



## Windrush, Shame and Scandal: Race, Class, Gender, and Immigration in a British Context

*“I have learnt silence from the talkative, toleration from the intolerant, and kindness from the unkind; yet strange, I am ungrateful to these teachers”.<sup>i</sup>*

This paper explores the issues of race, class and gender at the epicenter of British immigration policy, with particular reference to the lived experiences and reality of the Caribbean “*Windrush generation*” an estimated 500,000 – 700,000 people in the UK, who arrived from the Caribbean between 1948 and 1971 and their descendants.<sup>ii</sup> This entails exploring the socio-historical context of the migration of the “*Windrush*” Caribbean people to Britain and the experiences of themselves and their descendants in British society. Of necessity, we also review the history of immigration patterns control in the UK. This is a critical exercise in view of the current “*Windrush crisis*” occasioned by the discriminatory implementation and abuse of Immigration law to deport and disadvantage many of the Windrush generation and their descendants.<sup>iii</sup> In our review parallel streams or race, class and gender are seen to turbulently converge in the everyday lived experiences of Black people in Britain, giving rise to fractures and fault lines in the fabric and landscape of British society.

It is crucial that we begin our review and place this crisis in a socio-legal historical context to ensure analytical veracity. In this regard, it is important to consider that the internecine European tribal conflict, known as “*World War II*”, was a deadly bloody affair and had a devastating impact on British society and at its conclusion; there was a significant labour shortage in Britain.<sup>iv</sup> There was a decline in the working population, which had fallen by 1.38 million between “*mid 1945 and the end of 1946*”, partly aggravated by the fact that many women and elderly persons “*who had delayed retirement left the jobs they had filled*” in the war.<sup>v</sup>

The loss of human resources and a declining birthrate, led to the Government establishing a working party,<sup>vi</sup> with a remit to consider employment of colonial labour to ensure that the country did not grind to a halt.<sup>vii</sup> The war had significantly diminished the British economy giving rise for this pressing demand for people from the colonies to help rebuild the fractured and diminished post war Britain. It has been pointed that that this demand was particularly crucial in “*those sectors crucial to the reconstruction programme*”, including the

production of “raw materials such as iron, steel and coal, as well as food”.<sup>viii</sup> Further, it has been indicated that there was also a “huge backlog of essential maintenance and repair work” and “severe shortages in the construction sector” and that in the “service sector”, both men and women workers were needed to run “public transport” and to staff the “new National Health Service (NHS)”.<sup>ix</sup>

It has also been indicated that the initial appeal for new workers was preferentially directed to White Europeans, including German and Italian prisoners of war, refugees from Communist regimes in Eastern Europe and the Soviet Union, substantial numbers of Irish, and “persons from refugee camps throughout Europe”.<sup>x</sup> However, this source soon became diminished and colonies such as Australia, New Zealand and Canada, were themselves short of labour and were seeking to encourage White migrants from the UK. There was no alternative but to seek labour from the Caribbean. However, although agreeing that some colonial labour was needed to sustain the reconstruction of Britain, the Working Party advised against large scale immigration. It has been asserted that this decision was spurred by the “fear of discrimination against immigrants”.<sup>xi</sup> However, the underlying reason is reflected in the desire to preserve the essence of White British identity, reflected in a declining birth rate since the 19<sup>th</sup> century, aggravated by the death toll of World War II and by high levels of emigration of Britons to Australia, New Zealand, Canada and the United States.<sup>xii</sup> It also reflected concerns about the economic, political and social implications<sup>xiii</sup> and the “serious problems” that would flow from mass migration of Black people to Britain.

This was evident when, on 22 June, 1948, eleven Labour Party members of Parliament sent to then Prime Minister of a coalition government, Clement Attlee opposing mass immigration into Britain.<sup>xiv</sup> The letter asserted that British people enjoyed a “profound unity without uniformity” in their way of life and that they were blessed by the “absence of a colour racial problem”. It argued that an “influx of coloured people” domiciled in Britain was likely to “impair the harmony and cohesion of our public and social life” and to cause “unhappiness among all concerned.”<sup>xv</sup>

Nevertheless, the Government, desperate for labour, not envisioning large scale immigration, enacted the British Nationality Act 1948, which “reaffirmed” the fact that the persons from the colonies enjoyed full rights of British citizenship.<sup>xvi</sup> Around the time, a Jamaican newspaper featured an advertisement which declared that there were 300 places available on the SS Empire Windrush for anyone wishing to travel to Britain.<sup>xvii</sup> The ship departed on 24<sup>th</sup> May and arrived with all of the 300 places taken up plus an additional 190 passengers who traveled on the deck. It has been indicated that many of the passengers had served with allied forces in the war, some of whom wished to “rejoin the armed

forces”, while others “*hoped for better career prospects in Britain*”, as there was “*high unemployment at home*”.<sup>xviii</sup> The vessel arrived at Tilbury Docks on 21<sup>st</sup> June and was met by a Black civil servant, Ivor Cummings, who had been dispatched to meet the new arrivals.<sup>xix</sup> Thus, with the “*symbolic arrival*” of the SS Empire Windrush, Caribbean people began to come to England answering the call of the “*Mother Country*” to help rebuild the United Kingdom.<sup>xx</sup> Initially, the Colonial Office, “*as a short term measure*”, housed some 230 of the Windrush migrants in a “*deep air raid shelter*” in Clapham Common. It has been pointed out that, as the nearest labour exchange was in Brixton, many of migrants settled there. It has been further indicated that one cannot overstate the crucial role of Caribbean and South Asian nurses, bus drivers, train operators, textile workers, and workers in industrial plants, who fueled the revival of post war Britain.<sup>xxi</sup>

The Windrush was the start of a period of migration from the Caribbean to Britain that did not slow down until 1962 and, by 1955, 18,000 Jamaicans had moved to Britain.<sup>xxii</sup> As indicated earlier, eventually, by 1971, some 500,000<sup>xxiii</sup> to 700,000<sup>xxiv</sup> people had come to England from the Caribbean. It has been asserted that this “*outward flow*” of people to settle in Britain was an “*important event in the history of the West Indies*” that also changed the “*social landscape of Britain*”.<sup>xxv</sup> As we are reminded by Bishop Joe Aldred, this was not the first presence of Black people in Britain, but the “*Windrush's significant numbers*” “at once sent “*tremors through the British political establishment and cultural police*”.<sup>xxvi</sup> But it is important Britain remembers that moment for what it was: a story of mixed reception. It has been indicated that, in contrast to the contemporary newspaper headlines, “*typically gathered to commemorate the event*”.<sup>xxvii</sup>

In this regard, even before the Windrush had left Jamaica, the prime minister, Clement Attlee, had examined the “*possibility of preventing its embarkation*” or “*diverting*” the ship and the migrants on board to East Africa.<sup>xxviii</sup> Further, after the vessel had arrived at Tilbury, the colonial secretary, Arthur Creech Jones, “*reassured his cabinet colleagues*” that, although:

*“these people have British passports and must be allowed to land there’s nothing to worry about because they won’t last one winter in England”.*<sup>xxix</sup>

Olasuga points out that, when that prediction “*proved false*”, ministers began to consider how they could revoke the “*commitments enshrined in the 1948 act*” and that what followed was a two decade long political struggle to change Britain's immigration law and “*reduce the flow of immigrants*” from the “*so called New Commonwealth*”.<sup>xxx</sup>

Olasuga advises that, on arrival, “*sometimes within hours*” the “*myth of the mother country*”, that was held up in the Caribbean, was frequently dispelled. He further points out that “*having set out as British subjects, the Windrush generation arrived to find that they were immigrants*”, often regarded as “dark strangers” who did not belong in Britain.<sup>xxxvi</sup> It has been indicated that the overall mood of the new arrivals was “one of disappointment”.<sup>xxxvii</sup> Wendy Webster indicates that a “*characteristic opposition*” between “*Britishness as White*” and “*immigrants as coloured*” underpinned the “*idea of a colour problem*”.<sup>xxxviii</sup> She points out that those who came on the Windrush and their children experienced racism and “*fought against it*”.<sup>xxxix</sup> By August 1948, Jamaican academic and poet, John Figueroa was telling West Indian listeners of an “*unpleasant and unfortunate colour bar*” emerging around housing which prevented West Indians from finding suitable accommodation.<sup>xl</sup> It is not surprising to discover that Britain’s contemporary culture of “hostility” towards immigrants has a much longer history, “*as old as the Windrush itself*”.<sup>xli</sup>

This racist animus was reflected at the highest levels of governance, with the official policy being one of “*dispersal and assimilation*”.<sup>xlii</sup> However, this policy was ineffective and in 1950, the Cabinet began consideration of a policy of instigating “*checks on non-White people*” entering into Britain.<sup>xliii</sup> Subsequently, in 1951, a committee of ministers, which considered immigration policy, declared that “*the problem of immigration was a minor one*” and advanced the recommendation that there should be no reversal of the “*longstanding policy*” of allowing “*British colonial subjects access to the United Kingdom*” and over the next few years immigration was “*largely ignored*”.<sup>xliiii</sup> But as the inflow of West Indians into the United Kingdom increased significantly after 1954, the Secretary of State for the Home Office, Gwilym Lloyd George advanced the idea of enacting legislation to “*prevent free movement of colonial immigrants*”.<sup>xliiii</sup> Needless to say, when migrants began to come from the Indian subcontinent in significant numbers, from India, Pakistan and Sri Lanka between 1950s and the 1960s the concern about the influx of a non-White population to Britain created greater unease amongst the political elite. In consequence an ethos of marginalization encapsulated the “*reconstruction of British subjects as immigrants*”, the “*transformation of immigrants as coloureds*” and the “*problematization of coloured immigration*”.<sup>xliiii</sup> Eventually, the enactment of the Commonwealth Immigrants Act 1962 placed formal controls on colonial immigration.<sup>xliiii</sup> This was followed by the Commonwealth Immigrants Act 1968 and the Immigration Act 1971, all of which further restricted the flow of migration. It has been argued that these enactments all sent a “*misleading message*” that Britain could not support any increase in the number of migrants, and that the “*indigenous population*” had to be protected from an “*imagined migrant threat*”.<sup>xliiii</sup>

At the same time, linking migratory controls with protection against racial

discrimination, the Government instituted race relations legislation alongside immigration enactments, to rectify the patent discrimination against Black migrants from the Caribbean. After active campaigning by groups representing immigrants from Commonwealth countries including the West Indies and Pakistan, calling for legislation to tackle discrimination, the *The Race Relations Act 1965 was enacted*, creating the offence of incitement to race hatred and prohibited discrimination on the grounds of colour, race, ethnic or national origins in public places. It also prompted the establishment of the Race Relations Board in 1966, with somewhat limited powers. However the legislation did not apply to shops of private accommodation. The legislation was limited in its effect and weak in its enforcement provisions.<sup>xliv</sup>

Subsequently, the *Race Relations Act 1968*, passed alongside the *Commonwealth Immigrants Act 1968*, extended the law to cover housing, employment, and the provision of public services. This legislation made illegal and put an end to the signs confronting Caribbean immigrants that said 'no blacks, no dogs, no Irish'. However, this legislation was criticised for "poorly translating 'new standards of behaviour' into an effective legal document".<sup>xlv</sup> More critically, this legislation prompted Enoch Powell, who earlier had gone to the Caribbean to recruit Caribbean labour, to make an inflammatory speech in which he argued that:

*"... lies not with the immigrant population but with those among whom they have come and are still coming.... This is why to enact legislation of the kind before parliament at this moment is to risk throwing a match on to gunpowder.... For these dangerous and divisive elements the legislation proposed in the Race Relations Bill is the very pabulum they need to flourish. Here is the means of showing that the immigrant communities can organise to consolidate their members, to agitate and campaign against their fellow citizens, and to overawe and dominate the rest with the legal weapons which the ignorant and the ill-informed have provided. As I look ahead, I am filled with foreboding; like the Roman, I seem to see "the River Tiber foaming with much blood".<sup>xlvi</sup>*

The Times of London immediately denounced Powell's polemical diatribe as an "evil speech" and the leader of the Conservative Party, Edward Heath dismissed Powell from the Conservative front bench, and stated that:

*"I consider the speech he made in Birmingham yesterday to have been racist in tone and liable to exacerbate racial tensions,"*

However, polls indicated that most British people supported Powell and

endorsed his inflammatory rhetoric. Clearly, the speech emboldened racists and resonated with wider societal anti-immigrant sentiments and doubtless impacted on future immigration policy in the UK from that time until now.<sup>xlvii</sup>

After the enactment of the *Immigration Act* 1971, the *Race Relations Act* 1976 established the principle of indirect discrimination, placed a duty on public authorities to promote race equality, establish equal opportunity policies and the Commission for Race Equality, with far greater authority for investigation and enforcement than the powers vested under the Race Relations Board.

It is clear that race relations legislation was the flip side of legislation restricting immigration and operated in an obscene tandem with immigration policies that institutionally discriminated against Black people.<sup>xlviii</sup> In this regard, it has been indicated that, since the introduction of immigration controls in Britain in the early 20th century, “*racially and sexually discriminatory practices*” have been used by the British authorities to “*filter incoming migrants according to their level of desirability to the state*”.<sup>xlix</sup> This underscored the fact that the development of discriminatory immigration policies have become increasingly more restrictive.<sup>l</sup> Further, it has been asserted that purpose of controls has been to restrict entry for those considered “*undesirable to the British nation-state*” and that they imposed “*rigorous scrutiny upon potential migrants*”.<sup>li</sup>

It has been posited that the “*path towards development of the modern immigration control system*”, with its “*cornerstone*” being the *Immigration Act* 1971, has not been so “*straightforward*” and the legislative process, negotiating between “*populist anti-immigrant sentiment*” and other socio-economic, legal, diplomatic and humanitarian concerns, has been “*haphazard*”.<sup>lii</sup> However, Smith and Marmo conclude that the end result of this has been a “*bipartisan consensus*” between the Conservatives and Labour that “*good race relations*” can only be maintained through “*strict immigration control*”.<sup>liii</sup> Further, it has been indicated that race does not precede immigration control; rather race is always in “*formation*”.<sup>liv</sup>

However, as pointed out by Kathleen Paul, clearly, concepts of British nationality “*which had race at its core*” were not “*initiated by popular forces*” in the 1960s but had their origins at least as early as 1945 and were the “*creation of a policy making elite*” that manipulated “*notions of identity*” and definitions of citizenship, and “*massaged*” public opinion in order to preserve a “*constructed national identity*”, a “*useful labour supply*” and a “*demographically and politically strong empire/commonwealth*”.<sup>lv</sup> This flew in the face of the social reality that Britain has always been an island of migrants from the earliest of times and has never been a homogeneous society. In this respect, the historical reality is that the British Isles has been populated by successive waves of immigration, including

Celts, Romans, Angles, Saxons, Jutes, and many other ethnic/national identities, with a Black presence from Roman times and during the Tudor and Georgian eras.<sup>lvi</sup>

James Walvin indicates that, while it would be untrue to say that the history of Black people in Britain was uniform, and has an “*unbroken thread from the seventeenth century*”, it is indisputable that Black people have been a feature of English society and history for centuries.<sup>lvii</sup> He further asserts that it is, “*in the main, an unhappy story*” as, throughout most of the period, Black-White relations were shaped by the “*experience of slavery*” and later by “*imperial domination*”. He points out that the “*political and social legacy of White dominion over Black*” in England, no less than in the colonies, has been the “*notions of survival of superiority*”, which in turn has laid the “*basis for modern racist ideologies*”.<sup>lviii</sup> The experiences of racial discrimination encountered by the Windrush generation, rather than being the root cause of racism in Britain, was just the continuation of centuries of racial disadvantage experienced by Black people.

It is in this context that those persons who had come from the Caribbean before 1973, who “should have had indefinite leave to remain, were being caught up in an immigration policy which inspired a “*hostile environment*” against them.<sup>lix</sup> In this regard, it has been pointed out that in 2010, then Prime Minister David Cameron and his Conservative/Lib Dem coalition government made “*swift advances in settling public discontent*”, taking a “*heavy handed approach to immigration*”.<sup>lx</sup> Further, it has been posited that the reforms to the family migration Visa legislation in 2012, “*which had already been altered under the New Labour government*”, sought to alter how “*genuine*” spousal relationships were “*defined*” and developed “*more stringent rules*” on immigrant family settlement in the UK.<sup>lxi</sup>

In 2013, the Government began the implementation of “*Operation Vaken*” with vans “*plastered*” with the slogan “*In the UK illegally? Go home or face arrest*” driving around “*heavily migrant and ethnic minority populated areas*”, in an attempt to intimidate “*undocumented migrants*” to “*leave of their own volition*”.<sup>lxii</sup> Under these new rules targeting undocumented Commonwealth migrants, many of whom arrived as children, were “*being caught out*” if they lacked the papers to “*prove their status*”.<sup>lxiii</sup> It has been pointed out that in some cases; “*key evidence*” had been destroyed by government departments.<sup>lxiv</sup> Many of the victims of this racist agenda “*lost jobs and housing and were refused healthcare*”, while others were “*detained or even deported*” back to countries they “*had not visited in years*”.<sup>lxv</sup>

As we are advised by Turner, it is clear that the “*UK’s contemporary responses*

to immigration” and the “refugee crises” are situated within a “long and hostile history” with immigration and asylum seeking.<sup>lxvi</sup> In the wake of this hostile environment against Black people in Britain, their lays a sad depressing trail of victims, people who had been “illegalized” who had with many being deported and countless others having lost their jobs, houses and access to basic healthcare.<sup>lxvii</sup> This hostile policy primarily targeting West Indians has been described as “a national shame” and a “nightmare”.<sup>lxviii</sup> Of even greater concern is the indication by MP, Diane Abbott, that, since September, 66 per cent of people granted indefinite leave to remain after being referred to the Home Office Task Force were from the Caribbean islands of Jamaica, Barbados, Trinidad and Tobago, and Grenada, with 30 per cent from “other nationalities”, including people from European countries including France and Germany and Commonwealth countries such as Nigeria and Australia.<sup>lxix</sup> As she points out, these figures clearly illustrate the “important point” that too often the public are given the impression this scandal only affects people from the Caribbean, when it is in fact the “whole Commonwealth and beyond”.<sup>lxx</sup>

It has been pointed out that the “disgraceful treatment of the Windrush Generation” of Commonwealth British citizens and their “harrowing experiences” illustrate the reality of the Government’s policy of creating a “hostile environment” for those that they deem to be illegal immigrants. As this “scandal” has revealed, the “hostile environment” policy has led to people who came to Britain legally being “aggressively denied their rights”, having had their indefinite leave to remain removed and facing the “threat of deportation or detention”, with some having been denied employment, driving licenses, housing, health care and access to bank accounts.<sup>lxxi</sup>

Apparently when the scandal came to light in 2018, the then Home Secretary, Amber Rudd “issued a formal apology” for Home Office “mistreatment of Commonwealth citizens” and announced that a Home Office task force would be set up to “help them establish their longstanding rights to live in the UK”.<sup>lxxii</sup> Subsequently, then Prime Minister, Theresa May “met and apologised” to 12 Caribbean heads of government.<sup>lxxiii</sup> Then in April, 2018, Amber Rudd announced she would “waive Home Office fees and citizenship tests (knowledge of language and life in the UK)” for members of the Windrush generation and their children to become British citizens; and “ensure people who had been wrongly expelled or excluded” from the UK were able to return without having to pay fees. She further announced there would be compensation and “lessons would be learned”.<sup>lxxiv</sup> Eventually, on 29 April, Amber Rudd resigned her post as Home Secretary, being replaced by Sajid Javid, who promised to “make good on the commitments of his predecessor”.<sup>lxxv</sup> Then on 21 May, Home Secretary, Javid, announced that a ‘Windrush Lessons Learned Review’ would be conducted by the Home Office and an independent adviser was appointed on



22 June 2018, with terms of reference for the review published on 19 July 2018 and a call for evidence issued on 20 August 2018.<sup>lxxvi</sup>

Thereafter, the Home Office opened a consultation on setting up a compensation scheme and on 24 May, Sajid Javid announced the Windrush Scheme under which people who had settled in the UK prior to 31 December 1988 could apply for free for documentation confirming British citizenship or their right to live permanently in the UK. He further laid regulations before Parliament to waive the fee (and knowledge of language and life in the UK tests) for certain Commonwealth citizens to naturalise as British citizen.<sup>lxxvii</sup> Under the eventual compensation scheme, Javid indicated that there is "*no limit*" to the amount of money that could be paid out to victims of the Windrush scandal, and he said that he hoped the scheme would "*right the wrongs*" of a "*mistake that should never have happened*".<sup>lxxviii</sup> The then Home Secretary added that there was no "*cap*" for the amount of compensation that could be paid out per claim but the "*baseline estimate*" for total payouts was £200m. However, Satbir Singh, chief executive of the Joint Council for the Welfare of Immigrants, said the announcement was "*short on detail*".<sup>lxxix</sup>

Further, the Refugee and Migrant Centre pointed out that, for the dozens of Windrush clients they support, the "*significant delay and subsequent lack of clarity*" in announcing how those affected will be rightly compensated, has only served to "*heighten the trauma*" caused by the Home Office's "*enduring hostile environment policies*".<sup>lxxx</sup> They indicate that, while they welcomed the creation of a compensation scheme, it remains to be seen how this will adequately compensate for the loss of livelihoods "*our fellow citizens, colleagues, neighbours and friends*" have and continue to suffer.<sup>lxxxii</sup> They point out that money will not bring back the "*years lost to destitution*", "*feeling criminalised and excluded*" from society. They contend that, due to the "*complexity of applying for the scheme*", it is highly likely that support from law centres and solicitors will be required to do this "*successfully*" and that, for those without access to such help, they may not be able to secure compensation or face the risk of exploitation from those who may "*seek to profit from them*". The Refugee and Migrant Centre indicate that many of those they work with are still without "*direct communication*" or a "*personal apology*" from the Home Office, and the "*unanswered questions*" raised by this scheme will only "*compound their worry and confusion*". They further asserted that it also "*poses serious questions*" about the "*commitment and capability*" of the Home Office to "*learn from and provide adequate redress*" for the "*suffering*" they have caused.<sup>lxxxii</sup>

The Home Office Independent Review of "*Windrush Lessons Learned*" by Wendy Williams was published on 19 March 2020 and in it she asserts that Members of the Windrush generation and their children have been

poorly served by this country as they had every right to be in Britain and should never have been “*caught in the immigration net*”. She indicates that the many stories of “*injustice and hardship are heartbreaking*”, with “*jobs lost, lives uprooted and untold damage*” done to so many individuals and families.<sup>lxxxiii</sup> She points out that, despite the scandal taking the Home Office by surprise, what happened to those affected by the Windrush scandal was “*foreseeable and avoidable*”.<sup>lxxxiv</sup>

The damning report indicates that the causes of the Windrush scandal can be traced back through “*successive rounds of policy and legislation*” about immigration and nationality from the 1960s onwards, the aim of which was to “*restrict the eligibility of certain groups to live in the UK*”. It points out that 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.<sup>lxxxv</sup> Williams contends that they could not have been expected to know the “*complexity of the law as it changed around them*”, but that over time “*those in power*” forgot about them and their circumstances, which meant that when successive governments wanted to “*demonstrate that they were being tough on immigration*” by tightening immigration control and passing laws creating, and then expanding the “*hostile environment*”, this was done with a “*complete disregard for the Windrush generation*”.<sup>lxxxvi</sup>

The report indicates that a range of “*warning signs from inside and outside*” the Home Office were “*simply not heeded*” by officials and ministers and even when stories of members of the Windrush generation being affected by immigration control started to emerge in the media from 2017 onwards, the department was too slow to react, in an “*operating environment*” in which these mistakes could be made, including a “*culture of disbelief and carelessness*” when dealing with applications, made worse by the status of the Windrush generation, “*who were failed when they needed help most*”.<sup>lxxxvii</sup> As we are advised by Williams, ministers set the policy and the direction of travel and did not sufficiently question “*unintended consequences*”. She argues that officials could and should have done more to examine, consider and explain the “*impacts of decisions*”.<sup>lxxxviii</sup>

Surprisingly, she argued that, while she was unable to make a “*definitive finding of institutional racism*” within the department, she had serious concerns that these failings demonstrate an “*institutional ignorance and thoughtlessness*” towards the issue of race and the history of the Windrush generation within the department, which are consistent with some “*elements of the definition of institutional racism*”.<sup>lxxxix</sup> She indicates that the UK government, “*through what it*

*did and did not do*”, threw people into turmoil because it did not recognise their legal right to be in the UK. It prevented some, from coming back into the country from overseas, removed and detained others and “*through policies designed to combat illegal migration*”, it denied people access to work, housing and services, even though they were here lawfully and therefore “*lawfully entitled to access them*”, with some losing their jobs, their homes, and in many cases “*their sense of identity and wellbeing*”. The report laments that, inevitably, their families also paid a price.<sup>xc</sup>

Williams indicates that both policy makers and operational staff lost sight of people the department had a “*duty to protect*”. She points out that a “*failure to see how past legislation combined with evolving policy*” and to assess what impact this might have on “*vulnerable people and minorities, especially the Windrush generation*”, alongside a “*focus on meeting targets*”, made the crisis inevitable and just when members of the Windrush generation “*most needed to confirm*” their immigration status, it became harder for them to do so. Williams concludes that the Home Office demanded an unreasonable level of proof for them to be able to demonstrate their status and that, at times, staff asked people for evidence for each year that they had lived in the UK “*(which for the Windrush generation was often over 40 years)*”, and in some cases more than one document. She declares that this was clearly “*excessive*”, particularly for people applying to confirm the right to be in the UK, rather than applying afresh.<sup>xcii</sup>

However, it has been contended that a section branding the Home Office ‘*institutionally racist*’ in the Williams Report was dropped.<sup>xciii</sup> This is of particular concern, given allegations about Home Secretary, Priti Patel, persistent bullying her staff, leading to the resignation of Britain's top civil servant.<sup>xciii</sup>

MP, David Lammy called the report a ‘brutal indictment’ of the Home Office. He asserts that:

*“The victim's nationality and rights were denied because of the colour of their skin. If that is not institutionally racist, I have no idea what is. It would be an outrage and insult to the Windrush generation for Wendy Williams's independent review to be watered down for political reasons”.*<sup>xciv</sup>

As we are reminded by Professor John, the state “*exemplifies the failure to understand*” how structural, cultural, institutional and personal forms of racism and discrimination “*intersect and manifest*” in black people’s experience of everyday life.<sup>xcv</sup> In this regard, Sivanandan, defines institutional racism as that which, “*covertly or overtly*”, resides in the “*policies, procedures, operations and culture*” of public or private institutions - reinforcing individual prejudices and being reinforced by them in turn.<sup>xcvi</sup> Lammy points out that the Windrush

Lessons Learned Review is a “*brutal indictment*” of the Home Office, which shows that it is “*wholly unfit*” for the society it is supposed to serve. He points out that the Windrush scandal was not an innocent mistake, but a systemic pattern of appalling behaviour and life in the UK.<sup>xcvii</sup> As asserted by Dr Zubaida Haque, deputy director of the Runnymede Trust, it is now “incumbent” on this government to understand:

*“How and why Home Office culture, attitudes, immigration and citizenship policies have repeatedly discriminated against black and ethnic minority British citizens.....Unless the issues around institutional racism are meaningfully addressed, we risk the same mistakes and injustices being repeated”*.<sup>xcviii</sup>

In the wake of the Report, Home Secretary, Priti Patel has offered an apology in the Commons and said “*on behalf of this and successive governments*” she was ‘truly sorry’ to people who were detained or deported to the Caribbean after living here for decades.<sup>xcix</sup> She further acknowledged “*pain, suffering and misery had been inflicted*” and that there was an ‘ongoing mission’ to “right the wrongs done to victims”.<sup>c</sup> She stated that:

*“Despite the diverse and open nature of our country, too many people still feel they may be treated differently because of who they are or where their parents came from.....Today's report, which suggests in the Home Office there was an institutional ignorance and thoughtlessness to the issue of race and the history of the Windrush generation, is worrying for us all”*<sup>ci</sup>.

However, the TUC has indicated that apologies are inadequate in the face of ongoing structural racism in immigration policies. They argue that the Government's way of dealing with this scandal has been “*adopting a strategy of plausible deniability*”, with Ministers having denied “*knowledge or responsibility*” for the actions committed by others UK Borders. They assert that we need urgent action to stop the “*misery*” that has been exposed by this scandal not only for members of the Windrush generation, but for “*long-standing UK residents that legitimately moved to Britain*” as citizens from all over the Commonwealth. They contend that the current immigration system is “*institutionally racist*”, and “*adversely affects*” people from “*Black and Minority Ethnic communities*”.<sup>cii</sup>

Government ministers claimed that the experience of members of the Windrush generation is an “*unintended consequence*” of this “*hostile environment policy*” but that this was an “*outrageous claim, clearly made in bad faith*” and that their own legislation on immigration had removed the legal protections “*longstanding Commonwealth*” residents previously enjoyed.<sup>ciii</sup> As Wilf Sullivan asserts, during

the passage of both the 2014 and 2016 Immigration Acts, many organisations including the TUC pointed out that the legislation would result in “*racial profiling of members of Britain’s longstanding Black communities*” and that it would “*undermine access to jobs, accommodation and public services*” but the government “*was not listening*”.<sup>civ</sup>

He points out that, although Britain has some of the “*most restrictive immigration and nationality laws in the world*”, ministers “*convinced the public*” that immigration was “*out of control*” and that the previous Labour government had allowed a policy “*where anybody*” could walk into Britain.<sup>cv</sup> He asserts that they were “*obsessed with reducing migrant numbers*” and while they could not limit the movement of those with EU “*free movement rights*”, they created a situation where enforcement agencies could target anyone that was “*vulnerable*” under Britain’s “*increasingly draconian*” immigration and nationality laws.<sup>cvi</sup>

Amelia Gentleman states that people were viewed by officials as “*acceptable collateral damage*” and in its haste to “*implement measures which it hoped would cut stubbornly high net migration figures*”, the Government reclassified a “*large wholly legal cohort*” of long term residents as “*illegal immigrants*”.<sup>cvi</sup> She poignantly points out that:

*“The vision of a British state in a final shrug of post-colonial nonchalance, trying to flick citizens back to the same Caribbean islands where centuries earlier their ancestors had been brought from Africa by British colonisers as slaves, was painful to witness, not least because so many felt they had been encouraged by the British Government to leave these islands to travel to the UK to work to rebuild a nation shattered by war. The scandal emerged as the latest chapter in a long, guilty history of colonial occupation and exploitation.....This is an important cautionary tale, displaying the British Government at its worst. This is what happens when ministers pander to a populist thirst for anti-immigrant measures by introducing tough, hostile policies, and steadfastly ignore all the warnings that the wrong people will get hurt. This is what happens when politicians become so disconnected from the world outside Westminster that they become oblivious to the disastrous impact of their policy decisions...How did it happen that thousands of people who thought they were British were told that they were illegal immigrants and no one noticed?”.*

Leading academic and equalities campaigner, Gus John, turned down an invitation to a Downing Street reception marking the 70<sup>th</sup> anniversary of the docking of the *Empire Windrush*, indicating that he wishes to stand “*with those who suffered detention, deportation and mental ill health*” and that it would be a “*shameful betrayal*” to them all to accept the invitation. He asserted that the

Windrush scandal, “*in other words*”, will not be brought to closure by yet more official apologies. He argued that it requires “*disclosure*”, a “*change in policy and culture*” and, “*most importantly*”, it requires justice. He pointed out that someone somewhere must take “*responsibility for what went wrong*” and that, at the moment, the “*trail is leading to No 10*”.<sup>cviii</sup> Professor John asserted that in July 2013, as home secretary, Theresa May placed four generations of Windrush arrivants and their descendants in the “*sight of any would-be defender of white Britain and its borders*”, including racists and neo-fascists, who felt they had a patriotic duty to help prevent Britain from being “*swamped*” by any means necessary.<sup>cix</sup> John concluded that:

*“It may well be that May will have the good grace to take the opportunity to tell her invited guests (suggested dress code: “smart attire”) how sorry she is for her part in the brutal, inhumane and racist treatment of former colonised Africans who have and had no interest other than to serve this nation, and do their best by their communities and families. But one of the uglier manifestations of whiteness in this society is an unassailable sense of in-your-face entitlement.....I do not believe that the prime minister is entitled to the magnanimity of those misguided folk who might well be happy to attend her Windrush anniversary celebration. As far as I am concerned, I stand with those who suffered detention, deportation and mental ill-health, some of whom even now face an earlier death as a result of being denied access to health services on account of the hostile environment policy”.*<sup>cx</sup>

This explodes the assertion that the UK immigration policy is “*ideologically broken*”.<sup>cx</sup> In this regard, Kuba Shand-Baptiste contends that The Windrush scandal is often “*presented in finite terms*”, as something that was “*sufficiently exposed and handled*” a couple of years ago.<sup>cxii</sup> However, she indicates that in reality there have been “*second and third rounds of failings*” since, “*drawing in*” migrants and refugees from other parts of the world under the “*unrelenting hostile environment*”.<sup>cxiii</sup> Shand-Baptiste points out that the UK’s “*brutal approach to immigration*” took “*centre stage*” in 2012, when former prime minister, Theresa May first uttered the words: “*The aim is to create here in Britain a really hostile environment for illegal migration.*” She indicates that this is an “*ongoing, historical problem*” and an extension of the “*reaction immigration has long elicited in Brits*”<sup>cxiv</sup>

Shand-Baptiste indicates that this racist animus is reflected in the deportation charter flight to Jamaica earlier this year, from which six men were granted reprieve, after then home secretary Sajid Javid issued a blanket statement calling them “*serious foreign criminals*”. She asserts that this is further reflected when, a month later; there was criticism of a charter deportation flight to Accra

and Lagos for lacking “common decency” towards deportees, with the use of unnecessary restraint and no privacy when using the bathroom.<sup>cxv</sup> She argues that the “*abandonment of potential Windrush compensation claimants*” who have been deported, is another critical issue making up some of the many parts of this “*human rights failure*”.<sup>cxvi</sup> It has been asserted by the Law Society, failures in UK immigration and asylum undermines the rule of law.<sup>cxvii</sup>

As Stuart Hall advised on the issue of race and racism in Britain, this is not a “*crisis of race*” but race “*punctuates and periodizes*” the crisis and is the “*lens*” through which people come to perceive that a crisis is developing.<sup>cxviii</sup> He indicated that it is the “*framework though which the crisis is experienced*” and is the “*means by which the crisis is to be resolved –'send it away'*”<sup>cxix</sup> Luke de Noronha points out that Stuart Hall’s analysis of race here implies immigration and that the word “*race*” could be replaced with the word “*immigration*” and it would still retain much of its original meaning. He points out that “*Send it away*” might imply incarceration but it might also suggest repatriation, which has been “*one central rallying call of British racist expression*” throughout the postwar years, with the “*pervasiveness of that familiar racist refrain, 'go back to your country'*”, is one of the key reasons that deportation “*offers such a critical lens*” onto British racism.<sup>cxx</sup>

Further, it has been argued that immigration control provides an important means of “*theorizing historically specific racism*” in ways which “*centre*” the state.<sup>cxxi</sup> In this respect, it has been asserted that the “*politics of immigration*” is central to the “*mobilization of race*” in contemporary Britain and is certainly true at the “*discursive level*”, with the “*figure of the immigrant*” being part of the “*very intellectual mechanism that keeps us hostage*” and that it is also true in relation to the law and its “*productive power*” in institutional and everyday life.<sup>cxxii</sup> This confirms the assertion by Willis that we live at a moment in time where migration is at the “*core of our lives, both social and political*”.<sup>cxxiii</sup>

It has been averred that Windrush was the greatest catastrophe in UK immigration history.<sup>cxxiv</sup> However, Anoosh Chakelian points out that:

*“As long as governments want to be seen as cracking down on immigration – this one was elected with a manifesto promise of bringing 'overall numbers down' – and fail to learn lessons from Windrush, another scandal like this one will arise for a future generation of migrants”*.<sup>cxxv</sup>

As critically put by Poet, Kwesi Linton Johnson:

*“But, right now, we are living through a time of reaction; the rise of Conservative populism. And some things simply won’t go away. I’m sure I’ll be crucified for saying this, but I believe that racism is very much part of the cultural DNA of this country, and most probably has been so from imperial times. And, in spite of the progress that we have made, it’s there. It is something we have to contend with in our everyday lives”*.<sup>cxxvi</sup>

Johnson takes heart from the public outcry that has forced the government to radically revise its *“hostile environment policy”*, as indicated in his assertion that:

*“I think the vast majority of British people are outraged and think it’s grossly unjust. I mean, if you have got someone like Joseph [sic] Rees-Mogg, or whatever his name is, coming out and saying this is unacceptable, that’s a measure of the general public outrage. I ask what the government’s abject apologies mean to him. Well, there’s no harm in saying sorry. But people want their situation resolved”*.<sup>cxxvii</sup>

When asked whether he assumes from everything the government has promised that it will be. His forthright response was *“Well, I hope so. Because if it isn’t, they’ve got a fight on their hands, I can tell you that”*.<sup>cxxviii</sup>

The struggle for racial justice for Black people in Britain continues and if history is anything to go by, if there is no justice, there can be no peace.



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