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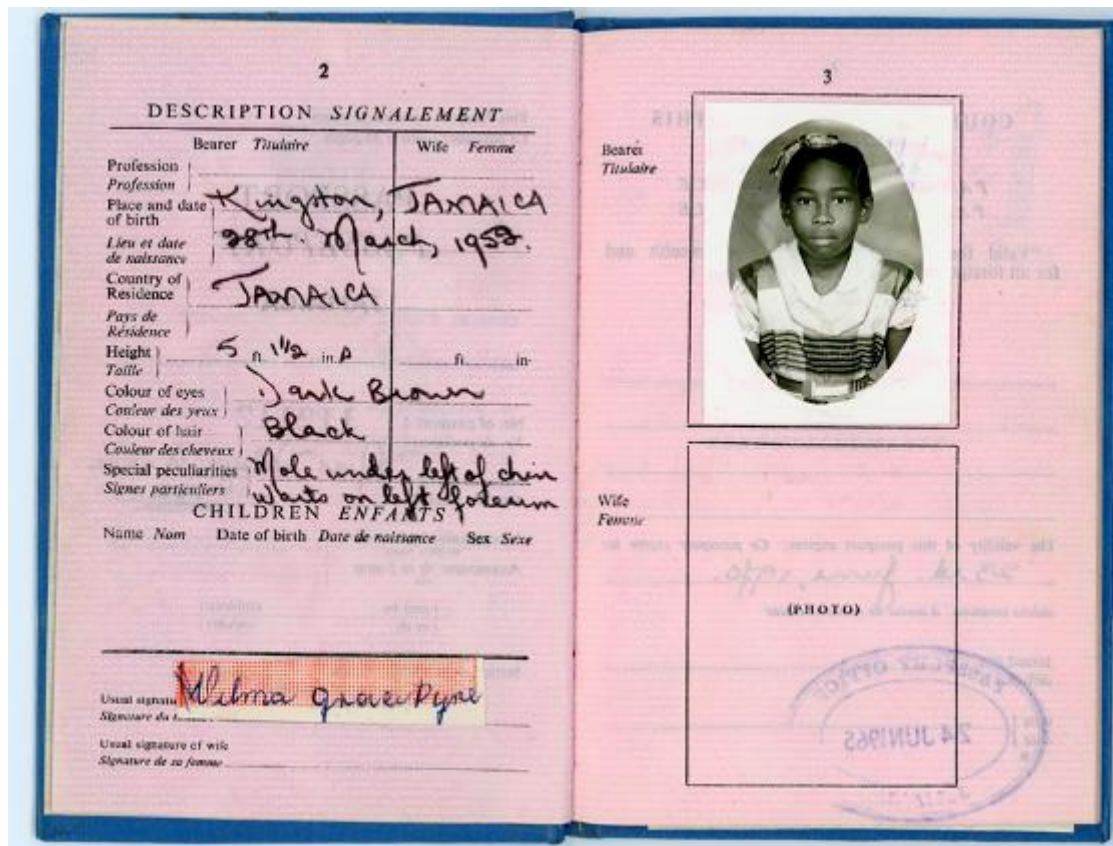
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 SEARCH



Windrush Scandal: By Accident or Design?

Tracey Reynolds, Dave Hockham and Pamela Franklin

The decision by Home Secretary, Suella Braverman, in January 2023 to scrap the pledge by the Government to implement key reforms of Windrush Lessons Learned review exposes the shameful history of successive UK governments towards Caribbean people. This involves decades of immigration law and policies, and the ongoing racism, racial inequalities and injustices that older Caribbean migrants – the so-called Windrush Generation – and their descendants continue to experience (Runnymede Trust, 2018).

The hostile environment legislation, which in 2012 sought strict enforcement of immigration controls, revealed that the government did not have a clear understanding of the impact of its immigration policies (Quershi et al 2021). The hostile environment affected tens of thousands of the Windrush Generation, Caribbean Commonwealth citizens who arrived in UK between 1948 and 1973 on invitation from the UK government to take up jobs and rebuild the NHS and other key sectors following the second world war.

The Windrush Scandal first emerged in 2017 after news reports showed that Caribbean older people, were being wrongfully detained, deported and denied basic human rights (Gentlemen

2019). They included victims who were denied cancer treatments through the NHS, despite paying decades of national insurance contributions, because they could not show 'documentary evidence' that they had lived in the UK continuously since arriving from the Caribbean as a child or young adult in the post-war period (Goodfellow, 2020).

Following widespread public condemnation of inhumane mistreatment of these Caribbean older people, the **Windrush Compensation Scheme** was set up in 2019 to compensate victims that suffered hardship and loss as a result of not being able to demonstrate their lawful citizenship status. However, **campaigners** supporting the victims criticised the government of further compounding the racial injustice experienced by them because of the slow and over-complicated process to apply for compensation. To date, **only 5% of victims have been successfully compensated in the last four years** despite a government promise to redress those wrongly classified by the Home Office as illegal immigrants. Within this period many have also died (often from health complications resulting from their wrongful classification) before receiving payment.

As noted by the various scholars assessing hostile environment policies, the Government is hardening its approach to immigration policies, including promising to fast-track the detention and removal of illegal migrants and undocumented workers (see Blitz; Erel et al; Ryan et al and Gawlewicz et al, this special issue). The victims of the Windrush Scandal are once again the recipients of this hard-line anti-immigration rhetoric. In the past two years, compensation pay-outs to victims have significantly stalled, with an increased number of claims being refused. In 2022, for example, there was nearly twice as many refusals (735) or zero sums offered as pay-outs compared to 453 refusals in 2021 (**Independent 2022**).

Engaging Caribbean Older People in research

The impact of the Windrush scandal on the Caribbean community, particularly among Caribbean older people has been unprecedented. This impact and its legacy on Caribbean communities was explored with Caribbean older people in two studies. The first study involved focus group discussions with 9 Caribbean older people (6 women and 3 men) who attended weekly lunchtime drop-in sessions at a south-London branch of Age UK in 2022. The purpose of this study was to undertake a needs assessment of services following a return to in-person services after the COVID-19 pandemic. We use the discussion to reflect how the hostile environment reinforced negative stereotypes about Caribbean migration to the UK, which overlooked their long contribution to this country.

A second study, **Let our Legacy Continue Project**, in 2020, involved research collaboration with **Caribbean Social Forum**, a community organisation providing social, health and cultural support for Caribbean people aged 50 years old and above in South London. It currently has a membership of 600 people. Our project involved eight co-created online weekly research workshops, with a group of 12 Caribbean older people. We explored Caribbean migration to the UK, and its legacy and impact. The personal stories and artefacts shared led to a live gallery exhibition in October 2020 and an **online gallery** launched November 2021 (**Hockham et al, 2022**). The study took place during the height of the COVID-19 pandemic and lockdown. Consequently, workshops were conducted over Zoom and, for the exhibition, we had to find new visual representative ways of discussing issues of 'race', racism, and themes of representation that emerged out of the Windrush scandal.

Findings

A main finding to emerge is how this scandal challenged participants' experience of what it means to be settled in a country, despite living here for 60-70 years. They expressed fears that their UK citizenship status could be removed without notice, and their access to health and social care and state benefits, their pensions, and homes. The following quotation by Dorothy, age 74, a retired nurse, highlights this concern:

My dearest wish is to go home to Grenada, [to] visit my brother and my nieces and family before I die. But I can't travel because first it was COVID that stopped me from travelling and now we are hearing all these stories of people going home for a holiday and they can't get back into the country when land at Heathrow [passport control], or they are deported. This has made me scared to take the chance as I don't want any problems.

The Caribbean older people in the 'Let our Legacy Continue' study, noted the care and attention taken to share the stories, documents and co-curate the materials for the exhibition. This is in direct contrast to how immigration records of Caribbean people held by UK government were destroyed, ensuring that people were unable to get documentation to prove their immigration status.

Participants shared the view that the destruction of documents was not an accident or unintentional action by the Home Office as media reports concluded when the scandal was exposed. Instead, this represented a wilful, and deliberate act by the Government to prevent citizenship claims by Caribbean people; underlying the fact that racism lies at the heart of the immigration policies and the laws governing Caribbean migrants' application for UK citizenship.

They shared personal experiences of how immigration laws are actively used against Caribbean and other racialised migrant ethnic groups to remind them of not belonging in the UK, despite living and actively contributing to society for many decades. The state endorsement of immigration policies, which act as a barrier to Caribbean people exercising citizenship rights, also encourage racist attitudes, behaviour and discrimination from members of the public and across a broad spectrum of societal institutions.

One example of this, emerging during the focus groups and workshops discussions, was stories shared about the 1981 British Nationality Act, and how this immigration legislation was designed to prevent Caribbean people from securing citizenship. It would eventually lead to the Windrush Scandal. The previous legislation, the 1971 Immigration Act, confirmed that the Windrush generation had, and have, the right of abode in the UK. But they were not given any documents to demonstrate this status. Nor were records kept. They had no reason to doubt their status, or that they belonged in the UK. They could not have been expected to know the complexity of the law as it changed around them. By the early 1980s, then PM Margaret Thatcher **expressed concern** that "people are really rather afraid that this country might be rather swamped by people with a different culture". This resulted in the **1981 British Nationality Act** requiring citizens from 'new Commonwealth' territories who had settled in the UK to register to become British citizens.

The participants recalled that the application process for registering for citizenship discouraged members of the Windrush generation from exercising their time-limited right to register as British citizens, meaning that Caribbean people lost their right to remain. Many people did not realise the change in immigration law directly impacted them, primarily because they arrived on passports which had 'territory of UK', so they thought change in legislation did not apply to them. Also, adults who arrived in UK as babies and children on their parents' passports, and had never travelled, did not have passports or documentation confirming their citizenship status.

Speaking to Caribbean older people about this period, they recalled this policy change was not well promoted or publicized by UK media and Home Office; instead, those that have re-applied for citizenship were made aware of the need to do, primarily by news of the important change to immigration status travelling by word of mouth and people's social networks. This meant that others who did not have the contacts and networks missed out on this news. A common viewpoint shared by the participants that the lack of public attention was motivated by racist immigration legislation, specifically the Government's agenda to reduce the UK's non-white population. This belief was further strengthened by the political and social environment. Following the **1981 Brixton riots**, the national mood was hostile against Caribbean people, and so there was a lack of public outcry or wider support against this injustice.

Fear and suspicion by Caribbean older people were also now embedded in everyday interactions, with health social and welfare providers. Following the declaration of a 'hostile environment', those working in these agencies have been turned into enforcement officers, policing racialised migrants' citizenship status and their access to public services. Findings suggest that Caribbean people are now less likely to turn to support from these agencies. This is particularly worrying because COVID-19 pandemic has revealed the way in which structural racism, health inequalities and increased social isolation and loneliness impact BAME older people. They are therefore more likely to need health and social care services. If they chose not to access public services, a knock-on effect is the additional demands on community services and voluntary providers to address these needs.

However, voluntary and community sector are already overstretched, a legacy of the government's austerity agenda, resulting in cuts to funding level and service provision. Yet, in the face of hardening immigration legislation towards migrants, local voluntary and community organisations are being increasingly asked to step in to provide additional care services, that previously provided by statutory care providers.

This also meant pivoting their services to support victims and their families impacted by the Windrush scandal. For instance, both Age UK, and Caribbean Social Forum, offer free legal advice and services to help victims of the immigration scandal apply for compensation. They also offer advice and information to family members, who are supporting these victims. This includes bereavement service, to support family members who have 'lost' individuals because of deportation to the Caribbean. There is also a concern for physical and psychological impacts on older people detained and deported. Not only are they separated from their family and community networks in the UK, but they are deported back to countries, places they might have migrated from years ago, with no family ties or cultural connections to the place they left.

We also used the theme of legacy to relate the Windrush Scandal and its impact on the descendants of Caribbean older people. One aspect, often overlooked in research, is that future generations have been trapped within the system because of hostile environment policies. This includes the **Windrush Kids**, young people born to undocumented parents, and who only become aware of their irregular migration status when they reach 18 years old, or apply for university or for a job. A report by **Coram Children's Legal Centre** highlighted that as many as 100,000 undocumented young people are unable to prove they are British citizens, despite them being technically UK citizens, who are born, and grew up in the country. The complexity of the immigration systems, and high costs to regularise their status prevents them getting the paperwork to prove their citizenship, leaving them in legal limbo.

To conclude, there is compelling evidence to indicate the Windrush Scandal was not an accident, as suggested by policymakers, but was created by design as the deliberate and inevitable action to make life impossible for racialised migrants in UK, and to remind them that no matter how long they reside or settle in UK, they are considered as not completely belonging here. What clearly emerges as a legacy of the Windrush Scandal is that Caribbean older people and later generations, can never be deemed as truly settled because of the way they continue to experience a fragile and precarious relationship to UK citizenship.

References

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Tracey Reynolds is Professor of Social Sciences and Associate Dean for Research and Knowledge Exchange at the University of Greenwich. Tracey's research areas focus on Black and racialised migrant families and communities. Tracey's projects involve research collaborations with neighbourhood community organisations using creative, participatory and co-produced projects to explore migrant family's community resilience and the impact of hostile environment policies; and to co-produce creative tools, and training resources for community leadership and local actions for change. Tracey's achievement was recently

recognised in a national exhibition Phenomenal Women: Portraits of UK Black Female Professors and Talk at South Bank Centre, Oct-Nov 2020. This exhibition showcased 45 Black female Professors in the UK (out of a total of 21,000 Professors).



David Hockham is a Senior Lecturer in Theatre and Scenography and Associate Head of School for Student Success in the School of Stage and Screen at the University of Greenwich. As a Scenographer, David is interested in the process of creating worlds on and off stage, thinking through how social and material components come together to form activities, structures and systems within differing contexts: education, work and beyond. Alongside this, David is co-director of internationally touring theatre company, Dead Rabbits, which tells stories from often under-represented perspectives.



Pamela Franklin is registered disabled and the Chair of the Caribbean Social Forum a group formed to support the social and wellbeing of the Windrush Generation aged 50+. The Chair and the committee work at creating various programmes to keep members engaged. This includes working in partnership with establishments that are looking at increasing their older and ethnic majority audiences or learning about individual history from leaving the Caribbean to settling in the UK. Pamela is also a trustee of St Georges Garrison Church and was recently given an Honorary Doctorate of the University of Greenwich.

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