



#WidenWindrush Mass Lobby 19/06/19 MPs' Briefing

1. What are we asking from MPs?

To pass an amendment to the Windrush Scheme, widening Group 5 of the Windrush Scheme (currently "Windrush Children – child of a Commonwealth citizen parent settled in the UK"). This amendment would provide a route to citizenship for the descendants and family members of the Windrush Generation. This category of people is currently excluded from the Scheme because they arrived in the UK to join their Windrush Generation families as adults after 1988.

2. Will that require primary legislation?

No. Since the Windrush Scheme was passed as a Statutory Instrument, amending it does not require primary legislation. The Home Office have discretionary powers to grant leave to remain and already waives certain requirements. Adding this additional category will simply involve applying discretion in applications of descendants and family members, providing them with route to citizenship.

3. What was the Windrush Scheme set up to do?

The Windrush Scheme was set up to address the difficulties faced by members of the Windrush Generation, large numbers of whom were prevented from working and subjected to detention/removal as a result of Hostile Environment policies. It established the basis for the Windrush Taskforce to investigate and expedite these cases without fees and ensuring speedy documentation was issued. It is the central practical measure introduced to remedy the nightmare this important generation had been subject to.

4. Why is this category of people currently excluded from the Windrush Scheme?

The Windrush Scheme takes as its starting point existing legislation, in particular the 1971 Immigration Act. It fails to take into account the roots of the Windrush Scandal which lay in the discriminatory aspects of that Act which (along with the 1968 Legislation) came into being on the back of a racist backlash to black and Asian immigration, led by Enoch Powell.

The 1971 Act cemented the rights of those who were born British in the colonies and commonwealth and were already settled in Britain, not as full British Citizens, but as people with the right to be treated 'as if' they were British Citizens. This 'as if' is crucial and meant that this important generation and their descendants continue to be subject to second-class status. In addition the 1971 Act left a door open to descendants of British citizens from the 'older colonies' (code for majority white countries such as Australia, the USA etc) to easily claim British Citizenship through its Patriality clause. Many of the people being refused by the Windrush Scheme would, if their parent/grandparent had been white and from one of these 'older colonies,' have been able to settle in the UK with an ancestry visa and acquire British Citizenship with relative ease.

There is no moral justification for excluding the descendants and family members who joined their Windrush Generation families after 1988. Windrush Generation families from across the Commonwealth experienced serious financial barriers due to the inequalities and discrimination of the day. For many, those barriers were the reason they could not bring across younger children and grandchildren. Despite this, and the extreme racism they faced, this important generation is now recognised as intrinsic to British society. That their descendants and family members continue to be subject to detention and removal is unacceptable.

5. How can I support the campaign to #WidenWindrush

Work with Janet Daby MP who has been calling for an expansion of the scheme and is exploring means to get an amendment passed. Make public your support for #WidenWindrush and advise constituents affected to get in touch with Movement for Justice, who are bringing a legal challenge to the scheme. We need MP's working across different parties to submit and support an amendment to the Windrush Scheme.

Contact Movement for Justice
#WidenWindrush Campaign organiser Karen Doyle
07535637147 or info@movementforjustice.co.uk @followmfj



Some examples of the people who would benefit from widening the Windrush Scheme (taken from real case summaries)...

1. Y was born a citizen of the UK and colonies in Jamaica, her parents and all her siblings came to the UK in the 1960's, as the youngest she was left with her grandmother. Her family struggled with the racism and low wages of the time, her mother died in the UK when Y was still young. Though her family had always intended she should join them, it was put off due to the difficulties. Her grandmother died in 1999 and Y finally, as an adult came to join her now extensive family in the UK. She has children and grandchildren here, she cares for her elderly Windrush Generation father yet every time she tried to regularise her stay she was told her family ties were not "significant enough". Y, aged 64, was detained for 9 months in Yarl's Wood and threatened with removal on a charter flight. She was refused by the Windrush Scheme and is part of a group of cases challenging the narrowness of the scheme.
2. D's St Lucian father came to the UK in 1961, D was born in St Lucia in 1982 his parents were unwed at the time but his father always played an important role in his life. D came to the UK in 2000, just two months after his 18th birthday. He has had periods with leave to remain where he has worked as a Youth Worker but he also suffered from bouts of mental health difficulties which made meeting all the home office requirements and deadlines really difficult, so his right to stay lapsed. His whole family is here, his father worked as a builder/plasterer since the 60's. D remains at risk of removal. He is deemed ineligible for the scheme because of the date he came and those two months over his 18th birthday.
3. J is a 50-year-old Jamaican grandmother; she has lived in in the UK for 16 years. Her grandparents came to the UK in the 1950s, they lived and worked in the UK for 37 years before returning to Jamaica as British Citizens. Her grandmother worked as a cleaner in a hospital and later in a factory, her grandfather worked on the railways as a shunter. J's sister was adopted by her grandparents and came to the UK in 1973 aged 9/10 years old, her sister has indefinite leave to remain but, though entitled, has been unable to afford the sky high fees to get her British citizenship. J's daughter is here with indefinite leave to remain, along with her two British born granddaughters and a British born grandson. As well as her sister she also has a brother here and many nieces and nephews. J is an important part of her daughter and granddaughters lives; she lives with them and cares for them alongside her daughter. J has made multiple applications for her right to stay; she was detained in Yarl's Wood for 7 weeks, during that time her daughter had to give up work because her mother was not there to take care of the children. She was refused by the Windrush Scheme and is part of a group of cases challenging the narrowness of the scheme.
4. TR was born in Dominica 8 years before independence; in fact he remembers that he had a Citizens of the UK and Colonies passport when he was a child because he travelled around a lot with his grandmother. His grandfather came to the UK in the 1950's as part of the Windrush generation but became estranged from the family and so they lost touch. His aunt also came as part of the Windrush generation and TR is close to her and to his many British born cousins. He came to the UK in 2008 and joined the British Army Reserve Force, he served for 6 years, every application he made for the right to stay was refused. He moved in with his now wife in 2010, she is a British Citizen who has worked in the NHS for over 20 years. The Home Office gave them permission to marry and accept the relationship but have refused two applications saying that TRs wife can leave the UK and join him in Dominica, she would have to leave her work and her whole family to join him. He was detained at one point in Campsfield for 17 days. He was refused by the Windrush Scheme and is part of a group of cases challenging the narrowness of the scheme.