

# Windrush Lessons Learned Review

## Submission by Movement for Justice

contact@movementforjustice.co.uk



### CONTENTS

1. Introduction.....	p2
2. Legislative, Policy and Operational Decisions that led to the ‘Windrush Scandal’ .....	p4
3. What other factors played a part?.....	p8
4. Conclusion and Recommendations.....	p9
5. Appendix, Case histories of Windrush descendants and family members .....	p12

# 1. INTRODUCTION

*“Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.”* MLK, Letter from a Birmingham Jail, 1963

- 1.1. The Windrush scandal has exposed the rotting carbuncle of racism that rests at the heart of British immigration legislation. An open secret which black, Asian and immigrant communities have known for decades; the whole system of British immigration controls and Home Office decision-making is inherently racist and shaped by anti-immigrant rhetoric by sections of the media and politicians of all stripes.
- 1.2. The challenge before this review is to ensure that ‘lessons learned’ - does not become another euphemism for ‘time to move on,’ and that real, lasting and radical change to British immigration and nationality laws and rules happens. **That requires a full, in depth, public inquiry into the Windrush Scandal, this Review should join the many voices calling for an Inquiry. This can achieve what the Lawrence Inquiry achieved for equalities legislation and the recognition of institutional racism in the British police.**
- 1.3. Movement for Justice began campaigning on the issue of Windrush as a result of our work inside and outside Yarl’s Wood Immigration Removal Centre to get it and *all* detention centres shut down. In the course of that work, in April 2018, not long after the Windrush scandal broke into public consciousness, we met two women detained there, Yvonne Smith and Yvonne Williams. Aged 63 and 59, these Jamaican grandmothers have extensive British families, who came to the UK as part of the Windrush Generation; they themselves did not come to the UK until the death of their grandparents in Jamaica in the late 1990’s/00’s. They had been held in Yarl’s Wood for almost nine months when we met, separated from their families, including their children, British born grandchildren and elderly Windrush Generation parents. Trying to regularise their stay for almost 20 years, every time the Home Office told them that their family ties were not “significant” enough.
- 1.4. That’s when we realised, despite their being so intimately connected to the Windrush generation, these two ‘children of Windrush’ were not recognised as part of that generation by the Government and so were not being catered for as part of the measures to support people, the Windrush Scheme and Taskforce. Both women were given removal directions on a charter flight to Jamaica.<sup>1</sup> Thankfully, because of the publicity<sup>2</sup> about their cases, they were both released, but remain at risk of detention and removal.

---

<sup>1</sup> The Independent, <https://www.independent.co.uk/news/uk/home-news/windrush-deportations-jamaica-charter-flight-immigration-detention-grandmother-a8328461.html>

- 1.5. Since then we have met many more people who fall into the category of 'not quite' Windrush according to the government, but who all have Windrush generation families and who are part of the interconnected web of family connections of this important generation.
- 1.6. We have included anonymised case histories in appendix A for these 'Widen Windrush' Cases. Three of these people have submitted applications to the Windrush Inquiry. Yvonne Smith, whose application was the first to be submitted on 25<sup>th</sup> June 2018, is still waiting for a decision 15 weeks later; none of the other 3 has yet received a decision.

### **The Windrush Generation – an inspiring legacy of struggle**

- 1.7. The 'Windrush Generation' from across the Commonwealth were actively recruited, invited to come to the UK. Young, ambitious and talented people from across the commonwealth made the journey, seeing opportunity to secure their families futures and the future of their descendants. It was not an easy process, people faced great hardship, racial discrimination, violence and the pain of leaving children behind. Many managed to raise the money needed to bring all of their children to the UK but many did not, and some children stayed in their home countries with a grandparent or aunt.
- 1.8. Family life developed across countries and continents, parents sending back money, cards and gifts for their children. For some of the Windrush children who did not make it to Britain, their parents only made enough money to get home to visit when they were in their late teens or twenties because of the meagre amount they earned in Britain's public services and factories. Arthur Curling, who arrived on the Empire Windrush summed up this difficulty *"England was the easiest country to get in to and the hardest country to get out of, for the mere fact is, if you working, you never earn enough money for your fare, but at the same time you always say you always have another 10 year, 15-20 years"*<sup>3</sup>.
- 1.9. Some of the children left behind never saw one or both of their parents again. Windrush descendant Yvonne Smith was the youngest of her siblings at 4 years old, when they all left with her mother to join their father in the UK; one year her mother died. The family could not afford to bring her mothers body home to Jamaica, or to bring Yvonne or her grandmother to the UK for the funeral. **Her mother died 'rebuilding Britain' and yet in the eyes of the Home Office Yvonne Smith does not have 'significant family ties' and remains at risk of detention and removal.**
- 1.10. Windrush Generation families spread throughout every sector of British society, building and strengthening our public services and enriching our communities. Through their battle

---

<sup>2</sup> Channel 4 News <https://www.channel4.com/news/grandmother-child-of-the-windrush-told-she-cant-stay-in-uk> and The Independent <https://www.independent.co.uk/news/uk/home-news/windrush-scandal-yvonne-williams-immigrants-migration-theresa-may-uk-government-a8320401.html>

<sup>3</sup> BBC Website, testimonies from Windrush Arrivals, [http://www.bbc.co.uk/history/british/modern/arrival\\_01.shtml](http://www.bbc.co.uk/history/british/modern/arrival_01.shtml)

against racism they initiated sweeping changes to Britain's equalities legislation. They joined the British working class, broke down barriers, fought racism in the unions and became an integral part of working class history and British history.

- 1.11. They are the Bristol Bus Boycotters, the Grunwick Strikers, the Civil Rights activists of the 60's & 70's; their children fought racist SUS laws, police brutality and, over generations, have shaped far-reaching British Equality legislation that has benefitted all sectors of society. **If Britain is to do justice to this pivotal section of British society it requires more than an apology and a few passports issued. It requires deep and far reaching investigation, radical legislative change and real justice for that generation, all of their descendants and their families.**

## **2. Legislative, policy and operational decisions** *(Question 1)*

- 2.1. The immediate and obvious cause of the Windrush Scandal is something we are sure many of those submitting to this review will write about; the devastating impact of this government's Hostile Environment policy. Movement for Justice additionally asserts that the Windrush generation, their descendants and families are the victims of a historic injustice that reaches back even before the Hostile Environment policies of the 2014 and 2016 immigration legislation.
- 2.2. Hostile Environment policies magnified and worsened an already existing injustice. The removals of Windrush generation descendants, like the re-entry refusals following holidays, pre-date those policies. It is important to acknowledge that the human tragedy which has unfolded since the introduction of Hostile Environment policies has its roots in a time when immigration legislation became indelibly connected to a racist policy of 'shutting the door' on black and Asian people from the Commonwealth and colonies; from a time when 'Britishness' was redefined and narrowed. **The history of the Windrush Scandal is about what it means to be black or Asian and British.**

### **A history of racist immigration legislation – Breaking a Promise to black and Asian British and Commonwealth Citizens:**

- 2.3. In 1948 the British Nationality act was passed, it conferred a common citizenship status for everyone in Britain and its colonies (Citizen of the United Kingdom and Colonies or CUKC), that was effectively shared with all Commonwealth citizens (including those whose countries had gained independence): they all had the right to enter and settle in the UK free from immigration control.

- 2.4. That same year the Empire Windrush arrived at Tilbury Docks, the symbolic<sup>4</sup> beginning of large-scale immigration from Commonwealth countries to the UK. People were actively recruited from the Caribbean, Africa and South Asia to 'rebuild Britain' in the post-war reconstruction period and the ensuing boom.
- 2.5. The Evening Standard welcomed the arrival of the Empire Windrush with the headline "Welcome Home". For some who arrived it was not the first time they had come to the aid of Britain, as they had served as soldiers in the II World War. In return for (once again) coming to the Britain's aid, CUKC and Commonwealth Citizens were promised equality of opportunity, fair treatment, a job and a home in the 'Mother Country'. The immigrants of the 40's, 50's and 60's from the Commonwealth not only 'felt' themselves to be British, they *were* British, and their families left behind were British.
- 2.6. Citizens of the Commonwealth kept their side of the promise. Despite great hardship they played a critical role in the creation and development of the NHS, transport systems, infrastructure and in rebuilding industry. Fourteen short years later the British government began the process of breaking that promise with the 1962 Commonwealth Immigration Act, for the first time restricting Commonwealth immigration, ending free movement.
- 2.7. This was just the start of conferring a second-class citizenship status on citizens of the UK and colonies not born *in* the UK. The Commonwealth Immigration Act of 1968, rushed through by the Labour government in the same year of Enoch Powell's 'Rivers of Blood' speech and 'keep Britain white' marches, further eroded the rights of Citizens of the UK and Colonies born elsewhere.
- 2.8. The political discussions at the time about the Act exposed the racism of an Act that quite deliberately sought to stop British Asian citizens in East Africa from settling in Britain. The Act effectively rendered the British Passports of black and Asian people second-class. The European Human Rights Commission in 1973 found that the Commonwealth Immigration Act of 1968 was racially discriminatory in East African Asians case<sup>5</sup> (a decision that was sealed until 1994).
- 2.9. At the time of their passage both politicians and campaigners challenged the racism of the 1968 Act. Jeremy Thorpe, leader of the Liberal Party, openly criticised the 1968 bill "*This blatantly racist bill is a flagrant concession to Powellism, an insult to the Commonwealth, and an attack on human rights*" (The Times 27/08/1969). The truth of his assertion was admitted by the Cabinet Secretary, Sir Burke Trend, who "*...had made clear that the main motive behind the act*" was "*to avoid the risk of renewed 'swamping' by immigrants from the*

---

<sup>4</sup> It's important to note that black and Asian people's presence in Britain stretches back long before 1948.

<sup>5</sup> East African Asians v/the United Kingdom, Report adopted by the Commission on 14 December 1973, <https://lovdata.no/static/EMDN/emd-1970-004403.pdf>

*new Commonwealth," and that such a "resurgence would inflame community relations in Britain". (The Guardian 01/01/2002).*

- 2.10. The 1971 Immigration Act brought in by the Conservative government maintained this racial discrimination by introducing the concept of 'patrials', which benefited white Commonwealth citizens over black and Asian Commonwealth citizens<sup>6</sup>. It enabled those who were British Citizens **by birth in the UK** to pass on their citizenship to children and grandchildren. This excluded children of the vast majority of Windrush generation arrivals from African, Caribbean and Asian countries who were British Citizens (CUKC) not born *in* Britain. Overwhelmingly, those who met these new criteria would be (and to this day are) white.
- 2.11. The 1968 and 1971 Acts created a second class citizenship for those British Citizens who were not born *in* the UK, one they could not pass on to the children who they had to leave behind when they travelled to the UK (children mostly born as CUKC themselves like Yvonne Smith and Yvonne Williams). Today this discrimination is felt in the relative ease<sup>7</sup> with which a descendant of someone born British *in* Britain, mostly from Canada, Australia, New Zealand etc (i.e. overwhelmingly white people) can obtain an ancestry visa and then citizenship after 5 years in the UK. Conversely someone like Yvonne Smith and Yvonne Williams (born CUKC with CUKC parents) could not come to the UK using the same route because of the discriminatory nature of the 1971 Act.
- 2.12. The 1971 Act conferred the right of abode/residence to all those settled in the UK for five years when it came into force (1<sup>st</sup> January 1973). This inclusion was a pale notion of equality; it remained 'citizenship' on the basis of an unequal, second class status because, instead of full British citizenship and all the rights and protections that confers, the language of the Act calls for people to be treated 'as if they were' British Citizens with the right of abode. It meant that even those who went on to naturalise and acquire British Citizenship were still at risk of having that citizenship stripped away should it be deemed "conducive to the public good"<sup>8</sup>. **Black and Asian people in Britain were made permanent 'outsiders,' never quite British enough, always at risk of having their citizenship ripped away.**
- 2.13. It is the discrimination embedded in that Act, which led to so many of the Windrush generation being deported following criminal convictions; acquired in the decades preceding the Stephen Lawrence Inquiry, in a criminal justice system that has been proven to be institutionally racist.

---

<sup>6</sup> 'Ministers saw law's 'racism' as defensible', Alan Travis for the Guardian, 1 Jan 2002  
<https://www.theguardian.com/politics/2002/jan/01/uk.race>

<sup>7</sup> While no process of engagement with the Home Office could every be described as 'easy', it is notably easier for white patrials to acquire British Citizenship than the black and Asian descendants of citizens not born in Britain.

<sup>8</sup> 1971 Immigration Act, Chapter 77, 2A 'Deprivation of right of abode' <https://www.legislation.gov.uk/ukpga/1971/77>

- 2.14. The process of shutting the door on black and Asian immigration alongside redefining Britishness and creating a second-class black and Asian citizenship was capped with one final piece of legislation that forever undid the promises made in 1948. The British Nationality Act of 1981 finally did away with even the notion that being *born* in Britain made you British.
- 2.15. While today that Act blights the lives of young white British-born Europeans as well, make no mistake it was solely written to deny citizenship to black and Asian people. Anne Dummett, the founder of the Joint Council for the Welfare of Immigrants (JCWI), described the British Nationality Act 1981 as "an over-complicated scheme based on old categories, whose effect is to give full British citizenship to a group of whom at least 96% are white people, and the other four forms of nationality to groups who are at least 98% non-white."<sup>9</sup>
- 2.16. The Windrush Scandal cannot be looked at separately from this history; it is rooted in this history, rooted in immigration legislation and practice that was created through racism and discrimination. It is no accident that immigration gets significant exemptions in the Equality Act (and its predecessor the Race Relations Act), exemptions which, if removed might well have enabled challenges that would have prevented the Windrush scandal.
- 2.17. Much of the coverage of the Windrush Scandal, and indeed the way this question has been posed by this review<sup>10</sup>, focuses on the Windrush Generation being British and 'caught up' in a system designed for 'illegal' immigrants. In fact, both sides of the way this question is posed are untrue. Firstly, though the Windrush generation are by every marker of moral and common sense fully British, the truth is that *in law* they acquired a *second class* British status that placed them in a position of permanent risk. Secondly, the members of Movement for Justice who we are fighting for to be recognised as part of the Windrush Generation are *in law* considered 'illegal' or 'overstayers', even though, again morally and by every marker of common sense and decency the majority of people of this nation would believe in their right to be here with their families. **The people are not illegal, the laws are racist and unjust and it's about time that changed.**

---

<sup>9</sup> Anne Dummett, *The New British Nationality Act*, British Journal of Law and Society, Vol 8, No 2.

<sup>10</sup> "What in your view, were the main legislative, policy and operational decisions which led to members of the Windrush Generation becoming entangled in measures designed for illegal immigrants?"

### 3. What other factors played a part? (Question 2)

- 3.1. The scandal of what the Windrush Generation has faced is not some odd aberration, it is the result of the policy and practice of the Home Office, driven by a politics that conflate citizenship with ethnicity and use immigrants as a permanent and convenient scapegoat for austerity.
- 3.2. From her time as Home Secretary, the approach to immigration of the Prime Minister, Theresa May, has been a drive to make a “really hostile environment”<sup>11</sup> for immigrants. It is impossible to create a hostile environment for immigrants without making a hostile environment for all those in our diverse society who are not white with a British accent. It is an inherently racist policy that encourages workers in the public sector, landlords and businesses to act in a racially discriminatory manner, because it is only black and Asian people and some white people with accents who become targets for checks.
- 3.3. Meeting outrageous and impossible net migration targets became the overarching pressure on Home Office staff. The Windrush Generation, overwhelmingly older people with little paperwork, became ‘low hanging fruit’, easy targets for a deportation hungry Home Office.
- 3.4. The pervasive culture over decades of anti-immigrant scapegoating and a brutal detention regime have created an atmosphere of fear, shame and stigma in black, Asian and immigrant communities. This is true for every person who falls under the Home Office deportation dragnet, but it is especially true for a generation of people who have never considered themselves anything other than British, who felt deep shame when they were targeted and told they did not belong. Often too ashamed to tell family and friends. A number of people left voluntarily rather than face the deep stigma associated with being targeted by the Home Office.
- 3.5. This stigma and trauma was most heartbreakingly expressed in the words of 82-year-old Ivan Anglin’s daughter when interviewed by Amelia Gentleman for the Guardian “Dad is a very proud man, so when he was initially given the 48-hour notice he didn’t tell his family or ask for our help. I think he felt very traumatised and upset about the whole situation and didn’t want to put such strain and worry on us.”<sup>12</sup>. **This deep trauma and shame is something shared not just by those of the Windrush Generation but by millions of people who’ve faced abuse by the Home Office, and like all abusers the Home Office blames the victims.**

---

<sup>11</sup> Theresa May defends plans to create ‘hostile environment’, Alan Travis in The Guardian 10 October 2013 <https://www.theguardian.com/politics/2013/oct/10/immigration-bill-theresa-may-hostile-environment>

<sup>12</sup> “I was like a lamb to the slaughter”: deported after 35 years in the UK, Amelia Gentleman in The Guardian 2 September 2018 <https://www.theguardian.com/uk-news/2018/sep/02/i-was-like-a-lamb-to-the-slaughter-deported-after-35-years-uk-windrush>

- 3.6. Those who stayed to fight their cases were met with the next horror, the crippling cost of fighting for your right to stay because of sweeping cuts to legal aid for immigration cases.
- 3.7. Finally, there's the constant, impossible burden of proof that rests on applicants, creating a culture of disbelief where they are always treated as liars and expected to prove everything. In the case of the Windrush generation, this has led to the Kafkaesque nightmare of knowing HMRC has NI contribution records dating back to the 50's/60's/70's and school records which could be easily accessed by Home Office staff, yet no-one ever takes that simple step because everything is left to the applicant to prove.

## 4. CONCLUSION AND RECOMMENDATIONS

- 4.1. All of these factors outlined in our submission and the devastating human impact are shared beyond the Windrush Generation with the majority of immigrants fighting for their right to stay. Every year hundreds of people win millions of pounds in damages for wrongful detention<sup>13</sup> and thousands have bad decisions overturned by the courts (4332 negative decisions in Asylum cases overturned by the First Tier Tribunal in 2017/18)<sup>14</sup>. Behind those statistics are lives devastated, families separated, trauma and destitution. And that's just the 'officially recognised' tip of the iceberg of a system that brutalises, stigmatises and criminalises immigrants.
- 4.2. In Movement for Justice, our members and thousands of others fighting for their right to stay have faced down the brutality and indignity of detention; from across the world we have organised, fought and asserted our dignity, spoke the truth publicly about sexual abuse and torture in detention, found strength in collective organising and fighting for a better future for all. The Windrush Scandal comes on the back of a decade's worth of fighting inside and outside the detention centres, in our communities, workplaces and educational institutions. This fight has meant the numbers detained have been declining for the first time in decades, detention centres are being closed down and case after case has been won.
- 4.3. We are proud to be picking up the struggle begun by the Windrush generation in the 60's, a struggle that is especially needed as we face the single biggest attack on immigrant rights since the 1960's with the drive towards Brexit and ending freedom of movement. It is also

---

<sup>13</sup> 'Home Office pays out £21m after mistakenly detaining 850 people' Amelia Gentleman for The Guardian <https://www.theguardian.com/uk-news/2018/jun/28/wrongful-detention-cost-21m-as-immigration-staff-chased-bonuses>

<sup>14</sup> "Home Office loses 75% of its appeals against immigration rulings" Diane Taylor for The Guardian <https://www.theguardian.com/uk-news/2018/sep/03/inhumane-three-quarters-of-home-office-asylum-appeals-fail>

no accident that the Windrush scandal blew up in the context of Brexit, a policy that is driven by anti-immigrant sentiment. Brexit has sharpened divisions around issues of race, immigration and nationality, and increased the fears and sense of insecurity among immigrant communities.

- 4.4. Justice for the Windrush Generation means justice for *all* those who have been abused by the Home Office. Equalities legislation won by the rising up and collective mobilisations of the Windrush generation and their descendants also led to deeper measures of equality for all women and working class people. In a similar vein the Windrush Scandal and the movement mobilised to put right this terrible wrong has the potential to bring about fundamental changes that positively impact *all* immigrant communities, to finally end second-class and unequal citizenship.
- 4.5. There is no 'case by case' solution for the many thousands of human beings affected. The most important and immediate practical solution to years of racist decision-making and incompetence is a full, immediate and unconditional amnesty for all those who are living, working, studying here who do not have secure immigration status. It's time to wipe the slate clean, give lives back to hundreds of thousands in our communities, neighbourhoods, workplaces, schools and universities.

**In addition, we make the following recommendations;**

1. **The Windrush Scheme and associated statutory instruments are amended to include an addition to category 5 of the Windrush Scheme.** This addition will provide a route to citizenship for descendants and family members of the Windrush generation who are currently excluded from the scheme because they came to the UK to join their Windrush Generation families as adults after 1973.
2. **An end to second-class citizenship;** there should be no different treatment towards members the Windrush Generation with criminal convictions as suggested by Home Secretary Sajid Javid, they should be treated equally by the Taskforce and the compensation scheme.
3. **No cap on compensation** to victims of the Windrush scandal.
4. **Waive naturalisation** for all those who have been affected by the Windrush scandal, grant immediate citizenship and give people their passports.
5. **Restore the right to settle in the UK** to the children and grandchildren of those British (CUKC) citizens who were born outside of the UK.
6. **A thoroughgoing independent and public review of British immigration and nationality legislation** dating from the 1962 Commonwealth Immigration Act onwards,

with a view to a radical overhaul of this legislation, considering it alongside Equality and Human Rights legislation of today.

7. **An independent public inquiry** to examine in depth the Windrush Scandal.
8. **An immediate end to all Hostile Environment policies**, starting with the immediate repeal of the 2014 and 2016 Immigration Acts.
9. **Reverse the burden of proof in immigration and asylum cases**; as a basic matter of fairness the burden of proof should be on the state (in general the Home Office) not on the claimants.
10. **Reinstate Legal Aid** for all immigration cases.
11. **Free movement for people between the EU and UK must be retained**, since it is becoming clear that the uncertainties around Brexit mean that the three million EU citizens and their families living in the UK (and UK citizens and their families living in the EU) are likely to face similar problems to those suffered by the Windrush Generation and their descendants and family members.

## Appendix A

### Case examples of Windrush Generation descendants and families who came to the UK after 1973

#### 1. Yvonne Smith

Yvonne is 63 years old; she was born a citizen of the UK and Colonies 8 years before independence. She remembers waving to Queen Elizabeth II when she visited Jamaica. Yvonne's father came to the UK in 1957, her mother joined him just over a year later. Her brother and sister came over to the UK sometime around 1968. Yvonne stayed behind with her grandmother. Sadly Yvonne's mum died in 1969.

Yvonne went on to have two children in Jamaica, a boy and girl. Her grandmother died when Yvonne was in her 30's. Yvonne came over to the UK in 1999 to join her family. She went to live in Birmingham with her brother, father and her 4 British born siblings. She's lived in Birmingham ever since.

She has been making attempts to regularise her stay since 2010 as the main career for her (now 92 year old father) who had a stroke in 2009. Every time the Home Office says she has not got enough 'significant family ties'. This is despite 6 siblings with British citizenship, her Windrush generation father with British citizenship, an aunt and uncle with British Citizenship (also Windrush generation), 20 British born nephews/nieces, many cousins and 4 British born grandchildren.

She was taken into Yarl's Wood on 3/8/2017. After reporting regularly for 7 years with the home office they suddenly decided she would abscond if not in Detention. She was diagnosed with diabetes whilst detained in Yarl's Wood and in the 9 months she was detained her family spent over £4000 on legal fees. In the years proceeding they easily spent over £10,000 trying to regularise her stay. She was released following publicity about her case.

*Yvonne Smith has submitted an application to the Windrush Scheme and is waiting on a response.*

#### 2. Yvonne Williams

Yvonne Williams was born in Jamaica 3 years before independence as a "Citizen of the United Kingdom and Colonies". Her mother came to the UK in 1962 and is a British Citizen. She has 4 siblings; 1 brother and 3 sisters who are all British citizens. She has 7 grandchildren all British citizens and 6 nieces and nephews 5 of whom are British Citizens. She has no family at all left in Jamaica and has been living in the UK for 16 years. She has spent 16 years trying to regularise her stay in the UK.

Yvonne's mother left Jamaica in 1962, she left Yvonne and her older brother in the care of their grandmother. She came to the UK and started working in the NHS as a carer for the elderly, at one point also working in a car factory. When Yvonne's brother was around 5/7 years old her mother sent for him to come to the UK. The plan was always for Yvonne to also join her mother, but after a while they decided that Yvonne should stay with her grandmother who had no one else left in Jamaica.

Yvonne's first memory of meeting her mother was in 1978 when she was finally able to afford to return to Jamaica for a visit, Yvonne was around 18 years old. Her mum went on to marry a fellow Jamaican in the UK and together they had 4 daughters. Yvonne's 5 new siblings went on to have 6 children of their own, all born in the UK. Over the years all of the family have travelled to Jamaica for holidays, Yvonne came to know and love her new sisters and nephews and nieces. Yvonne

had two children of her own but apart from her children and her grandmother there was no other family left living in Jamaica.

In 2001 Yvonne's grandmother died and her mother brought Yvonne to the UK, her mum was determined from the start that Yvonne should stay with them permanently in the UK, it had been what she wanted from the moment she made the decision to make a new life in the UK in 1962. Yvonne's mother made an application for Yvonne to stay in 2001 before her visa ran and in the meantime Yvonne's son and daughter came out to join her.

No one in the family had any reason to believe that her application would be refused, Yvonne's mother was a British Citizen as were all her siblings; they assumed it would be straightforward. That application was refused in 2003, what followed was a nightmare 14 years. Yvonne has made at least 8 different applications for the right to remain in the UK over the course of 16 years, every time was refused, each time her case was 'certified' which is part of the 'deport first, appeal later' strategy when people are denied the right of appeal in the UK.

Over those 16 years, Yvonne has not been allowed to work, she has been the main carer for her grandchildren (allowing her daughter to work) and later her mother. In 2004 she met and fell in love with a Dominican man with British citizenship, who she is still together with now.

Around five years ago Yvonne's mother became so unwell she had to be placed in a nursing home. She is now extremely frail and has lost her sight, her family fear that she does not have much longer to live. For the past five years Yvonne visited her mother weekly in the nursing home until Yvonne was taken into detention on August 2017, for 9 months in detention she could not visit her mother.

Yvonne made further submissions whilst in detention; all were refused. On Friday 20/04/2018 she was told she could be deported at any time without notice in the next 72hrs. She was released after her case was publicised in national media. The core for all of the refusals Yvonne has faced from the Home Office is that they discount all of her family ties in the UK as not 'significant' enough, they class her as an 'over-stayer' and place that distinction belligerently above all the other evidence in front of them.

Yvonne's daughter relied on her mum to take care of her children so she could work. As a result of her mum being detained she lost 6hrs of pay so that she can care for the children. Her children have had their nanny in their life since the day they were born, her 7 year old grand-daughter was upset every night while Yvonne was detained and told her mum she is stressed about nanny being in court (her word for detention), "we don't have nanny to help with our homework any more". Yvonne's family have spent over £10,000 on solicitor's fees,

*Yvonne Williams is still waiting for a decision on her application to the Windrush Scheme*

### **3. JUH**

J is a 50-year-old Jamaican grandmother; she has lived in the UK for 16 years. Her grandparents came to the UK in the 1950's, they lived and worked in the UK for 37 years before returning to Jamaica as British Citizens. Her grandmother worked as a cleaner in a hospital and later in a factory, her grandfather worked on the railways as a shunter. Her grandparents got married in England whilst living in Stockport. J's sister was adopted by her grandparents and came to the UK in 1973 aged 9/10 years old, her sister has indefinite leave to remain but, though entitled, has been unable to afford the sky high fees to get her British citizenship.

J's daughter is here with indefinite leave to remain, along with her two British born granddaughters and a British born grandson. As well as her sister she also has a brother here and many nieces and nephews. J is an important part of her daughter and granddaughters lives; she lives with them and cares for them alongside her daughter. J has made multiple applications for her right to stay;

she was detained in Yarl's Wood for 7 weeks, during that time her daughter had to give up work because her mother was not there to take care of the children. The family has spent around £8000 on solicitors fees.

JUH is one of those who very clearly falls foul of the racism of the 1972 Immigration Act when her grandparents British Citizenship was 'downgraded' because they were British citizens not born *in* the UK. If this barrier was not in place she could have acquired an ancestry visa to travel to the UK and ILR after 5 years.

*JUH is waiting for a decision on her application to the Windrush Taskforce*

#### **4. CS**

CS is a Jamaican grandmother, age 53 who has been living in the UK and trying to regularise her stay for 19 years. Her auntie and uncle came to the UK in the 1960's, they brought over her sister and brother to join them in 1964. All are Windrush generation British Citizens. She has an extensive family in the UK including 6 siblings, all British Citizens. One of her brothers has been serving in the British Army for 20 years. She has two Windrush generation cousins, and too many British born nieces, nephews, grandnieces, grandnephews to count!

CS was granted leave to remain as a student and worked as a carer for the elderly in the NHS, she was granted periods of continuous leave for 3 years when she married her husband, a British Dependent Territories Citizen from Montserrat. She applied for leave to remain as the spouse of a settled person which was refused but she was granted discretionary leave until 2009 on the basis of her marriage. She made several applications for leave to remain following that, all refused. She has been putting together an application based on the length she has been in the UK but the fees and legal costs are impossible to meet, the family have spent approx £5000 over the years trying to regularise her stay.

CS suffered the tragic loss of her mother, sister and nephew in Jamaica between 2009 and 2012, because of her immigration status she was unable to go to any of their funerals. This difficult period also coincides with the time she became an 'overstayer' because she was too distraught and depressed to ensure she had the right applications in at the right time.

*CS is in the process of making an application to the Windrush Scheme*

#### **5. E**

E was born 12 years before independence in Jamaica as a citizen of the UK and colonies. E and two brothers stayed in Jamaica while their father, step-mother and 4 siblings came to the UK in the 1960's as part of the Windrush generation (two siblings came in the early 70's). All are British Citizens. E came to the UK in 2015 to help his siblings care for their parents who now suffer from severe dementia and physical health difficulties.

His parents went on to have 3 children in the UK, born as British Citizens, so in total he has 7 British siblings, his Windrush generation British parents, 11 British born nieces and nephews, 7 grandnephews and grandnieces all in the UK. His son and daughter came to the UK in 2000 and are now British citizens with two British born sons of their own.

The family desperately want their parents to be able to stay in their own home, they need 24hr care because the dementia means they don't sleep much and will try to leave the house or injure themselves. Their parents do not want to go into a nursing home and the family support them with that. Due to work and health difficulties Es siblings were struggling to provide the 24hr care needed, social services and the NHS could not meet the need for 24hr in home care and were pressuring the family to put their parents in a home. E stepped in and came over to the UK to be his parents 24hr carer. He did not come with the intention of staying forever in the UK, but every

application for extensions to his leave have been refused. The Home Office tell his family that they can put their parents into a nursing home.

*E is in the process of making an application under the Windrush Scheme*

## **6. TR**

TR was born in Dominica 8 years before independence; in fact he remembers that he had a Citizens of the UK and Colonies passport when he was a child because he travelled around a lot with his grandmother. His grandfather came to the UK in the 1950's as part of the Windrush generation but became estranged from the family and so they lost touch. His aunt also came as part of the Windrush generation and TR is close to her and to his many British born cousins. He came to the UK in 2008 and joined the British Army Reserve Force, he served for 6 years, every application he made for the right to stay was refused. He moved in with his now wife in 2010, she is a British Citizen who has worked in the NHS for over 20 years. The Home Office gave them permission to marry and accept the relationship but have refused two applications saying that TRs wife can leave the UK and join him in Dominica, she would have to leave her work and her whole family to join him. He was detained at one point in Campsfield for 17 days.

*TR is in the process of making an application under the Windrush Scheme*