This is the main reason we've seen the distressing stories of people leaving the UK over a decade ago and not being able to re-enter.

So I want to enable the Windrush generation to acquire the status that they deserve – British citizenship – quickly, at no cost and with proactive assistance through the process.

First, I will waive the citizenship fee for anyone in the Windrush generation who wishes to apply for citizenship. This applies to those who have no current documentation, and also to those who have it.

Second, I will waive the requirement to carry out a Knowledge of Language and Life in the UK test.

Third, the children of the Windrush generation who are in the UK will in most cases be British citizens. However, where that is not the case and they need to apply for naturalisation, I shall waive the fee.

Fourth, I will ensure that those who made their lives here but have now retired to their country of origin, are able to come back to the UK. Again, I will waive the cost of any fees associated with this process and will work with our embassies and High Commissions to make sure people can easily access this offer.

In effect this means anyone from the Windrush generation who now wants to become a British citizen will be able to do so.

And this builds on the steps that I have already taken.

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

We have successfully resolved 9 cases so far and made 84 appointments to issue documents.

My officials are helping those concerned to prove their residence and they are taking a proactive and generous approach so they can easily establish their rights.

We do not need to see definitive documentary proof of date of entry or of continuous residence. This is why the debate about registration slips and landing cards is misleading. Instead the caseworker will make a judgement based on all the circumstances of the case and on the balance of probabilities.

Previously the burden of proof on some of the Windrush generation to evidence their legal rights was too much on the individual. And now we are working with this group in a much more proactive and personable way in order to help them.

We were too slow to realise there was a group of people that needed to be treated differently. And the system was too bureaucratic when these people were in touch.

The Home Office is a great department of state. It works tirelessly to keep us safe and protect us. It takes millions of decisions each year that profoundly affects peoples' lives. And for the most part it gets these right.

But recent events have shown that we need to give a human face to how we work and exercise greater discretion where and when it is justified.

That's why going forward I will be establishing a new customer contact centre, so anyone who is struggling to navigate the many different immigration routes can speak to a person and get the appropriate advice.

This will be staffed by experienced caseworkers who will offer expert advice and identify a systemic problem much more quickly in the future.

I will also be putting in place 50 senior caseworkers across the country to ensure where more junior members of staff are unsure about a decision they can speak to someone with experience to ensure discretion is properly exercised.

There has also been much concern about whether the Home Office has wrongly deported anyone from the Windrush generation.

The 1971 Immigration Act provides protection for this group if they have lived here for more than five years if they arrived in the country before 1973.

And I am now checking all Home Office records going back to 2002 to verify that no one has been deported, in breach of this policy.

This is a complex piece of work that involves manually checking thousands of records.

So far, 4,200 records have been reviewed out of nearly 8000, which date back to 2002, and no cases have been identified which breach the protection granted under the 1971 Act.

This is an ongoing piece of work and I want to be absolutely certain of the facts before I draw any conclusions. I will ensure the House is informed of any updates and I intend to have this data independently audited once my department has completed its work to ensure transparency.

Mr Speaker, it was never the intention that the Windrush generation should be disadvantaged by measures put in place to tackle illegal migration.

I am putting additional safeguards in place to ensure this will no longer happen, regardless of whether they have documentation or not.

As well as ensuring the Home Office does not target action against someone who is part of the Windrush generation, I will also put in place greater protection for landlords, employers and others conducting checks in order to ensure we are not denying work, housing, benefits and services to this group.

These measures will be kept carefully under review and I don't rule out further changes if they are needed.

Now I will turn to the issue of compensation.

As I said earlier, an apology is just the first step we need to take to put right these wrongs. The next and most important task is to get those affected the documents they need. But we also do need to address the issue of compensation.

Every individual case is painful to hear. But so much more painful, often harrowing for the people involved. These are not numbers but people with families, responsibilities, homes and I appreciate that.

The state has let these people down. Travel documents denied, exclusions from returning to the UK, benefits cut, even threats of removal. This, to a group of people who came to help build this country. People who should be thanked.

This has happened for some time. I will put this right and where people have suffered loss, they will be compensated.

The Home Office will be setting up a new scheme to deliver this which will be run by an independent person.

I will set out further details around its scope and how people will be able to access it in the coming weeks.

Mr Speaker, I am also aware that some of those individual cases that have come to light recently relate not to the Windrush generation, but to people who came to the UK after 1 January 1973.

These people should have documentation to confirm their right to be here.

But I recognise some have spent many years here and will face similar issues in documenting their rights after so many years in this country.

Given people who have been here for more than 20 years will usually go on a 10 year route to settlement, I am ensuring that people who arrived after 1973 but before 1988 can also access the Windrush taskforce so they can access the support and assistance needed to establish their claim to be here legally.

I will consider further, in the light of the cases that come forward, whether any policy changes are needed to deal fairly with these cases.

Mr Speaker I've set out urgent measures to help the Windrush generation documents their rights, how this Government intends to offer them greater rights than they currently enjoy, how we will compensate people for the hardship they have endured and the steps I will be taking to ensure that this never happens again.

None of this can undo the pain already endured, but I hope it demonstrates this Government's commitment to put these wrongs right going forward.