

# The Windrush Scandal:

## Colonial Heritage Meets 21<sup>st</sup> Century Immigration Control

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June 2018 marked the 70<sup>th</sup> anniversary of the arrival of the *Empire Windrush* ship which carried the first group of British Caribbean citizens to post World War II Great Britain. This should have been a celebration of the contributions of these migrant populations to British culture and heritage, and of enduring ties across the British Commonwealth. Instead the celebrations were overshadowed by a political scandal steeped in racialized anti-immigration sentiments, and polarizing debates about British immigration and citizenship policies. The so-called *Windrush Scandal* revealed fault-lines in British narratives of multiculturalism where increasingly restrictive immigration policies were brought to bear on minority groups. The implementation of these policies in the UK threatened to uproot British Commonwealth citizens and their descendants who had arrived in there under permissive immigration rules prior to 1971.

### Background



Empire Windrush Photo : Getty Images

In 1948, the *Empire Windrush* arrived in London from Kingston Jamaica, with a total of 492 Caribbean migrants. This was the first in a series of migratory movements from the Commonwealth to Great Britain where these migrants played a major role in post-war reconstruction. Jamaican poet, Louise Bennett-Coverley paid tribute to this mass movement to the former metropole, in her poem “Colonization in Reverse.”

According to data from the Migration Observatory at the University of Oxford, over half a million Commonwealth migrants living in the UK arrived before 1971. Prior to the passage of the 1971

Immigration Act, the British government had granted Commonwealth citizens indefinite right to remain, which in effect regularized their immigration status. This led to the formation of various diasporic groups in the UK, and inspired discourse and policy around multiculturalism.

However, multiculturalism masked racialized divisions which growing anti-immigrant sentiments in the 2000s uncovered. Furthermore, Commonwealth migrants and their descendants found themselves in vulnerable conditions as more stringent immigration rules and increased surveillance put them at risk of being labeled illegal or irregular immigrants. This is because there was poor documentation of the pre-1971 period which ultimately left many immigrants without the documentary evidence to demonstrate their migration status. In fact, of these half a million migrants, over fifty thousand either had a non-UK passport or no passport at all. Whereas these numbers do not indicate a clear approximation of those who are unable to prove their immigration status, they illustrate nonetheless that tens of thousands of

people could be susceptible. Furthermore, as of 1983, the children born in the UK can only acquire citizenship based on the status of their parents. This means, therefore, that the uncertainty surrounding the status of the *Windrush* generation also passes to their children who could find themselves either not having British citizenship or even worse, being susceptible to deportation.

## The Scandal

In 2012 former Prime Minister and then Home Secretary Theresa May announced that the government's policy would be to create "a really hostile environment for illegal migration." Essentially, the government aimed to make life so uncomfortable for people who had an irregular immigration status so much so that they would voluntarily leave.

This new "hostile environment" policy led to a series of surveillance mechanisms functioning as a sort of hybrid panopticon whereby ordinary citizens policed each other's immigration statuses. These included checks by landlords, banks and even medical professionals. As part of these policies, *Windrush* migrants were made to prove that they had resided in the UK continuously since 1973. Here again, the weight of documentary evidence was placed squarely on migrants, some of whom were unable to demonstrate that they had been in the country legitimately.

Furthermore, in 2013 the government ramped up their campaign with newspaper ads as well as flyers in areas frequented by minority groups. This was accompanied by Operation Vaken where vans drove through communities with advertisements captioned: "In the UK illegally? Go home or face arrest." The fact that these policies targeted minorities without documents meant that some legal residents who found themselves without documents were classified as illegal immigrants, swept up in immigration raids and subjected to deportation. They had very little recourse since the 2014 Immigration Act introduced the policy of "deport first, appeal later."



Operation Vaken

Photo : PR/Guardian

## Impacts of the Windrush Saga

Based on British Home Office statistics, some 164 people of Caribbean heritage from the so-called *Windrush* generation were either detained or deported during the period of implementation of the new immigration policies. In Jamaica alone, the government had identified some 30 persons who had either been deported or had “voluntarily returned” as a result of the advertisements linked to Operation Vaken. The perverse effects of the restrictive migration policies only came to light after the *Guardian* broke the story highlighting that they systematically affected people legal residents of predominantly Caribbean heritage. This is where it became evident that policymakers needed to be concerned with both general effects and particular effects of policies. The stories of affected people were harrowing. Not only were people subject to detentions or deportations, but they also suffered greatly in other areas of their lives. Many were denied passports to travel outside of the UK because they couldn’t prove their legal status, while others lost their jobs after employers also started verifying documents.



*“Thirty-seven years of paying taxes and I still got a letter saying I’m an illegal immigrant...How can I be illegal? I don’t understand that word at all. When I got the letter, I thought ‘Am I British? What am I?’ And I couldn’t even answer that in my head...When I think about it, it just brings heartache.”*

Paulette Wilson. Photo: Irene Baque/Guardian

For example, Paulette Wilson who had moved to the UK at 10 years old in 1966 and had lived there as a legal resident her entire life, received a letter in 2017 from the Home Office, notifying her of her status as an “illegal immigrant.” This was despite her arrival as a Commonwealth citizen with indefinite leave to remain, and despite growing up and working in the UK, even serving as a chef at the House of Commons. She was subsequently detained and threatened with deportation. It was her story that precipitated the scandal. In a recent documentary she recounted her experience: “Thirty-seven years of paying taxes and I still got a letter saying I’m an illegal immigrant...How can I be illegal? I don’t understand that word at all. When I got the letter, I thought ‘Am I British? What am I?’ And I couldn’t even answer that in my head...When I think about it, it just brings heartache.”

These developments threatened to strain the relations between Great Britain and the rest of the Commonwealth, particularly the Caribbean. This was especially so as then Prime Minister Theresa May denied a request from 12 Caribbean heads of state to have formal discussions about the *Windrush* saga on the sidelines of a Commonwealth Heads of Government Summit in April 2018. Governments were particularly concerned because they already had to deal with regular deportations from the UK, and the deportation of legal residents only compounded this already difficult reality. Not long afterwards, however, the Home Secretary, Amber Rudd, resigned and Theresa May’s government presented an apology and a commitment to take corrective action.

Yet the apology seemed late and the remedies appeared ill-adapted. Even as the government announced in 2018 a £200 million compensation package for affected populations and established a path to citizenship or regularization for them, the scandal remains a gaping wound. On the one hand, the compensation timeline seems uncertain for some, and there are still barriers for people to prove that they in fact belong to the *Windrush* generation. On the other hand, the lack of documentary evidence to support their cases means that people may still not be able to access the paths to citizenship or regularized immigration status. As of mid-2018, over 5000 people had been given documentation by the Home Office and close to 4000 had been granted citizenship. Still, this is only a fraction of the over 50 000 people who do not possess British documentation.

Furthermore, of the people who were either wrongfully detained or deported several have died without receiving an apology or any form of compensation. In late November, Hubert Howard, a Jamaican-born *Windrush* victim, died without any compensation after continuing to fight to prove his citizenship from his hospital bed. Of course, not being able to prove his citizenship had significant ramifications on his ability to access health care benefits through the NHS, like other victims of these harsh and unjust policies. Not all have been as lucky as Paulette Wilson who has, since her ordeal, gotten her documentation and citizenship and has had the opportunity to travel to Jamaica to reconnect with her family and her roots. For many others, the wounds are still gaping and the *Windrush* scandal conjures a checkered colonial past for which Caribbean governments are still agitating for reparations. Monetary compensation, however, will not be enough to right the wrongs of a now deeply divided British society. Fractured multiculturalism hangs in the balance with slim prospects of any short-term solutions as Brexit only threatens further racialized, anti-immigrant divides.