

Home Affairs Committee

Oral evidence: [Windrush Children](#), HC 990

Wednesday 25 April 2018

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Members present: Yvette Cooper (Chair); Rehman Chishti; Stephen Doughty; Kirstene Hair; Sarah Jones; Tim Loughton; Stuart C. McDonald; Douglas Ross; Naz Shah; John Woodcock.

Questions 1–216

Witnesses

I: 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.

II: Rt Hon Amber Rudd MP, Home Secretary; and Glyn Williams, Director General responsible for Border, Immigration and Citizenship.

Examination of witnesses

Witnesses: Adrian Berry, Lucy Moreton and Satbir Singh.

Q1 Chair: Can I welcome our witnesses to our first evidence session? Today we are looking into what is happening with the Windrush generation and the wider issues that are raised as part of that. We are very grateful to you for coming to give evidence to us today. Can I just ask you each to introduce yourselves?

Lucy Moreton: I am Lucy Moreton. I am the General Secretary of the ISU.

Adrian Berry: I am Adrian Berry. I am Chair of the Immigration Law Practitioners' Association.

Satbir Singh: I am Satbir Singh. I am Chief Executive of the Joint Council for the Welfare of Immigrants.

Q2 Chair: Thank you very much. We have obviously had the Home Secretary's statements, the Prime Minister's response as well, and I think there is clear universal distress and concern about the plight of people who came here very many years ago and are legally resident and the way in which those some of those people have been treated. Could you start by just giving us your sense of why this is happening? By the way, do not feel the need to answer every question that we put to you, because we obviously want to cover a lot of different things as well.

Lucy Moreton: I appreciate that, thank you. In a nutshell, the position that we have found ourselves in has been as a result of a series of policy decisions rather than one particular turning-point decision that has led to this position. Each decision taken itself in isolation in the background of the time at which it was taken is arguably reasonable. However, it is the cumulative effect of that, the reliance on service providers to be the eyes and ears of an immigration enforcement system that has put us into the position where individuals who are lawfully here, but are unable to prove that because of the length of time that they have been here without travel, have been disproportionately affected.

Adrian Berry: I think that is certainly true. I would add that the political ambition for the net migration target to be the primary value has led to a situation where there have been two things. We see a change in legislative initiative to make, if you like, immigration checks through what were so-called hostile environment policies to be inland and to be done by people other than immigration officers. The number of points at which a person leading an ordinary life in the UK has to show a passport as a form of identity and status has multiplied enormously since 2010, in residential accommodation, driving licences and so on. Coupled with that, 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,



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"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.

There is a change, if you like, in the approach towards people who are leading settled lives here. Most obviously, for example, your own testimony as a credible person is not sufficient, that without corroboration for documentary evidence over a number of years, you will not be able to prove that you are lawfully here. But why should somebody's testimony automatically be deemed to be incredible, a person who has lived here for 30 or 40 years, and the testimony of their friends and neighbours that they have lived here? It is the primary form of evidence and documentary evidence should come afterwards.

Satbir Singh: I would second or third perhaps what has been said by both Lucy and Adrian. We are all very familiar with, at the level of the individual, what has happened in most of these cases that have come to the public's attention. These are individuals who came here in accordance with their legal rights at the time and they did not have any expectation at the time of their arrival or at the time of the 1971 Act and subsequent Acts leading up to the 2014 Immigration Act that they would have to evidence that status using the types of documentary evidence that were ultimately asked of them. That is what, for those individuals, has led them into the situation of being detained, denied access to healthcare, denied the right to work or to access public funds.

I would second the comments about a series of policy decisions that led us to this point. The 100,000 target or the tens of thousands target when it comes to net migration is one that finds few champions in academia, in industry, in the labour movement, in our public services. There is, as a result of it, a tendency towards making a certain decision as opposed to the correct decision and that decision-making culture is one that is laden with what Adrian referred as sort of suspicion or an assumption of the lack of credibility of the individual.

In that environment, decisions have been made, both internally within the Home Office and politically, that have led us to a place where British people, people from the Commonwealth, all of whom came here within their legal rights, were ultimately targeted by this raft of policies that we now refer to as the hostile environment, and treated in a manner which the Chair is right to point out has been universally condemned.

Q3 **Chair:** Can I ask you something a bit further on the internal decision-making processes? Is it right that people have had to provide four different pieces of proof for each year of residence?

Lucy Moreton: Certainly back over the last 14 years of their residence, that is commonplace. I would not be surprised if individuals had been asked to provide that all the way back, but I do not think policy requires



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that they go that far back. I am not certain, with the best will in the world, that anybody could.

Adrian Berry: The official guidance does not specify four pieces, but the evidence from individual people who have received correspondence is that they are being asked to provide that level of documentary corroboration of their primary account. It is of course very difficult unless you have a job or you are paying National Insurance contributions; you might not have a tenancy agreement from 20 years ago, for example. Who would? It is quite easy not to have documentary evidence for a few years of your life, regardless of your journey into being an adult and whether you have a migration journey or whether you are UK-born.

Q4 **Chair:** In terms of the expectation of the level of proof that is then provided to get a tick decision rather than a cross in the box, the Home Secretary has said this will now be decided on the balance of probabilities. Was it not being decided on the balance of probabilities before?

Lucy Moreton: It should have been. That has always been the burden of proof, but I think what Mr Singh said about the culture and also what Mr Berry said about not being believed, there had been a shift in attitude from, "We will believe your primary evidence. We will believe it when we speak to you", there is a commonality of experience. If you talk to someone who grew up in London in the early 1970s, 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.

Q5 **Chair:** When was that taken away?

Lucy Moreton: 2011, 2012. It was in the wake of the changes that had occurred after Brodie Clark was dismissed, then leading an agency that became the Borders and Immigration Agency, then UK Borders Agency and then came back into the Home Office all in a very quick succession. It was within that morass of change.

Q6 **Chair:** In terms of that sort of balance of proof or balance of evidence and so on or culture of disbelief, when did that change?

Lucy Moreton: I think it would be very difficult to put a date on that, unless my colleagues are able to do so. As with any culture change, it is a shift over a period of time. As the political landscape shifted, the social community shifted, the patterns of irregular migration became much more pronounced, the press coverage tone changed. That changed the culture of all of us, not just individuals working in the Home Office, who had to enact the policies that they were given, but also more widely with the service providers who are asked to check and are faced with fines and on some occasions with imprisonment if they are not able to provide proof that they checked.



Adrian Berry: The standard of proof has always been the balance of probabilities in administrative law and the burden of proof, in theory, rests on the applicant. No one disputes that, but it is the cogency of the evidence and the level of the quality of the evidence that is required to discharge that burden that is the problem.

Then secondly, there is a very good case for saying perhaps the burden ought to be shared, because the primary way of corroborating a person's narrative account of their life in the UK is through things like National Insurance contributions and pension contribution records. Of course all of those are held by different Departments of state and can readily be cross-checked. If there was a shared endeavour for someone who is here, then that would make good sense, because in fact the people who have the ability to recover those records are in Government or in public service.

Satbir Singh: I just wanted to give an example of evidentiary requirements for things. This is from the guidelines for those who may be undocumented or may be here as overstayers who nonetheless seek to apply to stay on the basis of a relationship that they have with a person in the UK, so a spouse or a partner. As Committee members are aware, people who are undocumented or are overstayers under the hostile environment policies will not have access to a bank account, will not be able to sign a lease, will not be able to have registration at an NHS clinic or access public funds.

But the examples of acceptable types of correspondence for that person to be able to evidence that they are in a relationship or present in the UK with another person are limited to letters from Government Departments, including Her Majesty's Revenue and Customs, the Department for Work and Pensions, letters from your GP, bank statements or letters, building society savings books, council tax bills or statements, electricity and/or gas bills or statements, mortgage statements and tenancy agreements. These are all elements of the guidance that limited the type of correspondence or documentation that somebody can use in order to evidence their claim on status, which are simultaneously things that those persons will not necessarily have access to as a result of the denial of access to those services under the hostile environment.

Q7 **Chair:** Is that recent or has that always been the case?

Satbir Singh: This is recent. I could not tell you the exact date. Adrian might know from the code.

Adrian Berry: It is the most recent version of the guidance, but it is the interaction of the guidance with the hostile environment policy. If you ask someone to produce their bank statements while simultaneously introducing a rule that they cannot have a bank account unless they have a right to reside, then you are asking them to produce something that you have prohibited them from being able to lawfully have, which justifies the—



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Q8 **Chair:** Has the bank statement stuff kicked in yet for existing accountholders?

Adrian Berry: Current accountholders, yes.

Q9 **Chair:** For new account applications, but it will have just come in this quarter for existing residents?

Adrian Berry: Yes.

Q10 **Chair:** Have you come across any cases where the bank accounts issue is—

Adrian Berry: Not yet, but the reason is that there is no obvious legal remedy other than to challenge a bank decision. It is not a decision by a public authority and there is not a statutory right of appeal, for example, provided against refusal. The question of who supervises that regime is a live one. It is a rule of law question.

Q11 **Naz Shah:** I have a couple of questions. Home Office guidance now explicitly states, "It is important you treat Windrush cases in a careful and sensitive manner". Why have the Home Office processes failed this cohort of people? That is an open question to any of you.

Satbir Singh: Again, it goes back to a lot of what has been said so far. There are a series of policy decisions that were taken to treat individuals with suspicion and there were a series of policy decisions taken, a package of which together are called the hostile environment, which meant that those individuals were essentially having their status checked by private citizens. The checking of one's immigration status has been outsourced in that sense to the National Health Service, to teachers and to doctors and to bank clerks. Those people are not necessarily qualified to check someone's immigration status, but they nonetheless exist in a sort of fear of falling foul of those rules, because the penalties, for example, for a landlord for renting to someone without immigration status can be quite severe and extend to custodial sentences. Those people are unlikely to have patience with individuals who may be from the Windrush generations.

At the Home Office level, representations have been made on behalf of almost all of the cases that you have heard. All of those stories involve some application to the Home Office for leave to remain or for clarification of somebody's status. It is not unusual—and Adrian will be able to speak more to this—in the slightest for those people to be treated in that way during those interactions because, again, you have inflexible and at times unrealistic evidentiary burdens. You have had that withdrawal of discretion of that human element, which the Home Secretary herself referred to in the House last week.

Then you additionally have a whole manner of other policies that have made it difficult for somebody to navigate that. You have had the removal of Legal Aid from most immigration cases outside of asylum, so



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these people are very often navigating them on their own. We are very grateful to journalists who have brought these cases to us, and then as an organisation that provides services and support to people, we have been able to help them, but that has almost been a question of luck for those individuals, because for the most part, they would have had to navigate that process on their own. It is very difficult to do that without skilled legal advice, which can costs tens of thousands of pounds. If you have been working in a low-income job for years, you will not be able to afford it. If you have then additionally been stripped of your right to work or access your savings or public funds, you are doubly unlikely to be able to afford that legal counsel. Without Legal Aid, those people face those barriers on their own.

Q12 Naz Shah: My next question was why did oversight and feedback mechanisms not pick up what was happening, but do you agree there were any oversight feedback mechanisms or do you think there were any?

Satbir Singh: In principle there are, because we are talking about a Government Department that has levels of supervision and levels of accountability and feedback at different points, but evidently we have seen that those feedback mechanisms did not work. Outside those feedback mechanisms, there were representations made by lawyers, by organisations like ours and by the High Commissions 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. Representations were made by the Caribbean High Commissioners to the Foreign Office as early as 2016 and as recently as February of this year. Even circumventing those monitoring mechanisms, if they were not working, did not seem to work either.

Q13 Naz Shah: Why do you think they did not work either? Even at that level, when you have had High Commissioners making the case to the British Government through the Foreign Office, not just through the Foreign Office but to the Home Office, and this is at ministerial level, and yet we are still here.

Lucy Moreton: It is not possible to answer that because we can't know what was in the mind of the individuals who commented on those at the time and who saw them at the time. I know from the perspective of the frontline staff there are, in theory, systems in place to raise matters of conscience—this is a matter of conscience—but 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. The issues were being brought up internally, they were also being brought up externally. With regret, only the people who at that time were of a senior level to read those representations and to consider them can answer for did they think about taking any actions and, if not, why not. It is not something that we are able to help, much as I would love to.



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Q14 Naz Shah: We have talked a lot about culture, we have talked about the organisational culture, we have talked about the hostile environment and the culture and we have heard from people who have been affected by this. It appears that in addition to the hostile culture, you are talking about people at the very top end of their position, on the pay scale, if you like, and it still did not happen. Is this just about a hostile environment at levels where people are making decisions and going through casework or do you think that extended to Government Ministers? It is really important to have your views on this.

Lucy Moreton: From my perspective, I think the answer to that would be that the decision had to have been ministerial at some level. Whether that was a junior or a senior Minister, I genuinely do not know, but it is not typically in the nature of civil servants, and particularly not a risk-averse area of the civil service like immigration and borders, to make decisions like that without at least having the safety net of, "Oh, but I told the Minister".

Q15 Naz Shah: Sorry, which things would that have been? Which decision would that have covered?

Lucy Moreton: I assume the question was directed at what happened when these issues were raised internally and externally, at what point was any positive decision taken to disregard those warnings. That is what I was referring to.

Q16 Chair: When concerns were raised, that we seemed to have a group of people who probably were here legally but could not prove it or that there might be an issue about the burden of proof that you would have expected, would it have gone to Ministers?

Lucy Moreton: On an individual basis do you mean?

Chair: Either, or general, like, "We seem to be facing an issue here".

Lucy Moreton: The general principle I would expect would have gone through a Minister of some level. The decision on an individual case, no, that would not have gone that far. That would stop probably no higher than a grade 7.

Q17 Naz Shah: I am talking more about the collective, where you have High Commissioners who presented to the Foreign Office, to the Home Office at that ministerial level. That is what I am talking about, the culture there at ministerial level.

Satbir Singh: Again, it was a political decision here. These concerns were communicated as both predictions and then sort of post-hoc explanations of what was happening to Ministers, both the Foreign Office and the Home Office. There was a political decision that was taken. If those concerns had been communicated to those Ministers, 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". 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.

Q18 Naz Shah: During the news coverage—and I cannot remember quite which one—but the chief executive of Runnymede Trust is on record talking about racism and an element of the hostility was very much to create a racist environment. Can you tell me simply, when the Government says that the hostile environment is about encouraging people to leave who are illegally here and protecting people from exploitation and trafficking, do you believe that to be true or is it true?

Satbir Singh: No, it is not true. The Independent Chief Inspector of Borders and Immigration has himself said that under a raft of these measures in his reports that there has actually been a fall in the number of voluntary returns. There is no evidence to suggest that any of these measures are leading to an increase in the number of voluntary returns. Just logically, if you remove people's access to their bank accounts, to safe and secure housing that they are paying for themselves, to jobs that are in the formal economy and regulated or to healthcare, where do they go if they are remaining in the UK? They disappear into the informal economy and are therefore logically going to be significantly more vulnerable to exploitation and trafficking. That is exactly what we see when people do have those rights removed under these policies, they become vulnerable, they are trafficked and they are forced into modern slavery.

Q19 Naz Shah: Given what the Runnymede Trust and Lord Ouseley have said, there was an element of racism, and others have also said in the last week that this is about institutional racism within the Home Office, would you agree?

Lucy Moreton: It is very difficult to run any form of immigration or borders control without the allegation of racism being thrown at you at some point, because inherently those who have a right to remain in the UK, that decision has at the very least a tangential bearing on the nationality of the document that they hold. It is in no way related to the colour of somebody's skin and racist in that way, but it is inevitably true that, as a matter of policy, some nationals have the right to be here without control or they had at one point and they do not now. Some nationals do not. We have nationals who require visas to travel, we have nationals who do not and we have European nationals who do not require permission to enter in any form. That is not racist in the conventional or lay system of the term, but I accept that any control that differentiates individuals by the nationality of the document that they hold, which a border control must do, falls under that potentially technical definition.



Adrian Berry: The system is neutral on its face and differentiates among people in terms of its impact, so it has a differential application, which falls more heavily on the shoulders of people with a migration background. They are people from south Asian, African-Caribbean backgrounds and from other parts of the world, so to the extent that the impact is different on a neutrally-designed system, then yes, absolutely there is a dimension of racial difference in there. It is absolutely clear that people who have a migration background sometimes have more difficulty in evidencing their status in the UK and the differential impact does have a racial dimension to it.

To that extent, it is a classic example of designing a system and you say, "What is wrong with that? It doesn't target directly people of African-Caribbean heritage or people with heritage from other parts of the world" but in its impact it is felt very much differentially. People were told at the time it will impact on different groups in society differently. When the 2014 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.

Satbir Singh: I would agree with that. There is of course always an element of institutionalised discrimination across different Departments at different times. The reason it becomes a particular problem in the case of the Home Office is that the powers of the Home Office to adjudicate, to allocate or to revoke rights have become greater over time. With the securitisation of immigration control, where there is that racially structured dynamic, the effects of that are felt more heavily on one side of that rift than the other.

There is also a question with those hostile environment measures of the incentive to discriminate, so you are outsourcing those decisions to people who are not skilled immigration officers and who have existing jobs and duties to do. In the case of doctors, who are saving lives and are at the best of times overworked, or nurses or clerks or administrators in a hospital, who are now being asked to carry out immigration checks prior to treatment, it is impossible to ask clinical or administrative staff in a hospital to carry out those checks on everybody without costing lives, without risking time that could go into treatment. There are obvious binaries that people will use or obvious proxies that people will use to assume that somebody needs to be asked about their immigration status.

It is the same with the right to rent. When we conducted in 2015 our own evaluation of it, we found that 51% of landlords surveyed said that the scheme would make them less likely to consider letting to foreign nationals, 42% stated that they were less likely to rent to someone without a British passport. An enquiry from a British black minority ethnic



tenant—so that is a British person of colour—was ignored or turned down by 58% of landlords because they did not have a passport. There was an assumption there that one's race or ethnicity was a marker of your immigration status. Even beyond the Home Office, if you outsource that sort of power to determine somebody's status and rights, you are playing into the risk of empowering those little proxies that are used for migration status, which are racially charged.

Lucy Moreton: Without seeking to undermine that or apologise for that in any way, because what you say is absolutely right, there is no sense that these policies were enacted by the Home Office or that they have been implemented by the individual officials on the ground in any motivation of racism. It is more along the lines of an unintended consequence. I do not say that in any way to excuse that, but it would be remiss of me not to reflect the reality for the staff on the ground.

Q20 **Stephen Doughty:** Probably some questions for you, Lucy. I will just caveat this by saying that, like many MPs, my dealings with individual Home Office staff members making decisions or whatever is usually very positive and very helpful and they often go well beyond the call of duty in terms of advice that they provide. But I have to say, like many people, I have experienced mistake after mistake after mistake and I would say a worsening since the hostile environment was introduced. That goes across all categories of cases that we are dealing with.

Just in terms of the net migration target and how it flows down through the system into targets and KPIs for individual decision-makers, can you just explain a little bit about how that works and how that has changed in the last few years in terms of the pressures being put on individual staff, both in terms of time taken over a decision or the discretion that they can use?

Lucy Moreton: There is an increasing pressure across the civil service as a whole to demonstrate value for money, to work smarter, not harder, to do more with less. As that requirement to reduce public sector spending has begun to bite, we have seen more and more challenging targets, starting with the announcement of the net migration target. That is translated down through the operational arms of the Home Office to a certain number of decisions made within 180 days, unless they are exceptionally complicated, a net removals target that enforcement teams have to meet, so they are aiming to remove a certain number of individuals in any given month reported, to seizure targets at the border. The only thing there is not is a stop target at the border. There is no target that says, "You must stop X number of nationals" but there are targets for seizures on the secondary line for drugs, for firearms, tobacco and the like.

Q21 **Stephen Doughty:** How has that net removals target changed? Has that gone up? Can you give us the figures?



Lucy Moreton: I cannot give you the figures, I am afraid, and I would not wish to mislead you in any way. My understanding is that, yes, it has become more and more challenging, partly as the number of experienced staff reduce, the headcount reduces, experienced staff tend to be older. As they are older, they get closer to retirement age and in due course choose to retire, so we lose skills and experience. Then without the permission to recruit, the workforce inevitably becomes smaller.

We have also changed the level at which decisions are made and so it is possible to make early stage decisions at a lower grade than was once the case. Equally, these are very basic and simple decisions and if it does not fall within that grade boundary, it should move up to the next available grade to make that decision but that does contribute to the error level that you reference. There is an increasing use of temporary contingency staff, seasonal staff, staff that are brought in to—

Q22 **Stephen Doughty:** From temping agencies and others?

Lucy Moreton: Some into case-working, not to make decisions, but to assist with the processing of them. That tends to increase the error rate. The last time I gave evidence before this Committee, there had recently been a report of 47% of decisions being overturned on appeal. That was asylum and visa decisions. That was identified as being because of a lack of training and feedback to the staff, that they were not being informed of the decisions of the courts and were not therefore able to take that into account. That has been rectified since I last gave evidence and I would hope to see an improvement in those figures particularly, but certainly the data quality that the staff have to work with is particularly poor. You cannot make a correct decision if the data on which you base that decision is inaccurate.

Q23 **Stephen Doughty:** In terms of average time given to making an individual decision, I am assuming that has decreased dramatically?

Lucy Moreton: Where the time has stayed stable, the number of decisions that you have to make within it have increased. This is the pressure that David Bolt, the Chief Inspector, referenced as the 180-day target and the pressure to get a decision made. If you are not able to, rather than being able to say, "Well, I could not make a decision because I was involved in this particular case that was more complicated" or, "I had to do this particular element of training" and it is right that staff have time for performance development, rather than being able to be candid about the reasons for not making a target, the pressure throughout the operational arm of the Home Office has been to—there is no other way of saying it—not conceal it, but by sliding it into different brackets, so, "That is particularly complex, so we can put that into the complex drawer and we are allowed extra time". That unfortunately has become very cultural.

Q24 **Stephen Doughty:** One last specific question. Sorry, it is to you again, Lucy. When you appeared before us last time, you spoke about the so-called additional people that were being recruited to deal with the



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challenges of Brexit were backfilling positions that were vacant. The Home Secretary then appeared before us and told us of some very specific figures, both in money and staff being recruited and trained to deal with the additional challenges of registering the 3.5 million EU nationals and others. Have you seen any of those staff being recruited or trained yet?

Lucy Moreton: We have the 300 so-called Brexit staff who are recruited and just starting their training now. Since my last appearance, when we were looking at only that recruitment of 300, there has been a recruitment of a further 1,000 announced. Those 1,000 in fact are backfill posts and the 300 that would have been backfilling are now back to being fully mobile Brexit staff. I understand there is additional resource that has been brought into the UKVI Department dealing with the registration of EU nationals, which understandably has increased exponentially recently.

Q25 **Stephen Doughty:** How many staff do you understand have been redeployed to deal with the Windrush scandal?

Lucy Moreton: I was told 50 experienced caseworkers.

Q26 **Stephen Doughty:** They are being moved over?

Lucy Moreton: They are being moved over from somewhere. I have asked the question of, "Where are you taking that from?" and I have not had that answer, no, but they have to be taken from somewhere and you don't get them off the street.

Q27 **Chair:** With the removals targets, is that a target for the UKVI as a whole or for individual casework teams?

Lucy Moreton: It is for removals targets; that is for immigration enforcement. They are one—

Q28 **Chair:** Is it a single target for enforcement as a whole or is it—

Lucy Moreton: No, it is separated into regions.

Q29 **Chair:** So each region has its own target that it has to meet?

Lucy Moreton: Each region has a target, yes.

Q30 **Chair:** Do they end up competing with each other to meet their targets?

Lucy Moreton: No, because there is quite a bit of scope. You are either going to reach your target because the intel packages that are being fed to you are timely, complete, accurate, the individual is still where they were when we last saw them and there are no other barriers to removal, so there is no further legal process, they do not need a document, those sorts of challenges. But the enforcement staff are very thinly spread across the UK, so there is very little scope for them to be sneaking over the border into each other's patches. No, that does not happen.

Q31 **Stephen Doughty:** Is it more likely that you are likely to be removed



from one region than another?

Lucy Moreton: No.

Q32 **Stephen Doughty:** It is equal chance?

Lucy Moreton: It is an equal chance if you are encountered and if there are no other barriers. The only thing then that would dictate your likelihood of being removed is whether we are able to detain or not. It is slightly oxymoronic to encounter someone who has been here illegally, realised that they are eligible for removal, set the removal directions and then discover that you can't detain them, so you have to say to them, "That is okay. Go away, promise to come back next week to Heathrow Airport". Unsurprisingly, they frequently do not.

Q33 **Chair:** Are there targets for the decision-makers on individual cases as well?

Lucy Moreton: There are.

Q34 **Chair:** What are those targets?

Lucy Moreton: My understanding is that those are time-based rather than a certain number of decisions but, equally, an individual's own performance targets will specify that the average decision time for this unit is three a day, 10 a day, 20 a day.

Q35 **Chair:** Do they have targets of how many of different kinds of outcomes?

Lucy Moreton: I don't believe so.

Q36 **Rehman Chishti:** With regards to the burden of proof, I think a number of questions have already been asked to you by the Chair on that, but just for clarification, what level of evidence should a pre-1973 arrival have to show to successfully apply for a no time limit document?

Adrian Berry: There is no prescribed level of evidence. The key thing to understand about the pre-1973 arrivals is they are not applying for a decision for a grant of indefinite leave to remain. They already hold the status by operation of law in the same way that a British citizen already has the right. They are just asking for a document that confirms their lawful status in law. In that framework, what is called a no time limits document to show that you are here permanently without time restriction, there is no prescribed form of evidence.

The question is how do you do it? You do it essentially by establishing the genesis moment of your presence in the UK—and that is why we had the focus on landing cards—and then by a description of your life here, because you will have come as a citizen of the UK and colonies in the context of the Windrush generation and then your country may have become independent, but you just look at the records in the UK of the life that you have led. Often there are, as I indicated, records held by Government Departments. To satisfy the burden, it is a question of credibility, in essence. If someone has an obvious account of being here,



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they can describe being here in a two or three-page note, "This is my life here in outline" and they are a witness of credit, there is no reason to disbelieve them, then there needs to be a light touch in terms of the other evidence that is necessary before you can make a positive evaluation that they are telling the truth.

Q37 Rehman Chishti: How do you then determine, apart from the credibility, by showing that you have been here for a certain period of time, how then do you address the point of where those who are genuine, who are non-genuine in relation to satisfying that criteria? You said you just have to show a continuous thread of being here. How do you then address that?

Adrian Berry: Because immigration control in the 1950s and 1960s was in a different era. It was a true free movement system for people coming to the UK from Commonwealth countries. There simply were no immigration controls prior to 1962. Then there were two Commonwealth Immigrants Acts in 1962 and 1968, which imposed a measure of some control on people coming from Commonwealth countries, but again, there are a lot of people who simply again were not subject to those and even those that were, they were admitted on what we would now consider to be pretty liberal terms.

When the Immigration Act 1971 came into force on 1 January 1973, the whole system was reorganised and instead of trying to make rational sense out of what was done piecemeal in the 1962 and 1968 Commonwealth Immigrants Act, instead an approach was taken, "For those people already here from Commonwealth countries without restriction, we give you indefinite leave by operation of law in section 1(2) of that Act". There is never a moment where these people have to apply for something in immigration terms and be granted something. They come as British subjects, they are admitted here with no time restriction and the 1971 Immigration Act says, "Yes, you are now here permanently on any reckoning if you are here without time restriction, regardless of the individual circumstances". That is why a light touch is appropriate, because you are dealing with a true exercise of free movement and so you are not looking for the usual things, such as Home Office decisions.

Q38 Rehman Chishti: Tell me, then why does the burden of proof that officials have been demanding appear to be so high?

Adrian Berry: There is one thing to say: if you want a grant of something, the burden of proof is on the applicant who seeks to prove their entitlement. Even in that context, the question of what constitutes sufficient proof is a moot point, but where you have an automatic right, you are not asking for something to be granted to you. Why ministerial policy has fed into, if you like, a culture whereby the cogency of the evidence and the specific types of evidence, the threshold for that is raised and raised in a sense is a political question. There is no need for it where people already have rights and can quite clearly evidence they



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have been living ordinary lives in the UK for decades. It is a choice, ultimately. There is no stipulation. If you are asking me is there a rule that requires decision-makers to act in that way, no, there isn't.

Q39 Rehman Chishti: Linked to that, why would you then have the Secretary of State for Home Affairs saying that caseworkers will now be applying a balance of probability test?

Adrian Berry: In a sense, it is the will now that causes the problem, isn't it? It is really an evaluative exercise. Rather than a balance of probabilities, "Do you satisfy prescribed rules for the grant of something?" it is simply saying, "Are you the person who you say you are?" because if you are in terms of identity and you accept the journey, you are not asking for a grant of status, you are just asking for a document that enables you continue leading the lawful life you already have in this country. They should not be saying, "We will now apply the balance of probabilities". In a sense, what ought to be said is, "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". Balance of probabilities in that sense about a status you already hold is extremely unhelpful as a term.

Q40 Rehman Chishti: Just finally, with regards to the removal of legal aid, how do you think that has affected an individual's ability to successfully apply for no time limit status?

Adrian Berry: It is absolutely critical. There are two things here. If you want good decision-making without having to have legal remedies, then people need to know what their rights are and to be able to assert their rights in the correct way. It makes things easier for Home Office decision-makers to have simple and straightforward representations made; it means that a good decision is made at an early stage and a decision in which people can have confidence. If you take away legal aid, as the last Act did, and you couple that with the removal of tribunal remedies in the 2014 Act for people who are already lawfully here, who seek to rely not on being unlawfully here, but being lawfully here, so the 2014 Act takes away the legal remedy.

The judge comes off your shoulder at that moment if you are a decision-maker or you are a Minister setting the tone of policy, because people do not have access to the quality of legal advice that they need to make their case. If there are things that go wrong, and we know from the appeals that remain that 50% of them are often overturned, then you need to be able to go to a relatively cheap and accessible tribunal to have that matter determined. The way in which people could challenge decisions not in accordance with the law, not in accordance with the immigration rules, for people who are already lawfully here seeking just to vindicate their status, those rights were removed in the 2014 Act. 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



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with a situation where you have decisions made that essentially are very difficult to challenge and they are often made on poorly-made applications.

- Q41 **Stuart C. McDonald:** You might have seen perhaps Prime Minister's Questions, but certainly during recent statements on the Windrush issues, basically the Government's defence appears to be, "The hostile environment, okay, there has been this terrible, terrible catastrophe with the Windrush generation, but other than that, the hostile environment works fine, it is carefully targeted and it only affects illegal or undocumented migrants". What is your take on that defence?

Satbir Singh: I am curious as to how anybody in Government could say that it works fine, given that the Chief Inspector, David Bolt, himself has said that the Home Office, the Government has put in no mechanism for monitoring the hostile environment. There is no machinery in place to monitor whether any these measures are leading to an increase in voluntary departures or any other measure that they might view as success against their stated goals. It is very difficult to say that any of these measures have been a success. Again, there has not been an increase in voluntary departures over that period in any case. Referring to it as a success is I would not necessarily say misleading, but I would not refer to it as a success against any measure.

- Q42 **Stuart C. McDonald:** What about the point that it is carefully targeted and generally speaking it only affects undocumented or illegal migrants? Who else does it affect?

Satbir Singh: Anybody who presents as possibly a migrant. Back in 2014, 80 organisations wrote a briefing on these measures before the Bill was passed and we said that forcing ordinary citizens who are not qualified in immigration law to check someone's legality will result in mistakes and inadvertent discrimination. Individuals often do not have any identity documentation or confirmed status but have nonetheless a right to be in the UK.

I was born in the UK. My father came here in 1958. I recently went to rent a new apartment and I was asked to demonstrate my immigration status. I was unable to do so because my passport was away for the renewal of another visa. I was unable to sign that lease. I asked the person at the letting agency, "Do you ask everybody?" I pretended that I did not understand the law. She said, "No, I do not". That, for me, was just a very clear coalface indictment of how this all works.

Adrian Berry: If the question is, "Are there other groups of people beyond those?" then yes, absolutely. It is a question of if you have uncertain status for one reason or another. You may have come as a child and your parents arranged your journey to the United Kingdom. You might not have documentary evidence of that. There will be people who arrived in or after 1973. There are examples, I have been told, of lives that are in similar situations to the class of people we are calling the



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Windrush generation from different parts of the world as well, Commonwealth states in other regions such as south Asia. That can continue all the way through.

If people come, particularly when they are children but also in a range of circumstances—they may have been forcibly displaced for one reason or another—then there are lots of people whose status is uncertain but who, on closer inspection, are lawfully here. We will see that potentially again for those people who are not covered, in the context of Brexit, by the withdrawal agreement. It comes up time and again. It is not so much that it is carefully targeted, it is that it is over-broad and almost reckless in its application in terms of who is drawn within its net.

- Q43 **Stuart C. McDonald:** Just going through a couple of those categories, if you are going to rent property and you are a British citizen do you have to present your British passport? How many people do not have a British passport currently?

Satbir Singh: According to the last census, 9 million.

- Q44 **Stuart C. McDonald:** Nine million. They should all find it impossible to rent property without a passport?

Satbir Singh: If the law is implemented as it is supposed to be, then yes.

Adrian Berry: Yes. The whole system works not so much on, "Can you prove who you are?" but, "Do you have prescribed documents?" That is exactly right. That is one of the reasons why not giving no time limit stamps to the Windrush generation was important, because that was a prescribed document. Any citizen currently does not have to produce a document to be lawfully here but if they want to do anything like rent property then they have to have a passport. That is exactly what happens. Anybody who is having difficulty producing documents is immediately into that suspect category regardless. That includes British citizens, particularly those who for one reason or another do not have a travel history.

- Q45 **Stuart C. McDonald:** You also mentioned children. I read there had been an estimate back in 2012 that there were something like 120,000 undocumented children in the country, who were either born here or had been here for lengthy periods of time. They would all have some sort of route to regularise their status. Again, if they are unable for whatever reason to regularise their status the hostile environment presumably will end up impacting on them as well.

Adrian Berry: That is right, and there is no legal aid for them to get basic advice about their status. 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.



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Lucy Moreton: There is an impact on the individuals who do not have British passports, do not have travel history or are not able to prove their right to be here. It is also true that these are largely individuals of more limited means, who are inevitably then also more limited in their ability to engage with officialdom and to do so successfully. It is not just their right to rent property but also their right to work and their right to obtain benefits. It drives a grey economy, an underground economy. There is no way for them to survive in any other way. Not only is that populated, if that is the right word, by migrants who do not wish to return home but have fallen foul of the hostile environment, but just as much true of British citizens and others with indefinite rights to remain.

- Q46 **Stuart C. McDonald:** One final quick question. Even if some of those children did get legal advice and establish which route to regularise their status they had to follow, am I right in thinking of things like a registration cost of over £1,000 or, if you are on the long route to settlement, £8,000?

Chair: A nod is the answer to that. Time. The Home Secretary will be here.

- Q47 **Douglas Ross:** What is your knowledge of when the first Windrush cases were highlighted?

Lucy Moreton: My understanding is that the first ones started to come to light in about 2013. This is not a new phenomenon.

- Q48 **Douglas Ross:** We are short of time. Our own briefing paper had examples of cases and one that stood out for me was someone who had been stuck in the Caribbean since 2009. Do you think it could go back further?

Lucy Moreton: That is entirely possible. That is very early. Insofar as the hostile environment got anywhere it certainly was not enacted at that point, but if they travelled with—

- Q49 **Douglas Ross:** Our briefing is saying someone was denied re-entry into the UK after going to their native Jamaica for a funeral in 2009.

Lucy Moreton: That is possible.

Satbir Singh: Just to be clear, though, that is the difference between the hostile environment and prior measures. That is a question of entry clearance. Leave to enter the country was denied. The process of people being picked up at home in the United Kingdom through these hostile environment measures only came into effect with those measures being introduced within the UK.

- Q50 **Douglas Ross:** Yes, but we did have issues prior to that.

Satbir Singh: Yes.

- Q51 **Douglas Ross:** We have looked at a lot of the history as to how we got here. What is your response to the statement from the Home Secretary



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this week and the immediate reactions from the Home Office in the last couple of weeks?

Lucy Moreton: In what respect?

Q52 **Douglas Ross:** In general. Is it positive action? Do you think there is action happening? We met with the High Commissioners this morning, who I think said it was very welcome. They were quite appreciative of what had been done in the last couple of weeks. Is that a fair assumption?

Lucy Moreton: There has certainly been a lot of activity since this broke through the media but, as my colleagues have said, this is not a particularly new issue. The actions are very welcome but certainly from my perspective we would say they were long overdue.

Q53 **Douglas Ross:** Finally, we mentioned again this morning the concerns about the lack of guidance. The note I took is that on an incorrect decision by the taskforce there seems to be limited information on what a lawyer could appeal on. Could you explain that further?

Satbir Singh: Yes. 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. We do have a situation in which above 50% of appeals against Home Office decisions are upheld, meaning that there is a very high rate of incorrect decision-making. I see no reason at this stage to assume that this taskforce will not have incorrect decisions at certain points and without some instrument on paper that says, "These are the rights that are to be afforded to people who use this taskforce" it is very difficult in those circumstances, even without legal aid, for a legal representative to challenge a decision. We cannot challenge decisions appealing purely to a speech made by the Home Secretary in the House of Commons. That is not law.

Q54 **Douglas Ross:** That is an urgent matter of priority, to get that written down to assist anyone who should be faced with making an appeal? Yes.

Adrian Berry: There are no rights of appeal as such against the refusal of a no time limits decision on a Windrush generation case. There is no tribunal remedy on that because they were removed in the 2014 Act.

Q55 **Douglas Ross:** Okay, but they can appeal?

Lucy Moreton: Not at this stage.

Adrian Berry: No, they cannot. There is no tribunal remedy because it was removed in the 2014 Act.

Lucy Moreton: That would need to be reinstated. There would need to be an appeal route created afresh because, as you said, it is not a question of tying it into an existing appeal route. There is not one. They would need to create a fresh right of appeal or at the very least—



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probably slightly faster—a very clarified right of review for an adverse decision.

Q56 **Douglas Ross:** That would have to come alongside guidance on how to do that?

Adrian Berry: Yes.

Q57 **Kirstene Hair:** I will try to wrap it up into one question. There was largely positivity around the Prime Minister's statement the other day about compensation and how an independent body would be looking to carry that out. I just wondered if you believe, from the cases that you have in front of you and what you have seen from the media, that there will be a large majority of these that could be eligible for that compensation, whether you believe there will be the resource to support them with these particular cases and whether you think that should go further than just the cost it has caused and in fact cover the distress it has caused to them and their families as well.

Satbir Singh: We are asking whether we think those resources are available?

Q58 **Kirstene Hair:** We are asking whether you think that a number of the cases you have seen would be eligible, whether you think the resource is there and how far you think that compensation should go.

Satbir Singh: Absolutely. Cases we have seen include people who have lost their jobs and there is a clear loss of earnings there. Then you have people who have lost access to healthcare and there is some extent to which there has been emotional distress as a result. Cases in which it will be far more complex include those where people have died in the interim and the emotional distress of those around them, because of course in cases where people have been left stranded in Jamaica or in Barbados those who ought to be eligible to be measured for that compensation include their wider family, who have been subject to separation from family members. Absolutely, there are people out there who will be eligible for a significant measure of compensation.

Lucy Moreton: It is extremely difficult to codify that. What is this worth? If there is the loss of a job, you have loss of earnings. That is very clear. That is codifiable. With the loss of a loved one, prolonged isolation or the individual who was detained on two occasions, there is quite a challenge to get that codified as to exactly what that translates to in pounds, shillings and pence. I am not certain that there are any starting points for that.

Q59 **Chair:** I am sorry to interrupt.

Lucy Moreton: Not at all.

Chair: We could keep asking you our many questions but we have the Home Secretary waiting. Could you just confirm, Mr Singh, because you raised this with us this morning in private evidence, that you have had



cases where somebody has had a passport and the passport has been doubted as well?

Satbir Singh: Yes. I have met in the last two weeks people who have had a British passport given to them, who have tried to re-enter the country on a routine trip to France or Germany and who have been denied entry because they do not additionally carry their formal Citizen of the United Kingdom and Colonies passport with an NTL stamp, and others who have gone to renew a British passport and have been told that they should not have that passport, that it was illegal for them to have it, and have had it revoked. A decision was made to grant them a passport and that has been revoked at a later stage.

Q60 **Chair:** It is very helpful to hear that. Thank you very much for your evidence. We very much appreciate your time. Thank you.

Examination of witnesses

Witnesses: Rt Hon Amber Rudd MP and Glyn Williams.

Q61 **Chair:** Home Secretary, Mr Williams, welcome to our evidence session. Obviously there has been universal agreement that what has happened for some of the Windrush families has been appalling and deeply distressing, and also universal agreement that action needs to be taken to resolve this. We would like to go through with you some of the detail behind this and what has happened, and also what action needs to be taken now. I would also just pay tribute to those who have been affected and are listening to our evidence today and also to those who have been brave enough to tell their stories to the media, which has obviously brought a lot of this to light in the first place.

Can I start with some facts? We wrote to you to ask a series of different questions and the letter that you sent back obviously does not answer most of them. Do you have further answers now about what the scale of the problem is, how many Windrush children, for example, might have been detained and for what periods of time, whether any may have been deported and how many may have been subject to reporting requirements?

Amber Rudd: Thank you, Madam Chair. Can I start by just joining you in paying tribute to the individuals, the journalists, the campaigners and the Member for Tottenham, who have brought this to public attention and—more importantly, perhaps—to Government's attention, so that we can take action? Obviously I join everybody in saying how tragic it was to watch some of those cases and how committed I am to making sure that I put it right.

I do have the right honourable lady's letter and I replied to some of it, but since I was coming here today and I was fairly certain that I would be



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asked most of those questions during the day I am ready to answer, I hope, most or all of the questions that she has set out here. Of course, anything that is not covered in my testimony today I will follow up with.

I will also introduce, if I may, Director General Glyn Williams, who is the director in charge of border immigration and citizenship services.

Perhaps I may address the key question that I have been asked a number of times, which is, "Has anybody been deported?" The answer to that is, "Not as far as we can see at the moment". We have gone back to 2002. We have 8,000 records of people who could have been in a group should they have been deported. It is a fairly extensive process, some of it being checked by hand, and everybody has been working on it over the past eight or nine days. We have got through 7,000 and at the moment we have not found anybody who we believe has been removed because of that. I recognise that obviously we need to finish that process. When it is finished, I will be speaking to my Permanent Secretary about finding out about independent assurance. I recognise that we also need to give people confidence in the facts as we have found them. We have not quite finished that process yet and it is ongoing.

Q62 **Chair:** Numbers of people detained?

Amber Rudd: Again, the first thing I did when I took control of it, which I hope I did last week, was to put out a clear instruction that if there was any detention going on of anybody who might have been in the Windrush cohort, that should not take place. It was confirmed to me that there was not. We are looking currently at what might have happened recently but I have to be frank, I am prioritising the removal for now.

Q63 **Chair:** Are you looking at all of the cases that have been detained over the last few years for people in that particular age group or country of origin?

Amber Rudd: We can do that and I would like to come back to you, Chair, about the scale of what you would like us to do. I am a little concerned about how wide to cast the net in terms of the scale of what is available and what could or could not be the case.

Q64 **Chair:** We need to know if the state has wrongfully incarcerated people.

Amber Rudd: I agree with that but how far back would you suggest, for instance, that we should go?

Q65 **Chair:** We certainly need to know about the last few years and to go back as far as is reasonably possible.

Amber Rudd: Let me come back, if I may, with a proposal on how far back we should go.

Q66 **Chair:** In terms of the wider question about how many people might have been affected by healthcare issues, employment issues, benefits issues and so on, do you have people in other Departments looking at



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those issues?

Amber Rudd: We are working with other Departments on trying to make sure that nobody going forward who might be impacted is going to experience that sort of difficulty. It is difficult for us to work out whether anybody individually has been affected by applying for support in a hospital and has or has not had the service that they need given to them. Of course all emergency support is given in hospitals. As you know, it was introduced that only people who are eligible for healthcare should be able to have healthcare under the NHS. Of course, this group, as I am sure we will come on to, are eligible. The problem we are dealing with here is that they have not been documented as eligible.

Q67 **Chair:** Has new guidance been sent out to hospitals across the country?

Amber Rudd: Yes, I have sent out guidance to NHS England about this cohort, and to NHS Scotland and Wales. On that point, if people have lost their jobs or been adversely affected by the compliant environment because they have not been able to evidence their status that they should have been entitled to, I would expect them to make that case to the independent compensation scheme I will be putting together.

Q68 **Chair:** We will have some further questions on that shortly. Can I ask you when you became aware of the problem?

Amber Rudd: I became aware over the past few months, I would say, that there was a problem of individuals that I was seeing. This was covered, as far as I could see, in newspapers, as well as by MPs bringing it forward anecdotally over the past three or four months. I became aware that there was a potential issue. 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.

Q69 **Chair:** What happened when the High Commissioners raised this issue with the Foreign Office in May 2016?

Amber Rudd: I heard you raised this this morning. I am not clear yet how that was followed up but I will be looking into it.

Q70 **Chair:** You do not know whether the Foreign Secretary at the time raised it with the Home Secretary at the time or with the Prime Minister at the time?

Amber Rudd: I do not have that information. I am aware it was raised but I do not yet have the information that follows up on that.

Q71 **Chair:** We would be very keen to know that. Certainly the information that is now being reported suggests that the Foreign Office did raise it with the Home Office and with No. 10. Also, we have just heard in the evidence from our previous panel that they would expect issues like that to be raised with Ministers.

Amber Rudd: I will certainly look into it and come back to the Committee.



Q72 Chair: Obviously James Brokenshire as Minister did know about some of the individual cases because we have his letter that is in the public domain about Trevor Johnson's case. Mr Johnson came here in 1971, was refused a no time limit endorsement and the letter that he gets from the Immigration Minister at the time says, "He was refused because he failed to provide evidence to show he was in the UK prior to 1 January 1973. He has also been unable to demonstrate that he has been continuously resident in the UK for the years: 1989 to 1990, 1994 to 1995 and 1997 to 1998". We have also heard that people are being asked for four different pieces of proof for each year. Do you have four different pieces of proof as to where you were living in 1989?

Amber Rudd: This is the core of the problem, which is that people who arrived before January 1973 were entitled to residency and to apply for the legal status of being British but they were never sufficiently encouraged to do so and to regularise their position. The Home Office itself, over decades, was not aware that this particular cohort needed different treatment. That is what I am trying to change.

Q73 Chair: You think it is okay for everybody else to be expected to provide four different pieces of proof for each year that they might be in the UK? It is just the Windrush generation from before 1973 who should not?

Amber Rudd: I do think the Windrush generation are completely different. That is why I feel so strongly about the fact that they are treated differently and that their position is regularised as soon as possible and in a way as supportive as possible.

In terms of the proof that other people are asked for, there are thousands of pieces of information that UKVI put out that may or may not ask for different amounts of proof. I do not know the details of this gentleman but different caseworkers will require, on the balance of probability before they make their decision, different amounts of information. It is not the normal course of business in the Home Office or UKVI to ask for four pieces of information per year, it is the normal course of business to allow the caseworker to ask for the relevant material to evidence how long they have been here for and then make their decision.

Q74 Chair: This guy has obviously been here for nearly 50 years and he obviously has provided enough evidence of being here between 1973 and 1989, between 1990 and 1994, between 1995 and 1997 and also after 1998. What is so shocking about this letter is that obviously a lot of proof has been provided but for just those three years it has not and therefore, on that basis, a Minister has rejected his case.

Amber Rudd: That is a very good example of somebody who, if they had been identified correctly—which they would be now and in future—would not be asked to provide that level of support. I would expect a caseworker now to be able to engage with them personally. Those are the sorts of changes I am putting in place.



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Q75 **Chair:** I do not understand. What would make it different now? You say, "They would be correctly identified". There is surely enough evidence in this to show you clearly somebody who has been here a very, very long time and who has not been able to prove exactly when he arrived because he did not come on his own passport. All of that information is there. What is it that is different now compared to before when all of that information was there, other than there was not a "#Windrush" attached to the case?

Amber Rudd: What is different now is that I am putting in place a more personal service at UKVI to ensure that where there are situations of which that might be an example, individuals are able to engage with a caseworker so that they can explain to them why that is the case. In this case it is clearly to do with them having been, as you say, a Windrush cohort. I would hope that that would not happen again.

Q76 **Chair:** You are not saying you are going to change the burden of proof.

Amber Rudd: I am saying we are changing the burden of proof, particularly for—

Q77 **Chair:** For somebody who has already proved that they are a part of that group.

Amber Rudd: For the pre-1973 or the so-called Windrush cohort, there is a different burden of proof. The big difference is that I am making it a more proactive role for the Home Office to help people. For the past few decades the Home Office has been very reactive when people applied to them for regularising their status. The changes that I am putting in place are so that we have a proactive approach in terms of making sure that we can work across Government and cross-check the records themselves. I think that will make a significant difference.

Q78 **Chair:** What I am trying to get to the heart of is whether there is a wider systemic problem in the way in which the Home Office is making decisions that the Windrush generation and their families have been caught up in. That you have a wider issue in the Home Office that has led to this in the first place.

Mr Johnson had two daughters under 18. They were under 16 at the time when this started. Yet his child tax credit was stopped and all of his income. He lived off food banks despite being here legally. Now, you said the decisions would now be made on the balance of probabilities. Why were they not being made before on the balance of probabilities?

Amber Rudd: They were made before on the balance of probability. That was the expectation of every caseworker. It sounds to me again as though in this sort of situation, if he lost out because of the compliant environment, because he could not give the evidence, I would expect that to go to the compensation that we are putting in place. I would much rather it did not happen, of course. I hope that the changes I am putting in place will ensure that there is a culture change and that any future



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cohort of this type will be picked up much sooner or that we will not get there at all.

Q79 **Chair:** Some people have been locked up because of this. We know that some people have, from some of the cases that have been reported. We know that Anthony Bryan was detained twice and we know that Paulette Wilson was taken to Yarl's Wood, in both cases people who have been here for very many years. In the case of Paulette Wilson, a British citizen in her 60s locked up in Yarl's Wood, who interviewed her before she was locked up?

Amber Rudd: I cannot comment on an individual case in that detail but I can tell you—

Q80 **Chair:** In this situation, would anybody be interviewed at all? I understand that she was not interviewed by anybody.

Amber Rudd: Again, I cannot comment on an individual but I can tell you that I heard about the Paulette Wilson case and I have put new arrangements in place to ensure that that sort of thing does not happen again. I was shocked by that.

Q81 **Chair:** What kinds of measures?

Amber Rudd: I have put in measures so that there are more checks in place so that individuals, perhaps, as she was, are not locked up in that way.

Q82 **Chair:** Checks by whom? What is the level of check?

Amber Rudd: We are putting in more senior caseworkers, for a start, to ensure that any decisions 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.

Q83 **Chair:** Should there not be some form of interview with the people who are about to be locked up or deported? We heard from the previous evidence that oral testimony or personal testimony is no longer being considered as evidence where it used to be.

Amber Rudd: I am surprised to hear that they were not interviewed, I must say.

Q84 **Chair:** We understand that the normal system in the Home Office now, as it has been for some years, is that personal testimony is not taken as evidence on behalf of somebody's case. What is taken into account is only their written documentation.

Amber Rudd: That is exactly what I am changing. I am changing it. That is why I have put together a call centre, which will be opening in July, to ensure that there is somewhere people can speak to. It is important that we introduce more of a personal support service at the Home Office so



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that there is that personal engagement that I think will make a difference.

Q85 **Chair:** Targets for removals. When were they set?

Amber Rudd: We do not have targets for removals.

Q86 **Chair:** But you did?

Amber Rudd: What are you referring to?

Q87 **Chair:** We have just heard in the previous evidence that in the Home Office there are regional targets for net removals.

Amber Rudd: I did not hear the testimony. I am not sure what shape that might be in. If you are asking me if there are numbers of people we expect to be removed, that is not how we operate. I know we are talking about Windrush here, who are legal migrants, but where there are people who are here illegally it is right that we do try to remove them.

Q88 **Chair:** We have just had testimony in our evidence session that has been very clear that there are removals targets in place. Perhaps Mr Williams could clarify. Are there removals targets for different regions of the enforcement team?

Glyn Williams: I am not in charge of enforcement but not as far as I know, no.

Q89 **Chair:** Okay. We have just had very clear evidence. We are going to need to clear this up very quickly because if there are removals targets in the Home Office and the two people who are supposedly in charge do not know about them, that feels pretty serious. It feels like a lack of grip anywhere in the system. If there are not, obviously I do not want to be putting unfair questions to you.

Amber Rudd: Perhaps you could clarify what was said to us. Was it a target based on a number or a percentage? It is correct that I have asked for more removals to place because I would like to see people who are here illegally removed.

Q90 **Stephen Doughty:** It was a very clear point from the Immigration Services Union who said there were net removal targets by region across the UK. We need to know if that is true or not.

Amber Rudd: By number?

Q91 **Stephen Doughty:** A net removals target you would assume is a number of people that you are trying to remove from a region. We were told about the wider impact of the net migration policy and how that filters down to KPIs and targets for individual decision-makers, both in terms of removals, processing times and so on. It is very clear this is having an impact on day-to-day decision-making.

Amber Rudd: I will certainly take a look at the testimony that you have been given.



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Q92 **Chair:** I have also heard from somebody who works in Immigration Enforcement who said that they have had for some years internal enforcement targets, that these were regional targets, that the targets had been increasing every year, including for removals, and the Director General would report back to the Permanent Secretary regularly. They were set by a local command group. However, there has been an issue recently that some of the targets have been dropped because so few were being met as of this month, but up until this month these targets were all in place. I also was told that local managers, under pressure to meet those targets, would instruct staff to go looking for the easiest targets, the “low-hanging fruit”. What do you say to that?

Amber Rudd: I think that is extraordinary language to use. Who would refer to anybody as low-hanging fruit?

Q93 **Chair:** That is my question to you. This is what I heard.

Amber Rudd: Can I clarify? There is nothing wrong with trying to remove people who are here illegally. What we talked about earlier was people who are here legally. The problem has been, with the people who are here legally, they have not had the correct documentation that they should have had to support them so that they were protected.

Q94 **Chair:** If you have people who have targets to meet, they are under huge pressure and are working very hard. They have been told that they have targets to meet. There are cases where, when you look the detail of this, you realise this is a woman in her 60s who appears to have been here all year, and maybe she should have been interviewed before she was taken to Yarl’s Wood, how much are those staff going to be under pressure simply to get someone into deportation, into detention in order to deport them because of the targets? That is the real concern here.

Amber Rudd: I do not agree. I do not agree with that. I have met our caseworkers and your description of them is not something I recognise. They are much more sympathetic and compassionate than the way you describe it.

Q95 **Chair:** I am sure they are but they are not put in a position where they are able to interview people before they take them into detention. They are instead, according to the evidence that we have heard, being put under pressure to meet targets. Surely it is the Home Secretary and the senior staff of the Home Office who are responsible for setting those targets and setting that framework.

Amber Rudd: The right honourable lady has not shown me the evidence that she has collected

Chair: I can do that.

Amber Rudd: That is excellent and I look forward to seeing it for myself.

Q96 **Chair:** We have also heard extensive evidence that there was a culture of disbelief that has been growing within the Home Office, an increased



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burden of proof that has been growing, and that a lot of this was driven—and we heard this in our previous evidence—by the net migration target, which of course measures the number of people who leave the country and not simply the number of people who arrive in the country. Home Secretary, do you agree that the net migration target has distorted the decision-making and led us to a lot of these problems?

Amber Rudd: No, I do not. I do not think that has anything to do with it. What we have is a situation where a group of people, who should have been properly documented, who are entitled to be here legally, have not had the evidence that they should be. That is what I am committed to putting right. I do not think that has anything to do with it.

Q97 **Chair:** Have you asked the Prime Minister to get rid of the net migration target?

Amber Rudd: I have not discussed that with the Prime Minister.

Q98 **Chair:** You have not discussed the net migration target with her at all?

Amber Rudd: I am not going to be drawn any further on private conversations I might have with the Prime Minister, but I do think the right honourable lady is wrong to think that the net migration target is what is the problem here. I think the problem here is that people were not properly documented. This has gone on, as I believe she knows, for decades. They should have been properly documented, post-1973, at some stage. Unfortunately, a series of immigration laws that were put in place over the next 20, 30, 40, 50 years have basically disenfranchised them. That is where the tragedy is and that is what I want to put right.

Q99 **Chair:** If I was told that Ministers had decided at a political level and made a political decision to focus on trying to increase the number of people leaving the country in order to meet the net migration target, that would be wrong?

Amber Rudd: I do not recognise that description of any conversation.

Q100 **John Woodcock:** To be clear, you said, when you were initially asked by the Chair, that you had not discussed the net migration target with the Prime Minister and then you said you are not going to be drawn on private conversations. Which answer—

Amber Rudd: In the context of what we are here to discuss, which is the whole Windrush saga, the whole Windrush sadness, really. I have not discussed a net migration target with the Prime Minister. What the Chair was asking me about—because I think it is the wrong thing to be after. I think the issue here is to do with the legal status of the Windrush cohort.

Q101 **John Woodcock:** Her specific question was on whether you had asked the Prime Minister to remove the net migration target. Your answer to that is, “I am not being drawn”, or is your answer to that, “No”?

Amber Rudd: I have had private conversations with the Prime Minister, which will stay private, but I do not think that the net migration target is



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the issue here. I think the issue is that people should have been properly documented, and that is what I am trying to put right.

Q102 **John Woodcock:** When you gave the answer this week in the House to David Lammy that the Home Office has become too concerned with policy and strategy, which policy and strategy if not the net migration target?

Amber Rudd: It is not the net migration target, it is to do with the fact that I want the Home Office to be able to engage on a more personal basis with people as they apply for, as in this example, their residency.

Q103 **John Woodcock:** Was it you as Home Secretary who made changes to make the Home Office too focused on policy and strategy?

Amber Rudd: I think that what this has revealed is that the Home Office needs to have a more human face.

Q104 **John Woodcock:** Did you make it less human? Was it you as Home Secretary who made it less human?

Amber Rudd: What I am trying to do is to look forward to make those changes now. That is what I was answering to David Lammy. I want the Home Office to be more personally focused on individuals.

Q105 **John Woodcock:** I understand that, but as we are trying to understand the framework of how this happened, it is important. You came in as Home Secretary in 2016. Did you make changes that on retrospect you think made it less human and too policy-focused?

Amber Rudd: I think that will be for others to judge. What I am concerned with is putting in place—

Q106 **John Woodcock:** It is important what your answer is because it appertains to whether you inherited a system that was too focused on policy and strategy or whether you made that decision.

Amber Rudd: I do not think I can give a clear answer to that. What I can say is that what has been revealed to me by this particular situation is that it needs to have a more personal face.

Q107 **John Woodcock:** Forgive me, Home Secretary, you could give a clear answer but you are choosing not to because you are choosing to protect the former incumbent of the Home Office, who is now the Prime Minister, or for what reason are you choosing not to answer?

Amber Rudd: I am choosing to be very honest, which is that I do not have a straightforward answer to that. What I am saying is that I made that comment to Mr Lammy on the basis of what I have discovered in the past few weeks that I need to do more of. The answer is when I look and I see certain situations—and I saw the description and the personal testimonies on some of the televisions and some of the newspapers—I was as appalled as everybody else. I need to put that right so that there is a personal contact.



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Q108 **John Woodcock:** Thank you. One more question, if you do not mind. I noted you thanked journalists at the beginning. I do not know if you read personally what Amelia Gentleman, who has been the lead journalist on this, wrote in response to your statement on Monday. It was that she has been and *The Guardian* has been raising, she says on an almost weekly basis for six months, the catastrophic circumstances of Windrush people, and yet you say that you did not realise that this was a systemic problem until very recently and you bitterly regret that. How did you not realise it? Was it not raised with you?

Amber Rudd: We get a lot of journalists and newspapers and MPs giving us their advice and bringing individual cases to us. We try to follow up on them. 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. I do agree with you that Amelia Gentleman has done an extraordinary job.

Q109 **John Woodcock:** Did no one in the Home Office advise you to say this is not just individuals, this is a bigger problem?

Amber Rudd: As I saw the individuals before it really emerged on the scale as it did the past 10 days ago, I did ask for some advice. At that point I believe the Home Office was beginning to move into action, but too slowly and too late.

Q110 **Sarah Jones:** How many immigration cases from the Windrush generation have been raised with your Department or Ministers or officials by MPs over the last few years?

Amber Rudd: I am afraid I do not have the full number on that.

Q111 **Sarah Jones:** Do you monitor incoming correspondence in any way?

Glyn Williams: If I may, Chair, I think the issue is with the word "Windrush". Letters were not coming in with the title "Windrush", or encounters of the Home Office with people were not under that rubric. That is the issue, I think.

Q112 **Sarah Jones:** I have had 450 cases since I became an MP, immigration cases, and I tag them according to the issue. I presume you have a similar system that would tag the issue that you were dealing with, not necessarily as Windrush but in some way that would allow you to see that there is a bigger problem here that, as you described, is systemic?

Glyn Williams: Yes. They were not tagged as Windrush. That is a term that has become common currency in the last couple of weeks. Obviously there are many, many similar cases of people who have been here a long time who are trying to document that fact, or making human rights claim and things like that, or claiming asylum. There is any number of descriptions of cases that we come across. The problem here has been that the Windrush people—which is a specific term to mean those who have the protection under the Immigration Act 1971 because they arrived



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before 1 January 1973 and were conferred a legal status under that Act—have not been identified as such and distinguished as such within the bureaucracy of the Home Office.

Amber Rudd: It is a good point and I have 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.

Q113 **Sarah Jones:** Is there any evidence that the hostile environment, as it is called, the changes that have been made over the last few years, has led to any increase in voluntary returns generally?

Amber Rudd: We are looking at returns and deportations and that does include voluntary ones. We are doing a lot of that, as I said earlier, by hand to make sure that we have—we are looking back to 2002, because there were a number of changes that were made under Labour before in terms of checks to immigration status for benefits, checks to immigration status under being able to rent a house, being able to rent any property. That in 2008 increased the penalties if people—there was an employer one in 2008 that increased the penalties to £10,000 if an employer took on an illegal immigrant. There are a number of situations that could have led to that, but we have checked so far and have not seen any.

Q114 **Sarah Jones:** Has there been an increase in people voluntarily returning to the country that you want them to return to, since you brought in the changes that you brought in in the last few years? Are more people leaving voluntarily now?

Glyn Williams: No, they are not. I make the point that I think the compliance environment is not just about people already here who may leave because they are illegal and they have difficulty living a normal lifestyle, although it is about that. It 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.

Q115 **Sarah Jones:** All these people who have been caught up in this environment of having to prove all this information and being detained and not being able to travel and all those kinds of things has not led to more people voluntarily leaving the country. That is my point.

Glyn Williams: The voluntary return numbers have not gone up, no.

Q116 **Sarah Jones:** Can I raise a particular issue? Somebody came up to me at the weekend and talked about their situation. This was a woman who was born to British parents, British grandparents. She was born in Canada because her father was working for the British Railways. Everything was fine, no problem. In January 2014 her house was subject to an early morning raid by 10 immigration officers, who declared that she was not legally in this country, which she was. She then had to go through a long process that was led by Capita, demanding increasingly



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large numbers of information: birth certificates of her grandparents and all kinds of different pieces of paper. She was then told she was going to be removed to a detention centre and removed from the UK.

My predecessor at that point, Gavin Barwell, who is now the Prime Minister's Chief of Staff, intervened. As soon as he intervened it was clear that she was a British citizen and it was completely wrong. That in itself is pretty shocking that that is happening. What has happened since is that she has been given her 10-year passport. She travelled to Germany recently. On coming back she was stopped—which was very humiliating for her—because she does not have whatever it is. They have not even told her. They have said, "You have to get in touch with the Home Office". She is too scared to do that at the moment because she does not know what the issue is. I suspect it is because she does not have a stamp that says "NTL" or something that they are expecting. Can you explain how many people, who have already had their passports given, are still having problems every time they try to travel? We heard evidence that this is happening in quite a lot of cases.

Amber Rudd: I am not quite clear on what this particular problem is, I am afraid. I have not quite understood. What sort of passport does she have, a British passport?

Sarah Jones: A British passport, yes.

Amber Rudd: She has had trouble travelling?

Sarah Jones: Yes.

Amber Rudd: I cannot explain that but there may be reasons that I do not know about. I am afraid I cannot be drawn any further on that.

Sarah Jones: I can send you the details.

Amber Rudd: Absolutely.

Q117 **Sarah Jones:** I went to a homeless centre, called a Street Legal shelter, in Croydon last week. They support people who are rough sleeping because of their immigration status. In the last year they have had 10 Windrush generation people who were sleeping rough and who they have now supported. In most of their cases—not just the Windrush but in most of the other cases they have—they manage to get immigration status for the people and they remain in this country, because something has gone wrong along the way. There are questions I would like you to look at around legal aid, access to public funds, ability to work while you are waiting for your decision, and perhaps a speeding up of decision-making for people who are physically sleeping rough because they have absolutely no funds whatsoever.

Amber Rudd: You raised speeding up in terms of casework for people wanting to become residents some time ago with me, I think on my first outing here. I committed to doing that, which we have been putting in place. I would encourage you, if I may, to urge the charity to encourage



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the individuals who are from the Windrush cohort to call the line that we have put out there. I went to Croydon myself to go and see how it was operating and I listened in, with permission, to a number of calls. The caseworkers are being incredibly helpful and sympathetic. I listened to one where the lady in question had almost no material but was able to say that she could perhaps contact her school and get some information. I am confident that that is going to be a very successful process for them. I hope that that will be a real sea change.

Q118 Sarah Jones: Would you look at the system of legal aid and support while people are waiting for decisions to be made?

Amber Rudd: In terms of this particular cohort?

Sarah Jones: Yes.

Amber Rudd: I do not have any plans to change the arrangements for legal aid, although I know that the Ministry of Justice is looking at other aspects of it. I can say, because I have had a number of inquiries about this in terms of legal aid, that the whole purpose of the way we have set up this taskforce is to make it personal. I do not expect people to need legal aid. We have had over 1,000 Windrush calls, we have 91 appointments, 23 resolved, and they are not needing legal aid in order to access the support we are giving.

Q119 Stuart C. McDonald: Home Secretary, today the Prime Minister was again defending the hostile environment by arguing that it only impacts on illegal migrants and that everybody else can go about their business as before. That is not really the case at all, is it? In the last panel we heard about other groups who are impacted by the hostile environment. We could start, for example, with the 9 million British citizens who do not have a passport. How can they be expected to rent property in England if they do not have a passport?

Amber Rudd: It is worth me pointing out that in most countries, western countries particularly, in order to rent properties or when you change jobs you are required to show some sort of identification. The UK is no different in that way. We are, of course, one of only three, I think it is, EU countries who do not have ID cards. We do have other elements of identification that people can bring. It does not always have to be a passport. That was one of the things that we consulted on in 2014 and have made clear.

Q120 Stuart C. McDonald: Isn't that precisely the problem? The other countries where this operates have a history of an ID card. This country rejected an ID card and this, in essence, is almost like an ID card by the back door. There has not been the groundwork done to ensure that everybody who needs documentation has documentation. Hence you have all these problems with right to rent and indirect discrimination.

Amber Rudd: You do not have to bring a passport. As you rightly point out, British citizens have other forms of documentation as well. There are



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lists of other sorts of documentation, like former council tax bills, birth certificates. There are birth certificates, of course, for British citizens, which are easily replaced if people have lost them. There are a lot of other documents that can be used as well.

Q121 Stuart C. McDonald: Your own pilot for the right-to-rent scheme showed that there was evidence of indirect discrimination and the JCWI have produced a pretty extensive report that shows there was evidence of indirect discrimination. Why did the Government push ahead regardless of that evidence?

Amber Rudd: As you rightly say, we did a consultation, we did a trial in Birmingham to make sure that we had got it right and that if there were elements about it, we would change. As a result of that we did increase the types of documentation that could be used to evidence people's right to live here, so I think we addressed that. The core of it is a simple problem we have, which is if you have an environment that is comfortable for illegal people to live in, more will come here and there will more abuse and there will be more modern slavery. If we want to make sure there is not abuse, I think we have to have an environment where it is difficult for illegals to flourish.

Q122 Stuart C. McDonald: I will come back that in a second. Another group that was highlighted in the last panel was back in 2012 it was estimated that there were around 120,000 undocumented children who were either born here or who have lived a significant amount of time in this country. Their routes to getting the documentation that they would need to be able to survive, essentially, in a hostile environment would either be registration, which I understand costs over £1,000, or the 10-year-long residence route, which would cost around £8,000 over five applications. That surely is an unacceptable way to treat children.

Amber Rudd: If the children are born here, they all have a birth certificate that they can evidence as their documentation, but British citizenship is a great privilege and a right and we do charge for it. You will find other countries do charge for their citizenship as well.

Q123 Stuart C. McDonald: Some of these children are entitled to British citizenship. Exactly the same as the Windrush generation, they are entitled to British citizenship, but what your Department is asking them to do is to either pay £1,000 or in some cases £8,000. Particularly the ones who are having to register, they are entitled to British citizenship. Why should they have to pay £1,000 simply for the right to rent property or to access NHS treatment or whatever else?

Amber Rudd: I am not sure whether that is entirely correct in terms of renting of property, because it may be that they have access to other forms of documentation that are on the list.

Q124 Stuart C. McDonald: Going back to your defence on the basis of its effect on illegal migration. In fact, the evidence from JCWI and ILPA and others is it has the contrary effect. You have people who are no longer



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able to rent property, they cannot work legally, so what you end up finding is they end up further away from immigration control, they rent on the black market, they work in the black market. Contrary to the idea that you are pushing them out of the country, you are pushing them further away from immigration enforcement, making their job tougher rather than easier.

Amber Rudd: I do not agree with that. I think it is right and it is fair, fairer to taxpayers here, that the people who access our services are the people who are here legally. This has been a long-standing Government position, not only with this Government, but under the coalition, the Labour Government and previous Conservative Governments to make sure that access to benefits are only accessed by people who are legally here.

Q125 **Stuart C. McDonald:** Fundamentally the key problem is that you have absolutely no way, or have made no attempt, to measure the effect of the hostile environment. We have heard there is no evidence that voluntary returns are going down. How are you measuring the impact of the hostile environment and whether its impact on illegal migration is—

Amber Rudd: There are different ways. One of the ways is anecdotal, in terms of what we hear people say they are considering. Like in human trafficking, if it is more difficult for people to access benefits here, they are less likely to bring people here. You have a point. It is difficult to be absolutely precise about it, but anecdotally we know that if it is an environment in which illegal life cannot flourish, then people are less likely to make it their home.

Q126 **Stuart C. McDonald:** Isn't the problem with too much of the immigration policy? It is based on anecdotes and not evidence.

Amber Rudd: I do not think it is right, and nor would the public expect, the UK to be a place where illegal migration can flourish. It is a place where we have to be firm. To the people who are here legally, who have paid the costs, and to the taxpayers, that legal migration is something we want, we welcome, particularly the most vulnerable, with the Syrian Vulnerable Persons Scheme, but for people who are illegal, they should not have a place here.

Q127 **Stuart C. McDonald:** Meanwhile, without measuring the effect of the hostile environment, you have 120,000 children, you have the Windrush generation, you have British citizens who do not have a passport. They are all, in a sense, acceptable collateral damage in this type of environment?

Amber Rudd: No, absolutely not. British citizens do not all want a passport. A passport is something people apply for sometimes, but you can be a British citizen without a passport. I think British citizens expect us to have an environment where we make a clear distinction between legal and illegal. What is so wrong here is that people who are here legally—and that is the Windrush generation—did not get the support



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they were entitled to.

- Q128 **Rehman Chishti:** Home Secretary, just a few questions, first with regard to Windrush and warning signs and then wider questions on the culture at the Home Office. First, should the Home Office have been aware of this problem much earlier under successive Governments, this Government and the previous Government and the coalition-led Government? There was a Conservative/Lib Dem Government, a coalition Government now and a Labour Government. Should the Home Office, under successive Governments, have been better aware of this problem earlier?

Amber Rudd: I certainly wish that we had been aware earlier. It is a problem that has been going on for many years and some of the stories that we have heard in the newspapers and on television have been heart breaking and have taken place over 10 years ago. The time to have regularised people from the Windrush generation would have been as soon as they arrived after 1973. As we have entered a world in which more and more documentation evidence is required—and those regulations have been put in over the past few decades—they have found it more and more difficult to operate. I wish it had happened earlier, and with hindsight we concede that, but I am certainly going to put in place the processes now to ensure that they are quickly and effectively documented so that they can have a successful life going forward, and a compensation package to protect them as well.

- Q129 **Rehman Chishti:** For clarification on that, in relation to warning signs, if any, knowing the information that you do now from having seen what has gone on over a substantial period of time, were there warning signs given by groups in relation to this matter?

Amber Rudd: Unfortunately what I saw was a series of individuals who were being adversely affected in this way and I failed to see it—which I regret—as a systemic problem that needed a proper holistic solution, which we are now putting in place.

- Q130 **Rehman Chishti:** That is the position with regards to you and the position that you took but the Home Secretaries under successive Governments before you, is there anything on record to say if they were aware of this and what position they had taken on this?

Amber Rudd: None that I can see.

Rehman Chishti: None that you can see under successive Governments, trying to be as fair as I can?

Amber Rudd: Correct, yes.

- Q131 **Rehman Chishti:** With regards to the documentation point, where some people get really concerned, and linked to the question raised by the Chair earlier about some individuals having to produce documentation going back to 1989, where there seems to be some unfairness, some would say, is in relation to individuals who own their own businesses. According to HMRC documentation they only have to prove their



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documents or keep their documents for five years, but then you have other individuals who have to go back as far as 1989. That does seem quite unfair, does it not?

Amber Rudd: Can I ask Mr Williams to answer?

Glyn Williams: On the documentation point, first coming back to a point made earlier, it is not Home Office policy to ask for four documents per year. I have looked at the application forms, I have looked in the guidance. There is nothing in there about four documents a year. If anybody has evidence that we have been asking that, then we would like to see it.

What the form says for the NTL application, which is the one that the Windrush generation would mainly have been using, is that if they do not have travel documents, passports, Home Office certificates from the past, which obviously they don't in most cases, they need to demonstrate their continuous residence in the UK. An illustrative list of documents is given. We name council tax letters, letters from a GP, letters from a school or college, electricity, gas or water bills, letters from employers confirming employment. There are other settlement forms with similar lists that are longer than that. Basically we are saying that any documentation evidence that you have that establishes your footprint in the UK during that period, that is what we would look at. We are not prescriptive about it.

Q132 **Rehman Chishti:** A clarification on that if I may, Mr Williams. You talked about a number of different documents. If I give you the category of residence permits, residence permits apply to individuals who are, say, European nationals. They come to stay in the United Kingdom and they marry an individual, say, from the Commonwealth or somebody from Central America. On that basis the person they marry—if they are a European national but they marry somebody who is a non-EU national—they have to apply for a residence permit. For a residence permit when they have to prove the documentation, like the category that you have given, it is sometimes—from what one hears—either bank documents, gas bills, and so on and it has to have joint names on it.

What it does not take into account is the human nature of the statements by their close friends who know them to be a couple together, or photographic evidence to say they have a relationship together. The criteria that you have in place, from speaking to individuals who deal with this, does not take into account the humane nature. So that documentation that you mention, will that now relook at how the documentation will take into account more about the humane nature of the relationship?

Glyn Williams: If I may say so, that is a different situation. You are talking about the need to establish that a relationship is genuine in order for someone to come to the UK to join. Here we are talking about



evidence that someone has been resident in the UK over a continuous period, so it is a different set of documentation.

Q133 Rehman Chishti: I accept that but I want to clarify the wider point about discretion. If we are talking about the culture and the role of Home Office caseworkers, I am interested to ensure that rather than having stringent criteria, you have a more of a commonsense, flexible approach to that. That is the point I make on this.

Glyn Williams: Yes. Down the years, the Home Office has varied its approach. At one time, interviews were very common. They still are the norm for asylum cases, for example, where there usually is no documentation. When we introduced the points-based system, in 2008, it was an attempt to make the system more objective and we had prescriptive lists of documents and prescriptive eligibility criteria—this was for economic and student migration—and if you provided the documents specified and you met the criteria, you ticked the boxes and you were issued with a visa, with no interview. That was an attempt to take paper out of the system. The criticism of the Home Office previously was that in carrying out subjective assessment methods, including interviews and that kind of thing, we were allowing caseworkers' own prejudices to come into play and it would be better to rely on objective evidence so that caseworkers were not forming prejudiced judgments. Clearly, one has to look at whether that has gone too far as an approach, and I think what the Home Secretary is saying is that she wants us to come back, row back from that, and introduce more face-to-face, more subjectivity, more judgment into the process, as opposed to only looking at evidence.

Q134 Rehman Chishti: We all, as Members of Parliament, deal with casework and it is absolutely right that the constituents that we represent can be sure that we make every representation possible. When we do have constituent come to see us—or those who deal with this area of the law—and make that comment—can you please clarify that there is no Home Office directive given to caseworkers saying to refuse all applicants at any time whatsoever and find whatever way to check every document, rather than take a more commonsense, flexible approach and that the new approach, on the humane basis, will provide that flexibility to caseworkers to get the human and commonsense side into practice?

Glyn Williams: Caseworkers are trying to be honest. They want, first, to behave with integrity and objectivity. Secondly, they are implementing the immigration rules that have been approved by Parliament. If they were interpreting those rules in a way that went too far in the other direction, we would obviously face criticism in that sense. It is also true that over the last several years, the security, criminality and terrorism aspects of our work have, rightly, come very much to the fore of border security. I believe caseworkers are very sensitive to the threat that they may be granting leave to someone who may go on to commit a terrible crime or something of that nature. I want to make clear that in the Windrush—



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Q135 **Chair:** So serious terror threats are a reason to say that a woman in her sixties from the Windrush generation should be locked up in Yarl's Wood?

Glyn Williams: Chair, I am trying to give you the general background against which Home Office caseworkers are operating and that is one factor.

Q136 **Rehman Chishti:** Just to get this into scope, how many of those individuals that Home Office caseworkers deal with, have been identified to be a threat to national security or connected to terrorist incidents? Just to see your point about criminality, picking out criminality through that process, on that very point, how many of those individuals have been identified and later confirmed to pose a threat? The point I raised to you is about what I get, as a Member of Parliament, as do those who administer these matters in tribunals. Is there a directive from high above, from individuals like you or those who set policy to say caseworkers work on the presumption that no application succeeds and find every little bit that you possibly can—

Amber Rudd: Absolutely not. No.

Q137 **Rehman Chishti:** That is for clarification. That is not what I am saying. I am saying that this is what has come to me. I am just trying to get the assurance from you, for them out there, to say that where there can be flexibility, where there can be discretion, rather than a simply stringent approach, a tick-box culture, caseworkers can take a more flexible, humane approach.

Amber Rudd: It is a combination, as Mr Williams has said, of the balance of probability and the legislation in place. The legislation, of course, passed by Parliament, requires certain documents at certain times to be evidence, and the caseworkers have to work within that but then have to make their decisions on the balance of probability. They also—and as I said earlier, I have met a number of them—do their best to be sympathetic, compassionate and helpful.

Q138 **Rehman Chishti:** One final question: the Select Committee made a series of recommendations in January, warning about the errors in casework and the operation of a hostile environment. The Home Office response included no new action. In light of the current circumstances, will be looking at that again?

Amber Rudd: Yes, I will. I have said that there are a number of steps I want to take that will make it more personal for people. Specifically for this cohort, I have said there will be a taskforce, which is already up and running with numbers, giving appointments and issuing documents. Beyond that, however, I do think it is going to be a change that we are going to set up a contact centre from July, which will have 30 people and will be able to engage with individuals. It is not about giving legal advice, but giving information about what sort of application might be appropriate. On top of that, I am putting in place 50 senior caseworkers who will be able to be referred to by the more junior caseworkers for



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decisions in order to increase the confidence that caseworkers can have with regard to making those decisions.

Q139 **Naz Shah:** Home Secretary, I have had a few individual cases come up just today in my constituency office. People have been asked to go to their nearest premium service centre, which they think is Sheffield. They will take their documents but they still do not know what documents are required. They will be processed within two weeks. But the question really is this: legislation about free applications for nationality will have to go through Parliament so it cannot happen now, so are we waiving fees or are we not waiving fees for applicants that have clearly come here before 1973?

Amber Rudd: We are waiving fees. We are doing it within a discretionary side for now. We will need to have legislation in place to change the fee arrangements and I hope we will have your support to do that.

Q140 **Naz Shah:** With regard to the culture, following on from what my colleague just said, it was highlighted to you by David Lammy, during your statement yesterday, that there are those from other Commonwealth countries who are affected by this but not all fall within the Windrush rules. We see cases like this regularly, people from a south-Asian background. One in particular concerned a 29 year-old who was actually born here, whose mother came in 1968 from India on the mother's passport and was naturalised in 1989, yet he has been told that unless he can produce one exact piece of evidence related to his estranged father, he is not entitled to a British passport and effectively has no status. Through other routes, it will cost him thousands of pounds to regularise his nationality and the Home Office and the Passport Office cannot even communicate effectively between themselves. How is it fair that someone like this, who was born here and is British, is not treated with decency and respect and is expected to put his life on hold for years due to the culture created in your Department?

Amber Rudd: I want everybody in this country to be treated with decency. I believe the law change in 1988, with regard to people who were born here—is that right, Mr Williams?

Glyn Williams: Do you mean the British Nationality Act? It was 1981. It came to force in 1983.

Amber Rudd: That meant that by being born here, you did not automatically have residence here. I cannot answer the question with full details but I can say that it was put in place in 1981, 1983, that being born here did not confer status as a British citizen automatically.

Q141 **Naz Shah:** I have also had Elizabeth Farnham in my office. She is happy to have her name read in the Committee. She had lots of documents, copies of passports and so on. These were presented to the Home Office last year. It has really impacted upon issues that are personal to her. There are clear stamps; there is clear, documented evidence, passports



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being stamped and so on, of when she came here, before 1972, and yet she is still having to go through this. She has been rejected for lots of things. It is as if one hand is not talking to the other, effectively, in your Department. On the one hand, you are not allowed to have a bank account if you do not have your legalised status and you do not have your proof. On the other hand, you require that proof, so you are effectively setting people up to fail when they do need the evidence, and the evidence of those who have come before 1970, people who are in their sixties who have come here as children—how far does the apology really go for these people whose lives have been affected? We have heard the evidence of somebody who is still sitting here, having to sell their car, whose savings have gone down, and having to go to foodbanks. Is an apology really enough for those people?

Amber Rudd: I do not think an apology is enough, no. An apology is the first step. We will be setting up a compensation scheme as well. I appreciate how serious this is. I appreciate the difficulty, to say the least, that this has caused. However, the lady that you have mentioned, Mrs Shah, sounds like the sort of person who should be calling the hotline that we have set up and I hope that she will have a swift solution to her situation.

Q142 **Naz Shah:** While you are talking about the hotline, at the moment, as MPs, we have hotlines to the Home Office, that are specific to immigration cases and we have had an average of 15 a week, but with the Windrush cases coming in, no doubt they are going to be increasing. Will there be an additional dedicated further helpline for those people who do not have the confidence to go to your hotline directly and would like some support from their local MP, and rightfully so?

Amber Rudd: I will keep that under review. I make a commitment to you and to this Committee to ensure that the hotline that has been set up as part of the taskforce has sufficient resource to be able to deal with the number of calls that it has. Those numbers, of course, have been increasing. We have had 1,300 overall. What happens first is that they are triaged and then they get a call back. Then, as you know, appointments to come forward are made, where appropriate. I will make sure that there are sufficient resources to address the demand.

Q143 **Naz Shah:** Finally, given that high fees are one of the deterrents preventing people from regularising their status, will you waive all the fees for those who come forward from the 1973 - 1988 group, including for citizenship?

Amber Rudd: I am looking at that. I will come back to the Committee with a proposal. I do intend to come back with, hopefully, a constructive suggestion that is a reduced fee, but I cannot be specific yet about what it is. I am committed, however, to making sure that the 1973 - 1988 cohort is also looked after.

Q144 **Douglas Ross:** Can I start off by following up on Sarah Jones' point



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because I am troubled by the fact that there is no way of a trigger going off to suggest there is a problem. Every MP can go into their constituency office and print a report to say these are the problems we have with anti-social behaviour, go to the local authority, these are the problems we have with immigration, go to the Home Office. Why should MPs be able, at the click of a button, to print off these reports and find out if there is a trend, yet the Home Office, or the Department, cannot do something similar?

Amber Rudd: I would put it to you that it depends what inputs you put into that spreadsheet, effectively, because, as Mr Williams said, there wasn't a cohort called Windrush before the past few weeks.

Q145 **Douglas Ross:** There must have been very similar cases coming in and people reviewing them would have seen, for example, that is very similar to these other 100 cases that we are getting in.

Amber Rudd: Unfortunately, there wasn't one that threw it up in the way that I would have liked but there are systems in place to throw up certain types of characteristics, so usually we can see the shape of where the problems may be emerging. I am going to make sure that we learn from this and put something in that would, I hope, spot this sort of situation in future.

Q146 **Douglas Ross:** Could I come on to your response in the statement you gave in the House of Commons about the number of people who will be employed. You corrected yourself in response to an earlier question. You said you were going to recruit an additional 50 but then I think you corrected yourself to say you would find, or you would get, an extra 50. Where are the 30 who will be part of the contact centre, and the additional 50, coming from?

Amber Rudd: You are right, I did correct myself on the 50 because the 50 who were going to be the senior caseworkers will be from existing caseworkers now. I want them to have the experience and the background so they can make serious decisions about people's lives. We will backfill 50 new caseworkers behind them to make sure that we are not spread too thin.

Q147 **Douglas Ross:** These 50 are currently senior caseworkers?

Amber Rudd: They are probably already senior caseworkers. I will need them to be really expert and experienced in order to be able to do this job.

Q148 **Douglas Ross:** But they will not then be backfilled by senior caseworkers into the vacancies they create?

Amber Rudd: We are going to recruit another 50 to ensure that the additional support is not just extracted from the existing caseworker numbers. I will make sure that we have 50 senior caseworkers who are able to have junior caseworkers approach them. That means some of



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them may be promoted, some of them may be from existing senior ones, but then we will backfill in order to make sure that they are replaced.

Q149 **Douglas Ross:** My issue would be you will backfill 50 with 50, which is fine on a numbers profile, but in terms of the experience these caseworkers have, the ones dealing with Windrush will be clearly the most experienced, as you have said because they are the ones you want, yet the vacancies they create will be not experienced individuals. The concern would be how this will affect other areas of the Department.

Amber Rudd: It will be on a per case basis. I am not going to oversee a reduction in skills. We are going to recruit another 50 people and I will make sure that we fold them in so that we have an increase of 50 more who are experienced.

Q150 **Douglas Ross:** Can I ask about the helpline? Clearly, it is used as a triage at the moment?

Amber Rudd: Yes.

Q151 **Douglas Ross:** Why was the decision taken to use it as a triage and then people cannot get any advice at that point, it is just really to book appointments? Why not provide more advice over the helpline?

Amber Rudd: Because not everybody who calls in is Windrush. Not everybody who calls in is doing what I believe is the priority, which is making sure that they get the documentation they need. Some people are asking about compensation and we are making a note of that. We will come back to them with the information. I think it is right that we prioritise regularising people's status and getting them the documentation they need as soon as possible. It makes it more effective and efficient if we can then call them back, but also in terms of cost it makes it easier for them usually. They will give us a time when we can call back and then we make the appointment with them.

Q152 **Douglas Ross:** How are you addressing the issue of lack of confidence with people coming forward? There are serious concerns that people do not want to give too much information for fear of action at the end of the process.

Amber Rudd: I am aware of that and we are doing our best to have advocates out there who can explain that this is a genuine, compassionate, serious approach to help people regularise their situation. There has been, I also think, quite a lot of coverage in the press, so I hope that people will realise that that means that the Government are trying to assist. I also went and listened to some of the calls myself and met the caseworkers. They are people who are trying to help. The way they ask the questions gently, carefully, is in a way that I could hear on the phone builds confidence with the individual. They are treating it sensitively and carefully and I think we are able to do that.



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I am also doing a campaign out to the community. I am using assistance from the High Commissioners, community groups and the Citizens Advice Bureau to make sure that we reach people in a way that indicates to them that we are trying to help.

Q153 Douglas Ross: Can you give a guarantee that anyone who is ultimately unsuccessful in their claim to be part of this generation, et cetera, who has provided documentation will not suffer as a result of that having been found not to be eligible for this?

Amber Rudd: Yes. The people who this is for are the Windrush generation who arrived here pre-1973, but I can say clearly that we are not going to use this for immigration enforcement.

Q154 Douglas Ross: Do you think people who are unsuccessful should have the opportunity to appeal the decision?

Amber Rudd: There was always going to be opportunities for people to appeal the decision, but I think—I hope—that people will see that there is a process in place where if they are Windrush generation they will be able to engage in a way where they will be able to demonstrate it.

Q155 Douglas Ross: The previous panel told us it was not possible to appeal because of the 2011 or 2013 previous—

Amber Rudd: Sorry, I was not aware of that.

Glyn Williams: That is true. There is no statutory route of appeal.

Q156 Douglas Ross: Do you believe, Home Secretary, there should be in this case?

Amber Rudd: I would like to consider that.

Q157 Douglas Ross: If you are considering that, you would also have to consider giving them the legal background of how to appeal. The concern is at the moment there is no written-down guidance as to how an assessor would come to their decision. Therefore, if they are to be successful in their appeal, they would require to have that information to know how to appeal. Could I ask that you come back to the Committee on both those points?

Amber Rudd: I will consider that.

Q158 Kirstene Hair: On Monday, you informed the House, and indeed you have mentioned again today, about the team that you have set up to deal with this situation and the Home Office, in fact, on Monday had already resolved nine cases and made further appointments. I just wondered when you expected the bulk of the cases that you are currently aware of to be dealt with or at the very least how quickly these people who currently have an appointment can speak to an official and whether there are, indeed, any targets to see to these cases. Obviously, when people can see an end point that anxiety is relieved from them.



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Amber Rudd: I am as keen to resolve this as quickly as possible as everybody else is, which is why I made a commitment that we would resolve individual cases within two weeks of receiving the information that we need. At the moment, those appointments are being turned around very quickly and people are being resolved quickly. I receive daily updates from Mr Williams. He might just answer your question in terms of ongoing numbers.

Glyn Williams: Since the helpline was set up, they have received 3,800 calls, of which 1,364 were identified as potential Windrush cases to be called back by an experienced caseworker, and 600 of those calls have been made. We have booked 91 appointments. As of yesterday 25 appointments had taken place, ie face-to-face conversations, and 23 documents issued.

Q159 **Kirstene Hair:** What is the time period from making the appointment to the appointment taking place, roughly?

Glyn Williams: It is a matter of days at the moment.

Amber Rudd: Mrs Shah referred to some of her constituents going to Sheffield. We have said that where people incur costs to visit the centre that they are going to, if they bring the tickets we will assist or we will help them by giving them a code so they can get their travel covered. We are going to do whatever we can to make sure that people get confidence and come to the centres where we can help them.

Q160 **Kirstene Hair:** Do you believe it has been dealt with in the most efficient way possible?

Amber Rudd: I certainly hope so, yes.

Q161 **Kirstene Hair:** I also wanted to touch on the announcement that the Prime Minister made, which was largely positively received, around compensation. There is clearly more than just a loss of earnings or loss of healthcare in some cases, indeed sometimes lives, and it is very difficult to quantify what that cost may be. I wondered if you were able to set out detail on the levels of compensation that the Government will be working to make available to people who have been caught up in these specific cases? I think that detail as soon as possible would be—

Amber Rudd: Yes, I completely understand that and I am impatient to set that up and to do so as quickly and as transparently as possible. I need a little bit of time to make sure that we get the terms set, that we consult on the terms, which is what I am going to do—and I am sure this Committee will be interested in participating in that—and making sure that we have somebody independent appointed to administer it. Although I am impatient to get on with it in order to give confidence to people who will need to apply to it, I do want to make sure that I consult with people and I get an independent oversight of it. It is a matter of priority for me to get it going.



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Q162 **Kirstene Hair:** Do you have any form of timescale in mind?

Amber Rudd: I certainly hope to have it in place within a few weeks. Give me a few weeks and I hope to have some further detail for you.

Q163 **Kirstene Hair:** There will be further communication planned to those who may be able to—

Amber Rudd: There definitely will be, yes.

Q164 **Chair:** Sorry, Mr Williams, of those calls that you said, 3,800 calls, 1,300 potential Windrush cases, what were the other 2,500 calls?

Glyn Williams: They were people calling who were nothing to do with Windrush. I am not saying they did not have issues, but they may have been students or asylum seekers or whatever who have obviously been referred to different parts of the organisation.

Q165 **Stephen Doughty:** The Home Secretary will be aware of the history of my constituency, a long history of immigration from the Caribbean, from Empire, Commonwealth, many, many different countries, so it is no surprise at all that I have had Windrush cases. I have had one come in today, a gentleman who has been here since he was 12, 1967. He had his Jamaican birth certificate but no other papers. Basically, he has not been able to get the right documentation and, therefore, could not travel to Jamaica for his parent's funeral. In terms of that unidentifiable cost that Kirstene Hair was speaking about, those are some of the cases. I hope that you will be able to assist with that case.

What worries me is that you said, Home Secretary, that you wished you had picked up a systematic problem around the Windrush cases earlier. Do you accept that there is a systematic problem with the hostile environment policy much more widely than just the Windrush group?

Amber Rudd: What are you referring to particularly?

Stephen Doughty: I will give you a number of cases. I have had a number of cases from other former Empire/Commonwealth countries of wrongful deportations, inability to get documents, a litany of errors by the Home Office ever since I first became an MP almost six years ago. I have seen them increase as a result of the hostile environment policy. It is my view that when you introduced that policy you cut resources for staff, you reduced discretion and you reduced appeals. At the same time as having all these problems you are going to get bad outcomes, and that very much reflects the evidence we had before. Do you accept that there are any systematic problems in your Department that go beyond just the Windrush generation?

Amber Rudd: I think that the fact that the Windrush cohort was picked up so late does indicate that the Home Office needs to have a more personal approach in terms of engaging with people. I have set out here I hope for everyone's reasonable satisfaction what we are doing pre-1973. We are also going to be doing more personal contact and a different



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system for 1973 to 1988. Perhaps that might be people in your constituency—

Q166 **Stephen Doughty:** Beyond the Caribbean, beyond the Windrush cohort?

Amber Rudd: Yes.

Q167 **Stephen Doughty:** Including other countries?

Amber Rudd: These are Commonwealth countries we are referring to.

Q168 **Stephen Doughty:** People from Commonwealth countries, okay. For example, the case I raised with you in the Chamber the other day, a British citizen who was wrongfully deported to Somalia by your Department, you asked me to write to you. There was no need because I had already had a letter from one of the Immigration Minister predecessors, Robert Goodwill. I had raised the case originally with James Brokenshire and I had a letter back. It is a very complex case, but I had a letter back where the Minister said to me, "I can confirm that on receipt of documents from your office we have been able to establish that Mr A is a British citizen and should not have been removed from the UK". This was an individual who was wrongfully deported to Somalia, had extensive mental health problems, a very, very complex case. It could have been picked up, I believe, if there had been that more personal touch that you describe.

I will give you other examples. Another individual constituent who applied for British citizenship should have had it but it was refused because of him allegedly having a conviction. He never had the conviction, completely non-existent. It was mistaken identity and following the intervention of my office he was subsequently granted citizenship.

Amber Rudd: May I ask something? Something that I have now set up, which we will see more of going forward, which I believe will help with the type of cases that you are referring to, is having much more cross-Government working so that we will be able to check records when people say things with DWP or with HMRC. I think that will be effective in terms of people proving their past.

Q169 **Stephen Doughty:** Or perhaps more decent cross-Government working with the MoD as well because there is a case that has been raised today by BBC Wales, not my constituent but the neighbouring constituency, a man called John Ingram who lives in St Athan, who was born to British parents in Germany while they were serving with the RAF but has had his birth certificate rejected when applying for his British passport. He was unable to travel with his family on holiday and is struggling to prove who he is.

Another constituent from St Lucia—this is a current case rather than a Windrush case—his passport had expired from St Lucia but not the leave. Basically, the employer was not willing to keep him on and he has been turned down for five jobs because the employers were unwilling to use the checking service. They want to use someone else who comes with



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less complications.

I could list you case after case after case, Home Secretary. Do you accept that there is a wider systematic problem with how the hostile environment policy is impacting on people who have the right to be here legally or are British citizens?

Amber Rudd: If they have the right to be here, then they should have the documentation to prove it. I still think it is right that we have an environment in which people who are here illegally should not be able to access our benefits and our wider support in society. I would just point out to Mr Doughty as I said earlier, in 2008 it was Labour that introduced an increase in the civil penalties for people employing people who were here illegally, so people have to check and that is the right thing to do.

Q170 **Stephen Doughty:** The consequences of the policies that you and, in fact, the Prime Minister have introduced and the wider culture and cutbacks and pressures in the Home Office, I contend to you, have resulted in a series of errors being made and a blurring of those lines between those who are here illegally and should be dealt with—

Amber Rudd: Absolutely not.

Stephen Doughty: —and those who have the right to be here legally and British citizens themselves.

Amber Rudd: I am afraid I dispute that. I do not think—

Stephen Doughty: But you are deporting British citizens to countries—

Amber Rudd: I do not think that there is any blurring of the lines between legal and illegal. What happened with the Windrush cohort should not have happened. They should have been given the documentation they needed to be legal, and I bitterly regret that they were not given that.

Q171 **Stephen Doughty:** Can you clarify whether the helpline is to deal with all Commonwealth cases, not just Windrush cases?

Amber Rudd: It is.

Q172 **Stephen Doughty:** It is, okay. That is very helpful because there seems to have been some confusion about that in messages that have been given out by Home Office staff at the moment. It is helpful to have that clarified.

Can I ask about two very specific cases, the case of people from the Chagos Islands, and also people from Somaliland? Somaliland, of course, is a former British protectorate. It gained independence in 1960. Many constituents in my constituency have British citizenship as well as residency in Somaliland. They do not have any access to consular services and often they have huge problems in accessing their documentation and ability to travel. Of course, the Chagos Islands citizens who were wrongfully removed, again we know of them living in



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limbo. There have been many cases raised by the Member for Crawley. Would you look very specifically at those two sets of cases and what support can be offered?

Amber Rudd: I know that the Foreign Office is very involved with both those situations and I will certainly speak to them and come back to you.

Q173 **Stephen Doughty:** Lastly, do you think, Home Secretary, that it is right to be spending nearly half a billion pounds, you told us when you came before us last time, on Brexit preparations instead of using that money on dealing with some of these systematic issues within the Department; for example, perhaps on more staff to deal with the kind of personal touch that you would like to see applied to these cases?

Amber Rudd: I think it is right that we make preparations for leaving the European Union and we are recruiting people as a result of that. The Home Office is receiving funds in order to do that. We are increasing recruitment at UKVI and that is part of Brexit but it is also part of making sure that we have a more personal service, which is why I am setting up a new contact centre from July.

Q174 **Stephen Doughty:** You talked about a new contact centre with maybe, you said, 30 people in it?

Amber Rudd: Yes, 50 people. No, sorry, it is 30 people in the contact centre.

Q175 **Stephen Doughty:** Thirty people in the contact centre and 50 people being redeployed as senior caseworkers, yet you told us the other week that you are going to be spending hundreds of millions of pounds on new border staff to do checks that we currently do not have to do. Do you think that is a wise trade-off given the problems that already exist within the Home Office?

Amber Rudd: I think we need both, Mr Doughty. We need to be able to spend the money to prepare for leaving the European Union, and I also want to make sure that our borders are as modern and as effective as possible. Being able to invest in them in this way is the way we are going to do it.

Q176 **Stephen Doughty:** One last question, specifically regarding citizens with non-EU spouses who entered the UK under EU law. It is not clear to many of them, and I have had a number of them writing to me, whether they are covered by the withdrawal agreement that UK citizens with non-EU spouses who entered the UK exercising treaty rights will be protected. Can you give us any update as to whether they will be protected?

Amber Rudd: Mr Williams, can you address that one?

Glyn Williams: Yes. They are protected to the extent they are already either in the UK before the end of the implementation period or that they were in a pre-existing relationship. New relationships after the end of the implementation period are not covered.



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Q177 **Stephen Doughty:** I am just warning this will be another category of people who I think are going to fall foul here and are going to experience serious problems. I would urge you as a Department to make sure that you give them the proper advice to make sure they can get the right documentation to ensure that their rights are protected.

Amber Rudd: Thank you.

Q178 **Tim Loughton:** Apologies, I was not here for the beginning of your session, Home Secretary. Can I ask why you think this has all blown up now?

Amber Rudd: I think it is to do with us being increasingly in an environment where we need to evidence who we are and what we are trying to do. The people who arrived from the Commonwealth pre-1973 have not been asked to do that much before and they have come under pressure in order to evidence it now. It is disappointing that no previous Government saw this coming. I did not see it coming, but other Governments did not either in terms of making sure that they had the documentation that they need in order to access the residency permits, et cetera, that they should have.

Q179 **Tim Loughton:** All this could have happened and been dealt with satisfactorily 10 years ago, you say?

Amber Rudd: I wish it had been, yes.

Q180 **Tim Loughton:** In which case a lot of people who we are hearing have lost out on maybe access to NHS treatment or jobs would not have had to go through that angst?

Amber Rudd: Yes, if this group had been identified before and alerted, then they would have been able to access the evidence that they needed in order to show that they were here legally, but nobody did and that is what I want to put right now.

Q181 **Tim Loughton:** This phrase "hostile environment", where do you think that has come from? Do you think there is a fundamental difference between the way this Government has dealt with illegal immigration to previous Governments?

Amber Rudd: Originally, the phrase "hostile environment" was used I think by Liam Byrne and then by Alan Johnson. I prefer to use the phrase "compliant environment" because that is what we are trying to do. We are trying to enforce the legislation we have in place to make people comply with the fact that you have to evidence that you are here legally in order to access, for instance, services, accommodation or health services. I think there has been an increasing awareness among people that that is the right thing to do. On the NHS, for instance, it is right that only people who are entitled to access the NHS should do so. The difference here is that the Windrush cohort should have had that conformation put in place a long time ago; then we would not have entered into this problem.



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Q182 Tim Loughton: You mentioned Alan Johnson. Yes, I see Alan Johnson used the phrase, "We need to make the UK a hostile environment for criminals, a safe place for the public". John Reid, in fact, said, "Living and working here illegally should become ever more uncomfortable and constrained". That was back in 2007. Liam Byrne's phrase back in 2007 as well was, "We are trying to create a much more hostile environment in this country if you are here illegally". In fact, even the Chair has made some similar statements as well. That hostile environment did not really mean much, did it? Is the difference that the Government talking about hostile environment there did not check on people sufficiently to see whether they should be here or not and if there were queries about their status, that could have been dealt with 10 years ago or more?

Amber Rudd: I think that is correct. It could have been dealt with if there had been more checks put in place, but it is right that this Government have been very clear on the distinction between legal and illegal. It has been our commitment to make sure that we do not have an environment in which illegal migration thrives. I have visited plenty of places where young people particularly are abused and kept in accommodation that should be illegal the way it is kept. We want to make sure that we reduce the amount of people who think they can come here illegally or people who think that they can traffic people here illegally and make it hard for them to access the sorts of services that otherwise they would be able to do.

Q183 Tim Loughton: Why do you think, in your opinion, that people are making such a fuss about the use of the term "hostile environment" and interpreting it all sorts of ways, yet it mirrors phrases that were used in the last Government but did not amount to a row of beans? Why did they not get to grips with this problem 10 or 15 years ago?

Amber Rudd: I am afraid I do not really know the answer to that. What I do know is that under this Government we have seen the compliant environment—as I say I prefer to call it—demonstrating where people are here legally and where they are not here legally. I think it is the fair thing to do to make sure that people who are here illegally do not have access, for instance, to benefits and to make sure that they are removed. That is fair to the taxpayer, fair to society, and I think that is what the public would expect.

Q184 Tim Loughton: Finally, a practical question leading on from Naz Shah's point. Where there may be people who are hesitant about using the official hotlines and dealing with the Home Office directly, will you make sure that there are alternative sources of information available so that they can go to Citizens Advice, I think you mentioned, and also to use their own MPs if they are comfortable to do that? I think we would like to be able to take on those cases if there is any sense that they might go underground otherwise, perhaps to promote the other sources, although ideally they would go to the hotline with the experts you have there, but for those that are not—



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Amber Rudd: I am absolutely committed to making sure that we have a successful outreach programme so that people who may be nervous realise that we are here to assist them and to make sure that we regularise their status. I hope that MPs will be able to make that communication as well. The MPs' hotline works well. Calls are answered in a timely manner and most MPs tell me that they find it very helpful. I hope that that will also be a source where MPs want to follow up if the hotline is not suitable for the sort of case that they are looking at.

Chair: We have a small number of follow-up questions.

Q185 **Naz Shah:** I can certainly say from my point of view the MPs' hotline that we have and the staff on the other end have been really helpful in cases and they have dealt with them. I certainly thank you for that.

Home Secretary, there does seem to be a culture in your Department. For example, there has been an 11% increase in cases that are overturned by the first tier of immigration tribunals in the last two years. That is up from 39% in 2015 to 50% despite the fact there have been less cases. Effectively, your office is dealing with less cases, yet making worse decisions or mistakes. Can you tell me why that is?

Amber Rudd: I do want to reduce the appeals failure rate, and this has been raised with me before I think in this Committee. I have been looking at ways to do that, and one of the proposals that I am looking at is having a "minded to refuse" new system so that we can have more of a human face for individuals who would otherwise have to go to appeals.

One of the reasons why some of the appeals tend to go forward and are successful for the appellant is because new case information is brought forward. By introducing this new system of "minded to refuse" we might be able to reduce the amount of appeals that are necessary quite substantially. I am going to be developing that as soon as possible to help to reduce the amount of appeals.

Q186 **Chair:** How many cases? What scope would that be, that "minded to refuse"? How broadly would that cover?

Amber Rudd: It will be for appeals in general.

Q187 **Chair:** Instead of existing appeals?

Amber Rudd: No, it will be in addition. We will have a new situation of "minded to refuse" so that it can be considered as a step in between. We can hopefully have what I was talking about earlier in all my other answers to questions, a more human face to the process so the individual can have more of a personal interview about it if necessary as part of that process.

Q188 **Chair:** Sorry to interrupt, Naz. Just to clarify, all no time limit cases will now get appeals or "minded to refuse" pseudo appeals?



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Amber Rudd: I am looking at it. I have not committed to it yet, but in answer to Mrs Shah's question I thought I would say that we are looking at doing this in order to reduce the number of appeals that go forward.

Q189 **Chair:** Okay, but there are some cases that have appeals attached to them. There are some where there are no further appeals allowed anymore.

Amber Rudd: Yes.

Q190 **Chair:** What I am trying to understand is whether this is only for those cases where appeal rights have been retained you will now introduce a "minded to refuse" in advance of getting to that stage or whether this also applies to all of the cases, including the no time limit cases, which obviously a lot of the Windrush cases are, where you will now introduce this as a new thing, as a sort of pseudo appeal in advance.

Amber Rudd: It is the first one, which is the type that Mrs Shah was asking me about. That is the first one that I am introducing.

Chair: Okay, I will come back to that.

Q191 **Naz Shah:** Will you consider reversing the restrictions on legal aid that have meant people affected by this scandal have been unable to get the legal support that they have needed?

Amber Rudd: I am not looking at changing legal aid. It is not under my jurisdiction anyway. As I said earlier, I believe that the system that we have put in place for people now is going to be effective and will not require people to take legal advice.

Q192 **Naz Shah:** While all of this is going on, Home Secretary, will you suspend any of the hostile environment while you are reviewing your systems?

Amber Rudd: I think that the compliant environment is an important part of a fair immigration system, fair to the taxpayer and fair to people who have applied and sometimes paid a lot of money to be here legally. What is important to me is to make sure that people who are here legally, such as the Windrush cohort, are properly looked after and have their status confirmed.

Q193 **Naz Shah:** For people like my constituents, Elizabeth or the 29 year-old or the many others that we have been talking about, my question is people who perhaps cannot even get benefits, people who we have heard from today who have had to sell their belongings, people who do not have the money to even go through this process, let alone have the confidence in going to your hotline or the MP, what are we going to do about those people? We still have an issue, haven't we, where we cannot have people who are living below poverty lines, who do not have any money to pursue any of this, let alone travel to Sheffield?

Amber Rudd: I spoke to the Secretary of State for Work and Pensions and she has set up a taskforce to make sure that jobcentres are aware



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that the people who might fall into this sort of cohort, the Windrush group, are protected from the sorts of sanctions that might otherwise have taken place. We have already seen I think two examples of that so far, and I hope that will be effective in order to protect them.

Q194 **Naz Shah:** All the people, including Elizabeth who has been affected by the DWP, can go down to the DWP and have all their rights reinstated while their application is being looked at?

Amber Rudd: I cannot comment on her individually, but I can say that that is the message that the DWP has sent out in order to make sure that during this process, while we try to put everything right, people do not receive sanctions.

Q195 **Chair:** Is that only for new cases or is that for people who might have lost their benefits or their pensions several months ago?

Amber Rudd: That is for new cases because if people have lost their benefits several months ago they will find the most effective way of speeding this process is to go and see and get their situation regularised through visiting one of the centres and getting their cards. We have already turned I think 25 round in terms of people receiving the documentation they needed, which would get them back in the system.

Chair: Stephen Doughty has a quick follow-up question.

Q196 **Stephen Doughty:** Home Secretary, I am still slightly bemused by the answer that you and Mr Williams gave earlier on about net removal targets. Obviously, our previous panel made very clear that there were and, in fact, in the last few minutes Lucy Moreton, who was one of our previous witnesses, has told Faisal Islam on Sky News that, "Net removal targets certainly do exist, and I'm somewhat bemused as to why the Home Secretary would say they do not exist". Indeed, she has told him the number, which is 8,337 and, further, has told him that they were broken down by region and that the net removal targets appeared on posters all around the Home Office regional locations. Can you tell me your response to that?

Amber Rudd: I have not had the benefit of seeing or listening to the evidence she has given, so I will have to come back to you on it.

Q197 **Stephen Doughty:** Mr Williams, do net removal targets exist? Surely you should know.

Glyn Williams: I said earlier on 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. As an organisation, obviously we look at management data and as removals go up and down around regions we will want to understand what is going on there. Clearly, managers will be asked how many people have been removed and why it is more or less. I do not know whether that is being interpreted as a target, but there are no targets per se.



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Q198 **Stephen Doughty:** Do you know how many people have been removed?

Glyn Williams: There are about 12,000 enforced removals a year.

Q199 **Stephen Doughty:** So 12,000 in the last year?

Glyn Williams: Yes.

Q200 **Stephen Doughty:** Was that above or below a target?

Glyn Williams: There is not a target.

Q201 **Stephen Doughty:** There is not a target, okay. We seem to be being told completely contradictory things here. I think it would be very helpful if you could clarify this urgently given what we have been told by people who are representing senior staff members in your organisation.

Amber Rudd: I will do so.

Q202 **Rehman Chishti:** Can I just get a clarification on behalf of the Windrush cohort? I know there was a discussion with the Prime Minister and the High Commissioners at the heads of Commonwealth summit. With regards to your engagement with the High Commissioners, are they satisfied with the outcome that you have put forward now and how did those discussions go?

Amber Rudd: Yes, I have had two meetings of groups of High Commissioners and both of them expressed themselves satisfied with what we have put in place. In fact, I took one High Commissioner down to Croydon with me to show him the taskforce that we have set up. I can invite members of the Committee if they are interested to come and have a look at it as well. He was happy to see that the systems were in place. He also talked to some of the caseworkers and could see for himself that their approach was going to be compassionate, supportive and, above all, helpful in reaching across different Departments to be able to verify the information that he was receiving. I believe the High Commissioners are satisfied, but we will maintain a constant engagement with them. We need their help to make sure that we reach everybody because we do want to reach people who we can.

Q203 **Rehman Chishti:** If there are individuals affected in those Commonwealth states, those High Commissioners can contact the Home Office and that matter can be—

Amber Rudd: Yes. It is a very good point, Mr Chishti. We are making a point of making sure that we reach out to Commonwealth countries as well so that their High Commissions out there are aware of the taskforce that we have set up so that anybody overseas who should be able to come back and has not been able to do so—and there have been some heartrending stories about that—is able to access the new service.

Q204 **Chair:** A couple of further follow-up questions. Going back to the issue of what was known and when about this, we would like a very rapid response about what was raised with Ministers in 2016 after the High



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Commissioners raised this with the Foreign Office. It would also be helpful to know what happened with the policy impact assessment on the 2015 Immigration Bill, which says under the age section, "The scheme 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 this but landlords might be unwilling to go to the trouble of verifying unfamiliar documentation". That sounds like a pretty strong warning about the situation that we are now in with the Windrush generation, and it was signed off by Philippa Rouse. Mr Williams, is she your deputy?

Glyn Williams: Yes.

Q205 **Chair:** She would have signed it off. She would have seen it?

Glyn Williams: Yes.

Q206 **Chair:** Can you confirm, Home Secretary, that it is normal practice for Ministers to give the final sign-off to policy equality statements and to read them?

Amber Rudd: I would expect so but I would like to, before confirming that, see exactly which document was in circulation at the time.

Q207 **Chair:** Okay. It is the ordinary impact assessment, the equality impact assessment. It would be very good to know for certain because, frankly, if Ministers were not reading the equality impact assessments, which are part of the proper legislative process, that would be pretty shocking. Obviously, if they did, the warning is really clear there.

Amber Rudd: I would expect, as I answered to an earlier question, any Government, and we certainly do, to consider carefully recommendations of an assessment. One of the ones that I referred to earlier was in terms of types of documentation that are required by landlords where in response to the impact assessment we made sure that we changed the types of documents so that it was going to be easier for people who, as the Chair has just said, might have found it difficult to access some documentation. I will certainly come back to let her know what was done in response to that.

Q208 **Chair:** That does not address this because clearly you have said before you did not do anything to try to identify people who were in this Windrush situation before the last few weeks. The Home Office did not do anything proactive to identify them, even though it was flagged up in the equality impact assessment.

Amber Rudd: The impact assessment says "Windrush", does it?

Q209 **Chair:** Oh, okay, we are back to the problem where if we do not have the hashtag "Windrush" attached to it, then people are not looking at it?



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Amber Rudd: No, but the Windrush cohort are different. I think we have established that. I think that you have just referred to the fact that some people who will not have their documents might find it difficult to access, so the correct response to that is let's ensure that we extend the type of documents that are available so it is more straightforward for people to do it.

Q210 **Chair:** We owe the Windrush generation a huge debt of gratitude for what they have done to this country and the work that they have done over very many years for this country.

Amber Rudd: I completely agree with that.

Q211 **Chair:** There is obviously a huge emotional obligation that all of us have. The description here, though, fits with that without having to even tell that story, which is when we talk about, "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" that clearly includes Windrush families. It may also include some others, but the point is that these warning signs were there really clearly and the Home Office did not have the systems in place or the will in place to hear them and to do something about it.

Amber Rudd: It is a great sadness to me that people did not pick up on this much earlier. To be honest, I think there were warning signs in place in the noughties. There were people, and we have all heard their stories, who went, for instance, to Jamaica during the noughties and were not able to return back. That is because in 2003 a new visa regime was introduced in Jamaica. There were signs that were arriving 10 to 20 years ago. I feel it is so bad that this has happened now and I want to make sure that we put it right, but it would be wrong to suggest this happened overnight. It has been building up for a while.

Q212 **Chair:** For those residents in Jamaica and in other countries, including those who as you rightly say were unable to return before 2010 or before 2005 even as well, can you say what is being done? Is the helpline available there? Are they able to access it as well? Is it free phone? What support is being provided through High Commissions and so on for people who may have been wrongly deported?

Amber Rudd: We do not believe anybody has been wrongly deported. My concern is—

Chair: People who are there and not allowed to return perhaps.

Amber Rudd: That is my concern, so we are engaging with the High Commissions out there and, of course, the Home Office has UKVI officers across the Caribbean who are making sure that they have the information. We are putting in place an arrangement so that once more they can call up in the UK, and they can do it from a UKVI or High Commission office, and we will make sure that they are called back in the



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same way and given the same, I hope they will find, really supportive assistance.

Q213 **Chair:** Going back to Douglas Ross's point, some of the people that we have heard from do have a real anxiety and lack of trust in a Home Office taskforce that asks for their details before it provides any help and what the consequences might be. What people want is some independent legal advice, some independent advice from an organisation. Will you look at providing some funding for an independent organisation to provide people with help and guidance either through legal aid or through some legal service being provided and funded by the Home Office? I think there is a huge trust gap that you will understand as a result of the experiences that people have had.

Amber Rudd: I have spoken to a number of people who were down there when I went to Croydon and when they left they were completely satisfied with their experience. I believe that they are going to be the best advocates, people who have actually experienced the appointment and got their papers in the sort of time and sympathetic way that I want them to do. I think that that is going to be the best way of getting confidence, not necessarily by having an independent proposal as the Chair sets out, but rather to have people who are advocates within the community.

Q214 **Chair:** I think you have a problem right now. You have a lot of people right now who do not trust the system that has been in place. Waiting for a series of word of mouth things to change that may take a long time and you have people who need some support very urgently.

Amber Rudd: Is there any evidence of that?

Chair: Some of the evidence that we have taken earlier, some of the people who have been contacted. I think you will see some of the people who have spoken in *The Guardian* and other newspaper reports and so on who have said how concerned they are. I think there was an article in *The Guardian* either yesterday or today saying this.

Amber Rudd: I do not rule it out is what I would say, but I genuinely do not think it is the best way forward for these individuals. Perhaps I could suggest to you, Madam Chair, that you might consider coming down and seeing what is in place there yourself, and any other members of this Committee, and could perhaps look yourselves at being advocates of a system that is set up to help people who have not been treated well over the past few decades.

Q215 **Chair:** I think it would be very helpful to have all of that further information and the issue about appeals more widely as well. Clearly, part of the problem here is these cases were not surfaced early enough because there were not legal aid cases, because there were not appeals in the process, and as a result you have allowed people to go much further down the line. In fact, the Home Office has been pursuing people and pursuing their enforcement and pursuing them into detention as well.



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It is not simply that the Home Office has stood back and then people have had a bad experience. The Home Office has been actively pursuing them partly because there have not been appeals and legal aid in place. Will you look again not just at adding an extra system in place for those cases where there already are appeals but extending the numbers of cases that will be subject to appeals?

Amber Rudd: I will certainly come back to the right honourable lady when I have taken a look. I do repeat, though, that I think the real problem here is not the difference that the Home Office rightly makes between legal and illegal but the fact that this cohort were never given the legal status that they were entitled to. That is what I am going to put right.

Q216 **Chair:** I understand the points that you have made, but what it sounds as though you are saying is that the only problem here was that the Windrush generation did not have the proof, the only problem is that nobody somewhere along the line made sure that they got the proof, rather than actually recognising that there might be a problem in a system that has been asking them repeatedly for such a high and impossible level of proof, a system that has taken away their appeal rights, a system that has taken away their legal aid, a system that has then said they do not have any chance to appeal and we are going to take away their chance to work or chance to get their benefits or healthcare and so on in the meantime. There is a problem in the system that does not have a process to raise those problems with Ministers and say they have to be sorted out as soon as they happen and not only after it becomes a crisis like this.

I will just leave her with a final thought on this, which is a warning that I have already given privately to her Immigration Minister. There are other crises of a similar nature that are coming down the track. I would say one may well be immigration detention, which we have been looking at in another inquiry, where we have come across a huge number of cases where it appears people are being wrongly locked up, torture victims held for weeks and weeks at a time, cases that I think would appal her and that she would find as heartrending as all of these other cases that we have been talking about, but her system is not dealing with it. She does not have a system to address it.

Home Secretary, it is you who said that the problem is that this is about individuals. We have heard individual stories and sometimes the Home Office loses sight of the individuals. I would really urge you to go back and look for the individuals, not just in the Windrush stories but in all of the others as well.

Amber Rudd: I hope the right honourable lady has heard that I am putting in place something that is going to be more personal. I am acknowledging that the Home Office needs to make changes and that cultural change is going to start here.

Chair: Thank you very much.



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