



Home Office

Windrush Scheme guidance

Version 1.0

Guidance for decision makers considering cases under the Windrush Scheme.

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About this guidance

This document tells those in the Taskforce how to consider cases under the Windrush Scheme from those covered by the Windrush Scheme policy.

Those who wish to be considered under the Windrush Scheme, should refer to the information about the [Windrush Scheme on GOV.UK](#).

The Windrush Scheme applies to Commonwealth citizens as defined within this document who:

- were settled in the UK before 1 January 1973 and have lived continuously in the UK since their arrival
- were settled in the UK before 1 January 1973 whose settled status has lapsed because they left the UK for a period of more than two years
- have the right of abode in the UK

The Windrush Scheme also applies to:

- a child of a Commonwealth citizen who was settled in the UK before 1 January 1973, where the child was born in the UK or arrived in the UK before the age of 18, and has lived continuously in the UK since their arrival
- a person of any nationality, who arrived in the UK before 31 December 1988

The guidance tells you:

- how to decide what immigration or nationality document an applicant is entitled to under the Windrush Scheme
- what status document to issue

This policy does not provide for:

- consideration of any application not made on the Windrush Scheme (UK) or Windrush Scheme (Overseas) application form
- consideration of another application made on that form but which is not made by a person who falls within the Windrush Scheme

However, the Taskforce may direct a person to the guidance on how to make other applications for leave to enter or remain under the existing Immigration Rules on the [visas and immigration pages of GOV.UK](#).

Contacts

If you have any questions about the guidance and your line manager or senior decision-maker cannot help you or you think that the guidance has factual errors, then email the Nationality Policy Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance, then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **24 May 2018**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Intention

On 16 April 2018, the Home Office set up a Taskforce to support the Windrush generation and launched the Windrush Scheme shortly after. The Windrush Scheme formalises and extends the assistance provided by the Taskforce, to help the Windrush generation to prove their settled status (or right of abode), or to apply for British citizenship. The Scheme allows those who are in the UK to remain and those who are overseas, to return.

The Windrush Scheme has been introduced to enable persons who originally came to and settled in the UK prior to 1 January 1973 from Commonwealth countries* as part of the 'Windrush generation' and their children, to obtain evidence of their immigration or settled status, or apply for British citizenship free of charge. These are people who are, or have in the past been, lawfully present in the UK, but because of the law applying at the time of their arrival, did not need a formal grant of leave and may not have, since then, obtained evidence of their status.

The Windrush Scheme also allows for certain persons who are nationals of countries other than the Commonwealth, settled in the UK prior to 31 December 1988 and who are not British citizens, but no longer hold documentary evidence of their lawful status, to make an application free of charge for a document that confirms it.

The Scheme will allow Commonwealth citizens*, settled in the UK prior to 1 January 1973, but who have subsequently moved overseas, to apply for the necessary document, free of charge, which will enable them to return to the UK either permanently, or to visit.

Tightening controls intended to create a compliant environment in the UK, have meant that people who do not hold documentation confirming their status have encountered difficulties in proving their right to work, to rent property or to receive healthcare.

Many people in the Windrush generation considered themselves to be British citizens, which is a point that has been recognised in Parliament by the Prime Minister and other Ministers. These are people who have lived for many years in the UK, having come to this country from countries with close ties to the UK and institutions that were in many cases modelled on those in the UK.

The Government has apologised to those who are entitled to be here, but who are unsure or unclear about their status, and has made a clear commitment to help people to prove their right to be here.

Background

People from the Commonwealth, who arrived in the UK during the post-war period up to 1 January 1973, are commonly described as the 'Windrush generation'.

The term 'Windrush' is a reference to the ship MV Empire Windrush, which arrived at Tilbury Docks, Essex, in June 1948, bringing citizens of Jamaica, Trinidad and Tobago and other islands, as a response to post-war labour shortages in the UK.

The Windrush generation who were settled in the UK on 1 January 1973, were granted indefinite leave to remain (ILR) by virtue of the Immigration Act 1971. This meant that they were lawfully entitled to live in the UK, but were not given a document confirming their right to enter or remain.

Under the Immigration Act 1971, some of the Windrush generation have [right of abode](#) in the UK (ROA), or are British citizens.

ROA means a person is free from any immigration restrictions, with no limit on the length of time they can spend in the UK. All British citizens automatically have ROA. Some Commonwealth citizens may also have ROA.

Some of the Windrush generation will never subsequently have applied for a document to prove their right to be in the UK. Some may have left the UK. The Windrush Scheme applies to all Windrush generation cases.

The Windrush Scheme is not however, limited to the Windrush generation. It also makes some provision for the documentation free of charge of some children of the Windrush generation and of all overseas nationals who were lawfully settled in the UK before 31 December 1988.

Meaning of Commonwealth citizens* under the Windrush Scheme

To be covered by the Scheme a person must be:

- a national of a country specified in the list below
- a citizen of the United Kingdom and Colonies by virtue of a connection with a country or territory specified below or
- a British subject without citizenship (see sections 13 and 16 of the British Nationality Act 1948) as then in force

Anguilla
Antigua and Barbuda
Australia
The Bahamas
Bangladesh
Barbados
Belize

Bermuda
Botswana
British Antarctic Territory
British Indian Ocean Territory
Brunei
Canada
Cayman Islands
Cyprus, but excluding the Sovereign Base Areas of Akrotiri and Dhekelia
Dominica
Falkland Islands
Fiji
The Gambia
Ghana
Gibraltar
Grenada
Guyana
Hong Kong
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Maldives
Malta
Mauritius
Montserrat
Namibia
Nauru
New Zealand
Nigeria
Pakistan
Papua New Guinea
Pitcairn, Henderson, Ducie and Oeno Islands
Saint Christopher and Nevis
Saint Helena, Ascension and Tristan da Cunha
Saint Lucia
Saint Vincent and the Grenadines
Samoa
Seychelles
Sierra Leone
Singapore
Solomon Islands
South Georgia and the South Sandwich Islands
South Africa
Sri Lanka
Swaziland
Tanzania
Tonga

Trinidad and Tobago
Turks and Caicos Islands
Tuvalu
Uganda
Vanuatu
Virgin Islands
Zambia
Zimbabwe

The Commonwealth countries of Rwanda, Cameroon and Mozambique are not included. This is because those who are a citizen of a former British colony, may have had reason to consider themselves to have a close relationship with Britain, commensurate with citizenship. Rwanda, Cameroon and Mozambique joined the Commonwealth at a much later date.

Related content

[Contents](#)

Operation of the Windrush Scheme

This section provides you with guidance on the Scheme process.

People who identify as falling into a Windrush group can contact the dedicated Taskforce team on Freephone: 0800 678 1925, Monday to Saturday between 9am and 5pm, or on Sunday between 10am and 4pm, or by email: commonwealthtaskforce@homeoffice.gsi.gov.uk.

Taskforce team members should consider people's individual circumstances, to understand whether, on the balance of probabilities, they are provided for by the Windrush Scheme and advise them how to go about making an application.

The applicant may also complete a Windrush Scheme application without going via the Taskforce. Those who wish to be considered under the Windrush Scheme, should refer to the information about the [Windrush Scheme on GOV.UK](#).

No information provided to the Taskforce will be passed on to Immigration Enforcement.

Consideration of evidence

Those making an application through one of the online forms, or who are contacting the Taskforce to seek assistance to clarify their status under the Windrush Scheme, will in some cases be able to provide evidence of their arrival and time spent in the UK but will not always have much evidence.

Where people are unsure as to their status under the Windrush Scheme, or where there are gaps in the person's evidence of life in the UK, the Taskforce team will assist individuals to get relevant information.

You should recognise that people may not have documents that are over 30 years old and help people to build a picture of their life in the UK, using documentation and evidence provided, or that you can access through systems available to you, including through use of cross-departmental data sharing. You must consider all evidence provided of the person's date of arrival or birth in the UK and time spent in the UK. Documents that may assist could include for example:

- passports
- travel documents, flight manifest or passenger listing
- birth certificates
- school and study records
- employment history
- family history
- evidence of addresses, property ownership or rental agreements
- National Insurance number
- marriage or civil partnership certificate
- factual records including court proceedings
- medical or dental records

- bills and letters

Related content

[False claims](#)

[Contents](#)

Deciding Windrush Scheme applications

How you will decide a Windrush Scheme application

You must consider every application under the Windrush Scheme under existing law and policy, but if this document differs from existing policy, you should consider the application in line with this document.

There is no charge for an application under the Windrush Scheme.

Applicants under the Windrush Scheme are required to provide their biometrics (photograph of face and fingerprints) unless they are exempt from that requirement.

You must consider all evidence provided or available to you, and refer to relevant guidance to make your decision. Relevant guidance is either contained within this document, or in separate published guidance, in which case links are provided.

Where evidence is provided that prove matters of fact, such as nationality, dates of entry to the UK, or circumstances of birth, you should determine the person's status based on those facts.

Where you decide that a person is British by automatic entitlement, has ROA, holds settled status or qualifies for British nationality, you should issue them with the relevant documentation available to them as outlined in this guidance under the [Windrush scheme groups](#).

You must take a holistic view where evidence is not provided that proves matters of fact and decide the case on balance of probability, taking into account the picture of life in the UK, evidence in the round and criminality. However, no information provided in relation to an application under the Windrush Scheme will be passed on to Immigration Enforcement.

Biometric enrolment

People coming forward to regularise their stay or receive a document that confirms their status, are required to enrol their biometrics.

Where a person does not meet the requirements for a document under the Windrush Scheme

Where a person is considered under the Windrush Scheme in accordance with this guidance, but does not meet the requirements to be issued with a document, you will refer the case to a senior decision-maker before you advise the person of the reasons for this.

Taskforce team members can sign-post relevant application routes for those who are not provided for under this scheme.

Appeal rights and administrative review

Where a person is determined not to be issued with a document under the Windrush Scheme in accordance with this guidance, the decision will not attract a right of appeal or an administrative review.

Removal or deportation

Serious criminality will be considered in accordance with existing good character and criminality guidance.

Section 7 of the [Immigration Act 1971](#) provides an [exemption from deportation](#) for those Commonwealth citizens who were [ordinarily resident](#) in the UK when the Act came into force, provided they were also ordinarily resident in the UK for at least five years, before the decision to make a deportation order is made. Those who can establish that they meet this exemption will not be liable to deportation and so will not be deported. As set out in section 3(8) of the Immigration Act 1971, the onus is on the applicant to assert that they are entitled to rely on the exemption in section 7 and to prove that to be the case.

In such cases, they will normally not succeed in obtaining citizenship, because of the [good character requirement](#).

Commitments have been made to Parliament that no information brought forward by an applicant to the Taskforce should be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if an applicant has serious criminality.

Related content

[Windrush scheme groups](#)
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Windrush Scheme groups

The decision you make and the document you issue, will depend on what group the applicant comes under within the Windrush Scheme, and their status. Each Windrush group is defined by people's date of arrival in the UK, their nationality, their age and place of birth.

This section defines each Windrush group, shows you the range of statuses they may have and what documents to issue.

Group 1: Commonwealth citizens* who arrived in the UK and who were settled before 1 January 1973

Commonwealth Citizens* who arrived in the UK and who had ILE or ILR before 1 January 1973 can apply for British citizenship for free. However, they may have ROA or prefer not to become British. In some limited circumstances related to good character, individuals may not be eligible to apply for British citizenship.

[Knowledge of Language and Life](#) (KOLL) in the UK is a requirement for an application for British citizenship. When deciding a citizenship application for this group, you will accept that this requirement is met because of the close historical links and the shared institutions which means that those in this group have a sufficient knowledge of language and life in the UK to meet the relevant statutory requirements for British nationality.

Nationals of Antigua and Barbuda, Australia, The Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, are already exempt from proving knowledge of English, whilst all people over the age of 65 are exempt from both English language and the knowledge of life test.

It is normally a requirement that an adult seeking to naturalise or register as a British citizen should attend a citizenship ceremony and make the required oath and pledge. However, attendance at a citizenship ceremony or making the oath and pledge are not required where a person is applying for citizenship under the Windrush Scheme.

Where a person under this group indicates that they wish to attend a citizenship ceremony, it will be free.

Those who are automatically British

Some of this group may be automatically British and can [apply for a British passport](#) and the Taskforce team can advise on how to do that. They will need to pay the appropriate fee when applying for a British passport.

Where a person under this group does not wish to apply for a British passport, they can instead [apply for a certificate of entitlement to a right of abode](#) for free, which is a vignette placed in a foreign-national passport or travel document.

Where you are deciding a case on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where the person in the UK does not hold a valid foreign-national passport, you can issue them with a nationality status document. However, you should ensure that the person is aware the status document will not be accepted to prove a person's right to work, rent or access services and benefits in a compliant environment, but can be used at a later date as part of a UK passport application, which would be at their own cost.

Those in the UK who wish to apply for British citizenship

Those in this group will have either arrived in the UK before 1 January 1973 with ROA, or arrived in the UK and had ILE or ILR before 1 January 1973. They can apply for British citizenship for free in the UK.

When deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out who can [naturalise as a British citizen](#) as well as the [requirements that are common to all types of British Nationality applications](#):

- <https://www.gov.uk/government/publications/naturalisation-as-a-british-citizen-by-discretion-nationality-policy-guidance>
- <https://www.gov.uk/government/collections/requirements-and-considerations-common-to-all-types-of-british-nationality-nationality-guidance>

If you believe, on the balance of probabilities, that the person had ROA, ILE or ILR before 1 January 1973, has not been resident in the UK for the past 5 years (3 years for a spouse of a British citizen) and the individual passes the [good character test](#), you will confer a person's British citizenship by way of a certificate of citizenship. They will not need to take the KOLL test.

When considering good character, you should consult the Nationality [good character guidance](#):

- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

People in this group who have criminality that precludes them from meeting the good character test are likely to be protected from deportation action by virtue of section 7(1) of the Immigration Act 1971. Where you determine a person does not meet the good character test you should not grant them British citizenship. However, you can provide them with a document confirming their settled status (or ROA).

Where a person is not being granted British citizenship because of criminality, you should refer to the section of this guidance on [those who wish to prove their settled status](#).

Those in the UK who are not automatically British, but who have Right of Abode

Those in this group who have right of abode in the UK who do not wish to apply, or do not qualify, for British citizenship, can [apply for a certificate of entitlement to a right of abode](#), which is a vignette placed in a foreign-national passport. They can apply for a certificate of entitlement to ROA for free.

Where you are deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

If you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport.

Those in the UK who wish to prove their settled status

There may be some individuals in this group who had ILE or ILR before 1 January 1973, who have been continuously resident in the UK since their arrival and who do not want to apply, or are precluded from applying, for British citizenship, but nonetheless would like documentation to prove their settled status. They can be provided with confirmation of their settled status for free.

Where you are deciding an application on this basis, you should refer to the following guidance which sets out the policy on [No Time Limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

If you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confirm a person's settled status by way of a "No Time Limit" (NTL) biometric residence permit (BRP).

Those in the UK who wish to be considered for ILR

A number of people in this group had ILE or ILR before 1 January 1973, but will have left and remained outside of the UK for more than two years resulting in the lapsing of their ILE / ILR. They will have ties to the UK and will have returned here and currently have limited leave to enter or remain. They can be considered for ILR for free.

Where you are considering a case on this basis, you should be satisfied that, on the balance of probabilities, the person has [close and continuing ties to the UK](#). Where this is the case, and you believe that the person had ILE or ILR, you will grant ILR leave outside the Rules, conferred by way of an ILR BRP.

Those who wish to return to the UK from overseas

A number of people in this group had ILE or ILR before 1 January 1973, but will have left and remained outside of the UK for more than two years resulting in the lapsing of their ILE or ILR. They will have ties to the UK and now wish to return to the UK. They can apply to live permanently in the UK, or to visit, for free. In order to benefit from a free application under the Windrush Scheme, all nationals (including a non-visa national) under this group must apply to return to the UK using the Windrush application form before travel.

You should refer to the [returning resident](#) section of this guidance and [guidance on general grounds for refusal](#):

- <https://www.gov.uk/government/collections/general-grounds-for-refusal-modernised-guidance>

Where a person is subject to a deportation order, or whose exclusion is conducive to the public good, you must refuse their application.

Where you believe, on the balance of probabilities, that a person who wishes to return to the UK permanently meets the requirements for admission as a returning resident [as per the returning resident section of this guidance](#), and that the person had ILE or ILR, you must issue a visa confirming ILE. This will be valid for 6 months during which time the applicant will be expected to travel to the UK.

Where the person states on their application that they want only to visit the UK and they meet the [returning resident criteria as set out in this guidance](#), you must believe, on the balance of probabilities that they meet the same requirements as all other visitors according to the Immigration Rules for Visitors ([Appendix V of the Immigration Rules](#)).

Where you are considering an application on this basis, you should refer to the following guidance which sets out the policy on [visit visas](#):

- <https://www.gov.uk/government/publications/visit-guidance>

Where you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confer a person's entry clearance as a visitor by way of a 10-year multi-entry visit visa, valid for ten years from date of issue.

This 10-year multi-entry visit visa allows entry to the UK for a maximum of 6 months at any one time. Should a person enter and remain in the UK for longer than the permitted 6 months, they will have overstayed their leave to enter, unless they have made a further application for leave.

Those in this group who have right of abode can have this [confirmed through a certificate of entitlement](#), which is a vignette placed in a foreign-national passport. They can have their certificate of entitlement to ROA confirmed for free.

Where you are deciding an case on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>
- <https://www.gov.uk/government/publications/right-of-abode-roa/right-of-abode-roa#roa6-confirmation-or-right-of-abode-document>

Group 2: People of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973

Those in this group include people of any nationality other than those defined in this guidance as Commonwealth citizens*, who arrived in the UK and had ILE or ILR before 1 January 1973.

Those who wish to prove their settled status

Where you are deciding an application from a person in this group who had ILE or ILR before 1 January 1973 who has been continuously resident since their arrival in the UK, you should refer to the following guidance which sets out the policy on [No Time Limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>.

Where you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confirm a person's settled status by way of an NTL BRP.

Group 3: People of any nationality who arrived in the UK before 1 January 1973 with limited leave, but settled between then and 31 December 1988

Those in this group include people of any nationality (in this case including those defined in this guidance as Commonwealth citizens) who arrived in the UK and had only limited leave on 1 January 1973. They were not settled in the UK when the Immigration Act 1971 commenced, so were not granted ILE or ILR by virtue of that Act. Between 1 January 1973 and 31 December 1988, they will have obtained ILE or ILR and will have been continuously resident in the UK.

Those in this group who have right of abode in the UK can [apply for a certificate of entitlement to a right of abode](#), which is a vignette placed in a foreign-national passport. They can apply for a certificate of entitlement to ROA for free.

Where you are deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

If you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport.

People in this group who would like documentation to prove they have ILE or ILR, can have their settled status confirmed for free.

When deciding a case on this basis, you should refer to the following guidance which sets out the policy on [No Time Limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

Where you believe, on the balance of probabilities, that the person had ILE or ILR, you will confirm a person's settled status by way of an NTL BRP.

People in this group who have serious criminality which would result in deportation must be referred to a senior decision-maker before a decision is made to confirm settled status. When deciding whether to refer to a senior decision maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
- <https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcso.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Group 4: People of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status

Those in this group are people of any nationality (including those defined in this guidance as Commonwealth citizens*) who entered the UK lawfully between 1 January 1973 and 31 December 1988, who had ILE or ILR before 31 December 1988, and who have been continuously resident in the UK since.

Those in this group who have right of abode in the UK can [apply for a certificate of entitlement to a right of abode](#), which is a vignette placed in a foreign-national passport. They can apply for a certificate of entitlement to ROA for free.

Where you are deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

If you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport.

People in this group who would like documentation to prove they have ILE or ILR, can have their settled status confirmed for free.

When deciding an application on this basis, you should refer to the following guidance which sets out the policy on [No Time Limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

Where you believe, on the balance of probabilities, that the person had ILE or ILR before 31 December 1988, you will confirm a person's settled status by way of an NTL BRP.

People in this group who have serious criminality which would result in deportation must be referred to a senior decision-maker before a decision is made to confirm settled status. When deciding whether to refer to a senior decision-maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
- <https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcgs.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Group 5: Windrush children – child of a Commonwealth citizen* parent settled in the UK (including those with ROA) on 1 January 1973

Children whose parent is confirmed as being part of group 1, will have their status considered in their own right, taking account of their parent's status, their date of arrival or birth in the UK, and relevant Nationality law. The parent's status may need to be resolved first under the Windrush scheme, before the child's case can be concluded.

Where a parent has died, a child's status will be considered according to the status that the parent had, or would have had, under the Windrush policy. Such cases will be considered in a pragmatic and sensitive way.

For the purpose of the Windrush Scheme, reference to children includes an [adopted child](#), or a child born through [surrogacy](#) (where recognised in UK law).

[KOLL](#) in the UK is a requirement for an application for British citizenship. However, this group of people may have considered themselves to be British citizens. They have lived in the UK for many years, having come to this country from countries with close ties to the UK and institutions that were in many cases modelled on those in the UK. This means they have the necessary language and knowledge of life in the UK to meet the relevant statutory requirements for British nationality.

When deciding a citizenship application for this group, you will therefore, accept that any KOLL requirement is met.

It is normally a requirement that an adult seeking to naturalise or register as a British citizen should attend a citizenship ceremony and make the required oath and pledge. However, attendance at a citizenship ceremony or making the oath and pledge are not required where a person is applying for citizenship under the Windrush Scheme.

Where a person under this group indicates that they wish to attend a citizenship ceremony, it will be free.

Those who are automatically British

Those in this group who were born in the UK before 1 January 1983 are automatically British, as are those who were born in the UK after 1983 but to a settled parent. A person who is automatically British, can [apply for a British passport](#) directly, without assistance from the Taskforce, although the Taskforce team can advise on how to do that. Any passport application requires the applicant to pay the appropriate fee.

Where a person under this group does not wish to apply for a British passport, they can instead [ask for a certificate of entitlement to a right of abode](#). In order to come under the Windrush Scheme and receive the certificate for free, children must have been born to a Commonwealth citizen* parent who themselves come or would have come under the Windrush Scheme, having arrived in the UK before 1 January 1973. The certificate is a vignette placed in a foreign-national passport or travel document.

Where you are deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where the person in this group does not hold a valid foreign-national passport, you can issue them with a nationality status document. However, you should ensure that the person is aware the status document will not be accepted to prove their right to work, rent or access services and benefits in a compliant environment, but can be used at a later date as part of a UK passport application, which would be at their own cost.

Those who qualify to register as a British citizen

There will be some in this group who were born in the UK on or after 1 January 1983 who are not automatically British. This is because their parent was not settled when they were born in the UK. The parent may or may not have gone on to settle.

In order to come under the Windrush Scheme and ask to register as British for free, children must have been born to a Commonwealth citizen* parent who themselves come or would have come under the Windrush Scheme, having arrived in the UK before 1 January 1973. These children can ask to register as a British citizen for free, if they spent the first 10-years of their life in the UK with continuous residence. They must be of good character and must have spent no more than 90 days outside the UK during the 10-year period.

They may also be able to register if their parents became settled, or a British citizen, after their birth but while they were still under the age of 18. These children can register if they were born in the UK and are under the age of 18 at the time of application. They must be of good character.

Where you are considering an application on this basis, you should refer to the nationality guidance on [registration as a British citizen](#) and [good character](#):

- <https://www.gov.uk/government/publications/children-nationality-policy-guidance>
- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

Where you believe, on the balance of probabilities, that the person is eligible to register as a British citizen, and that the individual passes the [good character test](#), you will confer a person's citizenship by way of a certificate of registration as a British citizen.

Those in the UK who wish to apply for British citizenship

There will be some in this group who are the child of a settled parent under group 1 or a parent who has a ROA and who also meets the [close and continuing ties](#) criteria as set out in this guidance, who were born outside the UK and arrived after 1 January 1973 when they were under the age of 18, and had ILE or ILR. They are still resident in the UK and can now apply for British citizenship for free in the UK.

When deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out who can [naturalise as a British citizen as well as the requirements that are common to all types of British Nationality applications](#):

- <https://www.gov.uk/government/publications/naturalisation-as-a-british-citizen-by-discretion-nationality-policy-guidance>
- <https://www.gov.uk/government/collections/requirements-and-considerations-common-to-all-types-of-british-nationality-nationality-guidance>

Where you believe, on the balance of probabilities that the person had ILE or ILR, has been resident in the UK for the past 5 years (3 years for a spouse of a British Citizen) and that the individual passes the [good character test](#), you will confer a person's British

citizenship by way of a certificate of citizenship. They will not need to pay a fee for their British citizenship, or need to take the KOLL test.

When considering good character, you should consult the Nationality [good character guidance](#):

- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

Where a person is not being granted British citizenship because of criminality, you should refer to the following section of this guidance on [those who wish to prove their ILE or ILR status](#).

Those who are not automatically British, but who have Right of Abode in the UK

Those in this group who have right of abode in the UK who do not wish to apply, or do not qualify, for British citizenship, can [ask for a certificate of entitlement to a right of abode for free](#), which is a vignette placed in a foreign-national passport.

Where you are deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport.

Those in the UK who wish to prove their settled status

There may be some individuals in this group who were the child of a settled parent under group 1, who were born outside the UK, arriving here after 1 January 1973 when they were under the age of 18, who had ILE or ILR and have since been continuously resident in the UK. They do not want to apply, or are precluded from applying, for British citizenship, but nonetheless would like documentation to prove their settled status. They can ask for confirmation of their settled status for free.

Where you are considering an application on this basis, you should refer to the following guidance which sets out the policy on [No Time Limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>.

Where you believe, on the balance of probabilities, that the person had ILE or ILR, you will confirm a person's settled status by way of a NTL BRP.

Those who wish to apply for ILR

A number of people in this group had ILE or ILR before 1 January 1973, but will have left and remained outside of the UK, for more than two years meaning their ILE / ILR will have lapsed. They will have ties to the UK and will have returned here and currently have limited leave to enter or remain. They can apply for ILR for free.

Where you are considering a case on this basis, you must believe, on the balance of probabilities, that the person meets the [close and continuing ties](#) criteria as set out in this guidance. Where this is the case, and you believe, on the balance of probabilities, the person had ILE or ILR, you will grant ILR outside the Rules, conferred by way of an ILR BRP.

There may be some individuals in this group who were the child of a settled parent under group 1, who were born outside the UK, arriving here after 1 January 1973 when they were under the age of 18, who had limited leave and have never settled and have been continuously resident in the UK since. They can apply for ILR for free.

Where you are considering a case on this basis, you must believe, on the balance of probabilities, that the person meets the [close and continuing ties](#) criteria as set out in this guidance. Where this is the case, you will grant ILR outside the Rules, conferred by way of an ILR BRP.

People in this group who have serious criminality which would result in deportation must be referred to a senior decision-maker before a decision is made to grant ILR. When deciding whether to refer to a senior decision-maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
<https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcso.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Related content

[Contents](#)

Returning resident guidance

This section sets out guidance on how you should consider returning resident applications specifically made under the Windrush Scheme. You must not refer to separate Home Office returning resident guidance when deciding cases under the Windrush Scheme.

Part 1 section 1(2) of the Immigration Act 1971 which came into force on 1 January 1973 states that foreign nationals who were ordinarily resident in the UK on that date are deemed to have settled status (ILE/ILR) unless they:

- were exempt from immigration control on that date, or
- had the right of abode.

Lapse of indefinite leave

[Article 13 of the Immigration \(Leave to Enter and Remain\) Order 2000](#) makes provision for certain types of leave to enter or remain not to lapse on leaving the common travel area, unless a person remains outside the UK for a continuous period of more than two years. This means that when a person with indefinite leave to enter or remain stays outside the UK for more than two continuous years, their leave automatically lapses as a matter of law. The exception to this was Commonwealth citizens settled in the UK when the 1971 Act came into force. Under section 1(5), they were protected from losing their indefinite leave from absences outside the UK until 1 August 1988 when section 1(5) was repealed. After this date, any ILR would be lost following an absence of two years or more.

Provision is contained within the Immigration Rules, however, for indefinite leave to be reinstated where a person can meet the requirements as a returning resident.

Factors for consideration

You must consider the following factors when assessing whether a person can be readmitted to the UK as a returning resident under the Windrush Scheme:

- their strength of ties to the UK including:
 - the nature of those ties
 - the extent to which those ties have been maintained during the applicant's absence
- the length of their original residence in the UK
- the length of time the applicant has been outside the UK
- the circumstances in which they left the UK and their reasons for remaining absent (for example, those within the Windrush cohort may have left the UK under the impression they were British citizens and so believed there was no restrictions on the time they spent outside the UK)
- their reasons for now wishing to return
- whether if they were to be readmitted, they would continue to live in the UK

- any other compelling or compassionate factors

Strength of ties to the UK

A person's ties to the UK may be evident in a number of different ways. The nature of those ties, and the degree those ties have been maintained during a person's absence, will need to be considered when assessing whether a person should be readmitted as a returning resident. Such ties may include (but are not limited to):

- family ties
- property ties
- business ties

Family ties

Where a person has close family ties in the UK which have been maintained during their absence, this will likely indicate strong ties to the UK. The more immediate the family members are, for example parents, spouse, partner, children or grandchildren, the greater the strength those ties are likely to have. However, relationships with wider family members, such as cousins or nieces and nephews, may also be taken into account if those ties have been closely maintained.

The nature of any contact will also need to be considered. For example, regular visits from, or to, the applicant from family members in the UK will help demonstrate the strength of those ties. Such contact does not, however, need to have been made physically in person, and strong ties can still be demonstrated where there has been regular contact through other means.

Property and business ties

Ties may also be in the form of property/business interests. This may be, for example, where the applicant owns their own property in the UK or has a vested interest in an ongoing business venture within the UK. Ties on the basis of property or business interests alone, are unlikely to demonstrate strong ties to the UK, but can be used in conjunction with other factors to satisfy this.

Length of original residence

Generally, the longer the period of original residence, the more likely it is that the applicant will have developed strong ties to the UK and can be admitted as a returning resident. It is important to consider the length of the original residence together with all other relevant factors. You must not refuse an application solely based on a short period of original residence if the other evidence points to the applicant having strong ties to the UK.

Length of time outside the UK

The length of time spent outside the UK will be an important factor to take into account when assessing whether a person can be readmitted as a returning resident. This must be assessed against all other factors, including the time spent in the UK before they left.

Evidence

Evidence to support an application may include, for example:

- evidence of settled status - for those within the Windrush Scheme, this is unlikely to be evidenced through a vignette, BRP or passport. Other evidence, such as Doctor's records, or school letters may be taken into account instead
- details of any family in the UK and correspondence with them (to establish strong ties to the UK)
- evidence of property in the UK and/or any business interests (to establish strong ties to the UK)
- letters of enrolment/attendance at an education establishment if they have been studying outside the UK for long periods
- letter of employment where this has been reason for their absence from the UK
- a letter from a medical professional if their reason for their absence relates to caring for another person or for their own medical reasons

This list is not exhaustive and other evidence can be taken into account.

Each case must be considered on its individual merits.

Related content

[Contents](#)

Close and continuing ties

When considering whether a person has close and continuing ties to the UK you will want to consider similar factors to returning residence – for example strength of ties, family ties, property and business ties and length of residence. However, given that the person is in the UK, you need not consider factors relating to their departure from the UK and their reason for wanting to return.

Related content

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