



House of Commons
Home Affairs Committee

The Windrush generation

Sixth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

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Home Affairs Committee

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Summary

Members of the ‘Windrush generation’—people who came to the UK from Commonwealth countries after the Second World War and before 1973—have been denied their rights. Many have been treated as if they were in the country illegally despite being lawfully resident for many decades. People have lost their homes and their jobs and been refused healthcare, pensions and access to social security. In some cases, people have been subject to immigration enforcement measures and held in immigration detention; others may have been removed or deported from the UK. Some, having left the UK on holiday or for a similarly short period, have been refused re-entry and had their settled life in the UK unjustly taken away from them. Many of their children and spouses, who joined them in the UK after 1973, or who were born here, have also been affected.

In this inquiry we have looked at what went wrong, how many people have been affected, and the adequacy of the Government’s response. However, the Government has not been able to answer many of our questions, including on the extent of the issue, and we have not had access to internal Home Office papers so this inquiry is not an alternative to a properly independent investigation. We agree with the Government that some members of the Windrush generation have been treated appallingly. They must quickly receive documentation of their legal status, so they can fully access their rights, and those who have suffered must be properly compensated and not only for financial losses incurred.

Specifically, we found that the Windrush generation was caught up by a series of different policy, cultural and organisational changes in the Home Office. These include the removal of Home Office caseworker discretion, the use of targets, restrictions on independent checks and appeals, stronger controls at the border and a raft of laws collectively known as the ‘hostile’ or, more recently, the ‘compliant’ environment. Within the Home Office a policy shift towards an increasingly rigid, rules-based culture had led to an environment in which people wishing to document their status appear to have been automatically treated with suspicion and scepticism. They had been made to follow processes that appear designed to set them up to fail, while at the same time vital avenues for support such as legal aid and the right of appeal had been removed. We welcome the Home Secretary’s pledge that this culture will change and we will monitor the work of UK Visas and Immigration to ensure his words are followed through with action. Outside the Home Office, members of the Windrush generation had become caught by policies designed for those in the country unlawfully. There is little evidence that the Home Office has checked the effectiveness of these policies despite clear warning signs and evidence of mistakes being made. We call for essential checks and balances in the system to be reinstated, and for the whole suite of hostile environment measures to be subject to an evaluation, in terms of their efficacy, fairness, impact (including both intended and unintended consequences) and value-for-money.

We are deeply concerned that it took so long for the Government to acknowledge and address the situation of the Windrush generation. Either people at a senior level in the Home Office were aware of the problems being caused but chose to ignore them, naively expecting caseworkers to correct any wrongs, or oversight mechanisms failed.

The lessons learned review must be substantially independent if it is to have credibility. It should look at whether a loss of experienced staff and institutional knowledge contributed to the Windrush crisis. It must get to the bottom of why warnings, both internal and external, were disregarded and how processes can be improved to surface systemic problems earlier so that a future crisis can be averted. It must also seriously consider the duty of public accountability by publishing its findings and proactively engaging with people who have been affected. The Home Office must learn lessons from the Windrush scandal, to ensure no-one else living in the UK has to go through the same mistreatment, whether now or in the future.

1 Introduction

1. Commonwealth citizens who arrived in the UK after the Second World War and before 1973 are often described as the ‘Windrush generation’, in reference to the ship *MV Empire Windrush* on which citizens from the Caribbean first arrived in 1948 to help rebuild a post-war United Kingdom. There were no immigration restrictions on people from Commonwealth countries entering the UK at that time; they were known as the ‘freely landed’. They were allowed to live and work anywhere within the territories of the ‘United Kingdom and Colonies’. The arrival of the Windrush marked the start of a phase of Commonwealth migration which continued throughout the 1950s and 1960s.

2. The Immigration Act 1971 confirmed that those people who were already present and settled in the UK when the Act came into force on 1 January 1973—i.e. those without any restriction on their leave—were entitled to stay indefinitely in the UK. It also recognised the right of wives and children to join them, a right which was retained until the Immigration Act 1988.

3. Until now, no Government had set out comprehensive policies to ensure that these cohorts of people had their legal status fully documented. However, a lack of documentation, together with the introduction of policies requiring people to prove their right to be in the UK in order to access essential services, has led to thousands of people being placed in a precarious position through no fault of their own. People have lost their homes and their jobs and been refused healthcare, pensions and access to social security. Not only did they not have documentation which proved their legal status in the UK but, as we will set out in this report, it was made very difficult for them to gain it.

4. During our inquiry we heard how vulnerable people did not understand why they were told they did not have the necessary documentation—since they considered themselves British—or what they should do about it. Many more tried unsuccessfully to prove their rights only to come up against the barrier of Home Office bureaucracy and poor decision-making. Some could simply not afford the fees. As the Home Secretary admitted in May 2018: “there is no question [...] that a number of people from that generation have been mistreated”;¹ they “have been seriously let down by the immigration system”.²

5. On 13 June 2018, we published a short report recommending the Government set up a hardship fund for those members of the Windrush generation in acute financial difficulty.³ In this report we have looked where we can at what went wrong, how many people have been affected and the adequacy of the Government’s response. We should be clear that we do not regard this as a full inquiry into what happened as there are many questions left unanswered and we have not had access to internal Home Office papers. We would like to thank all those who helped us with our inquiry, but particularly Hubert Howard and Sarah O’Connor, themselves members of the Windrush generation, for sharing their experiences with us. We took oral evidence from the Joint Council for the Welfare of Immigrants; the Immigration Law Practitioners’ Association; and the Immigration Services Union. We also took oral evidence from the Home Secretary, Rt Hon Sajid Javid MP; the former Home Secretary, Rt Hon Amber Rudd MP; the Minister for Immigration, Rt Hon Caroline Nokes MP; and Home Office officials. We met privately with High Commissioners from Caribbean countries, and visited the Windrush taskforce at Lunar House, Croydon, to see for ourselves how the Home Office was responding.

1 Oral evidence taken on [15 May 2018](#), HC (2017–19) 990, Q217

2 HC Deb, [2 May 2018](#), Col 349

3 Home Affairs Committee, Fifth Report of Session 2017–19, [Windrush: the need for a hardship fund](#), HC 1200

2 Government response

6. Following weeks of increasing public awareness of the hardships experienced by many members of the Windrush generation and with further pressure coming from the build-up to the Commonwealth Heads of Government meeting, on 15 April 2018 the Government accepted that it had to respond to the crisis. The Minister for Immigration, Rt Hon Caroline Nokes MP, wrote an article in *The Voice* to “dispel the myth that this Government is clamping down on Commonwealth citizens—particularly those from the Caribbean—who have built a life here”.⁴ In answer to an Urgent Question put down by Rt Hon David Lammy MP on 16 April 2018, the then Home Secretary, Rt Hon Amber Rudd MP told the House:

I recognise the concerns of some people in the Windrush generation, and I would not want anyone who has made their life in the UK to feel unwelcome or to be in any doubt of their right to remain here. As my right hon. Friend the Prime Minister has already made clear, there is absolutely no question about their right to remain, and I am very sorry for any confusion or anxiety felt.⁵

7. The Home Secretary set out a number of steps the Government would take to help the Windrush generation. These were added to in a statement on 23 April 2018 in which the then Home Secretary also set out some broader policy responses to the crisis. In this chapter, we discuss the immediate action taken by the Government. We then go on to discuss in the next chapter wider policy change and lessons that need to be learned.

How many people have been affected?

8. The Government is focusing its response on the cohort of Commonwealth nationals who arrived in the UK before 1973, whether on their own or on their parents’ passports, and who have remained in the UK since. The Government does not know how many people are affected. The previous Home Secretary told the House: “We do not have individual numbers for the Windrush generation, because they were not identified as such when they came here.”⁶

9. The Office for National Statistics estimates that 599,000 people in England and Wales were born in Commonwealth countries (not just the Caribbean) and have lived in the UK since 1971 or before. The great majority (542,000) hold UK passports and so should not experience difficulties. That leaves 57,000 people who do not hold UK passports although, as the Migration Observatory points out, they may have documentation which demonstrates their legal status in the UK (such as immigration status documents or certificates of naturalisation).⁷

4 The Voice, [Is the Government clamping down on Commonwealth citizens](#), 15 April 2018

5 HC Deb, [16 April 2018](#), Col 27

6 HC Deb, [16 April 2018](#), Col 31

7 Office for National Statistics, CT0801_2011 Census - COB (UK, Commonwealth, continent) by YR arrival by passport - Nat to region, published [4 May 2018](#); Migration Observatory at the University of Oxford, website update on [4 May 2018](#)

In April 2018, *The Guardian* reported the case of an individual who arrived in London in 1972, aged 16. More than 40 years later, he was admitted to hospital with a brain aneurysm, where staff told him he may have to cover the £5,000 bill. While there, he lost his home because of his “illegal” residency status and he was ineligible for a bed in a state-funded homeless hostel so he was discharged to the streets. Eventually a bed was found for him, and he spent years trying to prove his residency, until in January 2018 the Home Office confirmed he had indefinite leave to remain.⁸

10. However, it is not just people who arrived before 1973 who have been affected. Children and grandchildren of the Windrush generation born in the UK, and Commonwealth citizens who joined family in the UK between 1973 and 1988 and who have remained in the UK since, have faced similar difficulties.

11. Wives [not husbands] and children of a Commonwealth citizen who had settled in the UK before 1973 (and who remained here) were eligible for indefinite leave to enter (ILE) if they arrived between 1973 and 1988. However, where this documentation was not sought or has been lost people have found it difficult to evidence a right to be in the UK.

In March 2018, *The Guardian* reported the case of a man who arrived from Jamaica as a teenager in 1973, to join his mother. After 44 years working as a mechanic, he was denied cancer treatment when he could not prove that he was in the UK legally. He was also evicted and spent three weeks homeless. The article stated that “lawyers at the law firm Duncan Lewis are trying to help but because there is no legal aid for this kind of case, can only continue if exceptional funding is raised. His lawyer, Jeremy Bloom, said the firm had been contacted by a number of people encountering similar problems”⁹

12. Children and grandchildren of the Windrush generation born in the UK before 1983 are citizens of the UK and Commonwealth at birth (reclassified as a British citizen in 1983). However, without proof of their parents’ arrival date or status they can find it hard to demonstrate their right to citizenship and access services. Children and grandchildren born in the UK after 1983 to parents who were not ‘settled’ at the time of their birth are in another difficult position as they are not automatically entitled to citizenship. We are not aware of any estimates of how many people may fall into these post-1973 categories.

In July 2017, *Buzzfeed* published an article about a woman who was 31, born in Hammersmith, has a British birth certificate and has lived in London all her life. The article reported that she recently discovered that she was not a British citizen, had her benefits stopped and was at risk of removal. She was encouraged to apply for indefinite leave to remain, but has not had access to legal aid and cannot afford the fee of more than £2000.

Her grandparents first moved to the UK from Barbados in 1956, and her mother joined them as a child in 1968. All her siblings are British because they were born before 1983—when the British Nationality Act 1981 came into force. Prior to the Act coming into force, any person born in the United Kingdom (with limited exceptions) was entitled to British citizenship. After the Act came into force, it was necessary for at least one parent of a United Kingdom-born child to be a British citizen or “settled” in the United Kingdom. Though her mother arrived in 1968 and has leave to remain, she was still considered Barbadian. Her father is now British but was considered to be Guyanese at the time of her birth.¹⁰

8 The Guardian, ‘It’s inhumane’: the Windrush victims who have lost jobs, homes and loved ones, [20 April 2018](#)

9 Summarised from The Guardian, ‘[Londoner denied NHS cancer care: “It’s like I’m being left to die”](#)’, 10 March 2018

10 BuzzFeed, ‘[This woman always thought she was British. Now, after 30 years, the Home Office says she is not](#)’, 8 July 2017. Since publication of the article she has been able to successfully pursue citizenship.

Immigration enforcement

13. Home Office officials are in the process of checking whether any members of the Windrush generation have been wrongfully removed or deported. Over 8,000 files dating back to 2002 are being manually checked to determine whether any members of the “cohort of Caribbean nationals who are now aged over 45 have been removed or deported since 2002.”¹¹ The Home Secretary told us:

[...] initial checks have identified 63 Caribbean individuals now aged over 45 who have been removed who could have entered the UK before 1973 and therefore might have been protected by the 1971 Act. There are 32 foreign national offenders and 31 administrative removals. The 31 individuals are being proactively contacted via the Taskforce where we have contact details. We have so far made contact with three and are asking High Commissioners to assist where we do not have contact details. When we reach these individuals, they will be invited to contact the Taskforce.¹²

14. The Home Office does not yet know how many people have been wrongfully detained. The experiences of Paulette Wilson and Anthony Bryan demonstrate that some members of the Windrush generation have been in that position.

Anthony Bryan entered the UK from Jamaica on his brother’s passport in 1965 and had not left the country since. After he applied for a passport, he received a letter stating “I was illegal, I did not have any status and they [Capita on behalf of the Home Office] could not find any papers for me”. He was unable to satisfy the Home Office’s demands for evidence and was wrongfully detained far from his family on two occasions, once for three weeks and once for two weeks, an experience which he described as leaving him broken.¹³

Paulette Wilson arrived in the UK in 1968 as a child, from Jamaica. Despite having 34 years’ worth of National Insurance records, in 2015, she received a letter telling her that she was an illegal immigrant, and another letter saying that she was not entitled to any benefits or healthcare. In 2017, she was taken into detention from a Home Office reporting centre and detained for a week (six days in Yarl’s Wood and one day at Heathrow airport). She was not eligible for legal aid, and thought that she was going to be removed to Jamaica, a country she had not been to in 50 years. Even after she was released from detention, she was told that she was liable to be detained and needed to continue reporting. Her case hit the national press in October 2017, six months before the Government took action to address the needs of the Windrush generation.¹⁴

As with removals, Home Office officials are in the process of checking thousands of detention records, dating back to 2002, of Caribbean nationals now aged over 45 (i.e. born before 1st January 1973), to establish whether any could have entered the UK prior to 1973 and therefore might be protected by the 1971 Immigration Act.¹⁵ The Home Secretary has asked for the work to be completed by mid-July 2018¹⁶ and committed to provide this Committee with a monthly update on the work of the taskforce. On 15 May

11 Letter from the Home Secretary to the Chair of the Committee, [25 May 2018](#)

12 Letter from Home Secretary to the Chair, [25 May 2018](#)

13 Oral evidence taken before the Joint Committee on Human Rights on [16 May 2018](#), HC (2017–19) 1034, Qq 1, 3, 6

14 Oral evidence taken before the Joint Committee on Human Rights on [16 May 2018](#), HC (2017) 1034, Qq 1, 3, 11; BBC news website, ‘[Woman resident in UK since 1968 freed from removal centre](#)’, 25 October 2017; The Guardian, ‘[Family of women facing deportation after 50 years in UK demand apology](#)’, 29 November 2017

15 Letter from Home Secretary to the Chair, [25 May 2018](#)

16 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Q 26

2018 the Home Office told us that they “did not believe” that anyone from the Windrush generation was currently in detention.¹⁷ The Permanent Secretary also confirmed that the scrutiny of historic cases would be subject to independent audit separate to the lessons learned review.¹⁸

15. We asked the Home Office if it was also checking whether any children or grandchildren of members of the Windrush generation had been subject to wrongful removal or detention. Sir Philip Rutnam, Permanent Secretary at the Home Office, told us that he “recognised the potential for a relationship between those two issues. I am afraid I cannot answer that now, but we will look into that.”¹⁹

16. We also asked the Home Office how many people from the Windrush generation, if any, are currently subject to reporting requirements but we have been told only that “staff in reporting centres have been instructed to escalate, to senior managers, cases involving individuals who may form part of the Windrush cohort and will refer these to the taskforce where appropriate.”²⁰

17. The Home Office has also not been able to answer our questions about how many people have been wrongly refused access to services such as healthcare, or who have suffered from losing their jobs or social security. The Home Secretary explained:

Many of the compliant environment checks are conducted by other agencies and bodies, for example landlords and letting agencies will conduct right to rent checks and employers or employment agencies will conduct right to work checks ... it is therefore not possible to say how many of the Windrush generation may have been inadvertently affected by the compliant environment.²¹

18. It is vital that the country understands how many members of the Windrush generation and their children and grandchildren have been, or continue to be, wrongfully subject to immigration enforcement action. The Home Office must tell us how many people have been unlawfully subject to deportation, detention and reporting requirements. Given concerns that incorrect decisions may have been made due to incomplete information, the Home Office should provide more details of what evidence is being searched for in the files and more information on the independent audit promised by the Permanent Secretary. The Home Office should not limit its checks only to those who may have arrived in the UK before 1973. It should include those who arrived later or who were born here and may also be similarly protected.

19. Those wrongly affected must receive the apology and compensation they deserve. No-one with a legal right to be in the UK should still be subject to enforcement procedures and have to endure the anxiety of having to report regularly to the Home Office under threat of removal. We ask the Home Office again to guarantee immediately that no-one from the Windrush generation or their children or grandchildren are currently subject to reporting requirements.

17 Oral evidence taken on [15 May 2018](#), HC 990 (2017–19), Q 265

18 Q 265 *ibid*

19 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q269

20 Letter from Home Secretary to the Chair, [25 May 2018](#)

21 Letter from Home Secretary to the Chair, [14 May 2018](#)

20. **The Home Office should set out whether the 32 individuals removed as foreign national offenders whom it has identified as potential Windrush cases were legally deported. We need to know whether any were in fact British—and so illegally deported—and the grounds for the decision to deport. Whilst the Home Office rightly has provisions in place to deport foreign national offenders, we do not believe that the Home Office can dismiss those Windrush cases where people have a criminal record without further investigation into the circumstances of their removal.**

Helpline and taskforce

21. On 16 April 2018 the Government set up a helpline and dedicated taskforce of 150 officials to help proactively those from the Windrush generation to acquire a No Time Limit [NTL] document and, if sought, British citizenship.²² The Government committed to giving people a decision on their application within two weeks, when the evidence was provided.²³ On 23 April 2018, the Home Office announced:

Members of the Windrush generation who arrived in the UK before 1973 will be eligible for free citizenship [...] The offer, which will be available to people from all Commonwealth countries, not just Caribbean nationals, will extend to individuals who have no current documentation, those who already have leave to remain and want to advance their status, and children of the Windrush generation.²⁴

22. The then Home Secretary stated that people who arrived after 1973 but before 1988 would also be able to access the taskforce, “so they can get the support and assistance needed to establish their claim to be here legally.”²⁵ As of 8 June 2018 the helpline had taken 19,000 calls, 6,800 of them potential Windrush cases.²⁶ By 21 June 2018, over 2,000 people from the Windrush generation had received documentation following an appointment with the taskforce, and 285 people had been granted citizenship.²⁷ However, there are reports that the two-week deadline is being routinely missed, that there are delays in people received their biometric residence permits and that people stuck in the Caribbean are struggling to make contact.²⁸

23. **It would be unacceptable if members of the Windrush generation found that they were subject to further bureaucratic obstacles after being promised an expedited resolution to applications for documentation. As part of its monthly update to this Committee, the Government must set out how many Windrush cases have not received decisions on their cases within the two weeks promised by the Home Secretary and the reasons for any delays.**

22 Staff of the unit have been seconded from a number of areas of UKVI, including Premium Service Centre, Citizenship, Work and Study commands. Of these around two thirds deal with the casework elements of the process. The remainder run the helpline and associated outreach work. Source: Letter from Home Secretary to Chair, [25 May 2018](#)

23 HC Deb, [16 April 2018](#), Col 27 [Rt Hon Amber Rudd MP]

24 Home Office and UKVI, ‘Free citizenship for the Windrush generation’, [23 April 2018](#)

25 HC Deb, [23 April 2018](#), Col 619 [Rt Hon Amber Rudd MP]

26 Guardian, [Windrush victims say Government response in a ‘shambles’](#), 8 June 2018

27 Home Office, [Windrush lessons learned review](#), 21 June 2018

28 The Guardian, [‘Windrush victims say government responses is a “shambles”](#)’, 8 June 2018

Evidence and balance of probabilities

24. It is clear that the evidential burden placed previously on people applying for NTL documentation had become far too high. We were told that it was “commonplace” to need to provide four different pieces of proof for each of the last 14 years of residence.²⁹ The Joint Committee on Human Rights found examples of people who had National Insurance records dating back 35 years or more, yet who were still considered to be in the country illegally.³⁰ The Home Secretary told us that,

The quality of evidence that they needed to provide in some cases was too high an ask. If someone is being asked for evidence and they have been here for 30 years and there is a gap of a few years in between, you can take a more common-sense approach to that and give them the benefit of the doubt. In many cases, that was not being done.³¹

In April 2018, *The Guardian* reported on the case of a man who had lived in the UK for 45 years. However, his MP received a letter from the then Minister for Immigration in 2014, stating that he was in the country illegally, as he could not provide sufficient evidence that he had arrived before 1973 or that he had been continuously resident in the UK for the years 1989 to 1990; 1994 to 1995 and 1997 to 1998.³²

In February 2018, *The Guardian* reported on the experiences of Hubert Howard, 61, who arrived with his mother in the UK aged three from Jamaica and who has never lived anywhere else. Because he had insufficient paperwork proving he had a right to be in the UK, he was told he was an illegal immigrant with no right to live here. He lost his job with the Peabody Trust, despite the fact that he was a highly regarded employee who had worked for the housing organisation for more than a decade. He told us that his problems first emerged when he wanted urgently to visit mother in Jamaica when she became ill. He was unable to get a British passport and his mother died without him seeing her. Unable to work, he was also told he was not entitled to benefits because he had no immigration status here. “They messed up my life,” he said. “I had a steady job. It broke my heart losing it. When my mum passed away, I wasn’t there, and I still haven’t been at her graveside.”³³

ILPA report the case of Mrs J. She was granted indefinite leave to remain in 2010 (having arrived in the UK in the early 1970s). She obtained ILR after having proven that she had been in the UK for over 14 years, however, when she applied for naturalisation in 2016 it was refused, on the grounds that could not show she had been legally in the UK before 2010.³⁴

25. The previous Home Secretary told the House that the burden of proof on some of the Windrush generation “was too much on the individual”.³⁵ She explained that going forwards the Home Office would take a proactive and generous approach so that people can easily establish their rights, telling the House that the Home Office did not need to see “definitive documentary proof of date of entry or of continuous residence.”³⁶ The guidance for the Windrush Scheme, launched on 30 May 2018, states that caseworkers must:

29 Q 3 [Lucy Moreton]

30 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Qq 21–22

31 Q 219

32 Summarised from an article in *The Guardian*, ‘[Government knew for years that Windrush generation hurt by ‘hostile environment’](#)’, 23 April 2018

33 *The Guardian*, ‘[“I’ve been here for 50 years”: the scandal of the former Commonwealth citizens threatened with deportation](#)’, 21 February 2018

34 ILPA [briefing](#), 27 April 2018

35 HC Deb, [23 April 2018](#), Col 620 [Rt Hon Amber Rudd MP]

36 HC Deb, [23 April 2018](#), Col 620 [Rt Hon Amber Rudd MP]

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.³⁷

Lucy Moreton, General Secretary of the Immigration Services Union (ISU) told us how UK Visas and Immigration (UKVI), which is part of the Home Office, made decisions about people's immigration status. She said that the balance of probabilities "had always been the burden of proof" in UKVI caseworking, but that the ability for caseworkers to use their discretion had changed "over a period of time" starting in 2011–12. Lucy Moreton told us, "There had been a shift in attitude from, 'We will believe your primary evidence. We will believe it when we speak to you'" to a more sceptical approach.³⁸ She explained:

There is a commonality of experience: if you talk to someone who grew up in London in the early 1970s, [caseworkers would ask] a few questions for things that they will immediately recognise, because they lived through it. The three-day week, the 1976 drought, the Jubilee in 1977—these are things that they will have childhood memories of. A very quick conversation can resolve that. That level of discretion is no longer permitted.³⁹

26. The Home Secretary told us that "taskforce staff are proactively helping individuals to build a picture of their life here, including by contacting other government departments on their behalf for information they may hold which helps support the case."⁴⁰ The Home Office have also promised that no information provided to the taskforce will be used for any other immigration purpose than that of helping people to confirm their status.⁴¹ This proactive gathering of information contrasts with evidence we heard prior to the Windrush scandal, in our inquiry, *Home Office delivery of Brexit: immigration*. We were told then that Home Office officials often rejected applications on the basis that it was unfeasible to request further or missing information.⁴² The Department's enforcement of immigration rules against Tier 1 migrants shows that it has been able to proactively seek information from HMRC for some time. As the immigration lawyer Danielle Cohen explained to us:

If you [the Home Office] already have the applicant, why don't you ask the Inland Revenue to provide you the printout [of tax records], that I can do myself and obtain a hardcopy within 20 days, and skip the applicant's need to provide the information?⁴³

27. The previous Home Secretary told the House that Home Office caseworkers in the Windrush taskforce "will make a judgment based on all the circumstances of the case and on the balance of probabilities."⁴⁴ Adrian Berry, Chair of the Immigration Law Practitioners' Association, explained that 'balance of probabilities' was "extremely unhelpful as a term" in the context of the Windrush generation, as people were not seeking a grant of status

37 Home Office and UKVI, [Guidance for decision makers considering cases under the Windrush Scheme](#), 24 May 2018, p12

38 Q 4

39 Q 4

40 Letter from Home Secretary to the Chair, [14 May 2018](#)

41 HC Deb, [2 May 2018](#), Col 353

42 Home Affairs Committee, Third Report of Session 2017–19, [Home Office delivery of Brexit: immigration](#), HC 421, para 32

43 Oral evidence taken on [10 October 2017](#), HC (2017–19) 421, Q 48

44 HC Deb, [23 April 2018](#), Col 620 [Rt Hon Amber Rudd MP]

but a document that enabled them to continue to lead the lawful life they already have in the UK. He suggested that the Home Office ought to be saying, “In determining whether to issue you with a no time limit stamp in a biometric residence permit, we will now listen to your account and if it is prima facie correct and there is no other reason to dispute your credibility, it ought to be accepted”.⁴⁵

28. The burden of proof demanded by the Home Office for people wishing to evidence their right to be in the UK has become too high over a number of years. We welcome the change to a more common-sense and proactive approach for the Windrush generation, who are long-term residents with a deep commitment and connection to the UK, who have done nothing wrong and who the state has a moral obligation to help. We also agree that the Windrush taskforce should exercise greater sensitivity and give proper credence to people’s primary evidence. It is disappointing that the Home Office has only adopted such an approach, which we called for in our report ‘Home Office delivery of Brexit: immigration’, after the Windrush scandal and only for those specific cases. We call for the Home Office to change their approach to include routine gathering of supporting evidence from HM Revenue and Customs and the Department for Work and Pensions, across the full range of UKVI caseworking. The balance of probabilities should also be reaffirmed as the standard of proof across UKVI.

29. We welcome the Government’s statement that no information provided to the Windrush taskforce will be used for immigration enforcement purposes. However, the Government should clearly and urgently set out what will happen to the data, for example, if it will be retained or destroyed.

Written guidance

30. During our inquiry, concerns were raised with us that the Home Office had not published any guidance setting out the criteria by which caseworkers’ decisions would be based. Satbir Singh, Chief Executive of the Joint Council for the Welfare of Immigrants, warned that, given the current situation in which 50% of appeals go against the Home Office, there is “no reason at this stage to assume this taskforce will not have incorrect decisions at certain points.” He explained that “We cannot challenge decisions appealing purely to a speech made by the Home Secretary in the House of Commons. That is not law”. We heard that “Any new guidance for decision-makers, because these are essentially going to be decision-makers, has to be codified and that has to be made public both to applicants and to their representatives.”⁴⁶ On 24 May 2018 the Home Office finally published the *Windrush Scheme Guidance*, which sets out the approach to be taken by caseworkers and which Satbir Singh and others had been calling for.⁴⁷ A third of the guidance was redacted. The Home Office has since shared an unredacted version with us following a request from the Chair.

31. The unredacted version of the guidance provides a useful summary of those who will and will not be covered by the taskforce. At the time of producing this report we have not yet had a chance to review the approach proposed for each category of case, but we believe the guidance should be made public so that we and others can scrutinise it further. We recognise that government should be allowed space to advise its staff in

45 Q 39

46 Q 53

47 Home Office, [Windrush scheme guidance](#), 24 May 2018

confidence but we see no reason why the unredacted Windrush Scheme Guidance that we have seen should fall into that category. In fact, we argue its publication would be actively helpful both to members of the Windrush generation and their advisers and as an aid to transparency and accountability. We recommend the Government publish the Windrush Scheme Guidance in full, as soon as possible.

Citizenship

32. In order to meet the pledge for free citizenship for those who want it, on 24 May 2018 the Government laid a statutory instrument (SI) to enable Commonwealth citizens who were settled in the UK before 1973 to apply to become British citizens more easily. The SI sets out that fees would be waived, as would the tests of English language skills and knowledge of life in the UK.⁴⁸ However, the Home Office states that applicants will still need to pay the standard fee for passports:

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.⁴⁹

33. The *Windrush Scheme Guidance* states that, where people do not wish to apply for a passport and do not have a foreign passport in which to place a Right of Abode vignette, they can be issued with a nationality status document. The Guidance advises caseworkers:

You must 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.⁵⁰

34. This approach suggests that, having identified people who may struggle to evidence their lawful status in the UK—some of whom we know to be in acute financial difficulties—the Home Office is still insisting that they pay a fee in order to access services to which they are legally entitled.

35. **We welcome the steps the Government has taken to make it easier for people to apply for the documentation they need to evidence their lawful status in the UK. However, it is not acceptable that members of the Windrush generation—some of whom have been made destitute—are still expected to pay fees for passports which may be crucial to them being able to access services to which they are entitled. The Windrush generation often do not have documents which might otherwise prove their right to work, rent or hold bank accounts in this country; therefore they have an even greater need for a passport to prove their rights. Waiving fees for passports for members of the Windrush generation and their children is also an obvious gesture of goodwill which the Government should make immediately.**

48 Written Ministerial Statement on Immigration, Rt Hon Sajid Javid MP (The Secretary of State for the Home Department), HCW5722, [24 May 2018](#)

49 Home Office and UKVI, [The Windrush Scheme](#), 24 May 2018, p1

50 Home Office and UKVI, [Guidance for decision makers considering cases under the Windrush Scheme](#), 24 May 2018, p15

Compensation scheme

36. On 23 April 2018 the then Home Secretary announced that people affected by the Windrush crisis would be compensated:

The state has let these people down, with travel documents denied, exclusions from returning to the UK, benefits cut and even threats of removal—this, to a group of people who came to help build this country; people who should be thanked. This has happened for some time. I will put this right and where people have suffered loss, they will be compensated.⁵¹

37. On 10 May 2018, the Government issued a call for evidence, in preparation for a compensation scheme for those members of the Windrush generation who have suffered because of difficulties proving their immigration status. The call for evidence is described as:

an opportunity for those who have been affected and their families by their situation to tell us [the Home Office and UKVI] what happened, how it has affected you and what you believe the planned compensation scheme needs to address.⁵²

38. There are concerns that the scheme will focus solely on evidence of financial loss. Yet the costs incurred by members of the Windrush generation go beyond Home Office and lawyers' fees and loss of earnings. *The Guardian* has reported stories of people unable to visit dying relatives or attend their funerals; being discharged from hospital onto the streets; being placed in immigration detention; and being refused essential health treatment.

In May 2018, Judy Griffith wrote an article for *The Guardian* explaining that she had joined her parents in the UK from Barbados in 1963. After 52 years, a jobcentre employee told her that she was an "illegal immigrant" and, because her passport with evidence of leave to remain had been stolen, she was unable to work or travel. She could not visit her sick mother in Barbados in 2016, nor attend the funeral. Without work she got into significant arrears on her flat in London, and narrowly escaped eviction.⁵³ In her own words, "I do think that we deserve compensation. But there is no amount that can truly reflect the fear and anxiety, frustration and ill health we have suffered."⁵⁴

In April 2018, *The Guardian* described the experiences of Sarah O'Connor, who moved to Britain from Jamaica 51 years ago when she was six, and has lived here ever since. When we met Sarah she told us how she was challenged by the benefits agency to prove she was here legally last summer, after losing the job in the computer shop where she had worked for 16 years. Although she has successfully interviewed for several new jobs, the employers have had to withdraw their offers when they discovered she has no passport. Unable to get work and told she is not eligible for benefits, she had to sell her car and was facing bankruptcy in March. She attended primary and secondary school in the UK, paid taxes, held a driving licence, was married for 17 years to someone British and has four British children. She told us she was devastated when her immigration status was questioned.⁵⁵

51 HC Deb, [23 April 2018](#), Col 621 [Rt Hon Amber Rudd MP]

52 Home Office and UKVI, [Windrush compensation: open call for evidence](#), 10 May 2018

53 *The Guardian*, ["It's inhumane": the Windrush victims who have lost jobs, homes and loved ones](#), 20 April 2018

54 *The Guardian*, ['I lived in fear of deportation, Mr Javid. What price my years of fear and shame?'](#), 11 May 2018

55 *The Guardian*, ['The children of Windrush: "I'm here legally, but they're asking me to prove I'm British"'](#), 15 April 2018

There is also evidence that when members of the Windrush generation applied to document their status they were not granted the settlement that was due but instead placed on expensive routes for indefinite leave to remain. The Immigration Law Practitioners' Association (ILPA) report:

When the Home Office has eventually been satisfied about a period of residence, instead of recognising that the person originally entered for settlement and confirming this, the Home Office has either (before 12 July 2012) granted indefinite leave to remain from the date of decision or (after 12 July 2012) granted leave to remain for 30 months, on the 10 year route to settlement. This has entailed people paying Home Office application fees (four times over, at present prices £5488 per person to achieve indefinite leave) when none of these applications should have been necessary.⁵⁶

39. The call for evidence closed on 8 June 2018, and the Home Office intends that it “will be followed by a full consultation on the detail of the scheme”.⁵⁷ It is likely, therefore, to be months before compensation is paid. On 13 June 2018 we published a short report recommending the Government set up a hardship fund for those among the Windrush generation who face destitution; are unable to settle legal bills; or are facing bailiffs due to debts run up when they were forced to give up work or had their social security payments stopped, through no fault of their own.⁵⁸ **The full compensation scheme, which must recognise both financial loss and emotional distress, should be established as soon as possible and payments made by the end of the year. Where UKVI has charged fees wrongly these should be refunded. In the meantime we urge the Government to act on our previous report and immediately establish a hardship fund for those in acute financial difficulty.**

40. It is not yet clear who might be eligible for compensation. The call for evidence seeks views from “those in the Windrush generation who have faced difficulties in establishing their status under the immigration system [...] The Windrush generation is generally taken to refer to those who arrived in the UK lawfully from Commonwealth countries before 1 January 1973.” However, the consultation also invites views from “any other interested organisations and individuals [...] anyone who feels they have been affected by this situation whether they fit that description [member of the Windrush generation] or not”. As we described in paragraph 11, members of two other groups have suffered from being unable to evidence their legal status: Commonwealth citizens who joined family in the UK between 1973 and 1988 and who have remained in the UK ever since, and children and grandchildren of the Windrush generation born in the UK. Like the Windrush generation, they have struggled to produce sufficient evidence of their status or pay the required fees, particularly if they have lost access to employment and social security.

41. **The Government should immediately clarify the scope of the compensation scheme, particularly with regard to Commonwealth citizens who arrived in the UK between 1973 and 1988; and children and grandchildren of the Windrush generation born in the UK. As a minimum the scheme should be open to Windrush children and grandchildren who, on the balance of probabilities, were admitted for settlement before the 1988 Immigration Act came into force, and who have had to reapply for it.**

56 ILPA submission to the Home Office call for evidence on the Windrush compensation scheme

57 Home Office and UKVI, ‘Windrush Scheme and information’, published 13 April 2018, updated [30 May 2018](#)

58 Home Affairs Committee, Fifth Report of Session 2017–19, [Windrush: the need for a hardship fund](#), HC 1200

3 Learning lessons for the future

Review

42. The Home Secretary announced on 2 May 2018 that a lessons learned review was already underway in the Home Office, intended to draw out “how members of the Windrush generation came to be entangled in measures designed for illegal immigrants, why that was not spotted sooner and whether the right corrective measures are now in place”.⁵⁹ It aimed to complete its work by the summer recess (24 July 2018).⁶⁰ On 21 June 2018 it was announced that Wendy Williams, one of Her Majesty’s Inspectors of Constabulary, will have oversight of the review. The terms of reference and methodology have yet to be announced; the Home Office states that they “will be laid in the House before summer recess”.⁶¹ The HM Inspector of Constabulary (HMIC) states in a letter that Ms Williams’ secondment to the Home Office will last until 31 March 2019 and that she will lead a team of Home Office civil servants. The letter also provides more detail about the terms of the review, stating that it will cover:

- a) what were the principal policy and operational decisions which led to members of the Windrush generation becoming entangled in measures designed for illegal immigrants;
- b) what other factors played a part;
- c) why these issues were not identified sooner;
- d) what lessons the organisation [Home Office] can learn to ensure it does things differently in future; and
- e) whether the right corrective measures are now in place.

43. **The lessons learned review announced by the Home Secretary is crucial. In order to rebuild trust, it must be substantially independent; we are therefore concerned that the review began several weeks before the person tasked with bringing independent oversight and challenge was identified. This damages the credibility of the exercise.**

44. **The review must consider the responsibility the government has to public accountability and transparency by publishing its findings and proactively engaging with people who have been affected. We are very concerned that the terms of reference and methodology have not yet been published by the Home Office. If the contents of the HMIC letter are indeed the terms of reference then that should be clarified immediately. Nor is it clear whether Ms Williams is to lead the review or whether she is simply expected to provide oversight for an internal Home Office led review in the way that David Anderson, the former Independent Reviewer of Terrorism Legislation, did for a lessons learned process following the terrorist attacks in 2017. We believe it should be the former rather than the latter and that it should lead to a published report. Whilst the David Anderson oversight model made sense for a review involving secret**

59 HC Deb, [2 May 2018](#), Col 350 [Rt Hon Savid Javid MP]

60 HC Deb, [2 May 2018](#), Col 350 [Rt Hon Savid Javid MP]

61 Home Office, [Windrush lessons learned review](#), 21 June 2018

intelligence work, we believe that the Windrush review needs the credibility of being externally driven from the start. Whatever is produced from the Windrush lessons learned review should be made public, without redactions, and available for all to see.

Home Office culture and policies

45. The Windrush generation has been caught up by a series of changes in Home Office policy, culture and organisation. These include the removal of Home Office caseworker discretion, the use of targets, restrictions on independent checks and appeals, and stronger controls at the border. They were also caught up by a raft of laws collectively known as the ‘hostile’ or, more recently, the ‘compliant’ environment, which includes checks on access to employment, healthcare, bank accounts and rental accommodation, as well as other measures, and which have been introduced in stages over many years.

Change in culture

46. During our inquiry we heard evidence that the culture had changed within the Home Office. Lucy Moreton told us that loss of caseworker discretion in recent years was representative of a “culture change” that was “a shift over a period of time”.⁶² Adrian Berry related the change to the introduction of the net migration target. This non-evidence-based target was set by the Government in 2010, and aims to reduce net migration to the “tens of thousands”. He told us:

by giving the steer through the net migration target to reducing net migration, there has been a scepticism—and indeed sometimes a cynicism—about people trying to prove their status, which has led to, “Prove that you are lawful”. The presumption is that you are unlawful in decision-making. In the past there may have been processes for people to prove the status that they have and they were dealt with relatively benignly. [...] But why should somebody’s testimony automatically be deemed to be incredible, a person who has lived here for 30 or 40 years?⁶³

47. A former caseworker explained to *The Guardian* that from 2013 onwards staff were “given no leeway to make a judgment call”. He said:

The changed atmosphere combined with staff cuts made it a more unpleasant place to work and many experienced staff took redundancy. The people who remained were told: “these are the rules, stick to them.”

48. One long-term former employee, who worked for the Home Office for many years in Liverpool, told *The Guardian* that the change in approach had directly affected Commonwealth migrants:

before we’d been a lot more lenient towards the Commonwealth immigrants. We had no problem about going after everyone else, but the Commonwealth immigrants had always been a different kettle of fish.

62 Qq 4-5

63 Q 2

That changed about five or six years ago with the hostile environment. Some of the immigration people welcomed it. There was a 'gotcha attitude'—some people enjoyed it; I didn't like that.⁶⁴

49. The change in culture, combined with an increase in the evidential burden and a rigidity in interpretation, has clearly impacted on members of the Windrush generation. Many of the testimonies of Windrush migrants reveal attempts to clarify their status with the Home Office only to be faced with scepticism and unrealistic demands for information. Glyn Williams, Director General for Borders, Immigration and Citizenship at the Home Office, accepted that the Home Office had let people down:

It is probably true to say that our interpretation and application of this guidance [UKVI guidance to caseworkers] became rigid over the years. When applied in particular to Windrush people who have been here for 30, 40, 50 years, if you apply that rigidly over that time period, it becomes almost impossible. That is the mistake that has been made.⁶⁵

But it is more than just a rigid application of policy. There is a sense that in some cases decision-makers were looking for a reason not to grant an application.

A non-Windrush case that has recently been reported sets out how a spouse was denied a visa on the sole basis of an unpaid healthcare bill while on holiday in the UK. No bill had been raised until the Home Office requested the hospital to do so—a day after refusing the application on the basis on an unpaid bill. Closer examination of the legislation showed that the hospital was correct in its initial decision not to charge for the care provided.⁶⁶

In February 2018, *The Guardian* described the experiences of a man from the Windrush generation who had been homeless for the last year. "Although he has lived in the UK for almost 50 years [arriving from Jamaica in 1968 at age 14], and spent 35 years working and paying taxes he has been told that he is not British, and consequently is neither permitted to work nor eligible for any government support. In 2014, a routine request from his final employers to update paperwork revealed that he didn't have a passport and had never naturalised in the UK. He was sacked. Unable to find new work without papers, he became depressed, and then homeless. Dudley council said he was not eligible for emergency housing because he had no right to be in the country. Similarly, he has been told he cannot sign on for benefits. He has gathered together paperwork showing 35 years of National Insurance contributions, with the support of the Refugee and Migrant Centre in Wolverhampton, but the Home Office has returned the application, requesting further evidence."⁶⁷

50. The Government has belatedly recognised the difficulties that the cultural shift within the Home Office has caused. The Minister for Immigration repeatedly told us that there was a need for "culture change" in the Home Office: "It's not about using rules to have a 'computer says no' mentality."⁶⁸ The then Home Secretary told the House on 16 April 2018:

64 The Guardian, '[Whistleblowers contradict No.10 over destroyed landing cards](#)', 18 April 2018

65 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Q 24

66 Free Movement, '[How the Home Office used the NHS to refuse my client a visa](#)', 4 June 2018

67 The Guardian, '["I've been here for 50 years"; the scandal of the Commonwealth citizens threatened with deportation](#)', 21 February 2018

68 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 440 [Rt Hon Caroline Nokes MP]

I need to ensure that the Home Office is more focused on individuals than on policy, so that individuals do not receive the type of treatment that we have seen over the past few weeks, but instead have a Home Office that leans in and tries to assist them.⁶⁹

51. On 23 April 2018 she further set out her intentions to the House:

This is absolutely about a change of culture, which I will be trying to ensure trickles down the Department. Let me be quite clear that I am not blaming anybody else. I am saying that I want to ensure that there is more time, focus and resources so that there can be more engagement with individuals, rather than just numbers.⁷⁰

Glyn Williams explained, “I think what the Home Secretary is saying is that she wants us to [...] introduce more face-to-face, more subjectivity, more judgment into the process, as opposed to only looking at evidence.”⁷¹ The Home Secretary told us he shared his predecessor’s ambition and pledged a “fair and humane” immigration policy.⁷²

52. We recognise that immigration caseworkers have a challenging job and face making difficult decisions on a daily basis. There is no doubt, however, that a change in culture in the Home Office over recent years, as a consequence of political decisions and political leadership, has led to an environment in which applicants are automatically treated with suspicion and scepticism and have been forced to follow processes that appear designed to set them up to fail.

53. We welcome the pledges made by the Minister for Immigration and the previous and current Home Secretaries that Home Office culture will change. Whether the Home Office achieves this aim will be the crucial demonstration that lessons have been learned from the Windrush scandal. We support a policy which will give the Home Office a more human face, a return to face-to-face interviews which allow for the use of discretion and judgement, and a system in which processes, requirements and decisions are more clearly explained. These changes are overdue and they should be implemented as a priority. We expect to focus on progress in this area as part of our regular work scrutinising the effectiveness of UKVI.

Targets

54. Until the current financial year the Home Office has set targets for the number of removals. We questioned the previous Home Secretary over concerns that these internal enforcement targets might have contributed to some of the poor decisions made by the Home Office, particularly around the detention and potential removal of members of the Windrush generation. It is disappointing that neither she nor her officials were able to provide the reassurance we were seeking or even able to set out basic background information on the use of targets. Inaccurate information was provided by the Home Office to us. The Home Secretary told us, “We do not have targets for removal,”⁷³ while Glyn Williams said “I am not in charge of enforcement but not as far as I know, no. [...]

69 HC Deb, [16 April 2018](#), Col 34

70 HC Deb, [23 April 2018](#), Col 629 [Rt Hon Amber Rudd MP]

71 Q 133

72 Q 222

73 Q 85

I do not think they do exist. There are no published removals targets and there is nothing broken down by region as far as I know.”⁷⁴ When asked specifically about whether the 12,000 enforced removals in 2017–18 were above or below a target Mr Williams reiterated that “there is not a target”.⁷⁵

55. As has since become clear, targets for removals teams had been set in the years 2015–16, 2016–17 and 2017–18 and it was commonplace for those targets to be apportioned to individual teams, “reflecting their roles or areas of geographic coverage.”⁷⁶ No targets have been put in place in the current financial year. We have only been provided with limited information about removals for years prior to 2015. Mr Williams explained on 15 May 2018:

I did not know when I gave you that evidence [on 25 April 2018 that] in 2017–18 the senior management team in Immigration Enforcement had set a national target of 12,800 for enforced removals, nor did I know that they subsequently changed that to a target of 230 to 250 removals a week in October of that year, and I did not know they had also dropped that target towards the end of 2017–18.⁷⁷

56. The Permanent Secretary admitted that the evidence we had previously heard was “regrettably confused”.⁷⁸ However, when we asked the Permanent Secretary whether there were targets for removals he told us, “Quite a lot, in fact, turns on the semantics of what “target” means” before proceeding to talk instead about ‘performance goals’.⁷⁹ He further elaborated:

The regime that is in place now has been in place since the start of 2018–19 and does not have a target in it. There is no use, as I understand it, within immigration enforcement—certainly not at national level—of the word “target”. Instead the word that is used, I understand from Mr Ind [then Director General of Immigration Enforcement], is “expectation”. I think Mr Ind referred to an ambition or aim.⁸⁰

57. The Permanent Secretary explained that “There were goals that were described as targets in the previous two financial years, set not by Ministers, but by the immigration senior officials in immigration enforcement.”⁸¹ However, the confusion over targets led to the Home Secretary resigning her position and two senior officials moving roles. The Permanent Secretary ordered an urgent review “into the facts so far as the support provided by the Civil Service to the Home Secretary before, during and after [the Home Affairs Committee evidence session of 25 April 2018] is concerned.”⁸²

58. The “thorough, factual and independent” review, carried out by Sir Alex Allan, the Prime Minister’s adviser on Ministers’ interests, was intended to provide the

74 Q 88 and Q 197

75 Q 200

76 Letter from the Permanent Secretary to the Chair of the Committee, [14 May 2018](#)

77 Q 248

78 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 334

79 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 337

80 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 338

81 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 349

82 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 342

Permanent Secretary with “authoritative advice on what happened and also, as necessary, recommendations for what further action should be taken.”⁸³ The Permanent Secretary committed to reporting to this Committee once that work was completed.⁸⁴

59. **We are concerned that the previous Home Secretary and her officials could not give us straightforward answers to questions about enforcement targets. It is clear that in the past there were targets for removals. Given that this subject was raised during the panel of witnesses immediately preceding the then Home Secretary, it is regrettable that neither she nor her officials were better prepared to answer our questions. We are disappointed that one Director General was unable to answer with confidence questions about key operational issues in another directorate; this calls into question information sharing at the top of the Home Office. The Home Office also took far too long to correct the record once it became clear that we had not been given an accurate account.**

60. **We welcome the decision to commission a review into the advice provided to Ministers. We have been provided, in confidence, with the Executive Summary of that review and have been advised that the Home Office does not intend to publish the executive summary or provide us with the full report. We do not believe this to be acceptable. The previous Home Secretary resigned as a result of these series of events and there remains serious concerns about advice given at the top of the Home Office. Having seen the executive summary we recommend it be published swiftly in the interests of transparency and accountability. Our expectation is that the full report should be published and, as a first step, we call on the Home Office to provide us with a copy without further delay.**

61. Hugh Ind, then Director General of Immigration Enforcement, insisted that removals targets had not driven decision-making. He explained that thorough preparation was undertaken by casework teams to make sure that there was no doubt that cases passed over to be moved to detention were correct.⁸⁵ The previous Home Secretary, while disputing the existence of enforcement targets, also disputed the suggestion that targets led immigration enforcement teams to pursue the ‘easiest to remove’.⁸⁶ However, it remains the case that removals teams were given targets to meet. We asked the Home Office the extent to which targets for returns were agreed by Ministers, reported to Ministers, or just set by officials and for information relating to years previous to 2015–16. We also sought information on whether staff were assessed and/or rewarded on their ability to meet those targets. That information remains incomplete and unsatisfactory. The Home Secretary was clear that he does not believe in “these kinds of targets”.⁸⁷

62. On 25 June 2018 the Permanent Secretary told us that targets to “remove failed asylum seekers from the UK were set by Ministers in the 2000 and 2002 Spending Reviews”, and that “In the Home Office Strategic Plan 2004–08 (Cm 6287), the target set by Ministers became to secure 75% more removals by 2004 than in 1998, with further increases by 2008.”⁸⁸ However, we note that the Strategic Plan referenced by the Permanent Secretary does not in fact refer to the 75% as a target but instead as a description of what had been

83 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 342

84 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 342

85 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 275

86 Q 92

87 Q 250

88 Letter from the Permanent Secretary to the Chair of the Committee, [25 June 2018](#)

delivered in the previous six years. Sir Philip’s letter also states that UKBA’s business plan for 2011–2015 had an “unquantified ambition to, [. . .] maintain our performance on the removal and voluntary return of those who are in the UK illegally.” It remains unclear, however, how targets for removals—with a specific number, as was the case in 2015–16, 2016–17, and 2017–18—were implemented; how, if at all, Ministers engaged with those targets; and what the situation was in the two years following UKBA’s demise in 2013.

63. We are concerned that a target-led approach may have led immigration enforcement officers to focus on people like the Windrush generation, who may have been easier to detain and remove than those less vulnerable, for example by detaining individuals such as Paulette Wilson and Anthony Bryan who clearly presented no risk of absconding. We have not been able to get clarity about how targets were cascaded to individual teams or enforcement officers or their impact on operational decision-making. We remain concerned about the interaction between targets, bonuses and decision making, and about the potential for bonuses to create a disincentive for staff to refer back cases they come across which raise concerns or where mistakes may have been made. We welcome the decision to end the use of targets for removals.

64. During our inquiry we explored the influence of the net migration target—which includes arrivals and departures—on Home Office decision-making. In our previous report, *Immigration policy: basis for building consensus*, we warned that the net migration target “is not working to build confidence or consent” and recommended it be replaced.⁸⁹ Adrian Berry told us that the net migration target had contributed to a presumption in decision-making that someone is in the country unlawfully.⁹⁰ The Permanent Secretary confirmed that the Government’s net migration target is part of the context and framework within the Department takes forward activities:

however, it does not translate into a whole series of individual actions [. . .] It is rather part of the background and context that then clearly informs decisions being made by officials, but is even more relevant, I would say, for Ministers in terms of the way in which they are thinking about the development of policy.⁹¹

65. We reiterate our previous recommendation for the net migration target to be replaced. It includes immigration and emigration, lawful and unlawful migration. The risk that the target may therefore encourage the Home Office to increase departures, and without adequate checks on whether a person is here lawfully, is an additional reason to seek its replacement—both to avoid any perverse incentives and to rebuild credibility.

66. It is welcome that the Home Office has committed to reviewing its practices as a result of the Windrush scandal, in the form of the lessons learned review and the factual review carried out by Sir Alex Allan, although we continue to have questions and concerns about the extent and nature of those reviews. In addition to recognising what went wrong and making internal recommendations for future action, it is vital that the Home Office engages externally in a spirit of transparency after the reviews

89 Home Affairs Committee, Second Report of Session 2017–19, *Immigration policy: basis for building consensus*, [HC 500](#), para 17

90 Q 2

91 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 279 [Sir Philip Rutnam]

are completed. The process of rebuilding trust in the Home Office after Windrush requires an ongoing commitment on the part of the Home Office to submit itself to public scrutiny for errors that have been made.

The border

67. We know that a number of members of the Windrush generation have faced difficulties when trying to re-enter the country. According to Lucy Moreton, border security had previously been able to take an educated, reasonable, experienced view: “If someone told you that they had come to the UK on Windrush, or a similar vessel, that they had been here since the late 60s, or even just that they had been here pre the 1971 Act, you can talk to them a bit, you can understand if they’ve genuinely been here.”⁹² Lucy Moreton explained that the discretion of border officers to use their judgement was removed following the revelation in 2011 that officials at the border had relaxed passport checks to reduce queues. This change in approach may have led to individuals being stranded outside the UK, often for many years, and unable to prove their right to re-enter. However, some of the examples below suggest some of the problems predated the response to the 2011 scandal.

In April 2018, the BBC reported on the experiences of a man “who arrived in the UK from Jamaica at 15 months old, in 1958. ‘Sixty years, it’s a long time. I’m an Englishman,’ he told BBC Newsnight. In 2009, he tried to update his passport with the proper visa information, but was told by the Home Office he had to prove he had lived in the UK for each of the previous 10 years. His application was rejected twice. In March last year, he travelled to Jamaica to be with his dying mother, but when he tried to return to the UK in June, he was not allowed on the flight. ‘I was upset - virtually in tears. I couldn’t understand why,’ he said. Months passed and his mother was repatriated to the UK, but her son was unable to return to attend her funeral. He finally came back to the UK in September, after his local MP intervened.”⁹³

In April 2018, *The Guardian* described the case of a man, who visited Jamaica for his 50th birthday, his first visit since arriving in the UK aged six. On attempting to return he was told at the airport that he could not enter the UK on his Jamaican passport. He was forced to live in bedsits and hostels in Jamaica for 21 months. His family incurred an estimated £26,000 in legal bills and accommodation costs. On his return to the UK in 2011 he was told he owed £4,500 for unpaid rent and council tax during his absence. He was taken to court and evicted and, at the time the article was published, had been sofa-surfing since.⁹⁴

In the same month, *The Daily Mail* published an article about an elderly woman who arrived in the UK from Jamaica in 1960 aged 24. She received a stamp in her passport giving her indefinite leave to remain, but it was stolen in a 2006 burglary. She was denied re-entry when she tried to return to the UK from her sister’s funeral in 2010 in Jamaica. She was forced to remain in Jamaica for eight years, separated from her children and grandchildren, until finally being able to return home in May 2018.⁹⁵

68. **Some of the most appalling stories from the Windrush scandal are those where people with a lawful right to live in the UK have been trapped overseas, away from their homes and families. The Home Office needs to determine the number of people**

92 BBC Today programme, 20 April 2018

93 BBC news website, ‘[Windrush generation: I’m an Englishman](#)’, 19 April 2018

94 *The Guardian*, ‘[Windrush generation tell of holidays that led to exile and heartbreak](#)’, 19 April 2018

95 *The Daily Mail*, ‘[Sick Windrush grandmother who lived in Britain for 50 years is blocked from coming back to the UK after visiting Jamaica for a funeral](#)’, 21 April 2018

affected, and explain why individuals—such as those we highlight in our report—endured such delays, were provided with so little assistance and incurred such cost in simply trying to return home.

69. Problems at the border have not been limited to individuals with non-British passports. We raised with the then Home Secretary a case in which an individual lawfully resident in the UK had been subject to a raid by immigration officers; she had subsequently obtained a British passport but was still stopped and questioned at the border. Satbir Singh, Chief Executive of the Joint Council for the Welfare of Immigrants, told us he had seen cases of people with British passports who had tried to re-enter the UK following a routine trip abroad but who were denied re-entry because they did not additionally carry their formal Citizen of the United Kingdom and Colonies passport with an NTL stamp, while others have been told by border officials they should not have been granted a British passport in the first place and had it revoked.⁹⁶ This is not the first time concern has been raised with us about the approach of Border Force staff. In our previous inquiry we heard that international students arriving at the border had been given incorrect stamps which in some cases led them having to leave and re-enter at personal cost.⁹⁷

70. People who have been granted a British passport reasonably expect that it allows them entry to the UK. It is right that the border is robustly protected but that should not mean those with a right to be in the UK are prevented from crossing it. We are therefore concerned by reports that officers at the border are questioning people's right to a British passport and, in some cases, preventing people who have been granted one by HM Passport Office from entering the UK. The Home Office should set out publicly and in guidance the circumstances under which Border Force officers can prevent a British passport holder from entering the UK.

The hostile/compliant environment policies

71. Successive governments have introduced a raft of laws to prevent people who are illegally in the UK from receiving services to which they are not entitled. The aim is to deter people from entering the UK illegally and encourage those who have already done so to leave. The hostile environment is commonly taken to include policies which aim to make it difficult for illegal immigrants to work, access benefits or other public funds, rent a home, receive routine health treatment, obtain a driving licence or open a bank account. The Government depends on others, such as landlords, employers, police, doctors and banks, to check a person's immigration status and in certain circumstances report to the Home Office.

72. Now called the 'compliant environment' by the Government, these laws have been progressively introduced over a period of many years. As the then Home Secretary told the House:

From the 1980s, successive Governments have introduced measures to combat illegal immigration. The first NHS treatment charges for overseas visitors and illegal migrants were introduced in 1982. Checks by employers on someone's right to work here were first introduced in 1997, measures on access to benefits in 1999 and civil penalties for employing illegal migrants

96 Q 116 and Q 59

97 Written evidence submitted by King's College London (IMM 0120) p6

in 2008, and the most recent measures in the Immigration Acts of 2014 and 2016 introduced checks by landlords before property is rented and checks by banks on account holders.⁹⁸

73. While measures to make life difficult for people in the UK illegally have been introduced over many years and by successive governments, earlier iterations have been tightened in recent years and enforcement has been stepped up. For example, while NHS treatment charges were introduced in 1982, it was the Health and Social Care Act 2012 that obliged NHS workers to share patient data with the Home Office for enforcement purposes.

74. The extension of hostile environment measures and enforcement has led to people with a lawful right to be in the UK being unable to access services to which they are entitled. In our January 2018 report *Immigration policy: basis for building consensus*, we alerted the Government to the problem:

While the hostile environment is currently aimed at non-EU nationals without valid leave to be in the UK, there are regular reports of people with a lawful right to be here [...] being caught up in the system.⁹⁹

75. As has become clear, the Windrush generation are one such example of people with a lawful right to be here, caught up in the compliant environment, and who have suffered avoidable hardship and distress as a result. The outsourcing of enforcement to non-government actors has also meant the Home Office has become detached from the process; this has led to people being denied services but without any official advice on how to challenge or rectify a mistake.

Is the hostile environment working as intended?

76. Given the experiences of the Windrush generation it is right that we question the effectiveness of the hostile environment policies that have been partly responsible for causing them so much distress and injustice. For example, one of the aims of the hostile environment is to encourage people illegally present in the UK to leave; yet Glyn Williams told us that the number of voluntary returns had not increased following the introduction of more stringent measures. There were over 3,000 fewer voluntary returns in the year ending March 2017 than in the previous year.¹⁰⁰

77. Mr Williams explained that the hostile environment “is also about discouraging illegal migration coming into the country in the first place. If that is happening, there will be fewer people to leave as well.”¹⁰¹ The Independent Chief Inspector of Borders and Immigration (ICIBI) inspection of hostile environment measures found “no evidence that any work had been done or was planned in relation to measuring the deterrent effect of the ‘hostile environment’ on would-be illegal migrants.”¹⁰² When he gave evidence to us in November 2017, the Independent Chief Inspector told us that by then he would have

98 HC Deb, [23 April 2018](#), Col 619 [Rt Hon Amber Rudd MP]

99 Home Affairs Committee, Second Report of Session 2017–19, *Immigration policy: basis for building consensus*, [HC 500](#) para 54

100 Home Office, Immigration statistics, [Table RT_01q](#)

101 Q 114

102 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the ‘hostile environment’ measures relating to driving licences and bank accounts (January - July 2016)’, [October 2016](#), para 7.7

expected to have seen some evidence that the hostile environment was working “so that there is some justification for the two pieces of legislation [Immigration Acts of 2014 and 2016] and for all of this effort that is being put into this by a whole variety of people.”¹⁰³

78. What the Independent Chief Inspector instead found was evidence of Home Office mistakes. In his inspection of hostile environment measures relating to bank accounts and driving licences, he found a 10% error rate in the information provided by the Home Office on which banks were relying to make decisions¹⁰⁴ and a number of errors in people flagged to the Driver and Vehicle Licensing Agency as in the UK without leave.¹⁰⁵ He reported “the Home Office did not appear to appreciate the seriousness of such errors for the individuals affected”.¹⁰⁶ He told us “my concern was that that information needed to be right at the point of delivery to Cifas [the UK’s leading fraud prevention service] and, therefore, the Home Office needed to check its data before it sent it. That was rejected as a recommendation”.¹⁰⁷ In his most recent report on the operation of the hostile environment—on the ‘right to rent’, the Independent Chief Inspector concluded:

Overall, I found that the Right to Rent scheme had yet to demonstrate its worth as a tool to encourage immigration compliance, with the Home Office failing to coordinate, maximise or even measure effectively its use, while at the same time doing little to address the concerns of stakeholders.¹⁰⁸

79. As the experiences of the Windrush generation and their children make clear, it is not just with regard to eligibility for bank accounts and driving licences where mistakes have been made, but we are not aware that the Home Office has undertaken any investigation into the number of people wrongly denied benefits or employment. Indeed, the Home Office told us they had no data on either of these matters. Prior to the wide press coverage of the Windrush scandal, we concluded in our report *Immigration policy: basis for building consensus* that:

The Government should not rely on its ‘hostile environment’ policy as a panacea for enforcement and building confidence, especially given the current concerns about accuracy and error. We are concerned that the policy is unclear and, in some instances, too open to interpretation and inadvertent error. Not only can these errors be deeply damaging and distressing to those involved, they also undermine the credibility of the whole system.¹⁰⁹

80. The experiences of the Windrush generation that have since come to light adds weight to our concerns. In our February 2018 report we also questioned “the appropriateness of a policy that discourages individuals from reporting a crime or seeking medical attention.” We called for this aspect of the hostile environment to be reviewed and recommended that

103 Oral evidence taken on [29 November 2017](#), HC (2017–19) 421, Q 300

104 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the ‘hostile environment’ measures relating to driving licences and bank accounts (January - July 2016)’, [October 2016](#), para 6.29

105 Ibid para 2.8

106 Ibid para 2.10

107 Oral evidence taken on [29 November 2017](#), HC (2017–19) 421, Q 300

108 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the ‘Right to Rent’ Scheme’, [March 2018](#), Foreword

109 Home Affairs Committee, Second Report of Session 2017–19, [Immigration policy: basis for building consensus](#), HC 500, para 57

sensitivity and discretion be used while that review is underway.¹¹⁰ Since the publication of that report, further cases have been reported. These include an incident in which it was reported that an individual was assaulted in the street; on reporting the assault to the police he was found to be an overstayer and taken to Harmondsworth Immigration Removal Centre without his injuries first being seen to.¹¹¹ We also note continuing concerns from organisations such as the Residential Landlords' Association that policies such as 'right to rent' are leading to discrimination against migrants irrespective of their legal status as well as British citizens who do not have a passport. This policy is currently subject to a legal challenge which is being opposed by the Home Secretary.¹¹² The Independent Chief Inspector of Borders and Immigration has suggested that the absence of indicators against which to judge the impact of the hostile environment has made it harder for the Home Office "to answer concerns about the potential damage to communities and to individuals."¹¹³

81. In response to the Windrush scandal the Government has taken steps to moderate parts of the hostile environment. For example, the Government has:

- i) updated the gov.uk website to give better advice to landlords and employers about the Windrush generation;
- ii) sent out guidance to NHS England, Scotland and Wales about the Windrush generation;¹¹⁴
- iii) asked banks to delay closing bank accounts of named individuals "until I [Home Secretary] am more comfortable that we have it right";¹¹⁵
- iv) refined data-sharing between the NHS Digital and Home Office, so National Health Service providers will no longer routinely give information about patients' potential immigration status to the Home Office unless in the case of foreign national offenders.¹¹⁶

82. We welcome the changes outlined by the Government, particularly with regard to the reduction in data-sharing between the NHS and immigration enforcement. However, we are unconvinced that the Government's actions are sufficient to address the problems we have identified. That the Government has been unable to say how many members of the Windrush generation have been affected adversely by employment checks, loss of rental accommodation, checks on NHS treatment, driving licences or bank accounts, demonstrates a serious weakness in the policy. The Home Office has no way to assess the accuracy of the policy, the scale of errors being made or the number of people each year who may be losing their home, job or access to services unlawfully. It is irresponsible for the Government to rely on a policy when it lacks information on whether that policy is leading to injustice or abuse or even achieving its aims.

110 Home Affairs Committee, Third Report of Session 2017–19, [Home Office delivery of Brexit: immigration](#), HC 421, para 121

111 Bail for Immigration Detainees (BiD) tweet, @BIDdetention, 31 May 2018

112 Financial Times, '[Court to allow challenge to "right to rent policy"](#)', 6 June 2018

113 Independent Chief Inspector of Borders and Immigration, 'An inspection of the 'hostile environment' measures relating to driving licenses and bank accounts (January - July 2016)', [October 2016](#), para 2.24

114 Q 67

115 Q 234

116 HC Deb, [9 May 2018](#), Col 756 [Margot James MP]

83. We are particularly concerned that the Government has not addressed our concerns in relation to data-sharing between the police and immigration enforcement. Victims of crime should not fear reporting that crime to the police. The obligation on police to share data of victims of crime with immigration enforcement should be removed immediately. We also remain unconvinced that improving guidance to landlords and employers will be enough to remove bias from the system in which migrants lawfully resident in the UK are clearly discriminated against. We note that the ‘right to rent’ policy is currently subject to legal review and will follow the case with interest.

84. The Home Office also needs to take a more robust approach to the accuracy of data that underpins the hostile/compliant environment. We welcome the Home Secretary suspending the freezing of bank accounts. He must fully satisfy himself that the data on which such orders are based are accurate. Given the high success rates of immigration appeals and ongoing concerns over the accuracy of Home Office decision-making, bank accounts should only be completely frozen once individuals have exhausted their limited appeal rights.

85. The hostile environment policy places a huge administrative burden and cost on many parts of society, without any clear evidence of its effectiveness but with numerous examples of mistakes made and significant distress caused. We question whether the hostile environment should in fact continue in anything like its current form. Simply rebranding it as the ‘compliant’ environment is a meaningless response to genuine concerns. The Home Secretary’s review of data relating to bank accounts should be broadened to include the accuracy of decision-making within the whole suite of hostile environment measures. As part of that review the Home Secretary must determine whether the policies are achieving their intended outcomes, whether the impact (both intended and unintended) can be justified and whether the policies represent value for money for the taxpayer.

Oversight

Warning signs

86. While the problems faced by the Windrush generation rose to public attention in the last few months, largely thanks to reporting by *The Guardian* journalist Amelia Gentleman since November 2017, warning signs have existed for many years. At least nine years ago, people from this cohort were having difficulty re-entering the UK.¹¹⁷ In 2014, the Legal Action Group published a report *Chasing Status* which explained the impact of changes in immigration policy on a group of people “virtually invisible—and rarely acknowledged”, lawfully resident in the UK but without evidence of this status. The report showed clearly how these people were suffering as a result of the requirement for employers to check the immigration status of their employees and the need for people to verify their status in order to access the welfare system. It states:

the problem is more common in the longer-established immigrant communities. Many of the people [...] who now find they have status problems originally hailed from Caribbean countries, [...] although other

117 See for example Daily Mail, [‘Sick Windrush grandmother who lived in Britain for 50 years is blocked from coming back to the UK after visiting Jamaica for a funeral’](#), 21 April 2018

long-established migrant groups, such as Bangladeshis, would be equally affected. When migrants from these countries first came to the UK four or five decades ago, their status was automatic, under the legislation of the time. They would have assumed it was permanent and irreversible.¹¹⁸

The report called for a dedicated team at the Home Office with the understanding and expertise to deal with such cases appropriately. Four years later the Home Office has done exactly that.

87. The Legal Action Group report also warned:

Further changes introduced by the 2014 Immigration Act will only exacerbate their plight, by restricting access to essential services such as bank accounts and private sector housing. They are no longer able to access legal aid to help them resolve their situation, following the 2012 Legal Aid, Sentencing and Punishment of Offenders Act, which removed funding for all immigration cases.¹¹⁹

The Government has said that it “didn’t envisage the unique set of circumstances for children that came with the Windrush generation”.¹²⁰ Yet, as well as the Legal Action Group, organisations including Liberty, JCWI, ILPA, the Residential Landlords’ Association and the Coalition of Race Equality Organisations all raised concerns over the impact of the introduction of hostile environment measures such as restrictions on access to the NHS and the right to rent.¹²¹ Indeed, the Government’s own Policy Equality Assessment on access to services for the 2015 Immigration Bill stated:

The scheme [‘right to rent’] applies to older people regardless of their country of origin, but some non-UK born older people may have additional difficulties in providing original documentation. Some may have had their immigration records destroyed. Some will have originally come into the country under old legislation but may have difficulty in evidencing this. Some may be able to evidence it, but landlords might be unwilling to go to the trouble of verifying unfamiliar documentation.¹²²

88. There is also evidence that cases were raised with the then Immigration Minister as far back as May 2016.¹²³ Satbir Singh, Chief Executive of the Joint Council for the Welfare of Immigrants, told us:

At the Home Office level, representations have been made on behalf of almost all of the cases that you have heard [...] there were representations made by lawyers, by organisations like ours and by the High Commissioners of those countries, the Commonwealth Caribbean countries, to higher levels of Government. Reports were sent in 2014 and 2015 to the Home Office and the Home Office did comment on those in the press.¹²⁴

118 Legal Action Group, Chasing Status: If not British then what am I? (2014) P3

119 Legal Action Group, Chasing Status: If not British then what am I? (2014) P3

120 BBC, Daily Politics, 17 April 2018 [James Cleverly MP]

121 JCWI and Liberty, Dossier of failure- Windrush and the hostile environment, 23 April 2018

122 Home Office Policy Equality Statement, Immigration Bill 2015- Access to services, October 2015

123 The Guardian, ‘Government knew for years that Windrush generation hurt by “hostile environment”’, 23 April 2018

124 Q 11, Q12

89. We are concerned that despite many warnings over a number of years, the Home Office failed to acknowledge and address the risks the hostile environment policy posed to particular groups. In fact, the policies were extended. The Home Office must do much better to engage constructively and collaboratively with stakeholder organisations.

A failure to act

90. The warning signs, including the risks identified in the Department’s own Impact Assessment, should have made the Home Office alert to potential problems but instead it appears that such warnings were largely ignored or forgotten. Adrian Berry told us:

When the 2014 [Immigration] Act was in Parliament, there were briefings from JCWI and others that this will capture too wide a class of people, it will impact upon certain communities in different ways. That is exactly what has happened. It is not an accident that this has happened. It is built into the system and it was forewarned and foreshadowed when the Bill was in Parliament that brought in the main legislative measures that we now brand as the hostile environment.¹²⁵

91. The Government states that “All measures that could be considered to be part of the compliant environment are kept under regular review, as with all government policies, and will continue to be so in the future”.¹²⁶ However, there is no doubt that many individuals with a lawful right to be in the UK have been adversely affected. People have lost jobs, homes and been refused healthcare and benefits, and yet the Home Office was unable to join the dots as concerning cases started to emerge and recognise the wider failure. The previous Home Secretary told us: “What I do regret is that I saw a certain small number of individuals who turn out to be part of a systemic risk, systemic problem. I look back with hindsight and I am surprised I did not see the shape of it sooner. Unfortunately, I did not.”¹²⁷ However, despite this admission, the Home Office appears to deny that there has been a systemic failure. The Home Secretary told us “Let me be clear, I would not describe it as a systemic problem in the Home Office”,¹²⁸ and repeated to the Joint Committee on Human Rights:

I do not just want to take a couple of cases and a few others that we are aware of where things have certainly gone wrong and say that that applies generally. To say that something is systemic you have to say that it is a general issue in the department [...] I have seen no evidence of a systemic problem. That said, I will be driven by the evidence and am happy to share that evidence.¹²⁹

92. The previous Home Secretary told us in April 2018 that she had only become aware of the problem of the Windrush generation “over the past few months”, from newspapers

125 Q 19

126 Home Affairs Committee, [6th Special Report, Government Response to the Committee’s Third Report of Session 2017–19, 6th Special Report - Home Office delivery of Brexit: immigration](#), HC 1075

127 Q 108

128 Q 221

129 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Q 21

and anecdotes from MPs: “I deeply regret that I did not see it as more than individual cases that had gone wrong and that needed addressing. I did not see it as a systemic issue until very recently.”¹³⁰ She promised that she had:

asked UKVI to learn from this and to make sure that they have a system in future that would pick up a group more effectively. Tragic though it has been, I want to make sure that we learn from it so that we have better systems and shaping of cases so that we are more likely to pick up anything similar in the future.¹³¹

93. Witnesses to our inquiry cast doubt on the suggestion that senior figures in the Home Office were unaware of the problems being faced by the Windrush generation or that it would not have been raised at Ministerial level. Lucy Moreton told us that civil servants are risk-averse and would not have taken decisions that had consequences for large numbers of people without the safety net of first making a Minister aware.¹³² Satbir Singh gave us his view:

I would say that there was a decision taken that said, “The costs are not sufficiently high that we need to be concerned, that the individuals who are being affected here may be few in number and we do not necessarily care to look further into this, because we are very much wedded to this idea of the net migration target, of the hostile environment, and an admission that this is happening is an admission that there are problems”.

94. He further explained:

We have seen that when we tugged at this thread over the last two weeks. We have seen that open up very quickly, that problem of things having been foreseen and foreseeable and then happening demonstrates that that evidence is not taken seriously at the policy level.¹³³

95. At a senior level, oversight of the policies and problems facing the Windrush generation would have rested with the heads of UKVI and Immigration Enforcement, with the Second Permanent Secretary and Permanent Secretary and with the Minister for Immigration and ultimately the Home Secretary. Either people at a senior level in the Home Office were aware of the problems being caused but chose to ignore them or oversight mechanisms emphatically failed. Most likely there was an expectation that any problems expected to be caused by the hostile environment to groups identified by impact assessments and elsewhere would be caught and resolved by caseworkers. Given the spirit of scepticism and inflexibility that had been instilled into those teams in the pursuit of the net migration target, such an expectation would have been extremely naïve.

96. We note that since we launched this inquiry, three of the most senior positions in the Home Office, Home Secretary, Second Permanent Secretary and Director General

130 Q 68

131 Q 112

132 Q 14

133 Q 17

for Immigration Enforcement have, or are soon to have, new incumbents. However, we cannot be satisfied that responsibility for the scandal has been identified until a transparent review is completed.

97. We are further concerned that the problems which affected the Windrush generation and their children will happen again, for another group of people. The lessons learned review being carried out by the Home Office must get to the bottom of why warnings, both internal and external, were disregarded and how processes can be improved to surface systemic problems—which the Windrush case certainly was—so that another crisis can be more quickly spotted and averted.

Checks and balances

Decision-making

98. The Home Office’s lessons learned review will need to get to the heart of why internal checks and balances failed. The previous Home Secretary told the House “We were too slow to realise that there was a group of people that needed to be treated differently, and the system was too bureaucratic when these people were in touch.”¹³⁴ We heard from Lucy Moreton that the Home Office had changed the level at which decisions are made so that it became possible for early stage decisions to be made at a lower grade than was once the case.¹³⁵ Perhaps recognising that this change had resulted in some poor decision making, the then Home Secretary told the House on 23 April 2018:

I will also be putting in place 50 senior caseworkers across the country to ensure that, where more junior members of staff are unsure about a decision, they can speak to someone with experience to ensure that discretion is properly exercised.¹³⁶

99. Some of the 50 senior caseworkers will form a Chief Caseworker Unit in UKVI while others will be “embedded in the business, to support colleagues in making complex case decisions.”¹³⁷ The previous Home Secretary told us the Chief Caseworker Unit would be part of a system of checks being put in place to prevent a repeat of instances in which elderly individuals from the Windrush generation had been detained:

I have put in measures so that there are more checks in place so that individuals [like Paulette Wilson, a British citizen in her 60s detained in Yarl’s Wood] are not locked up in that way [...] We are putting in more senior caseworkers [...] to ensure that any decision of that type are referred higher up. I am also looking again at the type of profile of people. I do not think it is a good idea to lock up elderly people in that way. That is another change I am putting in place.”¹³⁸

100. The previous Home Secretary also told the Committee that she was looking at a proposal to introduce a new ‘minded to refuse’ category “so that we can have more of

134 HC Deb 639, [23 April 2018](#), Col 620 [Rt Hon Amber Rudd MP]

135 Q 21

136 HC Deb 639, [23 April 2018](#), Col 621

137 Letter from Home Secretary to the Chair, [25 May 2018](#)

138 Q 81–82

a human face for individuals who would otherwise go to appeals”.¹³⁹ **We support the previous Home Secretary’s proposal for a new ‘minded to refuse’ category in UKVI decision-making, which will prompt a discussion with the applicant before a final decision is made, but only if it is in addition to, and not an alternative to, existing appeal rights. We call on the Home Secretary to implement it as soon as possible as part of his broader changes to the approach of UKVI. Its introduction is also not a replacement for the restoration of broader appeal rights which we discuss later in this report.**

101. Lucy Moreton drew our attention to systems by which frontline staff can raise matters of conscience. However, she told us that, “in practice, the contacts to do that were out of date, individuals had moved on and it was—and in fact to a large part still remains—all but impossible for the staff compelled to enact these policies to raise those concerns internally.”¹⁴⁰ **The Home Secretary should ensure that the Department’s whistleblowing policy is working effectively, so that caseworkers can easily raise ethical concerns outside of their immediate line management structure.**

Workforce pressure

102. During successive immigration inquiries we have heard that the pressure facing caseworkers at UKVI had increased over recent years. Lucy Morton told us that “where the time has stayed stable, the number of decisions that you have to make within it have increased”.¹⁴¹ She also pointed specifically to the growing use of temporary contingency staff, “not to make decisions but to assist with the processing of them” which tended to “increase the error rate” in caseworking.¹⁴²

103. In our previous reports we have noted the high turnover of staff in the Department’s immigration directorates and problems with recruitment and retention. In response to our report *Home Office delivery of Brexit: immigration* the Government set out a number of steps it was taking to address this problem including improving development opportunities; improving recruitment processes, and undertaking a review of why staff join, stay and leave, to inform a strategy to maximise retention and minimise staff vacancies.¹⁴³

104. We have repeatedly raised concerns over the loss of experienced staff from and staff shortages within the Immigration Directorates of the Home Office. We welcome the steps the Department has set out in response to our most recent immigration report to address these concerns. Nonetheless, the lessons learned review should consider whether a loss of experienced staff and institutional knowledge contributed to the Windrush crisis. The presence of senior caseworkers in the Windrush taskforce is welcome, and that level of experience should be the norm for caseworking teams, reflecting the fact that caseworkers are making life-changing decisions.

105. As we set out in our report *Home Office delivery of Brexit: immigration*, it is our view that the delivery of immigration services by the Home Office has been under-resourced for some time. The Minister for Immigration shares our concerns. She told us:

139 Q 185

140 Q 13

141 Q 23

142 Q 21–22

143 Home Affairs Committee, [6th Special Report, Government Response to the Committee’s Third Report of Session 2017–19, Home Office delivery of Brexit: immigration](#), HC 1075, Response to recommendations 19 and 20

it is a Department that needs more resources. It needs more people. It needs more experienced caseworkers who are in a position to be able to process claims accurately and effectively.¹⁴⁴

106. In response to our questions about resources the Home Secretary noted that “the operational teams within the Home Office must have the resources they need to run an efficient and effective migration system”.¹⁴⁵ However, he made no assurances that he would be seeking additional resources for the Home Office outside of those required to run the registration system for resident EU nationals.

107. We saw for ourselves the dedication of the Home Office staff running the Windrush helpline, including weekend and evening working and people temporarily relocating from Liverpool to Croydon to meet staffing requirements. We approve of their use of personal interviews with applicants, as we heard that the Windrush generation previously experienced a very impersonal and bureaucratic service from the Home Office. We note that 53 staff have been redeployed from Citizenship casework operations to the Windrush taskforce.¹⁴⁶

108. We welcome the speed with which the Windrush taskforce was set up and its more personal approach, however, bringing in staff from other parts of the Home Office is unsustainable and risks diverting energies from ‘Business as usual’ immigration work, such as processing applications for citizenship. The Home Office should set out how it will prevent the redeployment of staff from impacting on other activities.

109. It is clear that UKVI has been struggling with problems of under-resourcing for some time. We agree with the Minister for Immigration that the Home Office requires more resources. The Home Secretary should take our concerns and those of his Minister seriously and seek additional funding from the Treasury to address this problem. The Home Office will be unable to implement the stated objective of becoming more focused on the individual until he does so. It takes time for caseworkers to acquire the experience necessary for their role. We therefore urge the Home Secretary to act now so that recruitment campaigns can begin at the earliest opportunity.

Checks and balances

110. We have received evidence that people from the Windrush generation were affected by the removal of legal aid and the right to appeal. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 removed legal aid from most immigration routes leaving people to navigate complex immigration rules on their own. This has left many people either unable to apply for the correct documentation or submitting poorly prepared applications.¹⁴⁷

111. The Immigration Act 2014 placed further restrictions on access to justice by restricting rights of appeal in immigration routes to just asylum and human rights cases. In doing so it removed a valuable legal check on decision-making within the Home Office despite no obvious signs that the quality of decisions had improved. Since the introduction of the Immigration Act 2014 the number of cases being overturned at appeal has fallen—not due to better decisions being made but because access to justice has been restricted. The latest

144 Oral evidence taken on [8 May 2018](#), HC (2017–19) 913, Q 355 [Rt Hon Caroline Nokes MP]

145 Letter from Home Secretary to the Chair, [25 May 2018](#)

146 PQ 146870

147 Q 40 [Adrian Berry]

figures showed half of immigration appeals were successful.¹⁴⁸ In response to concerns raised in our February 2018 report the Home Office explained that it recognised that “improvements are needed in the sustainability of decisions and the quality of engagement with applicants, and we are working to ensure that a customer focus sits at the centre of our approach.”¹⁴⁹

112. Adrian Berry told us that legal aid and routes to appeal were “absolutely critical” to providing access to justice and to help ensure good decision-making:

Put the two together, the withdrawal of legal aid and the ability just to get quick independent determination taken away from you, and you end up with a situation where you have decisions made that essentially are very difficult to challenge and they are often made on poorly-made applications.¹⁵⁰

We were surprised that the previous Home Secretary was unaware the statutory right to appeal had been removed.¹⁵¹ We note that the new guidance relating to Windrush generation cases states that adverse decisions “will not attract a right of appeal or an administrative review.”¹⁵² Tim Buley, a barrister at Landmark Chambers, has argued that a judicial review could give the same remedy as an appeal hearing, in terms of access to a court. He also points out that a judicial review has the benefit of legal aid support.¹⁵³

113. The lessons learned review should look closely at the impact of the removal of legal aid and the right of appeal on the Windrush generation.

114. We have previously noted that around half of immigration appeals are successful. This provides us with little confidence in the accuracy of current Home Office decision-making. It is therefore unacceptable that decisions on Windrush cases do not attract a right of appeal. We recommend that the right of appeal be reintroduced to all immigration routes. The reintroduction of appeal rights should be accompanied by the restoration of legal aid arrangements for immigration matters in order to allow those with complex cases the access to legal advice they need.

Barriers to access

Complexity

115. As we discussed in our report *Home Office delivery of Brexit: immigration*, one of the most important steps the Government can take to improve the immigration system is to reduce the complexity of the rules and the frequency with which they change.¹⁵⁴ We believe that the Windrush generation were disadvantaged by the complexity of the

148 Ministry of Justice, Tribunals and gender recognition certificate statistics quarterly: October 2017 to December 2017, published 8 March 2018. Half of the 12,395 cases determined by the First-tier Tribunal Immigration and Asylum Chamber were allowed/ granted.

149 Home Affairs Committee, 6th Special Report, [Government Response to the Committee’s Third Report of Session 2017–19, Home Office delivery of Brexit: immigration](#), HC 1075, Response to recommendations 19 and 20

150 Q 40

151 Q 155

152 Home Office and UKVI, [Guidance for decision makers considering cases under the Windrush Scheme](#), 24 May 2018, p 13

153 Free Movement, [‘An overlooked weapon in Windrush cases: judicial review’](#), 30 May 2018

154 Home Affairs Committee, Third Report of Session 2017–19, [Home Office delivery of Brexit: immigration](#), HC 421, para 73

legislation, especially since they were ineligible for legal aid to help them to navigate it. There are examples of people filling in the wrong forms and applying for Right to Remain on the basis of human rights, instead of No Time Limit status.¹⁵⁵

116. Many members of the Windrush generation, rendered destitute by losing their job or access to social security, were forced to spend large sums on lawyers' fees to help them to navigate the system. They were also subject to substantial fees for Indefinite Leave to Remain or Citizenship applications, albeit now waived for new applications. For example, Anthony Bryan, a painter and decorator who lost his job when he was wrongly told he was in the country illegally, estimated that he had spent £3,000 on legal fees and application fees.¹⁵⁶

117. The Home Office did not guide people on what route they should take. When we visited the Home Office, staff told us that nationality legislation was “fiendishly complicated”, especially in relation to countries who had achieved independence. It is therefore no surprise that mistakes were made on both sides.

118. The Home Secretary agreed with us that nationality legislation is “very complex”, made up of “successive laws and regulations under successive Governments”, but he would not commit to addressing it in the forthcoming Immigration Bill.¹⁵⁷

119. As well as the Windrush generation, we are particularly concerned about the way in which immigration legislation impacts on their children and grandchildren born in the UK. We have already discussed the case of a woman whose grandparents came to the UK from Barbados in 1956 and who was born here more than thirty years ago. The British Nationality Act 1981 effectively split her family, making her siblings automatically British (because they were born before 1983) but because she was born later she was not considered to be British and was left needing to apply for Indefinite Leave to Remain and citizenship, at significant cost. Yet unless she paid the fee, she was not allowed to work and lived in fear of removal.

120. Given how complex British nationality law has become, we recommend the Home Secretary establish a review and options for reform. It should pay particular attention to the impact of the British Nationality Act 1981 on descendants of the Windrush generation.

New customer contact centre

121. In her statement on 23 April 2018 the then Home Secretary announced the establishment from July 2018 of a new customer contact centre:

recent events have shown that we need to give a human face to how we work and exercise greater judgment, where and when it is justified. That is why I will be establishing a new customer contact centre, so that anyone who is struggling to navigate the many different immigration routes can speak

155 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Q21

156 The Guardian, [‘The children of Windrush: “I’m here legally but they’re asking me to prove I’m British”](#)’, 15 April 2018

157 Q 275

to a person and get appropriate advice. This will be staffed by experienced caseworkers who will offer expert advice and identify a systemic problem much more quickly in the future.¹⁵⁸

She told this Committee that the contact centre, to be staffed by 30 people, “is not about giving legal advice, but giving information about what sort of application might be appropriate”.¹⁵⁹ **The concept that people who are applying to UKVI should be guided through the process is one which we welcome and which, if instilled earlier, may have seen some of the current problems avoided.**

158 HC Deb, [23 April 2018](#), Col 620- 621 [Rt Hon Amber Rudd MP]

159 Q 138

4 Other groups

122. This inquiry has focused on the plight of members of the Windrush generation but concern has also been raised with us about other groups of people who are also experiencing problems with the immigration system through no fault of their own.

Undocumented children

123. Concern was raised with us about children who live in the UK or migrated here at an early age, who are running up against problems in the compliant environment. There are parallels with the Windrush generation and their children, in that they are undocumented, have lived in the UK since an early age (or were born here) and consider themselves to be British.

124. University of Oxford's Centre on Migration, Policy and Society (COMPAS) estimated in 2012 that "120,000 irregular migrant children live in the UK. A large majority of these are either born in the country or migrated here at an early age."¹⁶⁰ The Children's Society estimated in 2016 that the figure had risen to 144,000.¹⁶¹ If these children do not or cannot regularise their status when they become adults, then they too will find themselves unable to rent property, access student loan support, employment, social security and other entitlements.

The Children's Society and Coram Children's Legal Centre told us about Yemi, who was nine years old when she came to the UK from Nigeria to stay with an aunt. She was told by her mother that her visit was a holiday but shortly after her arrival, her mother went missing and Yemi had no contact with her mother since. She has always thought that she was British and only recently found out, at the age of 17, when applying for university that she wasn't.

Anxious about her lack of status, she immediately set about trying to secure legal support to help her regularise her status. She relied upon a friend in a similar situation to recommend lawyers to her. Yemi feared removal to a country that she no longer knew. She needed legal advice to support her through her application for leave. She became terrified all the time. She was not only fearful of her application being rejected, but also about raising the funds to pay for her lawyer which totalled £3,000.

Her application was rejected and she was faced with the prospect of the uncertainty of further costs to appeal the refusal. Her college attendance and work were severely impacted. In addition to all these burdens, as soon as she turned 18, she was sent letters and texts from Capita warning of her impending return and emphasising her 'illegal' stay in the UK.¹⁶²

Fees

125. In order to regularise their status undocumented children can face high fees. The Children's Society and Coram Children's Legal Centre point out that Home Office immigration fees for limited leave to remain have increased by 79% between 2014 and 2018 to £1,033 per person, an application for 'indefinite leave to remain' in the UK, which

160 COMPAS, [No way out, no way in](#), 29 May 2012

161 The Children's Society and Coram Children's Legal Centre, [The impact of the 'hostile environment' on children and young people today: briefing](#), April 2018, p3

162 The Children's Society and Coram Children's Legal Centre, [The impact of the 'hostile environment' on children and young people today: briefing](#), April 2

often marks the end of an individual's immigration journey, has increased by 127% to £2,389, while child registration for citizenship costs £1,012. The processing costs for ILR and child citizenship stand at £243 and £372 respectively.

126. The Home Office has been setting fees at above-cost since 2007 but it is only in recent years that they have increased so significantly as the Home Office has sought to use them to help part-fund the rest of the immigration system. For some young people, if they are successful in gaining permission to stay, they will be granted leave for two and a half years and may need to make up to five applications, wait ten years and pay over £8,000 before they can obtain indefinite leave to remain. The Children's Society argue that these fees pose insurmountable financial barriers for many young people and their families who are often living in poverty and cannot afford such costs.

127. In many cases, undocumented young people may have a legitimate right to be in the UK and may even be entitled by law to register as British citizens. However, high fees and a lack of legal aid can them leave trapped with an uncertain status and unable to access the documentation they need to move on with their lives. Legal aid is normally unavailable for undocumented children to get basic advice about their status. Adrian Berry explained, "A child may not know whether he or she came here at the age of one or two or was in fact born here by a parent who subsequently disappeared. You do not know what the route is to regularisation, necessarily. It is not straightforward."¹⁶³ We note that the Windrush Scheme Guidance sets out that some of the children about which we raise concern will be able seek assistance from the taskforce and be issued with a certificate of registration as a British citizen.

128. 144,000 undocumented children is a problem the Government must solve. A failure to do so will leave many in a precarious position, unable to study, work or seek the support of social security as they transition into adulthood. There is no benefit to society in people being in this position, many of whom are likely to be British citizens or else entitled to be in the UK. A failure to act will also only serve to increase costs in the future. The Government needs to reduce the barriers to them regularising their status. The fees for children to establish their status are simply too high and the routes for doing so too long and too complex. The Home Office should reduce fees for children to cost-level, introduce waivers for those who are particularly vulnerable and reduce the number of regular applications that are required. The case for reintroducing legal aid for children is most pressing.

129. We welcome statements in the Windrush Scheme Guidance that some of the children about which we raise concern, specifically those with links to the Windrush generation will be able seek assistance from the Taskforce and be issued with a certificate of registration as a British citizen. We also note that the Independent Chief Inspector of Borders and Immigration has launched a call for evidence on the Home Office's approach to charging for its services. Fees for immigration services have increased considerably over recent years. The Home Office should not seek to recover the costs of the Windrush taskforce or compensation payments by further increases to fees.

People from the Chagos Islands

130. We have heard compelling arguments for another group unfairly affected by UK immigration policies, people from the Chagos Islands. In the 1960s and 70s the inhabitants of the Chagos Islands, a UK Overseas Territory, were forcibly exiled by the UK Government while their homeland was leased to the United States for use as a military base. The British Overseas Territories Act 2002 had the effect of making people born on the Chagos Islands British Overseas Territory citizens and British citizens giving them the right of abode in the UK. As Fragomen LLP explain, the children of those born on the Chagos Islands will today have both BOTC and British citizenship.¹⁶⁴ But the grandchildren of those born on the Chagos Islands normally would not, since British nationality generally only descends to the first generation born outside of British territory. In order to remain in the UK, grandchildren instead have to go through the expensive naturalisation process.

131. There are reports of many families struggling with the costs of acquiring citizenship and, as a result, many grandchildren of people born on the Chagos Islands but now living in the UK have been, or are due to, face removal to the Seychelles or Mauritius once they reach adulthood. Perhaps perversely, had Chagossians remained on the Chagos Islands and not been forced to reside elsewhere, such as in the UK, they would all be entitled to register as British citizens today.

In April 2018, *The Guardian* described the experiences of a woman, then 44, who was born in Mauritius to Chagossian parents. Following a legal change in 2002 she, like all the first generation of Chagossians born in exile, was given British nationality. She now lives in the UK. But her son who has just turned 18, could face deportation if she cannot raise the money for a visa. The Home Office is asking for £2,500 for his initial visa—aside from the cost of obtaining citizenship by “naturalisation”, which could set her back more than £10,000 over five years.¹⁶⁵

132. We note that in January, Henry Smith MP presented the British Indian Ocean Territory (Citizenship) Bill 2018—a Private Member’s Bill that, if passed, would allow anyone who can prove that they are descended from a person born on the Chagos Islands to register as a British overseas territories citizen. The Bill has yet to have Second Reading. We wrote to the previous Home Secretary asking whether similar support to the pre-1973 cohort could be made available to individuals in a similar position from the Chagos Islands but we did not receive a reply.¹⁶⁶ In giving evidence to us, the previous Home Secretary made the following commitment: “I know that the Foreign Office is very involved [...] and I will certainly speak to them and come back to you.”¹⁶⁷

133. Chagossians are a unique case but there are parallels with the Windrush scandal in that they are yet another cohort of people whose descendants struggle to access British citizenship. The Government should support Henry Smith MP’s Private Member’s Bill and allow anyone who can prove that they are descended from a person born on the Chagos Islands to register as a British overseas territories citizen and thereby have a right to remain in the UK.

164 Fragomen LLP, [Chagos nationality bill and its impact on British nationality law and immigration](#), 15 March 2018

165 The Guardian, ‘Windrush is only the latest UK immigration scandal: just ask the Chagossians’, 27 April 2018

166 Letter from the Committee Chair to the then Home Secretary, [27 April 2018](#)

167 Q 172

EU Nationals resident in the UK

134. After the UK leaves the EU, more than three million EU citizens living in the UK will become subject to some form of immigration control.¹⁶⁸ We note the Government has announced that a settlement scheme for EU citizens living in the UK will be fully open by 30 March 2019.¹⁶⁹ It is crucial the Government ensures that EU citizens resident in the UK do not end up facing the problems that members of the Windrush generation and their children have had to deal with. But in our view there are still some very considerable risks—especially with regard to take up of registration. The Government says that lawful residence for EU citizens will depend not on the facts of their previous residence, but simply on whether they have the required registration documents. Yet, as we saw from Windrush, there are many circumstances when long standing residents—particularly those coming here as children—do not get the paperwork they need.

135. The Migration Observatory point out, using examples of government programmes for tax credits as well as the requirement to submit a tax return, that for a number of reasons the response to Government schemes requiring registration is never 100%. The Migration Observatory draw particular attention to children, some of whom may wrongly assume—or their parents may wrongly assume—are British citizens and therefore do not apply.¹⁷⁰ We have already discussed how complex nationality rules are. Vulnerable people such as victims of domestic abuse, trafficking and exploitation, children in care, and those with mental health issues may also fail to apply in time. David Wood, former Director General of Immigration Enforcement, warned us that EU nationals, particularly those arriving after Brexit, may find themselves easy targets for enforcement activity:

with the pressure on resources, they will be quite easy candidates for removal from the UK, quite frankly, and with pressure on enforcement teams and removal numbers there might be an overconcentration on simple-to-remove Europeans and more harm-based cases are left.¹⁷¹

136. The Government has said it is:

carefully considering the lessons learned from the treatment of Windrush generation migrants who had lawful status in the UK but did not have the necessary documentation to prove it, and will ensure these important lessons are reflected in the design of any new system of controls introduced for EU citizens after the UK leave the EU.¹⁷²

137. In preparing for the registration of EU nationals but especially for the enforcement of that scheme in future years, the Government must be mindful of the fact that there will be some EU nationals who do not register through no fault of their own. This is likely to include children who believe, wrongly, that they are British. The Government will need to ensure that processes are in place to deal with such cases in a positive manner so that they do not find themselves locked out of living a lawful life in the UK as we have seen happen to members of the Windrush generation.

168 Home Affairs Committee, Third Report of Session 2017–19, [Home Office delivery of Brexit: immigration](#), HC 421

169 Home Office, [Home Office publishes details of settlement scheme for EU citizens](#), 21 June 2018

170 Migration Observatory, [‘Unsettled Status? Which EU citizens are at risk of failing to secure their rights after Brexit?’](#), 12 April 2018

171 Oral evidence taken on [10 October 2017](#), HC (2017–19) 421, Q 2

172 Home Affairs Committee, [6th Special Report- Home Office delivery of Brexit: immigration. Government response to the Committee’s Third Report of Session 2017–19](#), HC 1075, Response to Recommendation 37

5 Conclusion

138. In this report, we have examined why so many people from the Windrush generation were caught up in the hostile immigration environment, treated as illegal immigrants and detained or made destitute, through no fault of their own. In two reports on our immigration system earlier this year (*Immigration policy: basis for building consensus*, *Home Office delivery of Brexit: immigration*), we expressed concerns about the hostile environment being, in some instances, too open to interpretation and inadvertent error. We found that immigration legislation was too complex, hindering those who must engage with the system and also increasing the challenge faced by officials tasked with making life-changing decisions. We also found that the Home Office makes too many errors, and too many existing processes are under strain and under-resourced. The Windrush generation suffered because of all of these problems, compounded by the removal of legal aid and a right of appeal.

139. We welcome the Government's eventual response, in the shape of the taskforce and fee waivers. We note that more than 2,000 people from the Windrush generation have been issued with the documentation they require. Having said that, several weeks after the Government started to take action, individuals are still homeless, deprived of their right to work, social security and healthcare;¹⁷³ it will take time for the documents to be processed and for these rights to be restored. The compensation scheme must be set up quickly and a hardship fund made available until that time.

140. The process of review, lesson learning and accountability remains unsatisfactory. There was a clear lack of oversight of the system as a whole, meaning that the Government did not recognise systemic problems as they arose. The previous Home Secretary told us "I look back with hindsight and I'm surprised I did not see the shape of it sooner". It is vital that the "shape" of other problems with immigration policy is seen in future and that the promised change in culture in the Home Office is implemented. In the words of Paulette Wilson, wrongly made homeless, detained and threatened with removal from the country: "You cannot keep treating people like this."¹⁷⁴

173 The Guardian, ['It's terrible: how Windrush row turned one man's life upside down'](#), 21 May 2018

174 Oral evidence taken before the Joint Committee on Human Rights on [5 June 2018](#), HC (2017–19) 1034, Q 3

Conclusions and recommendations

Government response

1. It is vital that the country understands how many members of the Windrush generation and their children and grandchildren have been, or continue to be, wrongfully subject to immigration enforcement action. The Home Office must tell us how many people have been unlawfully subject to deportation, detention and reporting requirements. Given concerns that incorrect decisions may have been made due to incomplete information, the Home Office should provide more details of what evidence is being searched for in the files and more information on the independent audit promised by the Permanent Secretary. The Home Office should not limit its checks only to those who may have arrived in the UK before 1973. It should include those who arrived later or who were born here and may also be similarly protected. (Paragraph 18)
2. Those wrongly affected must receive the apology and compensation they deserve. No-one with a legal right to be in the UK should still be subject to enforcement procedures and have to endure the anxiety of having to report regularly to the Home Office under threat of removal. We ask the Home Office again to guarantee immediately that no-one from the Windrush generation or their children or grandchildren are currently subject to reporting requirements. (Paragraph 19)
3. The Home Office should set out whether the 32 individuals removed as foreign national offenders whom it has identified as potential Windrush cases were legally deported. We need to know whether any were in fact British—and so illegally deported—and the grounds for the decision to deport. Whilst the Home Office rightly has provisions in place to deport foreign national offenders, we do not believe that the Home Office can dismiss those Windrush cases where people have a criminal record without further investigation into the circumstances of their removal. (Paragraph 20)
4. It would be unacceptable if members of the Windrush generation found that they were subject to further bureaucratic obstacles after being promised an expedited resolution to applications for documentation. As part of its monthly update to this Committee, the Government must set out how many Windrush cases have not received decisions on their cases within the two weeks promised by the Home Secretary and the reasons for any delays. (Paragraph 23)
5. The burden of proof demanded by the Home Office for people wishing to evidence their right to be in the UK has become too high over a number of years. We welcome the change to a more common-sense and proactive approach for the Windrush generation, who are long-term residents with a deep commitment and connection to the UK, who have done nothing wrong and who the state has a moral obligation to help. We also agree that the Windrush taskforce should exercise greater sensitivity and give proper credence to people's primary evidence. It is disappointing that the Home Office has only adopted such an approach, which we called for in our report 'Home Office delivery of Brexit: immigration', after the Windrush scandal and only for those specific cases. We call for the Home Office to change their approach to

include routine gathering of supporting evidence from HM Revenue and Customs and the Department for Work and Pensions, across the full range of UKVI caseworking. The balance of probabilities should also be reaffirmed as the standard of proof across UKVI. (Paragraph 28)

6. We welcome the Government's statement that no information provided to the Windrush taskforce will be used for immigration enforcement purposes. However, the Government should clearly and urgently set out what will happen to the data, for example, if it will be retained or destroyed. (Paragraph 29)
7. The unredacted version of the guidance provides a useful summary of those who will and will not be covered by the taskforce. At the time of producing this report we have not yet had a chance to review the approach proposed for each category of case, and we believe the guidance should be made public so that we and others can scrutinise it further. We recognise that government should be allowed space to advise its staff in confidence but we see no reason why the unredacted Windrush Scheme Guidance that we have seen should fall into that category. In fact, we argue its publication would be actively helpful both to members of the Windrush generation and their advisers and as an aid to transparency and accountability. We recommend the Government publish the Windrush Scheme Guidance in full, as soon as possible. (Paragraph 31)
8. We welcome the steps the Government has taken to make it easier for people to apply for the documentation they need to evidence their lawful status in the UK. However, it is not acceptable that members of the Windrush generation—some of whom have been made destitute—are still expected to pay fees for passports which may be crucial to them being able to access services to which they are entitled. The Windrush generation often do not have documents which might otherwise prove their right to work, rent or hold bank accounts in this country; therefore they have an even greater need for a passport to prove their rights. Waiving fees for passports for members of the Windrush generation and their children is also an obvious gesture of goodwill which the Government should make immediately. (Paragraph 35)
9. The full compensation scheme, which must recognise both financial loss and emotional distress, should be established as soon as possible and payments made by the end of the year. Where UKVI has charged fees wrongly these should be refunded. In the meantime we urge the Government to act on our previous report and immediately establish a hardship fund for those in acute financial difficulty. (Paragraph 39)
10. The Government should immediately clarify the scope of the compensation scheme, particularly with regard to Commonwealth citizens who arrived in the UK between 1973 and 1988; and children and grandchildren of the Windrush generation born in the UK. As a minimum the scheme should be open to Windrush children and grandchildren who, on the balance of probabilities, were admitted for settlement before the 1988 Immigration Act came into force, and who have had to reapply for it. (Paragraph 41)

Learning lessons for the future

11. The lessons learned review announced by the Home Secretary is crucial. In order to rebuild trust, it must be substantially independent; we are therefore concerned that the review began several weeks before the person tasked with bringing independent oversight and challenge was identified. This damages the credibility of the exercise. (Paragraph 43)
12. The review must consider the responsibility the government has to public accountability and transparency by publishing its findings and proactively engaging with people who have been affected. We are very concerned that the terms of reference and methodology have not yet been published by the Home Office. If the contents of the HMIC letter are indeed the terms of reference then that should be clarified immediately. Nor is it clear whether Ms Williams is to lead the review or whether she is simply expected to provide oversight for an internal Home Office led review in the way that David Anderson, the former Independent Reviewer of Terrorism Legislation, did for a lessons learned process following the terrorist attacks in 2017. We believe it should be the former rather than the latter and that it should lead to a published report. Whilst the David Anderson oversight model made sense for a review involving secret intelligence work, we believe that the Windrush review needs the credibility of being externally driven from the start. Whatever is produced from the Windrush lessons learned review should be made public, without redactions, and available for all to see. (Paragraph 44)
13. We recognise that immigration caseworkers have a challenging job and face making difficult decisions on a daily basis. There is no doubt, however, that a change in culture in the Home Office over recent years, as a consequence of political decisions and political leadership, has led to an environment in which applicants are automatically treated with suspicion and scepticism and have been forced to follow processes that appear designed to set them up to fail. (Paragraph 52)
14. We welcome the pledges made by the Minister for Immigration and the previous and current Home Secretaries that Home Office culture will change. Whether the Home Office achieves this aim will be the crucial demonstration that lessons have been learned from the Windrush scandal. We support a policy which will give the Home Office a more human face, a return to face-to-face interviews which allow for the use of discretion and judgement, and a system in which processes, requirements and decisions are more clearly explained. These changes are overdue and they should be implemented as a priority. We expect to focus on progress in this area as part of our regular work scrutinising the effectiveness of UKVI. (Paragraph 53)
15. We are concerned that the previous Home Secretary and her officials could not give us straightforward answers to questions about enforcement targets. It is clear that in the past there were targets for removals. Given that this subject was raised during the panel of witnesses immediately preceding the then Home Secretary, it is regrettable that neither she nor her officials were better prepared to answer our questions. We are disappointed that one Director General was unable to answer with confidence questions about key operational issues in another directorate; this

calls into question information sharing at the top of the Home Office. The Home Office also took far too long to correct the record once it became clear that we had not been given an accurate account. (Paragraph 59)

16. We welcome the decision to commission a review into the advice provided to Ministers. We have been provided, in confidence, with the Executive Summary of that review and have been advised that the Home Office does not intend to publish the executive summary or provide us with the full report. We do not believe this to be acceptable. The previous Home Secretary resigned as a result of these series of events and there remains serious concerns about advice given at the top of the Home Office. Having seen the executive summary we recommend it be published swiftly in the interests of transparency and accountability. Our expectation is that the full report should be published and, as a first step, we call on the Home Office to provide us with a copy without further delay. (Paragraph 60)
17. We are concerned that a target-led approach may have led immigration enforcement officers to focus on people like the Windrush generation, who may have been easier to detain and remove than those less vulnerable, for example by detaining individuals such as Paulette Wilson and Anthony Bryan who clearly presented no risk of absconding. We have not been able to get clarity about how targets were cascaded to individual teams or enforcement officers or their impact on operational decision-making. We remain concerned about the interaction between targets, bonuses and decision making, and about the potential for bonuses to create a disincentive for staff to refer back cases they come across which raise concerns or where mistakes may have been made. We welcome the decision to end the use of targets for removals. (Paragraph 63)
18. We reiterate our previous recommendation for the net migration target to be replaced. It includes immigration and emigration, lawful and unlawful migration. The risk that the target may therefore encourage the Home Office to increase departures, and without adequate checks on whether a person is here lawfully, is an additional reason to seek its replacement—both to avoid any perverse incentives and to rebuild credibility (Paragraph 65)
19. It is welcome that the Home Office has committed to reviewing its practices as a result of the Windrush scandal, in the form of the lessons learned review and the factual review carried out by Sir Alex Allan, although we continue to have questions and concerns about the extent and nature of those reviews. In addition to recognising what went wrong and making internal recommendations for future action, it is vital that the Home Office engages externally in a spirit of transparency after the reviews are completed. The process of rebuilding trust in the Home Office after Windrush requires an ongoing commitment on the part of the Home Office to submit itself to public scrutiny for errors that have been made. (Paragraph 66)
20. Some of the most appalling stories from the Windrush scandal are those where people with a lawful right to live in the UK have been trapped overseas, away from their homes and families. The Home Office needs to determine the number of people affected, and explain why individuals—such as those we highlight in our report—endured such delays, were provided with so little assistance and incurred such cost in simply trying to return home. (Paragraph 68)

21. People who have been granted a British passport reasonably expect that it allows them entry to the UK. It is right that the border is robustly protected but that should not mean those with a right to be in the UK are prevented from crossing it. We are therefore concerned by reports that officers at the border are questioning people's right to a British passport and, in some cases, preventing people who have been granted one by HM Passport Office from entering the UK. The Home Office should set out publicly and in guidance the circumstances under which Border Force officers can prevent a British passport holder from entering the UK. (Paragraph 70)
22. We welcome the changes outlined by the Government, particularly with regard to the reduction in data-sharing between the NHS and immigration enforcement. However, we are unconvinced that the Government's actions are sufficient to address the problems we have identified. That the Government has been unable to say how many members of the Windrush generation have been affected adversely by employment checks, loss of rental accommodation, checks on NHS treatment, driving licences or bank accounts, demonstrates a serious weakness in the policy. The Home Office has no way to assess the accuracy of the policy, the scale of errors being made or the number of people each year who may be losing their home, job or access to services unlawfully. It is irresponsible for the Government to rely on a policy when it lacks information on whether that policy is leading to injustice or abuse or even achieving its aims. (Paragraph 82)
23. We are particularly concerned that the Government has not addressed our concerns in relation to data-sharing between the police and immigration enforcement. Victims of crime should not fear reporting that crime to the police. The obligation on police to share data of victims of crime with immigration enforcement should be removed immediately. We also remain unconvinced that improving guidance to landlords and employers will be enough to remove bias from the system in which migrants lawfully resident in the UK are clearly discriminated against. We note that the 'right to rent' policy is currently subject to legal review and will follow the case with interest. (Paragraph 83)
24. The Home Office also needs to take a more robust approach to the accuracy of data that underpins the hostile/compliant environment. We welcome the Home Secretary suspending the freezing of bank accounts. He must fully satisfy himself that the data on which such orders are based are accurate. Given the high success rates of immigration appeals and ongoing concerns over the accuracy of Home Office decision-making, bank accounts should only be completely frozen once individuals have exhausted their limited appeal rights. (Paragraph 84)
25. The hostile environment policy places a huge administrative burden and cost on many parts of society, without any clear evidence of its effectiveness but with numerous examples of mistakes made and significant distress caused. We question whether the hostile environment should in fact continue in anything like its current form. Simply rebranding it as the 'compliant' environment is a meaningless response to genuine concerns. The Home Secretary's review of data relating to bank accounts should be broadened to include the accuracy of decision-making within the whole suite of hostile environment measures. As part of that review the Home Secretary

must determine whether the policies are achieving their intended outcomes, whether the impact (both intended and unintended) can be justified and whether the policies represent value for money for the taxpayer. (Paragraph 85)

26. We are concerned that despite many warnings over a number of years, the Home Office failed to acknowledge and address the risks the hostile environment policy posed to particular groups. In fact, the policies were extended. The Home Office must do much better to engage constructively and collaboratively with stakeholder organisations. (Paragraph 89)
27. At a senior level, oversight of the policies and problems facing the Windrush generation would have rested with the heads of UKVI and Immigration Enforcement, with the Second Permanent Secretary and Permanent Secretary and with the Minister for Immigration and ultimately the Home Secretary. Either people at a senior level in the Home Office were aware of the problems being caused but chose to ignore them or oversight mechanisms emphatically failed. Most likely there was an expectation that any problems expected to be caused by the hostile environment to groups identified by impact assessments and elsewhere would be caught and resolved by caseworkers. Given the spirit of scepticism and inflexibility that had been instilled into those teams in the pursuit of the net migration target, such an expectation would have been extremely naive. (Paragraph 95)
28. We note that since we launched this inquiry, three of the most senior positions in the Home Office, Home Secretary, Second Permanent Secretary and Director General for Immigration Enforcement have, or are soon to have, new incumbents. However, we cannot be satisfied that responsibility for the scandal has been identified until a transparent review is completed. (Paragraph 96)
29. We are further concerned that the problems which affected the Windrush generation and their children will happen again, for another group of people. The lessons learned review being carried out by the Home Office must get to the bottom of why warnings, both internal and external, were disregarded and how processes can be improved to surface systemic problems—which the Windrush case certainly was—so that another crisis can be more quickly spotted and averted. (Paragraph 97)
30. We support the previous Home Secretary’s proposal for a new ‘minded to refuse’ category in UKVI decision-making, which will prompt a discussion with the applicant before a final decision is made, but only if it is in addition to, and not an alternative to, existing appeal rights. We call on the Home Secretary to implement it as soon as possible as part of his broader changes to the approach of UKVI. Its introduction is also not a replacement for the restoration of broader appeal rights which we discuss later in this report. (Paragraph 100)
31. The Home Secretary should ensure that the Department’s whistleblowing policy is working effectively, so that caseworkers can easily raise ethical concerns outside of their immediate line management structure. (Paragraph 101)
32. We have repeatedly raised concerns over the loss of experienced staff from and staff shortages within the Immigration Directorates of the Home Office. We welcome the steps the Department has set out in response to our most recent immigration report to address these concerns. Nonetheless, the lessons learned review should consider

whether a loss of experienced staff and institutional knowledge contributed to the Windrush crisis. The presence of senior caseworkers in the Windrush taskforce is welcome, and that level of experience should be the norm for caseworking teams, reflecting the fact that caseworkers are making life-changing decisions. (Paragraph 104)

33. We welcome the speed with which the Windrush taskforce was set up and its more personal approach, however, bringing in staff from other parts of the Home Office is unsustainable and risks diverting energies from 'Business as usual' immigration work such as processing applications for citizenship. The Home Office should set out how it will prevent the redeployment of staff from impacting on other activities. (Paragraph 108)
34. It is clear that UKVI has been struggling with problems of under-resourcing for some time. We agree with the Immigration Minister that the Home Office requires more resources. The Home Secretary should take our concerns and those of his Immigration Minister seriously and seek additional funding from the Treasury to address this problem. The Home Office will be unable to implement the stated objective of becoming more focused on the individual until he does so. It takes time for caseworkers to acquire the experience necessary for their role. We therefore urge the Home Secretary to act now so that recruitment campaigns can begin at the earliest opportunity. (Paragraph 109)
35. The lessons learned review should look closely at the impact of the removal of legal aid and the right of appeal on the Windrush generation. (Paragraph 113)
36. We have previously noted that around half of immigration appeals are successful. This provides us with little confidence in the accuracy of current Home Office decision-making. It is therefore unacceptable that decisions on Windrush cases do not attract a right of appeal. We recommend that the right of appeal be reintroduced to all immigration routes. The reintroduction of appeal rights should be accompanied by the restoration of legal aid arrangements for immigration matters in order to allow those with complex cases the access to legal advice they need. (Paragraph 114)
37. Given how complex British nationality law has become, we recommend the Home Secretary establish a review and options for reform. It should pay particular attention to the impact of the British Nationality Act 1981 on descendants of the Windrush generation. (Paragraph 120)
38. The concept that people who are applying to UKVI should be guided through the process is one which we welcome and which, if instilled earlier, may have seen some of the current problems avoided. (Paragraph 121)

Other groups

39. 144,000 undocumented children is a problem the Government must solve. A failure to do so will leave many in a precarious position, unable to study, work or seek the support of social security as they transition into adulthood. There is no benefit to society in people being in this position, many of whom are likely to be British citizens or else entitled to be in the UK. A failure to act will also only serve to

increase costs in the future. The Government needs to reduce the barriers to them regularising their status. The fees for children to establish their status are simply too high and the routes for doing so too long and too complex. The Home Office should reduce fees for children to cost-level, introduce waivers for those who are particularly vulnerable and reduce the number of regular applications that are required. The case for reintroducing legal aid for children is most pressing. (Paragraph 128)

40. We welcome statements in the Windrush Scheme Guidance that some of the children about which we raise concern, specifically those with links to the Windrush generation will be able seek assistance from the Taskforce and be issued with a certificate of registration as a British citizen. We also note that the Independent Chief Inspector of Borders and Immigration has launched a call for evidence on the Home Office's approach to charging for its services. Fees for immigration services have increased considerably over recent years. The Home Office should not seek to recover the costs of the Windrush taskforce or compensation payments by further increases to fees. (Paragraph 129)
41. Chagossians are a unique case but there are parallels with the Windrush scandal in that they are yet another cohort of people whose descendants struggle to access British citizenship. The Government should support Henry Smith MP's Private Member's Bill and allow anyone who can prove that they are descended from a person born on the Chagos Islands to register as a British overseas territories citizen and thereby have a right to remain in the UK. (Paragraph 133)
42. In preparing for the registration of EU nationals but especially for the enforcement of that scheme in future years, the Government must be mindful of the fact that there will be some EU nationals who do not register through no fault of their own. This is likely to include children who believe, wrongly, that they are British. The Government will need to ensure that processes are in place to deal with such cases in a positive manner so that they do not find themselves locked out of living a lawful life in the UK as we have seen happen to members of the Windrush generation. (Paragraph 137)

Formal minutes

Wednesday 27 June 2018

Members present:

Rt Hon Yvette Cooper, in the Chair

Rehman Chishti	Stuart McDonald
Stephen Doughty	Alex Norris
Tim Loughton	John Woodcock

Draft Report (*The Windrush generation*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 140 read and agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 3 July at 2.15 pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 25 April 2018

Adrian Berry, Chair, Immigration Law Practitioners' Association, **Lucy Moreton**, General Secretary, The ISU, and **Satbir Singh**, Chief Executive, Joint Council for the Welfare of Immigrants

[Q1–60](#)

Rt Hon Amber Rudd MP, Home Secretary, and **Glyn Williams**, Director General responsible for Border, Immigration and Citizenship

[Q61–216](#)

Tuesday 15 May 2018

Rt Hon Sajid Javid MP, Home Secretary, and **Glyn Williams**, Director General responsible for Borders, Immigration and Citizenship, Home Office.

[Q217–343](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

- 1 [Letter from the Home Secretary dated 25 May 2018](#)
- 2 [Letter from the Home Secretary dated 14 May 2018](#)
- 3 [Letter from the Permanent Secretary dated 14 May 2018](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Home Office delivery of Brexit: customs operations	HC 540 (HC 754)
Second Report	Immigration policy: basis for building consensus	HC 500 (HC 961)
Third Report	Home Office delivery of Brexit: immigration	HC 421 (HC 1075)
Fourth Report	UK-EU security cooperation after Brexit	HC 635
Fifth Report	Windrush: the need for a hardship fund	HC 1200
First Special Report	The work of the Immigration Directorates (Q1 2016): Government Response to the Committee's Sixth Report of Session 2016–17	HC 541
Second Special Report	Asylum accommodation: Government Response to the Committee's Twelfth Report of Session 2016–17	HC 551
Third Special Report	Unaccompanied child migrants: Government Response to the Committee's Thirteenth Report of Session 2016–17	HC 684