

The Windrush Scheme

People who arrived in the UK many years ago and do not have documentation confirming their immigration status have faced difficulties in proving their right to work, to rent property and to access benefits and services to which they are entitled. The Government has apologised to people in this position and has made a commitment to help them get the documents they need.

On 16 April 2018, the Home Secretary established a Taskforce to make immediate arrangements to help those who needed it. This included setting up a helpline to get in touch with the Home Office.

The Windrush Scheme is the next step in providing help and support. A separate Scheme will make it easier for people to access it and to understand what is on offer. Those applying under this Scheme will benefit from the services of the Taskforce which will help people to navigate the immigration system and will continue to take a sympathetic and proactive approach when resolving applications.

The Windrush Scheme does not cover applications for a British passport. British citizens must pay for a passport and it would not be fair to existing British citizens to provide a free passport to those applying for British Citizenship under the Windrush Scheme.

How to apply

An application under the Windrush Scheme must be made on the relevant form on GOV.UK - the "*Windrush Scheme application (UK)*" for applicants living in the UK or the "*Windrush Scheme application (Overseas)*" for applicants living outside the UK.

Application fee

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

Photograph and fingerprints (biometrics)

Applicants under the Windrush Scheme are required to provide their biometrics (photograph of face and fingerprints) unless they are exempt from that requirement. There is no fee for this.

How applications will be considered

An application under the Windrush Scheme will be considered under existing law and policy, but if policy set out in this document differs from existing policy this document will be applied.

The Taskforce set up to consider applications under the Windrush Scheme will consider the application in the round based on all the available evidence, including from Home Office records and those of other government departments.

No information provided in relation to an application under the Windrush Scheme will be passed on to Immigration Enforcement.

The Taskforce will not consider any application which fall outside the scope of the Windrush Scheme as set out in this document.

A definition of the nationalities and groups included under “Commonwealth citizen” for the purposes of this Scheme is included at the end of this document.

What applications will be considered under the Windrush Scheme

Terms in italics are described in more detail in the guidance linked below.

A person in the UK

A Commonwealth citizen* who was either settled in the UK before 1 January 1973 and has been continuously resident in the UK since their arrival or has the Right of Abode.

- The Taskforce will consider whether the applicant is already a British Citizen and, if they are, they will be given a document confirming that.
- If the applicant is not British and has said on the application that they want British Citizenship they will be considered for naturalisation under the British Nationality Act 1981.
Applicants who were settled in the UK before 1 January 1973 and those with Right of Abode who have strong ties to the UK will be taken to have sufficient knowledge of English and of life in the UK and so the requirement to pass the Life in the UK test will not apply to them. They will also not have to attend a citizenship ceremony, unless they want to.
The applicant will have to meet the *residence requirements for citizenship* and the *good character requirement*.
If the applicant qualifies for British Citizenship, they will be given a certificate of naturalisation.
- If the applicant does not apply for British Citizenship, or does not qualify for naturalisation, the Taskforce will consider whether they have the *Right of Abode* and, if so, they will be given a document confirming their *Right of Abode*.

- If not, the Taskforce will consider whether they are entitled to remain in the UK and, if so, they will be given a biometric document confirming their settled status (NTL – No Time Limit).

A Commonwealth citizen* who was settled in the UK before 1 January 1973, whose settled status lapsed because they left the UK for a period of more than 2 years, and who is now lawfully in the UK and who has strong ties to the UK

- If the applicant is currently lawfully in the UK and not liable to deportation on grounds of criminality or other non-conducive behaviour and has strong ties with the UK they will be given indefinite leave to remain.
- If the applicant is already settled in the UK and wants British Citizenship they will be considered for naturalisation under the British Nationality Act 1981 in accordance with the residence and good character requirements. They will be required to pass the Life in the UK test and meet the English requirement where relevant. They will not have to attend a citizenship ceremony, unless they want to.

A child of a Commonwealth citizen* parent*, where the child was born in the UK or arrived in the UK before the age of 18, and has been continuously resident in the UK since their birth or arrival, and the parent was settled before 1 January 1973 or has the Right of Abode (or met these criteria but is now a British Citizen).

Where the parent died before 1 January 1973, it is sufficient that they were settled in the UK before their death.

- The Taskforce will consider whether the applicant is already a British Citizen and if they are they will be given a document confirming that.
- If they are not, and the applicant has said on the application that they want British Citizenship, the Taskforce will consider whether the applicant has the *right to register as a British citizen* under the British Nationality Act 1981. If they do, they will be given a certificate of registration.
- If they are not entitled to register as British, they will be considered for naturalisation under the British Nationality Act 1981. Applicants whose parent was settled in the UK before 1 January 1973 or those whose parent had a Right of Abode who had strong ties to the UK will be taken to have sufficient knowledge of English and of life in

the UK and so the requirement to pass the Life in the UK test will not apply to them. They will also not have to attend a citizenship ceremony, unless they want to.

The applicant will have to meet the *residence requirements* for Citizenship and the *good character* requirement.

If the applicant qualifies for British Citizenship, they will be given a certificate of naturalisation.

- If the applicant does not apply for British Citizenship, or does not qualify for naturalisation, the Taskforce will consider whether they have the *Right of Abode* and, if so, they will be given a document confirming the *Right of Abode*.
- If not, the Taskforce will consider whether they are settled in the UK and, if so, they will be given a biometric document confirming their settled status (NTL – No Time Limit).
- If not, if they are lawfully in the UK and are not liable to deportation on grounds of criminality or other non-conducive behaviour, they will be given indefinite leave to remain.

A person of any nationality, who arrived in the UK before 31 December 1988 and is settled in the UK.

- The Taskforce will consider whether the applicant is already a British citizen and, if they are, they will be given a document confirming that.
- If the applicant is not British, the Taskforce will consider whether they have the *Right of Abode* and if so they will be given a document confirming the *Right of Abode*.
- If not, the Taskforce will consider whether they are settled in the UK and, if so, they will be given a biometric document confirming their settled status (NTL – No Time Limit).

Right of Abode is explained here –

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

Registration as a British citizen is explained here –

<https://www.gov.uk/government/publications/children-nationality-policyguidance>.

Residence requirements for naturalisation are explained here (on pages 13 to 18)

[-https://www.gov.uk/government/publications/naturalisation-as-a-britishcitizen-by-discretion-nationality-policy-guidance](https://www.gov.uk/government/publications/naturalisation-as-a-britishcitizen-by-discretion-nationality-policy-guidance)

Good character requirement for naturalisation/registration is explained here <https://www.gov.uk/government/publications/good-character-nationality-policyguidance>

A person outside the UK

A Commonwealth citizen* who was settled in the UK before 1 January 1973 but who does not have a document confirming their *Right of Abode* or settled status, or whose settled status has lapsed because they left the UK for a period of more than 2 years.

- The Taskforce will consider whether the applicant has the right of Abode and, if so, they will be given a certificate of entitlement to the Right of Abode.
- If not, the taskforce will consider whether the applicant meets the requirements for a *Returning Resident* visa under the Immigration Rules.
If so, and the applicant states on the application that they want to return to the UK permanently, they will be granted a Returning Resident Visa.
On returning to the UK a Returning Resident can apply to naturalise as a British citizen only after they have been resident in the UK for a further 5 years (3 years if they are the spouse or civil partner of a British citizen). They will be able to apply for free but will face the requirement to pass the Life in the UK test and meet the English requirement where relevant. They will not have to attend a citizenship ceremony, unless they want to.
- If the applicant qualifies as a *Returning Resident* but states on the application that they want only 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.

Returning Resident requirements are explained here –

Visit visa requirements are explained here –
<https://www.gov.uk/government/publications/visit-guidance>

Meaning of “Commonwealth” * - for the purposes of who is eligible for consideration under the Windrush Scheme

*Commonwealth citizens means citizens of the following:

Anguilla	Cyprus (excluding the Sovereign base areas)	Malaysia
Antigua and Barbuda	Dominica	Maldives
Australia	Falkland Islands	Malta
Bangladesh	Fiji	Mauritius
Barbados	Ghana	Monserrat
Belize	Gibraltar	Namibia
Bermuda	Grenada	Nauru
Botswana	Guyana	New Zealand
British Antarctic Territory	Hong Kong	Nigeria
British Indian Ocean Territory	India	Pakistan
Brunei	Jamaica	Papua New Guinea
Canada	Kenya	Pitcairn, Henderson, Ducie and Oeno Islands
Cayman Islands	Kiribati	Saint Helena, Ascension and Tristan da Cunha
	Lesotho	Turks and Caicos Islands
Saint Lucia	Malawi	Tuvalu
Samoa	St Kitts and Nevis	Uganda
Seychelles	St Vincent and The Grenadines	Vanuatu
Sierra Leone	Swaziland	Virgin Islands
Singapore	Tanzania	Zambia
Solomon Islands	The Bahamas	Zimbabwe
South Africa	The Gambia	
South Georgia and the South Sandwich Islands	Tonga	
Sri Lanka	Trinidad and Tobago	

In addition, the following people are included:

- citizens of the UK and colonies by virtue of a connection to a country or territory on the above list;
- British subjects without citizenship under the law on 1 January 1973

Meaning of “parent”* - for the purposes of who is eligible for consideration under the Windrush Scheme

This has the normal meaning under the Immigration Rules. However, where there has been a genuine transfer of parental responsibility on the ground of the original parent(s)' inability to care for the child, for the purposes of the Windrush Scheme the definition may include a child born outside the UK.