

William Wragg MP
Public Administration and Constitutional Affairs Committee
House of Commons
London
SW1A 0AA



Sent by email

8 June 2021

Dear William,

I am writing to share with you a case I have recently concluded regarding an application made by a Jamaican national (Mr V) to UK Visas and Immigration (UKVI) for a permit confirming the applicant's right to British citizenship. This led to a series of hostile actions by Immigration Enforcement over several years - including threats of imprisonment and deportation and the seizure of Mr V's passport and driving licence. At one point he was told: "Your life in the UK will become increasingly difficult". This happened despite Mr V having Indefinite Leave to Enter (ILE).

The full anonymised report is annexed to this letter. We have also published the final report on our website, and to the media, today.

Mr V was finally able to prove his right to live in the UK, after several attempts, but died in 2019 - less than a year after being granted citizenship. As a result of the treatment he experienced, he lived his final years with severe depression and anxiety. Mr V's daughter brought the complaint to PHSO after UKVI failed to put things right. For his family, seeing their father and grandfather decline was very distressing.

We upheld the complaint, finding that maladministration led to:

- Flawed decision-making, resulting in Capita contacting Mr V
- Inaccurate record-keeping by Immigration Enforcement and UKVI
- UKVI requesting excessive evidence - more than was required by their own guidance
- Unsatisfactory complaint handling by UKVI and Immigration Enforcement
- Mr V being wrongly told by Immigration Enforcement that he had no status in the UK
- Several missed opportunities to put things right.

This case highlights the distressing experiences of one individual within the UK immigration system. It also highlights some of the issues experienced by the Windrush generation, including the effects of 'hostile environment' policies and enforcement, and the challenges faced in regularising immigration status. We are publishing this case as a way to encourage others affected by Windrush to bring their complaints to us if they have gone unaddressed. PHSO is committed to providing justice for complainants, such as Mr V's daughter, where clear failings and injustice are identified. Similarly, our role in improving the system for others is something I take very seriously.



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I have made several recommendations to UKVI and Immigration Enforcement, to help right the wrongs experienced by Mr V's family and to improve the application process for others. UKVI and Immigration Enforcement have agreed to provide an apology and a financial payment to Mr V's daughter in recognition of the emotional distress caused.

I recommend that UKVI and Immigration Enforcement share the lessons learnt from the complaint (and any actions) with your Committee, and the Home Affairs Committee, within three months. I trust that this will support Parliament in its scrutiny of the service provided by these bodies.

As improvements relating to decision-making, record-keeping and complaint-handling have already been identified in Wendy Williams' *Lessons Learned Review*, I recommend that UKVI and Immigration Enforcement share this learning with Wendy Williams when she reviews the progress made against her recommendations.

Should we identify learning from other complaints relating to Windrush, we will look to share this with Parliament. We welcome your ongoing support in reminding the public that they can bring unresolved Windrush complaints to our service, via their MP.

If you have any questions on the case, or this letter, do not hesitate to contact my office: Faye.Glover@ombudsman.org.uk. In the meantime, members of my office will continue to keep your Clerks informed of any developments.

Yours sincerely,

Rob Behrens

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