

WINDRUSH LAID BARE

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An immigration scandal that has cost the UK government a Home Secretary and prompted allegations of institutional racism at the Home Office continues to make waves.

The controversy has centred on the treatment of the Windrush generation – individuals who came to the United Kingdom from the Caribbean and other Commonwealth countries following World War II at the invitation of the British government as a response to post-war labour shortages, and whose rights were guaranteed in the Immigration Act of 1971 – by the UK Home Office, the department responsible for UK immigration control.

Government measures designed to tackle illegal immigration have led to many of these individuals and their children being branded illegal immigrants and subject to a host of administrative sanctions with some cases resulting in dismissal from employment, denied access to public services and threats of deportation.

Named after the British ship the HMT Empire Windrush, which arrived in 1948 at Tilbury Docks in the south east of England with 492 passengers from the Caribbean, the Windrush generation has largely made the United Kingdom their home since first arriving.

These citizens have fallen prey to new, tougher measures designed to crack down on illegal immigration. In 2012, then Home Secretary Theresa May (now Prime Minister) coined the term “hostile environment” to describe the government policy of denying access to public and other services and benefits to migrants who are in the United Kingdom illegally in the hope that such regulations would



make remaining in the country untenable for those already here, and additionally, act as a deterrent for those considering entering the United Kingdom illegally. This policy was reviewed in detail by Chetal Patel in the winter 2017 GMS Digest.

The Immigration Act 2014, now replaced by the even more stringent Immigration Act 2016, targets all aspects of life: work, health, education, housing, driving, and even banking. The legislation imposes sanctions not only on illegal migrants themselves, but increasingly on those who employ them or rent properties to them without proof that they have the requisite right to remain in the United Kingdom.

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Under these new immigration laws, the Windrush generation has been forced to evidence their continuous residence in the United Kingdom from 1973 to the present, which has proven almost impossible for many who have not obtained or maintained any record evidencing their lawful status in the United Kingdom. The Home Office did not issue any documentation to confirm the status of the initial Windrush arrivals or keep records of who was granted leave to remain. Amidst this controversy it came to light in 2010 that the Home Office had destroyed the landing cards that recorded these individuals' arrival dates in the United Kingdom.

Much of the recent press has focused on the children of these arrivals. Having travelled to the United Kingdom on their parents' passports and furthermore, having never formally naturalised or applied for travel documents, the children of these arrivals are now coming into increasing contact with public services as they enter their fifties and sixties and are now suffering the consequences of being unable to prove their right to remain in the United Kingdom. In one highly-publicised case, a 63-year-old Londoner who was entitled to free cancer treatment on the National Health Service was suddenly informed he would have to pay £54,000 to continue his course of therapy unless he could produce the right documentation.

WINDRUSH LAID BARE (CONTINUED)

While the story was brought to light by some tenacious journalism from the United Kingdom's left-wing press, the treatment of these individuals has stoked anger across the political spectrum. On April 23, 2018, under increasing public pressure, the then Home Secretary Amber Rudd announced a raft of measures to address the crisis affecting the Windrush generation, including the waiving of fees for citizenship and naturalization, creating a dedicated Windrush taskforce to work to evidence these individuals' right to stay, and effectively disapplying hostile environment policies by offering greater protection to landlords, employers and others conducting checks to ensure these individuals are not denied work, housing, benefits and other services.

The scandal has placed significant public scrutiny on Home Office practices with the department repeatedly coming up short in answering questions regarding their decision-making processes from Parliament. One casualty has been Rudd herself who was forced to resign as Home Secretary on April 29, 2018 after she was revealed to have misled Members of Parliament over whether the Home Office had targets for removing illegal immigrants.

At a recent meeting of the Home Affairs Select Committee, neither the Immigration Minister, Caroline Nokes, nor Home Office officials were able to explicitly state how many people had been wrongfully detained in immigration detention centres during the past six years and how many people had been wrongfully deported.

Rudd has now been replaced as Home Secretary by Sajid Javid who has promised that dealing with the Windrush fiasco will be his "most urgent task" in order to ensure those affected "are all treated with the decency and the fairness they deserve." Javid has also publicly stated his personal identification with the Windrush generation as a second-generation immigrant himself – his parents came to the United Kingdom from Pakistan in the 1960s. One of his first actions has been to disown the phrase "hostile environment." However, only time will tell whether changes on his watch will go beyond the rhetoric.

