

## The Windrush Scandal is Not Over Yet

**The government response to the scandal over the treatment of immigrants from the Caribbean has been a shambles.**

Some victims face dire financial difficulties as a result of the Home Office's mishandling of their immigration status. Others have had possessions taken away by bailiffs, and many remain homeless. The government's two-week deadline for resolving cases was stretched to two months with no end in sight. The Windrush hotline number was frequently engaged and hard to get through to. Changes to the Windrush taskforce have made it harder for victims to get help. People who travelled to the Caribbean on holiday have been unable to return to the UK and some remain stranded abroad. At the time of writing, there has been slow progress in identifying the 63 people the government admit to have wrongly deported to Commonwealth countries, with just seven found. And, of course, the real number of persons affected is much higher than 63.

The Jamaican high commissioner in London said he has not received details of those people the Home Office admitted had been wrongly deported to Jamaica, or even the numbers of Jamaicans possibly deported in error; so that records could be checked for contact details.

### Compensation

A compensation scheme has been set up but it is unlikely to be able to start making payments until autumn at the very earliest. There needs to be an urgent hardship fund to help with the ongoing financial fallout for the families of people who have spent years without an income because they were dismissed from their jobs, after being wrongly classified as illegal immigrants by the Home Office.

The Home Office has changed the way it handles requests from Windrush victims. Rather than taking details over the phone,

staff are asking individuals to complete an application form and send it with copies of all documents to the Home Office, putting the onus once again on the individual applicants to prove eligibility. Support workers say this change is making the process more challenging for claimants.

### Hostile Environment

The scandal over the treatment of immigrants from the Caribbean highlights a more general situation faced by migrant workers, refugees and their families. The so-called "Hostile Environment" causes untold misery and anxiety that spreads far wider than the "Windrush Generation".

In the face of mass public outrage, the Prime Minister has promised to put matters right for this group of West Indian migrants. This is the very least they could do. If the Home Secretary is genuine when saying that it was "wrong" and "appalling", she should make amends. But their promises are not enough, this is not the first time that we have seen this government respond to public outrage by making promises they do not intend to keep.

### Promises

In 2016, after defeats in the House of Lords, the government accepted an amendment to the immigration bill proposed by Lord Dubs requiring the Home Office to accept an unspecified number of unaccompanied child refugees from Europe for resettlement in the UK. At the time it was expected that around 3,000 children would benefit from the scheme, but recently, the Home Office said the number of children who had arrived in the UK under the Dubs scheme was "over 200".

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### *continued* - **The Scandal is Not Over Yet**

We need to keep up the pressure on the government to put right the harm they have done to the "Windrush Generation", or else they will quietly let the matter drop when our attention is turned elsewhere.

### **Amnesty**

We therefore continue our call for Full Amnesty, that those who have been deported, or denied the right of return, or denied medical treatment, or lost their jobs or homes or lost pension rights, be given full reinstatement and compensation. The NHS should be open to all who need its services.

Having been forced to back down, the government will attempt to focus on this relatively small number of people, while diverting our attention from the continuing persecution of hundreds and thousands of others. But their whole immigration policy is a racist disgrace.

If this injustice is not to be repeated, this policy needs to be scrapped. There are two principal legal measures that have been used to implement the "Hostile Environment", the 2014 Immigration Act and the 2013 change in rules which state that most mainstream non-asylum immigration cases are no longer eligible for Legal Aid.

### **Repeal**

The 2014 Immigration Act requires employers, landlords, banks and the NHS to check a person's legal residence before providing employment, housing, financial services or health-care. This effectively requires us to snoop on our neighbours, it requires doctors to become immigration officers and employers to do the government's dirty work. A first step towards justice would be to repeal the 2014 Immigration Act and reverse the 2013 Legal Aid rules.

"*Home is wherever we live*". Everyone who lives here belongs here and should have full citizenship rights. We want to be part of the society in which we live and transform it into a place of justice, peace and equality.

*Steve Cushion*

**WE ALL HAVE THE RIGHT TO BE HERE**, held on 31st May was an event co-chaired by *Women of Colour/Global Women Strike* and *Caribbean Labour Solidarity*. The meeting was sponsored by *UNITE the UNION Black and Ethnic Minorities*. The format for the evening was an on stage panel. The panel included women who had direct experience of working with immigration, asylum issues as well as a Barrister and Immigration Lawyer. There were presentations of first hand experiences and accounts including relatives of those impacted by the hostile environment.

Those attending were from a wide range of ages across the generations and were from different ethnic backgrounds. There were those detained in detention centres as well as those threatened with deportation. Present were community activists and concerned members of the community. The event ended with a statement of demands, including ongoing demands for justice to prevail and for reparations for the injustices experienced.

I experienced a variety of emotions attending this event; from pain for those who had such harrowing experiences, shock that deportations were still continuing and disbelief that young people were being sent to detention centres. This event was a time of sharing and supporting that ended with a call for justice that was seen to be done

*Cheryl Griffith*



*Luke Daniels, Jacqui McKenzie and Cristel Amiss at the meeting*

# The Windrush Scandal and the History of Slavery

**The long standing and steady deportation of people of dark skin has been going on for a long time seemingly with impunity. The systemic targeting of 'low hanging fruit' of people from the Caribbean in such a brutal fashion eventually led to opposition from decent people in the media and elsewhere.**

That people who came to this country at the invitation of a Conservative government to help rebuild after the Second World War should be treated with such callous disdain was eventually too much for ordinary humans to simply stand by and remain silent as it happened.

Amber Rudd, the then Home secretary, could not produce figures or straight answers to many of the questions put to her and her lying to Parliament eventually led to her down fall.

There are issues for all of us in the way the deportations were handled by private contractors. In seeking to distance themselves from this nasty piece of work the Government farmed it out to the cheapest bidders so they could sleep well at night as deportations were privatised. There must be an end to privatisation.

It is hard to imagine that in this century politicians could make the kind of decisions so bereft of feelings and then execute them.

## 300 Years

How could they behave in such fashion? Is it because that for 300 years they took Africans and enslaved them in the Americas for their economic benefit?

The treatment of the Windrush generation is not far removed from the treatment of the enslaved Africans. They were both informed by the same ideology of Racism. We were simply not seen as fully Human.

Many parallels can be drawn.

1. The slave owners received compensation for the loss of their chattel-slaves. The enslaved received not a penny for the many years of their loss of freedom and brutal exploitation of their labour. The Windrush Generation after many years of their labour to rebuild 'The Mother Country' -as many regarded Britain- were suddenly not needed anymore and faced a 'Hostile Environment.'

2. The government denied housing benefits to many with some finding themselves living on the streets. After emancipation in 1838 many of the freed slaves were made homeless and

had no help from the state.

3. Some homeless immigrants have been swept up and deported. Some freed slaves were locked up as 'vagrants' and made to work for the state.

4. Chattel slaves had no right to family life and children, lovers, sisters and brothers mattered not- they were sold to the highest bidder whenever the slave owner pleased-often to someone far away - sometimes another island. The cruel immigration laws and deportations have separated families and loved ones-with some Windrush Generation kept from their families for decades.

## Reparations

This mistreatment can only happen because of the history of slavery. A history Prime Minister Theresa May, like previous Prime Ministers, would have us forget. In the past, it was legal they say. Time to move on. But have they really forgotten slavery-When they can act with such callous savagery to a people of darker skin? If an apology for slavery is not forthcoming is says they have not changed in their attitude to Africans. We count for nothing - they have done no wrong. And the appalling treatment will continue. Prime Minister May at first refused a call for a meeting by CARICOM leaders, attending a Heads of Commonwealth meeting in London, but she quickly changed her mind when the Windrush scandal hit the headlines. She was partly trying to avoid a meeting because of the letter they sent her asking for a serious discussion about Reparations for slavery and Native genocide. There is much work to be done, but we fight on. No Justice! No Peace!

*Luke Daniels,*

President, Caribbean Labour Solidarity  
speaking at WE ALL HAVE THE RIGHT TO BE HERE

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*Elwaldo Romeo, Paulette Wilson, Renford McIntyre, Michael Braithwaite, Sarah O'Connor and Anthony Bryan*

Some stories from "*The Guardian*" newspaper

**Paulette Wilson** moved to the UK in 1968 when she was 10 and has never left. Because she had never applied for a British passport and had no papers proving she had a right to be in the UK, she was classified as an illegal immigrant. Last October, she was sent to the immigration removal centre at Yarl's Wood in Bedford for a week, and then taken to Heathrow for deportation to Jamaica, a country she had not visited for 50 years and where she has no surviving relatives. The former cook, who used to serve food to MPs in the House of Commons, has 34 years of national insurance contributions. A last-minute intervention from her MP and a local charity prevented her removal.

**Anthony Bryan** has spent a total of three weeks in immigration removal centres over the past two years, despite having lived in the UK for more than half a century. He worked as a painter and decorator and paid taxes for more than 40 years, and helped to bring up his children and grandchildren in London. He lost his job when Capita wrote to him informing him he had no right to be in the UK, adding that his employer could face a £10,000 fine if they continued to employ him as an "illegal worker". Last November, police and immigration officials arrived early on a Sunday morning at his home with a battering ram; a plane ticket was booked to take him to Jamaica, the country he left when he was eight and to which he has not returned in the past 52 years. After coverage of his plight in the *Guardian*, officials have acknowledged he is here legally.

**Renford McIntyre** is homeless and sleeping on a sofa in an industrial unit in Dudley. He has lived in the UK for almost 50 years since arriving from Jamaica in 1968 at 14, to join his mother who had moved here to work as a nurse. He has worked and paid taxes here for 48 years, as an NHS driver and a delivery man, but in 2014 a request for updated paperwork from his employers revealed he did not have documents showing he had a right to be in the UK. He was sacked; the local council told him he was not eligible for housing support or any benefits, so he became homeless.

**Michael Braithwaite** lost the job he loved as a special needs teaching assistant last year after his employers ruled that he was an illegal immigrant, despite the fact that he had lived in the UK for 56 years. He had been in his primary school job for 15 years when a routine check on his papers revealed that he did not have an up-to-date identity document.

## **Labour would close down Yarl's Wood and end government's 'hostile environment' policy, says Diane Abbott**

**The Labour Party will end the government's "hostile environment" policy and close the Yarl's Wood and Brook House immigration detention centres if it gets into power, according to the shadow home secretary.**

Ms Abbott said: "*The Windrush scandal goes to the very heart of Theresa May's 'hostile environment' policy – it was not accidental – it is a direct consequence of government policy*".

*"The next Labour government will repeal all those parts of the immigration legislation that were introduced to support it. We will rescind all Home Office instructions to carry it out, and we will remove all obligations on landlords, employers and others to enact it."*

She added that Mr Javid "*made a promise to make things right for the people who have been treated so appallingly by his government*".

She said: "*He should start by restoring full rights of citizenship for all Commonwealth citizens, which his party removed and which has contributed to the tragedies that have fallen on the Windrush generation.*"

**Caribbean Labour Solidarity welcomes this statement and will insist that a future Labour government keeps its word.**

## **Home Office rules mean immigrants can't go on strike without risking deportation. Post-Brexit, this will include EU workers**

For those on Tier 2 "skilled worker" visas, taking part in strike action means more than simply giving up pay or braving freezing temperatures on picket lines – it meant risking their immigration status.

Staff on those visas are subject to strict limits on unpaid leave. If a migrant worker exceeds 20 days' unpaid absence in a calendar year, their employer is obliged to report them to the Home Office and withdraw visa sponsorship. The Home Office Immigration Rules also say that exceeding this limit could be grounds for revoking a migrant's leave to remain in the UK. There are some exceptions for those on parental leave or long-term sick leave – but industrial action isn't covered in the list of exemptions.

### **Fundamental Right**

Being able to strike is a fundamental right. It's enshrined in article 28 of the Charter of Fundamental Rights of the European Union. It shouldn't be left to the discretion of Home Office officials whether engaging in strikes will lead to deportation.

The issue is also about to get much bigger. Brexit is looming and the 2.4 million EU citizens who work in the UK could shortly become subject to the UK's visa system. If the immigration rules are allowed to restrict their engagement in lawful strike action, our industrial relations will suffer as a result.

All staff should be able to play a full part in legitimate strike action without fear of reprisal, regardless of where they are from. Migrant workers contribute to our economy and should be able to join their colleagues in defending their employment rights.

International staff need an unequivocal, written guarantee from the government that days spent taking legitimate strike action will not put their immigration status at risk.

*Part of a joint letter to "The Independent" from Sally Hunt, the general secretary of the University of College Union (UCU) and John McDonnell the shadow chancellor of the exchequer .*



The trade unions are important in the fight for justice for those who have suffered at the hands of the Home Office's "Hostile Environment". CLS is grateful to *UNITE the UNION* for their support for the recent public meeting, [see page 2 above].

Below we reprint a motion to the *University and Colleges Union (UCU)* Annual Congress

Windrush and Home Office immigration policy from City of Liverpool College (City), North West Regional Committee, National Executive Committee, London Retired Members, Croydon College

*Congress notes that the people of the 'Windrush' generation have helped to build this country. They belong here.*

*Congress condemns the disgusting behaviour of the British government in creating a 'hostile environment' for immigration by targeting these long-standing UK residents and their families. The threat of deportation, loss of access to work and public services, to those who have, over the years, paid taxes and national insurance, is not acceptable on any level. At least one individual who worked in education lost his job when he was asked to reapply for his position. Unable to produce the documents requested he found himself in a position of no man's land.*

*Some 7,000 students have been accused by the Home Office of 'faking proficiency in English' and ordered to leave the UK.*

*It is Theresa May both as minister and as Prime Minister who is responsible for the racially discriminatory and divisive 'hostile environment' policy aimed at Commonwealth citizens and all migrant communities, a policy that hits our members and students. Citizens, our sisters and our brothers, have been treated with contempt. Those involved in imposing such practices should be held to account.*

*The resignation of Amber Rudd does not end the Windrush scandal. An apology from the Prime Minister is not enough and not good enough. Nor will a 'forced' apology help to rebuild the lives shattered by separation and emotional, psychological and financial hardship. The Government needs to acknowledge the many contributions made by Windrush and put it right, right now.*

*Congress calls on the NEC to:*

- 1. call on branches to raise awareness with all members of the root cause of this policy – it is a deliberate racist policy*
  - 2. restate our position on discriminatory practices in the workplace and society as a whole and campaign to remove all forms of racism and promote harmony*
  - 3. actively oppose the 'hostile environment' strategy on our campuses*
  - 4. build on its previous work defending migrants by updating its materials putting the positive reality of the role migrant workers play*
  - 5. initiate an annual 'Windrush day' on campuses working with migrant and anti-racist organisations to promote the positive contribution of migrants*
  - 6. continue our support for the rights of overseas students and international staff seeking guarantees from governments and employers in the light of Brexit negotiations*
  - 7. encourage members to write to their MPs and Councillors with their objections and horror at the treatment of citizens*
  - 8. support and encourage campaigns against deportations both at a local and national level, working where possible with other trade unions, trades councils and the TUC*
  - 9. demand the scrapping of Theresa May's 2014 racist Immigration Act*
- and support the call for:*
- a. a complete amnesty for all of the long-term residents who are now threatened with deportation or the curtailment of their rights*
  - b. an immediate reinstatement of citizenship and the associated rights*
  - c. a real and actual timeline for compensation.*

## **The Battle for the Windrush Generation is another chapter in our history for Race Equality in Britain - by *Patrick Vernon***

It has been a long journey since 2010 when I wrote an article in the Guardian arguing that we would have failed as a nation if, by 2018, there was still no substantive recognition for the Windrush generation on the 70th anniversary of their arrival in Britain.

I called for a public holiday very similar to Martin Luther King Day in USA to celebrate the Windrush Generation and all post WW2 migration to Britain. Over the last several years I have been able to convince and work in partnership with a range of individuals and organisations from the trade union movement, faith leaders, politicians and celebrities to support the campaign for a call to action for a national Windrush Day on 22 June, the anniversary of the arrival of the MV Empire Windrush at Tilbury docks in 1948.

### **Political Fallout**

Who would have then imagined in 2018 that the whole issue of the Windrush Generation would become a major news story, or foreseen the political fallout as British Citizens of Caribbean heritage, many of whom have spent most of their lives in the UK, lost their rights, homes, livelihoods and even their life as result of the Home Office's 'hostile environment policy'. A policy which saw British citizens treated as illegal immigrants: facing deportation or being refused re-entry into Britain after returning from holiday.

The Windrush Scandal is another episode of Britain's history of racism. People forget the climate this comes in: in the 1940s, black people were banned from buying or renting houses, paid far less than their white co-workers and discriminated against and bullied in the workplace, as well as harassed by the police. We must remember Learie Constantine taking Imperial Hotel to court in Central London for discrimination during the height of WW2. This "colour bar" was the catalyst for riots in Notting Hill and Nottingham in the 1950s.

### **Discrimination**

In the 1960s, Paul Stephenson organised a boycott to force the Bristol bus company to stop discriminating against black people and Asquith Xavier took British Rail to court after being refused a job at Euston Station. That is why, since 1965, we have had a series of legislation and government bodies tackling structural racism and discrimination due to the

campaigning efforts of the Windrush generation.

By the 1970s, black men were regularly stopped and searched, despite not being suspected of any crime, simply because of their race under "sus" laws; the toxic legacy of this continues today.

### **Riots**

In the 1980s we had riots in Brixton, Tottenham, Bristol and Toxteth, where young black people rebelled against the police, discrimination and mass unemployment. The 1993 murder of Stephen Lawrence led to major changes in race relations law.

But what's happening to the Windrush children? Including the government destroying or misplacing their Landing Cards - which is an important and vital part of Black history. However, one of the positive consequences of this scandal has been a massive media and public education history lesson on the arrival of MV Empire Windrush.

Ironically, the public have learned more about Empire Windrush and the Windrush Generation during April 2018 than in the previous 50 years. In 2018, as part of 70th anniversary, we as a nation have failed in creating substantive recognition of the contribution of the Windrush Generation and other migrant communities who see themselves as British.

### **Political Cover**

With the government announcing that Windrush Day is a national day of public recognition of the Windrush Generation and their descendants we must recognise this is a positive step even though many may see it as political cover or sop by Theresa May. It is disappointing that the government did not consider the wider recognition of all migrants who have made Britain 'Great' especially after WW2, which makes Windrush Day potentially less inclusive.

Also, Windrush Day exists in the current context of hostile immigration environment and

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## Battle for the Windrush Generation

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the rights of the children of the Windrush Generation have still not been fully resolved. For Windrush Day to be successful and valued we still need to campaign and change the government policy on immigration and citizenship and celebrate all migration especially as we move towards Brexit.

Finally, The Windrush Scandal and now a national Windrush Day also provides a platform to kick start a national conversation on the legacy of enslavement and reparations as the next chapter of fight for social justice and equality.

*Patrick Vernon OBE is a social commentator, Trustee of Bernie Grant Archives, and Editor of 70th Anniversary Windrush Commemorative Magazine*



One of the many photographs in the British Library Exhibition *Windrush: Songs in a Strange Land*

## Windrush: Songs in a Strange Land

British Library, Kings Cross, London

Colin Prescod, Chair of the Institute of Race Relations, was lead external adviser of this exhibition at the British Library. *Windrush* traces the relationship between Britain and the Caribbean since the 'discovery' of the Americas; travelling through the slave trade, colonialism, rebellion, the contribution of Caribbean soldiers to the defence of the 'mother country', the rights granted by the 1948 Act, the popular racism and right-wing agitation this generation of Commonwealth immigrants faced when they arrived, the imposition of immigration controls in the 1960s, through to the British-born Black response to the New Cross fire in 1981. It also focuses on the development of British culture by settlers – poets, novelists, artists and musicians.

The exhibition has a particular piquancy, given the recent media exposure of the treatment of several thousands of 'Windrush generation' settlers over the past few years under hostile environment policies. As Colin Prescod said, *'They were not surprised at the racism they encountered. They were surprised that having settled here, worked here, raised children here, somebody can knock on their door and tell them that they have no rights.'*

Visit the exhibition and learn about the Jamaican feminist poet Una Marson, who became the first black woman employed by the BBC. Read Trinidadian J J Thomas's scathing rebuttal of English colonialism. See the manuscripts of Andrea Levy's novel *Small Island* and Benjamin Zephaniah's poem *What Stephen Lawrence Has Taught Us*. And listen to the sounds of the Caribbean, from jazz and calypso to the speeches of Marcus Garvey and personal reflections from some of the first Caribbean nurses to join the NHS.

*Caribbean Labour Solidarity* meets from 12 noon to 2pm on the first Sunday in the month at Islington Pensioners Forum, 1A Providence Court, Providence Place, London N1 0RN

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We work to unite all those who struggle against imperialism and for the building of strong international links between working people here and in the Caribbean in their fight for human rights and justice.

Join us!

