

## News

# FREE LEGAL ASSISTANCE IS AT HAND TO HELP THOSE AFFECTED BY THE WINDRUSH SCANDAL APPLY FOR COMPENSATION

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In 2017, news of the “Windrush” scandal broke in the UK when it emerged that individuals who had been in the UK for decades were facing major problems due to their inability to prove their right to be in the country. Despite their lawful residence and as a result of the UK Government’s increasing insistence on immigration checks in every aspect of life – known as the Hostile Environment – people were denied access to key services. Many lost their jobs, housing and access to benefits and some were wrongfully detained and deported.

For more than two years, BCLP has been working on a collaborative project with the Greater Manchester Immigration Aid Unit (GMIAU) and seven other law firms to provide pro bono support to individuals as they apply to the UK Government’s Windrush Compensation Scheme. The first substantive compensation award was recently made to one of the clients BCLP advises.

## BACKGROUND

The “Windrush generation” refers to people who came to the UK, from Commonwealth countries, particularly from Britain’s former colonies in the Caribbean, between 1948 and 1973 at the invitation of the UK Government to help during the post-war labor shortage. The name derives from the ship, the HMT Empire Windrush, which docked in Tilbury, Essex, on 22 June 1948, bringing one of the early, large groups of post-war West Indian immigrants to the UK. Windrush immigrants worked in essential industries such as steel, coal, iron and food production, as well as public transportation.

As the majority of Caribbean islands were, at the time, part of the British Commonwealth, those who arrived were free to permanently live and work in the UK. However, many of the Windrush generation arrived as children on their parents’ passports. Many were not given correct, or any, immigration documentation when they arrived and, more recently, the Home Office destroyed landing cards and other records. As a consequence, with the advent of the “hostile environment”, members of the Windrush generation were effectively required to provide documentary evidence of their right to be in the UK while going about certain aspects of their daily lives and were often unable to do so. This led to people effectively being treated as illegal immigrants or undocumented migrants with

sometimes terrible consequences. People lost their jobs and homes, were unable to access life-saving medical treatment and, in some of the worst cases, were deported to countries they had not been to since they were children.

It is also important to note that it was not only people who came to the UK from the Caribbean or even the Commonwealth who were affected by these issues. Many people who came to the UK from other countries have suffered in the same way due to their inability, through no fault of their own, to prove their lawful immigration status.

Following the emergence of the Windrush scandal, in April 2019, the UK Government launched the Windrush Compensation Scheme. The Scheme was supposed to be a straightforward and user-friendly process enabling people to bring their own claims in respect of the problems they faced as a consequence of not being able to prove their right to be in the UK. In reality, however, the amount of evidence required, the slow response in dealing with claims and the implicit mistrust many of the potential claimants have towards the UK Home Office means the number of people who have tried to file claims is a very small proportion of the potential claimants. In addition, making a claim under the Scheme is complex and is difficult for many claimants to navigate.

## **GMIAU AND THE COLLABORATIVE PROJECT**

In April 2021, The Joint Council for the Welfare of Immigrants (JCWI), partnered with eight law firms (Bryan Cave Leighton Paisner, Charles Russell Speechlys, Debevoise & Plimpton, Dechert, Latham & Watkins, Linklaters, Taylor Wessing and White & Case) to set up the Windrush Legal Initiative to provide advice and support for people to apply to the Windrush Compensation Scheme. In January 2022, the Windrush Legal Initiative transferred from JCWI to the Greater Manchester Immigration Aid Unit (GMIAU).

The Windrush Legal Initiative works on a pro bono basis. This means the advice and assistance of BCLP and the other law firms is free of charge. The law firms are able to provide extensive support, helping to gather evidence, draft the relevant documentation and also guiding claimants through what is a complex and legalistic process.

## **A SUCCESSFUL CASE**

The client in BCLP's first successful case moved to the UK from Egypt in 1980 and was granted indefinite leave to remain the following year. In 2017, due to "hostile environment" legislation and policies of the UK government, he was dismissed four weeks into a new job following a routine Home Office check that wrongly categorized him as not eligible to work in the UK. It took the Home Office more than two years to regularize his lawful status to remain in the UK, during which time he was unable to work and suffered deep emotional and psychological impacts. Our team worked on the case for nine months, gathering evidence and drafting the application and supporting witness

statement. Our client was awarded a substantial figure to compensate him for the impact on his life and his loss of employment.

## LOOKING FORWARD

Free legal assistance is at hand to help those affected by the Windrush scandal apply for compensation.

See if you or someone you know may be [eligible to apply and for GMIAU's contact details](#).

## MEET THE TEAM



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