

## GLYN WILLIAMS INTERVIEW

Key:

EHdK: Dr Eve Hayes de Kalaf (Interviewer)

GW: Glyn Williams (Respondent)

Date/Location:

1<sup>st</sup> August 2023. Via Zoom.

**EHdK 00:02 I'm here with Glyn Williams who is the former Director General of the Home Office and was responsible for Borders, Immigration and Citizenship. Thank you for agreeing to this interview today. First and foremost, if you could talk me through your career. How you came to work at the Home Office and where your interest in issues of immigration and citizenship and border control, how that came to be?**

GW 00:38 Well, I joined the civil service in 1985, actually what was then the Department of Trade and Industry, and I had various jobs there and in the Foreign and Commonwealth Office as well. And then in 2006, I moved to what was then called UK Visas which was running the...which was a giant Home Office/FCO operation running the UK's external visa service which was run by Mark Sedwill at the time. He obviously went on to become the Cabinet Secretary eventually. And then, this was at the time that the UK Border Agency had been formed and UK Visas was kind of absorbed into the Home Office and then into UKBA, somewhere around 2008/2009 from memory. And at that point, I joined the Home Office as a member of their permanent staff. And in 2010, I moved to do immigration policy in the Home Office. And at the time, that was mainly about reducing net migration to the tens of thousands with the coalition government with David Cameron as Prime Minister and Theresa May as Home Secretary. And then in 2013, I became Director for Asylum Operations. In 2014, I was promoted to be Director of Immigration Policy which covered both legal migration and illegal migration and asylum. And, notably, the compliance environment [new term for 'hostile environment']. In 2016, we obviously had the Brexit referendum and I then, well I was still in the Home Office, but I joined the UK's negotiating team to negotiate the Citizens' Rights Agreement with the EU. And I was, you know, that was part of my wider job. I was promoted to Director General in 2017 while those negotiations were going on. And, obviously, in late 2017, early 2018 the Windrush scandal broke. I actually volunteered to the Home Office when it first came up. They realised it required a special arrangement so I volunteered to run something like a gold command to deal with it.

**EHdK 03:50 What year was that sorry? In 2018?**

GW 03:53 That was in 2018 when it became...when it hit the news, as it were. And so, during March, April, May, I ran sort of twice daily meetings in the Home Office and advised the Home Secretary and accompanied the Home Secretary to various select committees. And from about June, July onwards that was when Wendy Williams came in at that point and I could step back from it and kind of resumed my day job. And I carried on until the end of 2021 when I retired, and the latter part of my job was dominated by the small boats crisis and also moving to the new post-Brexit migration system. The points-based system. And ending free movement. And then I retired at the end of 2021.

**EHdK 05:00 What do you do now, currently?**

GW 05:04 I do some immigration consultancy work with Tony Smith as part of Fortinus Global part time.

**EHdK 05:14 Thank you for that. Can you give a bit of insight into how big the Home Office was at the time? So, for example, back when you were working at UK Visas in 2008/2009. How big were the teams you were managing? What kind of areas were being prioritised? What were the discussions that were taking place at that time? I'm interested in creating a bit of a picture around what was happening at the Home Office.**

GW 05:54 Well, I mean within the immigration system there is 20,000 to 25,000 people in Border Force, immigration enforcement, UKVI and then there's also the Passport Office. Plus, I mean, within policy, there would be 100 to 200 people depending. So, UK visas, I don't know. There were probably 500 to 1000, I can't remember. Mainly based in British embassies around the world. The big battalions are in UKVI in Sheffield and in Croydon doing asylum and visa, citizenship case working and then obviously Border Force in the airports and ports. So, when I was doing asylum, I had probably 1,000 people working for me or something like that. When I was in policy, I had fewer people under my direct command, but I was trying to think up policy with the wider operations and to ensure there was a good join-up there. Which was, you know, a perennial challenge. I mean, while I was doing immigration obviously there was quite a big thrust in the mid-2000s to modernise the provision of services. They were all essentially paper-based paper applications. And the thrust was to...well, now it's to digitise, I mean, that was obviously quite a lengthy process and indeed isn't quite complete.

**EHdK 08:09 When you say to digitise, you mean to literally have a digital record of every single document or information on individual cases. Or do you mean, it was...I'm quite interested in that discussion around what that literally entailed.**



GW 08:33 It covers quite a few different things, really. So, I mean when I joined the visa operation in 2006, basically people filled out a paper form to apply for a visa and they generally went to the nearest British embassy or consulate to get the visa. And that was gradually replaced with electronic applications. But initially, it was kind of hybrid and the electronic applications were accompanied by a lot of paper documents that had to be submitted as well. There was a big, kind of, trying to modernise the customer service arrangements which is in fact relevant to Windrush because part of that was the move away from interviewing everybody and seeing everybody in person in the system to remote working whereby most cases were dealt with on paper by the visa system or by UKVI for in-country leave to remain because one of the major challenges the system was facing and still faces is just the sheer volume of business. And obviously, with globalisation, the number of travellers, both those needing visas and those just arriving at ports, significantly increased and levels of student migration, of work migration increased significantly. And then, of course, in 2015, on top of that you had the asylum crisis in Europe which led to a lot of work around asylum. So, the challenge in the system was to develop systems...because you couldn't infinitely expand the number of people working in the system. So, it's a question of developing processing arrangements which could deal with these kinds of industrial quantities of applications. And at the same time, sort of modernising to improve customer service as people became increasingly used to just applying things on their phone. But the other the other big trend, though, was increasing security checks. So, in 2006 we introduced fingerprints into the visa system and immigration system generally, so people had to give their fingerprints to get a visa which kind of went counter to the trend of trying to make things more cost-effective in terms of delivery because it meant that customers had to come in and give their visa get their fingerprints, for example. And there was a lot more, sort of, hooking up with various security databases and police databases.

**EHdK 12:12 Were these UK police databases across the UK information-sharing to basically crosscheck data on individuals?**

GW 12:27 Yeah.

**EHdK 12:29 Because a huge aspect of this project, as well, is the transnational aspect of the scandal. And I've visited already Jamaica and Barbados and will be shortly travelling to Trinidad and Tobago. And I'm very interested in the changes that you talk about that were taking place really from the mid-2000s because, effectively, these changes were being rolled out at the British embassies and High Commissions right around the world. So, different computer systems are being implemented and different ways of actually collating people's visa applications and actually dealing with individuals which used to be on a one-to-one basis, as well as being moved towards a more digitised system. Is that correct? So, I'm just really interested in learning more about how that was rolled out globally. So, beyond the UK. Was it done on an individual basis, for example...that consultants from the Home Office were sent**

**to different High Commissions and embassies to actually look at visa systems? Was there a strategy behind how this modernisation process basically took place?**

GW 13:57 In the visa system, we would take people's fingerprints which meant people had to come in person. And we developed a system of using commercial partners to do, to outsource the process of receiving the application and taking the fingerprints. So, there was a company called VFS [Global]. We started in India. And there was another one who did the Americas. But VFS were the main one. And they established their own offices. That's what customers saw. So that was one kind of structural development in the delivery of visas to do in partnership with these outsource partners and to have much less contact between the visa officers themselves and the applicants.

**EHdK 15:09 Why was that decision made? Why was there a decision made to have less contact between visa applicants and decision makers?**

GW 15:18 It was mainly logistical in the sense that it was not practical to handle all these people coming into British embassies to give their fingerprints. First, you needed more offices apart from in the capital cities, so lots of satellite offices were set up by the commercial partners and they could design the offices, you know, to meet these needs. And it was in the great age of outsourcing as well where it was considered that administrative tasks were best farmed out to a partner who would do all that for you. And then the visa officers, you know...the theory was the visa officer would collect in and would have delivered to him or her the application with everything there. Then they could concentrate on the decision. I mean, the other, just to sort of complete that picture, there was something going on called hub and spoke working. So, prior to 2006, basically, all the decision-making on visas had taken place in the relevant British embassy or British Consulate. And the theory of hub and spoke was that the spokes would collect in the applications and they would then be routed through to a decision-making hub which might, at the time, was kind of, you know, New Delhi would be the decision-making hub for India for example.

**EHdK 17:13 For the Caribbean, I understood it was New York. Or did it depend on which High Commission applied...?**

GW 17:20 There were sort of difficulties in taking decisions outside of the country in terms of transporting documents and things. But the theory was, this was sensible, that you would get more standardised decision-making and better decision quality if decision-making was focused in certain geographical locations. But obviously now, I think most of it has been brought back to the UK. And I think I'm right in saying most UK visa decisions are taken in the UK and the UK is the hub. By the way, the system...the Labour government introduced in 2008 the points-based system for work and study migration which the basic theory of that was objective decision-making. So, if you had a sponsor, i.e. an employer or a university, so if you're a student registered with UKBA and you've been licenced by UKBA and if you had a certain amount of money and could produce documents ABC as requested then you

would get the visa kind of semi-automatically. And it wouldn't be down to subjective decision-making through an interview as to what are your motives, etc. And, again, that facilitated the move away from personal decision-making to remote decision-making.

**EHdK 19:19 What were some of the limitations with that decision? Certainly, the people that we have spoken to for this project, I think one of the issues they were raising was it was personnel interaction with a state official that meant that if there were issues in terms of either not submitting the right document or not understanding what they had to do to complete a certain requirement, that the human element then has been all but removed right from decision-making. Do you see any limitations with that or any issues or do you think that the system has improved because of these changes?**

GW 20:11 I think the system...I mean, there were ups and downs. So, initially, the student visa system sort of overheated. And a lot of students, particularly I think in India and the Indian subcontinent, were getting visas because the licencing of the colleges in the UK hadn't been strict enough. So, we went through a long...well, two- or three-year process of tightening all that up. And I think by the time Brexit came along, we'd actually got to a good place on the points-based system for work and study. It was pretty stable. The policy was pretty stable. And I think the delivery was, generally, okay. I mean, there's always, you know, it could always be slicker. But it wasn't too bad. I think, you know, the universities in particular went through quite a painful process of accepting they had to do much more, They had got themselves into this thing called international students which had become very big business quite quickly during the 2000s. And the universities...my impression, this is not really to do with Windrush, but my impression is the universities were using kind of antiquated systems for recruiting students which were okay when they were recruiting handfuls in the 1980s and 1990s. This became very major business. So, they had to go through a process of updating their systems and basically investing more in their own due diligence systems. And that was crucial to the points-based system that the sponsor would take more responsibility for who they were recruiting.

**EHdK 22:31 There was an issue, a scandal in London Met, wasn't there? I can't remember what year that was, but they were effectively punished for the way in which they were administratively dealing with that.**

GW 22:45 Yeah, I think it's probably one of the few times that the ultimate sanction that existing student visa holders at London Met had to move to another university. It was probably the only time UKBA did that. Usually, it was a question of if they weren't happy, they would reduce the number of visas that that institution would get. There was a theme in the mid-2000s of improving customer service and improving delivery to cope with the challenge of volume. There was a theme of improving security checks through things like fingerprints and checking of databases and making decision-making more objective.

**EHdK 23:42 And heavily influenced post-9/11, as well, I would imagine.**

GW 23:47 Yeah, the whole terrorism situation. But the third theme was immigration abuse. Abuse of visas, illegal immigration. And there kind of being a bit of an asylum crisis at the start of the 2000s with the Balkan Wars, etc. But that had been brought under control. But there was a feeling that there were a lot of illegal immigrants in the UK, and it was increasingly difficult to deport them. So, I mean, you had the Foreign National Offenders thing in 2006 which led to the so-called tightening of deportation rules. But obviously the big policy thrust was the so-called compliance environment from, well, sort of 2010 but there were Acts of Parliament in 2014 and 2016 which significantly widened the scope of the compliance environment in terms of bringing landlords into play and banks and tightening up on employers. And, obviously, the basic idea was if you're in the UK illegally but you don't have the correct status then it will be very difficult for you to have a normal existence in terms of working, banking, renting, you know, driving, etc. And this will clamp down one way or another on illegal migration.

**EHdK 25:45 I know that David Lammy...I'm quoting here...called you “the architect of the hostile environment policy”. How fair is that assertion? And how much of a role did you play in conceptualising and rolling out that policy during the Theresa May government?**

GW 26:12 Well, I mean, the compliance environment started actually under the previous Labour government who introduced penalties on employers who employed someone without status first. And also, you know, I mentioned in 2006 that the Foreign National Offenders crisis, you know, John Reid introduced automatic so-called automatic deportation. And that Labour government had been very hot on being tough on illegal migration and visa abuse. The 2014 Act, which extended the powers and penalties around landlords. Well, it introduced the landlord's Right to Rent Scheme and tightened things up around employers. Which was a bill in 2013. But, actually, I was not involved in that in terms of its genesis. In 2013, I was doing asylum operations. Prior to that, I'd done reducing net migration which is legal migration, workers and students. So, I hadn't actually been involved in developing the policy that ended up in the 2014 Act. I became Director for Immigration Policy just as the act was passed in 2014 and I was involved in its implementation.

**EHdK 28:02 Tell me a bit more about the logic behind it. The idea was to make the day-to-day living, basically, of people who didn't have the right to live in the UK as difficult as possible to go about their lives. Can you just elaborate a bit more basically on that?**

GW 28:26 The theory was, there's a lot of people living in the UK. And, you know, nobody knows how many or knew how many or knows how many people who had come on visas and overstayed their visa and stayed or who'd come on a, you know, student visa and not left or who had arrived illegally without a visa at all. And they were living completely



clandestinely. And, obviously, these people were...when they were encountered these were people who had been working in the UK, renting property in the UK, had a UK driving licence, etc, etc, Had a bank account in the UK. And so, it was just quite simply the thought that, well, we're going to make it difficult for them to be able to do those things in the future. And that will penalise employers and landlords who are non-compliant and who don't do proper checks. And those people will then, you know, they'll be forced out into the open as it were and they'll have to either leave the UK or regularise their situation. And it will also send a message to people who might be thinking of coming to the UK or thinking of overstaying their visa to reflect on whether that was a sensible idea because, you know, life wouldn't be straightforward for them.

### **EHdK 30:15 Did it work?**

GW 30:20 Well, it's a very...it's difficult to prove because you don't know how many people...you don't know how many people didn't come to the UK or were deterred from abusing their visas when they're already here because of the policy and who were compliant because of it. And also, it's quite difficult to know how many people who you've never encountered just left the UK because of it. So, I think it's difficult to have any sort of really hard evidence of whether it worked but I think what it certainly did do was all responsible employers and landlords, for example, became very aware of the whole question of immigration status and became very aware of their responsibilities in that respect.

**EHdK 31:35 So, as you know, many people who were affected by the Windrush scandal simply did not, were not in possession of a passport. So many people who came to the UK came at a time when they were either children who travelled on their parents' passports or they did not have...forms of ID.**

GW 32:05 Just going back to your David Lammy...[whether] I was the architect of it... just to sum up on that. No, I wasn't the architect. I mean, I was not the architect of the 2014 legislation. I helped to implement that. I was certainly involved in 2014, 2015, 2016 in terms of implementation of the compliance environment which the Cabinet Secretary Jeremy Heywood was very keen on. And he brought together government departments to help the Home Office in implementation. The 2016 Act, I was involved in. So, basically, that Act was after the 2015 election when the Conservatives got a majority. David Cameron's government considered that they'd been prevented from doing certain things in 2014 by the coalition so the 2016 Act was to kind of tie up those loose ends as they saw it. And he just took everything a little bit further in terms of the powers and the responsibilities and obligations on the likes of landlords. So, I was involved in that. I think it's just worth saying that...I mean my recollection, by the way, is the Labour Party, the official opposition, did not oppose those acts in parliament. They did not vote against them at all. And everybody thought they were a good idea. When I say everybody...there was a massive...if you take legal migration, there was always a discussion about, you know, the nature of student migration, work migration, the numbers, EU free movement was an issue, etc, When it came

to illegal migration, that was just bad. The opposition thought it was bad and the opposition were in favour of tough measures against it. So, you know, I think you've got to put Lammy's remarks in that context.

**EHdK 34:32 No, absolutely. And thank you. I really appreciate that. I had a question about the conversations that were taking place at the time. Did anybody flag up or raise concerns about the possibility there might be problems with approaches like this? As I was saying earlier, the increased demands on people to actually produce a passport to be able to rent a property, for example, potentially sounded like a sound policy. But actually, in reality, when you think that there's a significant percentage of the UK population that don't own a passport or don't own a driving licence or have photographic evidence of who they are. Were these questions about the nuances and maybe about the potential for issues arising? Were these discussed at that time?**

GW 35:47 Yes, they were.

**EHdK 35:47 Can you remember what they were? What were some of the problems that were raised or some of the concerns talked about?**

GW 35:47 Well, one problem was British people who didn't have passports. And another major issue was migrants who had old forms of documentation, say. The Home Office down the years had issued various kinds of stamps and visas and paper documents. So, it wasn't...obviously, we were moving towards the biometric residence permit which a lot of people had got but then equally a lot of people hadn't got it. So, there was certainly a recognition that people who were here legally either they might not have a document or employers might not recognise what they'd got. So quite a lot of, in my opinion, quite a lot of consultation did take place on the documentation and certainly during the 2016 Act, I think. We lengthened the list of documents that were acceptable. And the landlords Right to Rent scheme was implemented, there was a pilot or pilots where it was tested out in certain locations first. So, I think there was and there were quite a lot of contact groups with employer groups and landlord groups, etc. In fact, on Right to Rent, there was a big committee which the minister himself chaired, I think, with lots of landlord representatives looking at practical issues. So, I think that aspect of it was looked at in some detail and changes were made. I think what didn't come up to the best of my knowledge was Windrush.

**EHdK 38:06 I'm very interested in the engagement that the Home Office has had in terms of broader engagement with, for example, the Foreign and Commonwealth Office or with different embassies and High Commissions. Did you look beyond the UK? Were the discussions based with government ministers and with different policymakers and advisors? I'm just trying to think about how much you thought about the impact of these policies beyond possibly the initial people they were intended to target. And if you had discussions with, for example, the Caribbean High**



**Commissioners in London at any point or with other diplomatic representatives. Was that something that that took place?**

GW 39:05 I don't specifically recall that. That's not to say didn't take place at some level. But, essentially, the compliance environment was a policy that operated in the UK. And it wasn't aimed at particular countries or cohorts. It was aimed at anybody who was in the UK who didn't have the right legal status.

**EHdK 39:35 Were there patterns that were emerging from that, though, about certain groups who possibly didn't have the right legal status who were being detected by the Home Office? Was it raising issues or showing that there were certain demographics and people who were maybe becoming more visible to the system because of these policies?**

GW 40:06 I don't think there were particular...basically, there's a lot of people who came to the UK on visitor visas who just overstayed. And there was a perception that there were a lot of students who had not left at the end of their studies. I mean, they came from a lot of different countries. I mean, obviously, a lot of migration to the UK recently has been from the Indian subcontinent and West Africa. So those countries always featured quite heavily in terms of who was being encountered by immigration enforcement.

**EHdK 40:59 Well, let's talk now specifically about the scandal itself then. When did you become aware of the fact that there were people who had originally arrived in the UK from the Commonwealth who were encountering problems with their status in the country? Can you remember one specific event?**

GW 41:24 I should say that I'd never heard the term Windrush before Amelia Gentleman's articles in The Guardian in 2017. So, in 2017, as I mentioned at the start, I was doing the negotiations with the EU on citizens' rights. And in the autumn of 2017, Amelia Gentleman published some of her articles about West Indian people who were in difficulties. And the EU in the negotiations seized on them because they said it'll be the same for EU citizens in the future. You're going to treat them the same, aren't you? You're going to give them a hard time. You're going to say they don't have a right to be here, you're going to try and deport them, etc. So, I mean, that's when I sort of first became aware of it as a series of cases anyway.

**EHdK 42:38 And did you, I mean, did any individual cases come to your desk at all? Was it more that there were rumours circling about possible problems? Did somebody within your department, for example, flag that this was...that they'd come across a specific case that they were concerned about?**

GW 43:02 Well, I talked to immigration enforcement about what was actually going...because the basic situation, you know, I think was that some people had been

threatened with deportation or removal anyway by immigration enforcement. And, you know, they'd lost their job or they'd be denied health care or whatever. I mean, it wasn't regarded as a systemic issue. The view was that these people just needed to produce the right documentation. I mean, I think the cases in question... They were not actually removed from the UK, they were in a kind of limbo in that they were being threatened with removal. But they weren't actually removed. I mean, you know, some of them had lost their employment or possibly, I don't know, if right to rent had come into play or...

**EHdK 44:15 And struggle with access to health care as well.**

GW 44:19 Yeah.

**EHdK 44:22 One thing I think we wanted to understand more on the project is who were the people making a decision? So, say, for example that somebody had started to receive a letter or letters from the Home Office which was questioning their legal right to remain in the country and then they had started that process. So, they had sent, for example, their national insurance number and evidence of working in the country and trying to basically put together a portfolio to show their legal right to be here. How would that have been processed? Whose desk would that have arrived on and how would that decision be looked at within the Home Office?**

GW 45:14 Well, it was either people who were applying to UKVI for citizenship or further leave to remain or people who are applying for a British passport at HMPO (HM Passport Office) and were being turned down. In fact, I think quite a lot of that happened and it's not received very much attention compared to the other cases. Or people who had been encountered by immigration enforcement and were being detained by them or they'd be put on bail by them.

**EHdK 45:53 Were you aware of cases of people being locked out as well? I know Amelia writes about people who were, for example, in Jamaica, and then unable to actually return to the UK.**

GW 46:15 Well, I wouldn't say I was... I don't remember being massively aware of it. But I mean, obviously... a visa visitor visa regime had been put on Jamaica in 2006, was it? Which obviously made it more difficult for Jamaicans to come to the UK first. And second...

**EHdK 46:48 Do you have any insight into that decision? Into why that decision was made for Jamaica in 2006?**

GW 46:56 I think from memory some of that was to do with... remember the Yardies? Organised criminal gangs. And I think that was a quite a big element in that, I think, from memory. But obviously, it had long been the rule that if you were in the UK with indefinite leave to remain, which was the case for the Windrush who were here before, and you left

the UK and you were absent for more than two years, you lost your residence status. And I think that was what was happening to a lot of those people. But that was policy.

**EHdK 47:45 Okay, so let's try and build a timeline of the time that Amelia Gentleman started publishing articles in late 2017, 2018. And then the Windrush scandal really hits the front pages in April 2018. What happened in terms of your line of work? Because I know that you participated, as you said at the beginning of this interview, in numerous inquiries and select committees. What happened at that point when you realised that this really was a huge scandal?**

GW 48:32 There was a summit, wasn't there?

**EHdK 48:40 CHOGM.**

GW 48:43 Yes. can't remember whether that was the kind of the spark that ignited. I mean, it had been sort of rumbling on from Autumn 2017 with Amelia's articles in The Guardian but it hadn't really ignited. And then it ignited.

**EHdK 49:01 Yes, the Commonwealth Heads of Government meeting in April 2018.**

GW 49:04 I think because of that. The sort of surprising thing to me anyway is how it just went from a story that was simmering but nobody, to be honest...I mean, there was rather a lot of other things going on with the whole EU thing of Brexit was a real focus. And it went from something that you were kind of aware of as something that amongst many other things in the immigration system, there's always something going on. And all of a sudden, it just exploded.

**EHdK 49:42 I know, for example, that you were with Sajid Javid at the Windrush Children inquiry in May 2018.**

GW 49:50 What happened was...when it first blew up. I mean, first UKVI set up a task force to process Windrush applications.

**EHdK 50:04 Was that the hotline as well? There was a hotline that was set up.**

GA 50:08 Yes, as part of the task force there was a hotline. And I volunteered. But, obviously, UKVI were involved insofar as they were getting applications or we then wanted to actually regularise people. Immigration enforcement were involved because they've been detaining people or threatening to remove people. Border Force were involved insofar as possibly they were stopping people entering the UK. The visas system was involved because of the returning residents issue that you've mentioned. And, obviously, the compliance environment was implicated because of the actions by employers, the health service, which was policy. So, all of this had to be brought together into some sort of

coordinated response. So, as I said, I actually volunteered to head up a...I don't think it had a special name. But, basically, I chaired meetings in the morning and in the evening of a relevant group of people from those various bits of the immigration system, Operations and Policy. And the Home Office's media team, etc to try to put some order into what was going on and what our response to it needed to be. And I saw the Home Secretary every day. It was Amber Rudd.

**EHdK 52:09 Yes and you were there when she resigned as well.**

GW 52:13 Yes, I was there when she resigned. So, I mean one of the sort of difficulties here was the, say, this story just blew up. And it acquired a life of its own as it were. So, it became a political thing in that, if you remember, at the start of it Amber Rudd said to parliament something like the Home Office...I think the Home Office has lost sight of individuals. And she talks about the Home Office as though it has nothing to do with her. In my opinion, she hung the Home Office out to dry. And I think Labour sort of... apart from the fact that one thing I just don't want to be misunderstood in all this is that I understand that a lot of Windrush people actually suffered harm and detriment because of what happened. And, you know, I get that and I don't want to sort of minimise that. But over and above that, this all of a sudden became a political issue in that the Labour Party and the media kind of smelt blood. And they were obviously going to go after Amber Rudd if not the prime minister. And, you know, Amber Rudd eventually had to resign and Sajid Javid took over. And there were lots of factual questions as to what was actually going on in terms of...was it about people coming back from abroad? Was it about people being refused passports?

**EHdK 54:19 Was it about removal targets as well?**

GW 54:22 There was a whole subplot about had the Home Office deported people, in particular people coming out of prison, back to Jamaica, etc when they shouldn't have done so...Because, you know, there are certain...the way the 1971 Act was worded in terms of deportation of Commonwealth citizens is pretty complicated. And, in fact, the whole historical and legal background is complicated and had to be pieced together.

**EHdK 55:03 How familiar were everyday Home Office staff with the 1962 Commonwealth Immigrants Act or the 1971 Act? Did they have any grasp, any basic understanding of the fact that people who, for a certain period of time...there were people who came perfectly legitimately to this country and had every entitlement to stay? That's the bit I think that for this project really stumps me, personally, is how did nobody pick up on this? Was it because institutionally it just wasn't something that was discussed or people had that knowledge, that historical knowledge or that basic grasp of kind of changes to immigration legislation? Is it simply that people are bureaucrats and they're doing their day-to-day job and this was something that just didn't come into discussion?**

GW 56:14 I don't think 2016, 2017, 2018 that people were particularly familiar with the legal legislative developments. I've had to do quite a lot of research on them since. I don't think they were particularly well understood. I think an earlier generation of immigration officers and Home Office officials were much more aware of what is now called the Windrush generation as a kind of cohort. I just think that come the time we're talking about now, I think everybody thought that it was not an issue. That the people who had arrived, you know, in the 1960s and 1970s, etc, and were protected by the 1971 Act, to some extent, had kind of been sorted out for want of a better expression. And I think...I don't know if you've done research on this but my I think that before the British Nationality Act 1983 came into force in 1985 [sic].

**EHdK 57:39 It was 1981. It came into force in 1983.**

GW 57:43 I think wasn't there some kind of an exercise to get people to apply for citizenship?

**EHdK 57:51 Yes, there were calls, basically, for people to register. And there were also by the Home Office...there were passport raids and all sorts of kinds of campaigns, grassroots campaigns as well to inform people about the changes that were coming and that would affect them and their children directly.**

GW 58:16 I think also they're beset...if you look at the legislative development. So, clearly, I mean, the Commonwealth Immigrants Act of 1962 and then the 1968 Act and the 1971 Act kind of shut the door on Commonwealth migration. The 1971 Act contained the saving provision that if you're already here and settled, you can stay with indefinite leave to remain. And of kind of placed them on a sort of pedestal. Although it did say they're deportable for the first time. But in the 1988 Immigration Act, there had been a provision of the 1971 Act which was about family reunion which made it easier for Commonwealth citizens to bring in their family than non-Commonwealth citizens. That was straightened out in 1988 to put them in the same position as everybody else. Then I mentioned there was the visa regime on Jamaica. When in 2006, when automatic deportation was brought in, there's no kind of exemption for Commonwealth citizens. There were no exemptions in all the compliance environment stuff starting from 2009 for Commonwealth citizens. I mean, the whole concept of Commonwealth citizens, as you know, a cohort with some kind of privileged status had gone out the window. And, you know, there was the EU and then there was the rest of the world. So, I don't I don't think anybody in the Home Office thought that politically the Commonwealth was in any way, and Commonwealth citizens, were in any way there to be favoured or in a special position. And insofar as anybody thought about it, you know, Windrush was something that happened in the 1970s and 1980s. And wasn't the problem anymore. I mean, I'm massively generalising now.

**EHdK 1:00:57 I think really to understand how a file such as the case of people that Amelia talked about who, if their file landed on somebody's desk and they so**

**evidently had been in the UK for 50 years and contributing and paying tax and working and sending the children to school and being, you know, an active member of their community and of society...how that wasn't obvious, basically, to a decisionmaker that was....**

GW 1:01:31 That's a different matter. When you come to individual cases, that's different. I'm just saying that I don't think. Well, I know, that in the Home Office of 2016, 2017, people weren't going around saying well, Windrush...

**EHdK 1:01:48 It was termed by Amelia Gentleman, as well.**

GW 1:01:54 People were not getting around when the compliance environment was being developed, for example. And from the discussions I had in 2014 and 2015 and 2016, no one ever said in any meeting that I was in, "Oh, there's this thing called the Windrush generation who are in a really delicate position, potentially, special position, we must, you know, be very, very careful how we treat them as a cohort and be on the lookout for them." That was never mentioned. As I said, there were generic issues about the compliance environment about some people who might have the right, including British people who might not have the right documentation or might find it a bit difficult. But that was mainly in terms of...that wasn't specific to so-called Windrush now, first. And second, that was mainly about how employers and landlords and banks etc would recognise their status. It didn't seem to occur to anyone that the Home Office itself, when it came into contact with people, as in immigration enforcement, or UKVI, would struggle to recognise their status. I mean, you know, rightly or wrongly that wasn't thought about. So, then you go into these individual cases where the issue was, they were asked to demonstrate that they'd been in the UK continuously, i.e., they had not been absent for more than two years. That was the rule. This was taken quite literally and they were being asked to provide proof of each year of residence. That, I think is where...so when we set up the UKVI Task Force, it was agreed that these things will be looked at. I think the phrase "in the round" was used. And also, that the UKVI would try and help them to establish their status. Because the 1971 Act says if you're claiming you're protected by that act under Section One, Three, was it? The onus of proof is on you, the migrant, to prove it. So, the kind of default position of the Home Office was, okay, here you are, you can't demonstrate to me that you are you're a British citizen. You can't demonstrate to me that you have legitimate migrant status because you don't have a visa or an ILR stamp or anything. It's not my job, it's your job. And this is the legal position. It's your job to prove to me that you are, in fact, entitled to be in the UK. And although that remained the legal position, the Home Office then became more flexible in terms of helping people to find the evidence but also interpreting that evidence in a much more holistic way so that if it looked as though they'd been in the UK for 50 years but you couldn't quite account for three of those years or something, you would make a judgement which was in their favour.





**EHdK 1:05:51 Can I ask, what powers does the Home Office have? As you said, this whole thing was hinged on the burden of proof being on the individual. But did the Home Office or does the Home Office have the powers to look into individual cases? Do they do that? Or is it all basically on the evidence that the individual provides to the Home Office? If you have someone's national insurance number and you can check their records to see that they've been paying tax or been working in employment...been employed in the UK for, let's say, 25 years. Can you do that? Can you be proactive, basically, in the way that you look at somebody's file and approve or reject their applications?**

GW 1:06:44 Yeah but the position was if you're saying that you've worked on the UK with 25 years, you give us the pay slips, you give us your national insurance records...

**EHdK 1:06:54 So the onus is basically on the individual.**

GW 1:06:56 You go to DWP [Department for Work and Pensions], you go to, you know, NHS. You go wherever you give me your rental agreements, etc. And you present me with a file of evidence and I'll look at it. So, it wasn't...I will help you...I will go to the DWP and sort out it for you. That wasn't the approach.

**EHdK 1:07:21 So it was the individual's responsibility to provide this.**

GW 1:07:25 Some people, you know...I do remember one case of a guy, basically. He'd always worked cash in hand. He didn't have a national insurance record. I don't think he...he didn't own a house. He'd, sort of, lived with friends. He...I don't think he'd been to the dentist or so. He hadn't got a doctor or a dentist, you know. Some people are kind of living off grid almost. And, you know, it's not as straightforward in some cases as you might think to establish the truth. Particularly, I mean, I think the key thing here is that the burden of proof and the requisite amount of evidence that was asked for, but kind of the mindset...it was not to help people.

**EHdK 1:08:51 Okay, so we're coming to the end of the interview. I know that hindsight is a very useful thing. But is there anything that you would have done differently? Or is there an approach that...How has the scandal influenced you in terms of your thinking about immigration, citizenship and the British state and the way that people experience the system as a whole? Is there anything a) that you would have done differently or b) that you would like to see as a change in the future?**

GW 1:09:39 Well, I think specifically on Windrush. I think, a sort of major mistake that the Home Office made was that in 2017 when Amelie Gentleman started to uncover those cases, nobody got on it. Nobody got on it until it all hell broke loose in March 2018. And then it just got out of control.

**EHdK 1:10:04** In our interviews, it was clear that the Caribbean High Commissioners were meeting with...requesting meetings with the Home Office and were reporting to them individual cases, for example. And I think Philip Hammond as well, there was a meeting. And this was flagged to the British government a number of years before the scandal erupted. So, I think that's very interesting that, as you said, people didn't get on it or didn't respond in a way that was...didn't foresee, basically, that this scandal would culminate in the way that it did.

GW 1:10:44 That was a mistake. We should have spotted it and taken it seriously and tried to sort it out. I mean, maybe we wouldn't have sorted it out. But we were then playing catch. So that was sort of major handling mistake. I think though there's more profound difficult lessons from it. Or first, there have been what I would characterise almost as a crusade against illegal migration which no one had really questioned in terms of it being the right thing to do. And I think there was a...I don't want to sort of play a blame game here. But, you know, there was a relentless political pressure to implement a very strict compliance environment and to get results on that and it was quite a gung-ho culture.

**EHdK 1:12:23** Tell me, what do you mean by gung-ho culture?

GW 1:12:27 Well, that people would...Illegal migration, i.e. people living in the UK illegally, people entering the UK illegally and then living in the UK illegally was regarded, still is, as a bad thing. A failure of the system. And unfair on all those who are playing by the rules. And being tough on people who don't play by the rules was just a real key principle. Both of the Labour government and then of the Conservative government. And we cranked up all the instruments of the compliance environment. Together with a lot of political enthusiasm to make them work. And I think insufficient attention was paid to: Are you building enough safeguards into the system? And what risks are you prepared to take? I mean, I don't recall any discussion with ministers, for example, where ministers would say anything along the lines of, "We want you to adopt a cautious approach. And if there are any doubts, you tread carefully." We don't want...and I know this is a horrible phrase but we don't want collateral damage in terms of certain individuals who might get rough justice but for the greater good in terms of bias against illegal migration. Whereas later on, and maybe this was a lesson of Windrush that was learned, when we came to regularise the status of EU citizens who had come under free movement after Brexit, I would say a very generous and cautious approach, as it were, favouring the citizen was taken. There was no...there was no fee. Very little evidence was required relatively speaking. That was clearly a political message to we want this done in a certain way. So, I think that general cultural environment is really important. I think this whole thing about burden of proof and level of evidence required is important. I think the other difficulty with the compliance environment is that there was a bit of an assumption that someone's status is black and white when it can change and human rights come into play.

**EHdK 1:15:44** Shifting the goalposts as well. There can be circumstances that change that means somebody finds themselves in a situation that it's not...it's because legislation has changed or different requirements have moved on. But that individual might not be aware of that or be recognised then within that system. So, citizenship is constantly changing, basically, it's shifting. I do agree that it can't be seen as black and white because that causes a lot of problems for people. Okay, we're about to finish the interview. Is there anything else you would like to say before we conclude?

GW 1:16:36 No. There is obviously probably quite a lot we could discuss further but no, thank you.

**EHdK 1:16:42** Thank you very much for your time.

[END OF AUDIOFILE].