



Home Office

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,

I am writing to provide 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 at 31 August 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

### **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
- Support to vulnerable individuals and those experiencing hardship

#### 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 July 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       | <i>110</i>                           | <i>89</i>  | <i>21</i>  |
| Aug-18       | 15                                   | 12   | 3  |
| <b>Total</b> | <b>6,564</b>                         | <b>5,971</b>   | <b>593</b>   |

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 August 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       | <i>138</i>  |
| May-18       | <i>1,281</i>  |
| Jun-18       | <i>698</i>  |
| Jul-18       | <i>168</i>  |
| Aug-18       | 113   |
| <b>Total</b> | <b>2,398</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.

#### *Nationality of those given documentation confirming status*

| <u>Nationality</u>  | <u>April to August 2018</u> |
|---------------------|-----------------------------|
| Jamaica             | 1,165                       |
| Barbados            | 227                         |
| India               | 106                         |
| Grenada             | 95                          |
| Trinidad & Tobago   | 90                          |
| Other Nationalities | 715                         |
| <b>Total</b>        | <b>2,398</b>                |

#### *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.

| <u>Month</u> | <u>Arrived before 1 January 1973</u> | <u>Arrived after 31 December 1972</u> | <u>Family Member</u> | <u>Not recorded</u> | <u>Total (by month)</u> |
|--------------|--------------------------------------|---------------------------------------|----------------------|---------------------|-------------------------|
| Apr-18       | 118                                  | 15                                    | 5                    | 0                   | 138                     |
| May-18       | 1,074                                | 160                                   | 46                   | 1                   | 1,281                   |
| Jun-18       | 554                                  | 116                                   | 24                   | 4                   | 698                     |
| Jul-18       | 108                                  | 23                                    | 4                    | 33                  | 168                     |
| Aug-18       | 74                                   | 19                                    | 5                    | 15                  | 113                     |
| <b>Total</b> | <b>1,928</b>                         | <b>333</b>                            | <b>84</b>            | <b>53</b>           | <b>2,398</b>            |

#### *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 August 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       | 1256  | 25  | 1,281            |
| Jun-18       | 584   | 114   | 698              |
| Jul-18       | 15  | 153   | 168              |
| Aug-18       | 3   | 110   | 113              |
| <b>Total</b> | <b>1,996</b>                                  | <b>402</b>                                    | <b>2,398</b>     |

### The Windrush Scheme – in-country applications

On 24 May, the Home Secretary laid a Written Ministerial Statement setting out the Windrush Scheme, which ensures that members of this generation, their children born in the UK and those who arrived in the UK as minors will be able to apply for citizenship, or various other immigration products, free of charge. The scheme came into force on 30 May.

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        | Total 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       | 898  | 869                                       | 29                                    |
| Aug-18       | 789  | 664                                       | 125                                   |
| <b>Total</b> | <b>2,277</b>   | <b>2,121</b>                              | <b>156</b>                            |

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

| Nationality         | Total number of individuals granted citizenship or NTL/ILR | Number of individuals granted citizenship | Number of individuals granted NTL/ILR |
|---------------------|--|---|---------------------------------------|
| Jamaica             | 1,076  | 1,048                                     | 28                                    |
| Barbados            | 203  | 198                                       | 5                                     |
| India               | 156  | 124                                       | 32                                    |
| Grenada             | 87   | 86  | 1                                     |
| Trinidad & Tobago   | 78   | 74  | 4                                     |
| Other Nationalities | 677  | 591                                       | 86                                    |
| <b>Total</b>        | <b>2,277</b>   | <b>2,121</b>                              | <b>156</b>                            |

#### *Date of arrival in the UK*

| Month        | Arrived before 1 January 1973 | Arrived after 31 December 1972 | Family Member | Not recorded | Total (by month) |
|--------------|-------------------------------|--------------------------------|---------------|--------------|------------------|
| May-18       | 0                             | 0                              | 0             | 0            | 0                |
| Jun-18       | 532                           | 30                             | 28            | 0            | 590              |
| Jul-18       | 789                           | 32                             | 75            | 2            | 898              |
| Aug-18       | 667                           | 82                             | 40            | 0            | 789              |
| <b>Total</b> | <b>1,988</b>                  | <b>144</b>                     | <b>143</b>    | <b>2</b>     | <b>2,277</b>     |

#### Refusals under the Windrush Scheme

As the Committee will note, 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 that they are eligible for and evidence that is 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 and applying a generous interpretation of the evidence required to prove an individual's status. 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. This would apply, for example, where individuals did not meet the criteria for Right of Abode, and where evidence of serious criminality precluded them being granted citizenship (even though they have the right to be in the UK).

We are now at the point of beginning to issue refusals to individuals to whom these circumstances apply. The initial refusals include two types of applicant. The first are individuals who are in the UK and have the right to remain in the UK, but have been refused citizenship due to evidence of serious criminality and insufficient countervailing evidence of good character. The individuals in question have all received convictions of 4 years or more for crimes including robbery, the supply of drugs, child sex offences and

murder, and have been assessed as clearly not meeting the good character requirement for British citizenship.

**The citizenship refusals which are being issued to UK-based applicants do not affect those individuals' right to remain in the UK.** The Taskforce will have confirmed each individual's right to remain in the UK and to access services, and where necessary issued documentation to confirm that right.

The second type of applicant are individuals overseas who have applied for documentation but are ineligible for the Windrush Scheme, as they were not able to provide sufficient evidence that they were settled in the UK before 1 January 1973. For some of these cases, if the applicant has provided sufficient evidence of their eligibility for a Returning Residents Visa outside of the Windrush Scheme, the Taskforce will make proactive contact with them to advise them to apply through an alternative route. In certain cases, where the applicant is ineligible to apply under the Scheme, but qualifies for a Certificate of Entitlement to the Right of Abode, the Taskforce will make proactive contact and advise them to withdraw their application under the Scheme and then make a fresh application outside the Scheme which will then be expedited by the Taskforce.

I would like to reiterate that none of the refusals 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 I am confident this has led to the correct decisions being made, I also acknowledge that it has led to unavoidable delay.

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 and we will publish guidance in due course setting out the safeguards and processes for individuals who have been refused by the Taskforce, who have no other right to remain and who are subsequently encountered by enforcement staff or other agencies, or who were previously subject to enforcement action.

I recognise the importance of this issue for the Committee and the individuals concerned, and I will continue to provide updates on cases that have fallen for refusal in future updates.

#### 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 | <b>Total</b> |
|-----------------|------------------------|----------------------------------|--------------------|--------------|
| May to Aug 2018 | 0                      | 22                               | 10                 | <b>32</b>    |

## 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 to provide bespoke professional advice, including debt advice, to those experiencing immediate financial problems.

### **Historical review of removals and detentions**

As I noted in my last update to the Committee, work is ongoing to review historical compliant environment sanctions and to check that we have not applied too broad a category to cases excluded on the grounds of criminality. I will report back to the Committee when this work is complete.

In my last update, I informed the Committee that I would be writing to offer a full, formal apology to the 18 individuals whom we consider are most likely to have suffered detriment because their right to be in the UK was not recognised. Three of these individuals are deceased. I have written apology letters to these 18, and 15 of them have been sent, two of which are to families of the deceased. My officials continue to work proactively to trace the remaining two individuals, and next of kin of the other deceased individual so that the 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 86 individuals. These individuals either already have status, are now in contact with the Taskforce or, in the case of 8 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.

### **Windrush Compensation Scheme**

The consultation on the Windrush Compensation Scheme is live and the deadline for responses is 11 October. We continue to promote the consultation through various media, stakeholders and community groups. Martin Forde QC and Wendy Williams (who is overseeing the Windrush lessons learned review) are running a series of events to listen directly to those affected and hear their personal accounts. A full list of venues and dates can be found at <https://www.gov.uk/government/publications/windrush-lessons-learned-review#windrush-lessons-learned-review-and-compensation-scheme-roadshows>

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 look forward to further engagement with

the Home Affairs Select Committee in that spirit. In the meantime, I can reassure members that my department is entirely focussed on righting the wrongs experienced by the Windrush generation.

A handwritten signature in black ink, appearing to read 'S. Javid'.

**Rt Hon Sajid Javid MP**  
**Home Secretary**