



Home Office

Baroness Williams of Trafford
Minister of State

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Lord Paddick
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Dear Brian

Thank you for your thoughtful contribution to the debate following my statement to the House on Wednesday 3 April about the Windrush Compensation Scheme. I said I would write to respond to a small number of specific questions that were raised.

You asked for clarification of the ‘good character’ question within the Windrush Scheme application process.

The requirements for becoming a British citizen by naturalisation are set out in the British Nationality Act 1981. These include the requirement to ‘be of good character’. As you highlighted, question 5 of the Windrush Scheme application form asks for information about good character and more specifically information about any criminal convictions. However, as you rightly point out, the question of their ‘good character’ is not a relevant consideration for those who are simply seeking documentation to evidence that they are already a British citizen.

We will make a change to question 5 on the Windrush Scheme application form to make it clear that information on good character is only needed if people are applying for citizenship under the Scheme.

Baroness Hussein-Ece asked what proactive measures we are taking to identify and locate those individuals who have been wrongly deported.

Home Office officials have conducted a review of 11,800 cases of people of Caribbean Commonwealth nationality, born before 1 January 1973, who have been removed and/or detained by the Home Office since 2002. This was when the Casework Information Database (CID) was available across the immigration system and sought to identify any individuals, where records indicated, who could have been in the UK before 1973. The 11,800 cases did not include cases defined in our systems as being a “criminal case type”, as the Home Secretary has made a purposeful distinction between criminal and other cases.

This review found 18 individuals who we believe are most likely to have suffered detriment between 2002 and 2017/18 because their right to be in the UK was not recognised. It is regrettable that three of the 18 individuals have passed away. The Home Secretary has offered a full, formal apology to the 15 individuals and the families of the three deceased. 15 letters of apology have been sent and officials continue to work proactively to trace the remaining two individuals and next of kin of the other deceased individual.

The review also identified a wider group of 164 individuals, who were detained and / or removed and who told the Home Office they came to the UK before 1 January 1973, which includes the 18 referred to above. We have traced 137 of these individuals. These individuals either already have status, are now in contact with the Taskforce or, in the case of 19 individuals, are deceased. The Taskforce is continuing to work proactively with partners in the UK and overseas to obtain contact details for the remaining individuals.

Home Office officials are also reviewing cases of Caribbean Commonwealth nationality, born before 1 January 1973 (those old enough to have been settled here before 1973 and therefore protected by the 1971 Act). The review is focussed on where, through proactive data sharing with a partner or third party, an individual has suffered due to loss of access to services or employment.

As with the review of removals and detentions, the review is looking to identify those individuals where there is an indication in their record that they could have been in the UK before 1973.

The Home Office will report back to Parliament in due course with results of this review, as part of the regular updates provided to the Home Affairs Select Committee.

Lord Hussain asked if there is a right of appeal under the Windrush compensation scheme.

There are two levels of review available to claimants under the compensation scheme. Where a claimant receives an offer of compensation or other decision under the compensation scheme, they may either accept or reject the offer or decision. If a claimant rejects an offer or disagrees with a decision, they may seek a review of the decision. The first level of review will be carried out by a senior official who is independent of the original decision. The second level of review will be

carried out by an independent person, who does not work for the Home Office, who will consider the original decision and make a recommendation to the Home Office.

Also, I was grateful for Baroness Benjamin's contribution in response to Baroness Berridge's question on funding for the national commemoration of Windrush Day on 22 June.

To reiterate, 2019 sees the first provision of an annual £500,000 grant to support celebrations and ensure a lasting legacy. More information about the Windrush Day Grant, and the 50 community groups and local authorities that are set to receive funding, can be found at: <https://www.gov.uk/government/news/communities-across-the-country-given-500000-to-commemorate-windrush-generation>.

In addition to this, the Ministry of Housing, Communities and Local Government are funding and supporting the establishment of the Windrush Commemoration Committee, chaired by Baroness Benjamin. This committee will consider how best to create a permanent, fitting tribute to the Windrush generation and their descendants and have been given a budget of £1m.

I have copied this letter to Baroness Hussein-Ece and Lord Hussain and will place a copy in the House Library.

A handwritten signature in black ink, appearing to read 'Susan', written in a cursive style.

Baroness Williams of Trafford

