



Home Office

Windrush Compensation Scheme Claim Form Guidance

Close Family Member Claims

January 2022

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Changes from last version of this guidance

To clarify references to the historical impact of Section 1(5) of the Immigration Act 1971 on the immigration status of Commonwealth citizens. Previous versions of Home Office guidance contained errors regarding the impact that this legislation had.

Introduction to the Close Family Member Claim Form Guidance

The Windrush Compensation Scheme (the scheme) will compensate individuals who have suffered loss and/or impact as a result of being unable to demonstrate their lawful right to stay in the United Kingdom. Annex A to this guidance sets out how the United Kingdom is made up and explains the terms used in this guidance.

The name of the scheme refers to the 'Empire Windrush', one of the first ships that brought men and women from the Caribbean to the United Kingdom in 1948, in response to labour shortages following the Second World War.

The scheme is not limited to those connected to that ship or those who came to the United Kingdom from the Caribbean. The scheme is open to anyone who has suffered loss and/or impact who arrived in the United Kingdom before end of 1988 from any country and who is now either a British citizen or whose lawful status is one of the following:

- Indefinite leave to remain (ILR)
- Indefinite leave to enter (ILE)
- Right of abode, including people who arrived before 1 January 1973

Those affected mainly, but not exclusively, arrived from Commonwealth countries, before 1 January 1973. For those individuals, their right to stay in the United Kingdom derives directly from the Immigration Act 1971.

Certain children and grandchildren of Commonwealth citizens who arrived in the United Kingdom before 1 January 1973 may also be eligible.

There are seven different eligibility categories which are explained in section 1 of the claim form:

- (a) A Commonwealth citizen who was settled in the United Kingdom before 1 January 1973 and has been continuously resident in the United Kingdom since their arrival (or who satisfied this provision and is now a British Citizen)
- (b) A Commonwealth citizen who was settled in the United Kingdom before 1 January 1973 whose settled status has lapsed because they left the United Kingdom for a period of more than 2 years, and who is now lawfully in the United Kingdom (including as a British Citizen)
- (c) A Commonwealth citizen who has a right of abode and was ordinarily resident in the United Kingdom on 1 January 1973 (or who satisfied this provision and is now a British citizen)
- (d) A child of a Commonwealth citizen who either (i) was settled in the United Kingdom before 1 January 1973, or (ii) has a right of abode (or did and is now a British citizen) and was ordinarily resident in the

United Kingdom on that date, (including a citizen who satisfied one of those requirements and is now deceased), where the child was born in the United Kingdom or arrived in the United Kingdom before the age of 18 and has been continuously resident in the United Kingdom since their birth or arrival

- (e) A grandchild of a Commonwealth citizen who either (i) was settled in the United Kingdom before 1 January 1973, or (ii) has a right of abode (or did and is now a British citizen) and was ordinarily resident in the United Kingdom on that date, (including a citizen who satisfied one of those requirements and is now deceased), where the grandchild and their parent were born in the United Kingdom or arrived in the United Kingdom before the age of 18, and the grandchild has been continuously resident in the United Kingdom since their birth or arrival
- (f) A person of any nationality who arrived in the United Kingdom before the end of 1988 and who either is lawfully in the United Kingdom or is now a British citizen
- (g) A Commonwealth citizen outside the United Kingdom who was settled in the United Kingdom before 1 January 1973 who has a right of abode or settled status or who is now a British citizen, or whose settled status has lapsed because they left the United Kingdom for a period of more than 2 years

The scheme refers to a person who falls within one of these categories as the **primary claimant**.

To make a claim as a primary claimant you should use the Primary Claimant Claim Form and the Primary Claimant Claim Form Guidance.

Where a person who would have been able to claim as a primary claimant has now died, it may be possible for a claim to be brought on behalf of their estate. To do this you should use the Deceased Estate Claim Form and the Deceased Estate Claim Form Guidance.

This guidance is to help close family members make a claim for compensation. It sets out what information is required for each section and what you need to provide in support of your claim.

Assistance is available to anyone who experiences difficulties in completing a claim for compensation. If you would like help completing this form, please contact our helpline on:

0800 678 1925.

You will not be charged if you are calling from a landline within the United Kingdom.

Mobile phone providers may charge you for calling us.

We can arrange to call you back if you are calling from overseas.

Opening times are **Monday to Friday 0900- 1700 and Saturday and Sunday 1000-1500 United Kingdom time**

You can also email us at: **WindrushCompensationScheme@homeoffice.gov.uk**

You can access the claim form online. You can either complete the form online or download it and print out to complete. Once you have completed it, you can scan and send it to us. The form is available at: www.gov.uk/windrush-compensation.

You can call our helpline to request a form in large print, Braille or in Welsh.

Who can claim using the Close Family Member Claim Form

You can claim compensation if you are a close family member of a primary claimant who meets one of the eligibility categories applicable to primary claimants, as set out in Section 1 of the claim form (see also Section 1 below). In order to obtain an award you will need to show that you are the partner, child, sibling or parent of a primary claimant and that you have personally experienced a direct loss or impact because of the primary claimant's difficulties demonstrating their lawful status in the United Kingdom.

We will check that, as a close family member, you are related to an eligible primary claimant and that you have lawful status in the United Kingdom.

Under the scheme, to qualify as a close member, your relationship to the primary claimant must be one of the following:

Partner: You will need to show that you are the primary claimant's:

- Spouse or civil partner and they were living with you at time the loss or impact occurred
- Unmarried partner, living with them in a relationship akin to marriage/civil partnership for a continuous period which lasted 2 years or more at the time the loss or impact occurred

Child: This means the children (including those adopted) of the primary claimant. Any child can make a claim. There does not have to be consent from other children for you to make a claim in this category, as they can make their own claim.

Sibling: The sibling of the primary claimant, who is of the full-blood (you share the same biological mother and father) or of the half-blood (you share either a biological mother or father).

Parent: The mother or father of the primary claimant.

Close Family Member Claimants under 18 years old

If you are under 18 years old and making a claim, you will need a parent, guardian or someone with parental responsibility to submit the claim on your behalf. Please refer to Annex A of this guidance to find out who has parental responsibility.

A person acting as power of attorney on behalf of a claimant can submit a claim form, even if they are outside the United Kingdom. We will require proof of authority to act on behalf of the claimant.

Close family member claimants who lack capacity

If a claimant lacks capacity (i.e., they cannot make their own decisions), a person exercising power of attorney over the claimant's financial affairs can submit a claim on their behalf. Where there is no power of attorney a deputy, guardian or controller with control over the claimant's financial affairs can submit a claim on their behalf. If the claimant is outside the United Kingdom, a person exercising the equivalent powers may submit the claim. We will require proof of a person's authority to act on behalf of the claimant.

Making a claim for compensation

There is **no charge** for making a claim for compensation under this scheme.

Where possible, before making a claim under the Windrush Compensation Scheme, you should discuss it with the primary claimant. If you are claiming for the reimbursement of fees that you paid on behalf of the primary claimant, you will need their consent to make this claim. If you do not get the primary claimant's consent to recover these fees, your claim will be rejected.

You should provide all the information you think is relevant to your claim. Where possible we will work with other government departments and statutory bodies to help gather and check the information you have provided as part of your claim.

How we use information you provide

The Data Protection Act 2018 (DPA 2018) and General Data Protection Regulations (GDPR) govern how we use personal data. The DPA 2018 also explains rights under the Act; including how you can access personal information and how to complain if you have concerns.

For details of how we will use personal information and who we may share it with, please see our Privacy Notice for the Windrush Compensation Scheme at:

www.gov.uk/windrush-compensation

You can request a copy of the Privacy Information Notice by calling us on 0800 678 1925.

We will not share your information with Immigration Enforcement, even if your claim for compensation is unsuccessful.

How to complete the Close Family Member Claim Form

An explanation of the terms used in this guidance and claim form can be found in Annex A of this guidance.

There can only be one claimant for each claim form. If you are part of a family that has suffered a loss or impact and you want to make a claim, each member of the family must complete their own compensation claim form.

You will need to complete the form using black ink.

Please write as clearly as possible, especially in the free text boxes. Some parts of the form will require you to write information in boxes, such as your date of birth. If you make a mistake, cross it out with a single line and write the correction above or beneath the box.

You must sign the form. We can only process claim forms that have been signed.

Proof of identity, address and relationship

We will need to see documents that identify you as the Close Family Member Claimant. You will need to also provide proof of your identity and where you live.

You should send a copy of any of the following documents, one of which must include photo ID. We will request the original if we need to see it.

Proof of identity: list of acceptable documents

- Current, valid passport
- Biometric residence permit (BRP)
- Current, valid full United Kingdom photo-card driving licence with signature or 'old style' driving licence. Claimants who provide an 'old style' driving licence must also submit an additional form of photo ID from this list
- Current, valid United Kingdom photocard provisional licence
- Northern Ireland Voter's Card showing claimants current address
- HM Revenue and Customs (Inland Revenue) tax document e.g. tax assessment, statement of account, notice of coding
- Original notification letter from the relevant benefits agency confirming the right to benefits or state pension
- Overseas national identity document

Proof of address: list of acceptable documents. These must be dated within the last three months.

- Household utility bill (e.g. gas, electric, water or fixed line telephone but not a mobile phone bill)
- Current, valid full United Kingdom photo-card driving licence with signature or 'old style' driving licence. Provisional licences are not acceptable as proof of address

- Bank, building society or credit card statement. Electronic statements are acceptable provided they bear the official stamp of the bank in question.
- Local authority tax bill (e.g. council tax)
- Local authority rent book
- Solicitor's letter confirming recent house purchase or land registry confirmation
- HM Revenue and Customs (Inland Revenue) tax document e.g. tax assessment, statement of account, notice of coding
- Original notification letter from the relevant benefits agency confirming the right to benefits or state pension
- Northern Ireland Voter's Card showing claimant current address
- Letter from the Home Office

Proof of relationship to the primary claimant

We will need to see evidence that you are related to the primary claimant. Acceptable documents are:

Evidence to prove your relationship:

- Marriage certificate
- Civil partnership certificate
- Divorce certificate (Decree Absolute)
- Birth certificate

Evidence to show you live, or lived with the primary claimant:

- Household bills for example gas, electricity or other utility bill
- Bank or building society statements or letters
- Local Authority council tax bill in joint names
- Rent book in joint names

Representative

We will also need proof of identity from anyone acting on behalf of a close family member claimant in a non-professional capacity, for example a friend or faith leader. You will need to provide formal written consent that they are acting on your behalf. This consent should include a signed letter which must include the name and address of the close family member claimant and primary claimant.

If you are acting for a close family member claimant in a professional capacity, we will need to see a copy of the formal written agreement or consent to act of their behalf. This should include their personal details. We will request the original if we need to see it.

Documents to support your claim

Providing documents will help us decide your claim for compensation. The guidance sets out what to send under the relevant section. We will consider any documents you are able to provide, even if they are not listed in any of the sections you complete.

We suggest that you do not pay third parties to obtain documents. If you think a document held by a third party will support your claim but you will be charged to receive it, mention this on your claim form. We will assess if the document is needed to support your claim. If it is, we will contact the third party and obtain it for you.

We will also check Home Office records and details provided by other government departments and public bodies, to seek information in support of your claim.

Do not send us original documents. Only send us photocopies or scans of your document. If we need to see an original document, we will request it from you and return it to you by secure post.

Section 1: Eligibility of the close family member and the primary claimant

Eligibility means someone who falls into one of the eligibility categories in this section. As a close family member claimant, you are eligible to make a claim for compensation if you are lawfully in the United Kingdom. This means you are a British citizen or have:

- Indefinite leave to remain (ILR)
- Indefinite leave to enter (ILE)
- Right of abode
- Limited leave to remain but on a route to settlement within the meaning of the Immigration Rules¹

You must also have been lawfully in the United Kingdom when the impact, loss or detriment occurred or was triggered if you are making a claim for impact on life or a discretionary payment. But this is not a requirement for making a claim for fees. You can still make a claim if the primary claimant is no longer living in the United Kingdom or if they are now deceased.

The primary claimant you are related to must fall within one of the categories set out in (a) to (g) below.

We explain what each eligibility category means to help you understand which applies. Please tick the box on the claim form that you think best describes the primary claimant.

Commonwealth Citizen

For all primary claimant categories below, a Commonwealth citizen is a citizen of one of the countries listed in Annex B of this guidance.

A Commonwealth citizen for these purposes can also be a citizen of the United Kingdom and Colonies by a connection to a country or territory on that list, or a British subject without citizenship under the law on 1 January 1973.

Immigration status in the United Kingdom

References in (a) to (g) to lawful status in the United Kingdom refer to a person who has a right of abode or settled status in the United Kingdom. Settled status means a person has ILR or ILE.

(a) The primary claimant came to live permanently in the United Kingdom before 1 January 1973 as a Commonwealth citizen, and they have lived in the United Kingdom ever since.

¹ The Immigration Rules means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971. Details of the Immigration Rules can be found on Gov.uk: <https://www.gov.uk/guidance/immigration-rules>

If the primary claimant came to live permanently in the United Kingdom before 1 January 1973, they will need to have been settled in the United Kingdom no later than 31 December 1972.

The primary claimant must not have been outside the United Kingdom for an unbroken period of more than 2 years.

A primary claimant who has been absent from the United Kingdom for more than 2 continuous years will automatically lose their indefinite leave as a matter of law.

A calculation of 2 years is illustrated in this example:

- ❖ *If a person leaves the United Kingdom on 22 June 1990 and arrived back in the United Kingdom on 21 June 1992. This would be exactly 2 years, so the absence is not more than 2 years*
- ❖ *However, if someone left the United Kingdom on 22 June 1990 and did not arrive until 22 June 1992, this would mean they were absent from the United Kingdom for more than 2 years, by one day*

This category also includes people who arrived in the United Kingdom before 1 January 1973 and who later became British citizens at any point after arrival. It will not matter when they became a British citizen, nor do they need to be a British citizen to be eligible to make a claim.

(b) The primary claimant came to live permanently in the United Kingdom before 1 January 1973 as a Commonwealth citizen and their status lapsed because they left the United Kingdom for more than two years, but they are now lawfully in the United Kingdom.

If the primary claimant left the United Kingdom for a continuous period of more than 2 years they would have lost their indefinite leave to remain in the United Kingdom.

To return to the United Kingdom, the primary claimant may have applied for a Returning Resident Visa.

The primary claimant will be lawfully in the United Kingdom if they have settled status or a right of abode.

(c) The primary claimant is a Commonwealth citizen with a right of abode and was ordinarily resident in the United Kingdom on 1 January 1973.

Right of abode was given to specific categories of person in the Immigration Act 1971. If a primary claimant has this, it means they have been given permission to live and work in the United Kingdom without restrictions. They do not need permission to enter the United Kingdom when returning from overseas.

Ordinarily resident for these purposes means the primary claimant normally and continually lived in the United Kingdom before 1 January 1973.

(d) The primary claimant previously met one of the above criteria and is now a British citizen.

The primary claimant will need to have met one of the previous criteria in this eligibility section.

A person meets this requirement if they obtained their British citizenship through naturalisation or registration.

The primary claimant must, at the time of you making your claim, continue to be a British citizen.

If the primary claimant held British citizen status and we later withdrew it, then you will not qualify to make a claim under this category. If their British citizenship status was withdrawn, we would have written to the primary claimant to tell them this.

(e) The primary claimant came to live in the United Kingdom before end of 1988 and is now lawfully in the United Kingdom or is now a British citizen.

The primary claimant is lawfully in the United Kingdom if they have the right of abode or settled status.

Right of abode was given to specific categories of person in the Immigration Act 1971. If the primary claimant has this, it means they have been given permission to live and work in the United Kingdom without restrictions. The primary claimant does not need permission to enter the United Kingdom when returning from overseas.

If the primary claimant has settled status, they will have made a successful application for that status and they were granted permission to live in the United Kingdom at the time of making your claim for compensation.

The primary claimant could also be a British citizen.

Settled status means they have ILR or ILE.

(f) The primary claimant is not currently living in the United Kingdom, but they came to live in the United Kingdom before 1 January 1973 as a Commonwealth citizen and have a right of abode or settled status or their settled status lapsed because they left the United Kingdom for a period of more than 2 years and they are not currently living in the United Kingdom.

The primary claimant must have arrived to settle in the United Kingdom before 1 January 1973. This means the latest date they were in the United Kingdom on 31 December 1973.

In addition, they must first have been a citizen of one of the countries listed in Annex B of this guidance, before they came to settle in the United Kingdom and at the time the claim for compensation is made, they are not living in the United Kingdom.

The primary claimant's status will fall into one of the following categories:

- They are a person who has right of abode or was granted permission to live in the United Kingdom and has settled status, but they were **not** a British citizen.
- They are a person who later became a British citizen.

- They are a person who is **not** a British citizen but previously had permission to live in the United Kingdom, then left the United Kingdom for a period of more than 2 years.

The reason that they remained absent from the United Kingdom for more than 2 years will not matter.

(g) The primary claimant's parent or grandparent either (i) came to live permanently in the United Kingdom before 1 January 1973, or (ii) has a right of abode (or did and is now a British citizen) and was ordinarily resident in the United Kingdom on that date, and the primary claimant (and if the primary claimant is a grandchild, their parent) was born in the United Kingdom or arrived in the United Kingdom before the age of 18 and they have lived here ever since.

This category of claim is for a child or grandchild of a Commonwealth citizen who was settled in the United Kingdom before 1 January 1973 or has a right of abode (or did and is now a British citizen) and was ordinarily resident in the United Kingdom on that date. The primary claimant's grandparent or parent does not need to be living in the United Kingdom now for them to be eligible under this category.

You can claim even if the primary claimant's parent or grandparent is not making a claim or is now deceased.

The primary claimant must have lived in the United Kingdom continuously since their birth or arrival.

If they were legally adopted, then it is their adoptive parent (if they are a child) or grandparent (if they are a grandchild) who needs to have arrived in the United Kingdom from a Commonwealth country.

Section 2: About you

In this section boxes are provided for you to write your details and the details of the primary claimant linking you to the scheme.

We will use this section to identify you so please provide all the information requested. The information included in this section will also be used for the prevention of fraud.

2.1 Full name

Your full name should be written as it appears on your birth certificate, passport, marriage certificate or biometric residence permit.

2.2 Gender

Gender means whether you are male or female.

We recognise that some people may have changed, or be changing, their gender. For the change of gender to be recognised in law, a person must hold a Gender Recognition Certificate. This certificate entitles the holder to be lawfully recognised as their new gender by changing officially issued documents such as passports, birth certificates and driving licences.

If you have changed, or are changing, your gender but do not hold a Gender Recognition Certificate or are awaiting the outcome of your application for a Gender Recognition Certificate, you must record your gender as stated on your official documents.

2.3 Your previous names

If you had a previous name, for example if you changed your name when you got married, write your previous name or names.

If you change your name after you send us your claim form, you will need to write to let us know. You must provide proof of this change.

2.4 Date of birth

Write your date of birth using numbers e.g. 01/04/1961. If you make a mistake, cross it out and write the correction above or beneath the box.

2.5 Address

You will need to enter your full address, which will normally be:

- House number or name
- Street name or number
- Town or city
- County, province or district
- Postcode

- Country

If you are of no fixed abode, for example if you are homeless or frequently change where you live, you should write **No Fixed Abode** on the claim form and provide an address where we can write to you.

2.6 Country of birth

Write the name of the country where you were born.

If the country you were born in changed its name since you were born, write the name by which it is now known.

If other details you give are different from the details shown in your passport or birth certificate, you should explain why.

2.7 Nationality

This is your current nationality. If you are recognised as stateless, write 'stateless.' Stateless means someone who is not recognised as a citizen of any country.

2.8 Telephone number

You should provide contact telephone details including the area dialling code.

If you, or someone you are claiming for is overseas, provide the country dialling code and any area code that forms part of the telephone or mobile number.

We will always ask identification questions when we contact you by telephone. We can only speak to someone else if you give us permission to do so. If you want us to speak to someone else on your behalf, you will need to be present during the call.

2.9 Email

If you provide an email address, we may use it to communicate with you about your claim. This information may be sensitive. It is advisable that the email address you provide is not shared by anyone else you do not want to know about your claim.

It is your responsibility to be satisfied about the security of the email address you provide.

If you do not want us to contact you by email, this section should be left blank.

2.10 Current passport number

All passports have a passport number which is usually located on the same page as the photograph. It is also embossed into every page.

If you do not have a British passport, but hold a passport from another country, please provide the number of that passport.

This is an example of a British passport number: **M 7654321**

2.11 Previous passports

If you do not have any previous passports, you do not need to complete this section.

2.12 Expired Passport numbers

Enter the passport numbers of your expired passports.

2.13 National Insurance number

The Department for Work and Pensions (DWP), *formerly, Department for Social Security (DSS)*, issues National Insurance numbers to people who are entitled to them. You will find your National Insurance number on any:

- National Insurance card
- Wage slip from an employer
- Benefit notification
- Tax notifications from Her Majesty's Revenue and Customs (HMRC) *formerly, Inland Revenue*) such as a P60 (a tax document telling how much you earned and how much tax you have paid) or P45 (a tax document that you receive when your employment ends)

Sections **2.14** to **2.26** ask for details of the primary claimant linking you to the scheme. For these sections refer to the guidance provided at 2.1 to 2.13 above.

2.27 Has the primary claimant contacted the Home Office?

If they contacted the Home Office to make an application for documents to confirm their right to stay in the United Kingdom, tick yes and provide the reference number they were given.

Here is an example: **RSH0026079/18** or **H9876543**

Section 3: Compensation

You can submit a claim for compensation under all the categories in the Close Family Member Claim Form that you believe apply to you.

In all categories, you should provide as much detail, and evidence to support your claim, as possible. This will enable us to ensure you receive the maximum compensation to which you are entitled.

You should also provide details of any steps you or the primary claimant took to try to avoid or reduce your losses or other impacts by trying to obtain documentation to demonstrate the primary claimant's lawful right to stay in the United Kingdom. For example, you may have contacted the Home Office or your local MP.

You can provide any relevant evidence and details of what you did to resolve your status relating to any, or all the categories you are claiming under in section 3.

It is important that you tell us as much as possible about what the primary claimant did. If you do not, you may not be paid compensation, or your compensation may be reduced. We will look at whether the primary claimant took reasonable steps to mitigate their losses or if they acted in a way that increased their losses.

For each category you are claiming under, we will expect you to provide the following information:

- When the primary claimant's problem evidencing their lawful status began and when it was resolved and how it had an impact on the category you are claiming under.
- Evidence to support what you are claiming for. The evidence you provide may affect the type and amount of award we make.
- Evidence to support what the primary claimant did to try and resolve their lawful status. If you are unable to provide evidence, you should explain the reasons why.

(1) Impact on life: Complete Section 3.2

Complete this section if the difficulties faced by your close family member in demonstrating their lawful right to stay in the United Kingdom affected your ability to live a normal daily life.

Under this scheme impact on life refers to any non-financial impacts on your daily life which occurred due to your close family member's difficulties demonstrating their lawful status in the United Kingdom. You will need to provide evidence of how the primary claimant not being able to prove their lawful right to stay in the United Kingdom directly affected you.

You will need to provide evidence that covers whichever of the following types of impact you would like us to consider:

Inconvenience

- Any type of inconvenience to your normal daily life as a result of the primary claimant's difficulties demonstrating lawful status.

Impact on your well-being or health

- Including anxiety, distress, and damage to your reputation
- Worry, annoyance and emotional upset; traumatic or very upsetting experiences; embarrassment or humiliation
- If your physical, and, or, mental health became worse because of concerns about your lawful status. You will need to show medical evidence that supports this
- If you experience pain or illness because you have developed a new health problem or that an existing health problem has become worse

Family separation

- You have been unable to visit close family members outside United Kingdom
- A breakdown of your family unit because you were not able to visit them overseas

Missing significant family occasions

- If your close family member's difficulties demonstrating status meant they or you were unable to attend significant family occasions such as a wedding or funeral of a close family member

Inability to return to the United Kingdom after travelling abroad

You may have experienced inconvenience, distress and family separation arising out of the primary claimant's inability to return to the United Kingdom after travelling abroad.

- If the primary claimant's inability to travel to and from the United Kingdom was compromised by their inability to demonstrate their right to live in or (if they travelled abroad) to return to the United Kingdom, you should provide details of these difficulties along with details of any events they or you missed as a result. If they were unable to return to the United Kingdom after a holiday or short period spent abroad, you should provide specific details of this inability to return.

If you have suffered depression, stress and other related conditions such as anxiety you should provide medical evidence which shows that your conditions resulted from the problems experienced by the primary claimant.

In all cases, you should also provide information about the steps the primary claimant took to resolve their status difficulties.

(2) Immigration fees and legal costs in respect of immigration applications:
Complete section 3.3

If you have paid immigration fees or incurred legal costs for some types of unsuccessful immigration applications for the primary claimant you are related to.

Immigration applications became chargeable from 1 August 2003.

Fees for unsuccessful United Kingdom immigration applications, which were made to resolve the primary claimant's lawful status, will only be reimbursed in certain circumstances. You will need to show that the fee was paid by you on behalf of the primary claimant and that you have their consent to make this claim.

The types of immigration applications normally covered by the scheme are:

- i) British citizenship
- ii) Confirmation of British nationality status
- iii) Certificate of entitlement to a right of abode
- iv) Indefinite leave to enter (ILE)
- v) Indefinite leave to remain (ILR)
- vi) No time limit
- vii) Returning resident visa application
- viii) Ancillary costs such as the cost of biometric cards, which are linked to the above products

You will not usually be able to make a claim for a successful immigration application, even if you feel the application was unnecessary. However, we will consider reimbursing immigration fees where:

- The Home Office initially made an incorrect decision on the application and the primary claimant then made a further application of a type not included in the list above for something which they did not need, or which did not resolve their immigration status permanently.

and/or

- You paid a fee for an immigration product, but the primary claimant was then granted something which did not give them permanent lawful status and it was not what they applied for.

In the above cases, we will consider the circumstances of the claim and we may decide to reimburse the immigration fees you paid. We can only reimburse these fees if they were paid in order to resolve the primary claimant's lawful status.

We may also consider reimbursing other immigration fees paid in respect of these applications, including the Immigration Health Surcharge.

If you are claiming for any fees that you were charged by a lawyer who helped the primary claimant to make an immigration application, you will need to provide proof of the services paid for, which might include:

- A letter or other document from them stating what service they provided
- An invoice: a document charging you for the service provided; or
- Acknowledgement from the lawyer that you paid the charges in full.

The Home Office will consider reimbursing some, or all of the legal fees you paid up to a maximum of £500 for **each** of the immigration applications in respect of which a fees award is made.

The scheme will only reimburse legal fees to a maximum of £500 because the Home Office does not consider legal assistance is required to complete an immigration application.

(3) Close family member discretionary payment: Complete Section 3.4

Discretionary payments will be considered if you experienced a significant impact, loss or detriment of a financial nature, as a direct consequence of the primary claimant being unable to establish their lawful right to stay in the United Kingdom that is not covered by another category of claim and which is not specifically excluded from compensation under the scheme.

We recognise that some individuals may exceptionally have evidence of other financial impacts or losses linked to the difficulties of the primary claimant demonstrating their lawful status in the United Kingdom which are not addressed in other categories and which we may consider for a discretionary award.

A discretionary award normally requires compelling evidence of loss, a clear causal link to difficulties demonstrating lawful status and compelling evidence that the primary claimant did all they could to resolve status difficulties. An award under this category will not normally be made unless these stringent evidential requirements can be met. Where it is reasonable to expect corroborating evidence is available to prove financial impacts were experienced as a result of the primary claimant's status difficulties, we will expect this evidence to be submitted with your claim.

If you feel you have sufficiently strong evidence to justify a discretionary award or, if you feel there are wholly exceptional circumstances that you want us to consider for a discretionary award, please provide details.

You will need to provide copies of any documentary evidence you would like us to consider. We will not make a discretionary award for impacts or losses of the type which are covered elsewhere in the scheme. This is because discretionary awards are not designed to top-up the size of an award payable under another category. The discretionary category is designed for financial impacts of a type not already catered for under other categories and not specifically excluded from the scope of the compensation scheme.

(4) Mitigation: Complete 3.5:

In support of your claim for compensation you must provide details of any action the primary claimant took in the past to try and resolve their status in the United Kingdom.

For example, the primary claimant may have contacted the Home Office (including the Passport Office), their MP, or other relevant authorities to attempt to resolve their status difficulties. This may have resulted in them making an immigration application. If the primary claimant resolved their status difficulties after 2018 by contacting the Windrush Taskforce, you do not need to provide those details. If the primary claimant did not take any action to resolve their status, you will need to tell us why.

Section 4: Declaration

By signing the declaration, you are confirming the information you have provided is true.

If you are claiming for the reimbursement of fees, you are also confirming that you have the consent of the primary claimant to do so.

If you realise something is not correct, or something changes after you have sent us your form, you need to tell us straight away.

You must sign your complete and sign your claim form before you submit it. We cannot accept claim forms that have not been signed.

What to do next

Make sure you have signed the form and included copies of all your evidence.

Once you have completed the claim form you can send it to us by post or email.

Guidance on scanning and emailing your document, including data limits, is available online. Please ensure you check this advice, as failure to follow this guidance may mean your email could be automatically rejected. **The maximum size of an email with attachments we can accept is 25MB.**

You will need to name the email in the subject box.

For example: **[Insert your name] Close Family Member Claim**

Email – send your claim form and documents by email to:

WindrushCompensationScheme@homeoffice.gov.uk

Posting - From the United Kingdom

Freepost WINDRUSH COMPENSATION SCHEME

If you are not happy with a decision we have made on your claim, you can ask the Windrush Compensation Scheme for an internal review. Someone who represents you can also ask for a review of your claim on your behalf.

If you, or the person who represents you, is not satisfied with the outcome of the internal review, you may be able to request an independent review. Your case will then be looked at by the Adjudicator's Office. The Adjudicator is independent of the Home Office and she will review your case.

Annexes

In this section, you will find the following useful information:

Annex A

- **What do we mean by...**
This explains the terms used in this guidance and the claim form.

Annex B

- **Commonwealth countries**
Only the countries listed in this section are considered as part of the Commonwealth.

Annex C

- **Frequently asked questions**
This section provides useful answers to some questions you may ask.

Annex A – What do we mean by...

| Term | Explanation |
|----------------------------------|--|
| Child | <p>Any biological descendant of a parent under 18 years of age.</p> <p>Any legally adopted person under the age of 18 years of age.</p> |
| Civil partnership | <p>This is a legally recognised relationship between two people of the same sex. A civil partnership only exists once it is registered. If you have not registered your relationship as a same sex couple, you should complete the partner category.</p> |
| Claimant | <p>The person for whom the claim for compensation is being made.</p> |
| Close family member | <p>Is related to the primary claimant as a: parent, child, sibling, spouse (husband/wife), partner.</p> |
| Commonwealth citizen | <p>Citizens of the Commonwealth countries means, citizens of any country listed in Annex B.</p> |
| Continuously resident | <p>Is lawfully resident in the United Kingdom for a continuous period except that a person will not lose their right to stay in the United Kingdom if they are absent from the United Kingdom for a period of 2 years or less.</p> |
| Dual national | <p>This means a citizen of more than one country. For example, a British citizen who is also a citizen of Ghana.</p> |
| Executor of Wills | <p>An Executor is a person named in a will or in an update to the will (this is known as a Codicil) and deals with the estate of the deceased.</p> |
| Indefinite leave to remain (ILR) | <p>Permission to live and work freely in the United Kingdom without any time restrictions. If a person has ILR it means they have settled status.</p> |
| Naturalised British citizen | <p>Naturalisation is the legal process by which a person changes their nationality. A person changing their nationality to British will have a certificate to show they have British Nationality.</p> |
| Ordinarily resident | <p>A person who normally and continually lives in the United Kingdom, whether for a short period or a long time.</p> |

Parental responsibility

You are ordinarily resident in the United Kingdom if this is your regular place of living, your residence here is voluntary and for a settled purpose.

Under the Windrush Compensation Scheme a person will need to show that the United Kingdom has been their home, with reference to the eligibility categories in Section 1.

Relates to the rights, duties, powers, responsibility and authority given to someone who is not the parent of a child.

Mothers and married fathers at the time of a child's birth automatically have parental responsibility.

Unmarried fathers

- From 1 December 2003, an unmarried father has parental responsibility if he and the mother jointly registered a child's birth.
- An unmarried father can also get parental responsibility if the mother agrees to it.
- A court may also grant parental responsibility.

Births registered in Scotland

- A father has parental responsibility if he is married to the mother when the child is conceived or marries her at any point afterwards.
- An unmarried father has parental responsibility if he is named on the child's birth certificate (from 4 May 2006).

Births registered in Northern Ireland

- A father has parental responsibility if he is married to the mother at the time of the child's birth.
- If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage.
- An unmarried father has parental responsibility if he is named, or becomes named, on the child's birth certificate (from 15 April 2002).

Births registered overseas

- If a child is born overseas and comes to live in the United Kingdom, parental responsibility depends on the United Kingdom country they are now living in.

Same sex parents

- Civil partners:
Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, for example, donor insemination or fertility treatment.
- Non-civil partners:
For same-sex partners who aren't civil partners, the 2nd parent can get parental responsibility by either [applying for parental responsibility](#) if a parental agreement was made
or
becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Partner

A person you live together with, as a couple, but without being married or in a civil partnership.

Power of Attorney

A power given to someone who acts on behalf of an individual who is identified as having complex needs and who requires help to manage their affairs.

Primary claimant

Primary claimant

A person, who directly meets at least one of the eligibility criteria at section 1.

Close family member claimant

Shares a specified relationship to a primary claimant who meets an eligibility category. Refer to close family member for details.

Executor

A person appointed to deal with the estate of a deceased person.

Right of abode

This means you live and work in the United Kingdom without restrictions.

Settled

| | |
|-------------------|--|
| Sibling | <p>United Kingdom settled status means indefinite leave to enter or remain in the United Kingdom within the meaning of the Immigration Act 1971.</p> <p>A person's brothers and sisters who share at least one parent.</p> |
| United Kingdom | <p>The following are part of the United Kingdom:</p> <ul style="list-style-type: none"> • England • Scotland • Wales • Northern Ireland |
| Vulnerable person | <p>A person who is age 18 and over, who is receiving or may need community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation.</p> <p>The Care Act 2014 definition of an adult at risk of harm are:</p> <ul style="list-style-type: none"> • Be at risk of suffering abuse or neglect and because of those care needs be unable to protect themselves • In need of care and support • Be 18 years of age and over |

Annex B – Commonwealth countries

The following are the list of countries and territories that were part of the Commonwealth before 1 January 1973.

Although British Overseas Territories are not members of the Commonwealth in their own right, with the exception of the Sovereign Base Areas of Akrotiri and Dhekelia British Overseas Territories are included in the list of Commonwealth citizens in this guidance. Citizens of Rwanda, Cameroon and Mozambique are not included in the list of Commonwealth citizens in this guidance, as these countries were never British colonies, but have nonetheless joined the Commonwealth.

Citizens of countries excluded from this list can still claim compensation if they meet the eligibility category of a person from any other country.

For the Windrush Scheme, citizens of the Commonwealth means people who are nationals of the following countries, listed alphabetically and not in order of any preference under the scheme:

Anguilla
Antigua & Barbuda
Australia
Bangladesh
Barbados
Belize
Bermuda
Botswana
British Antarctic Territory
British Indian Ocean Territory
Brunei
Canada
Cayman Islands
Cyprus (excluding sovereign base areas)
Dominica
Falkland Islands
Fiji
Ghana
Gibraltar
Grenada
Guyana
Hong Kong
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Maldives
Malta
Mauritius

Montserrat
Namibia
Nauru
New Zealand
Nigeria
Pakistan
Papua New Guinea
Pitcairn, Henderson, Ducie and Oeno Islands
Saint Lucia
Samoa
Seychelles
Sierra Leone
Singapore
Solomon Islands
South Africa
South Georgia & The Sandwich Islands
Sri Lanka
St Helena, Ascension and Tristan de Cunha
St Kitts & Nevis
St Vincent & The Grenadines
Swaziland
Tanzania
The Bahamas
The Gambia
Tonga
Trinidad & Tobago
Turks & Caicos Islands
Tuvalu
Uganda
Vanuatu
Virgin Islands
Zambia
Zimbabwe

The following are also **included** as Commonwealth Citizens:

Citizens of the United Kingdom and colonies by virtue of a connection to a country or territory of the above list.

British subjects without citizenship under the law in force on 1 January 1973

Annex C – Frequently asked questions

How long will it take to process my claim?

Once claims move into caseworking (following registration and initial evidence gathering) consideration of claims should begin in the order in which they were received by the department.

Processing times will vary depending on the complexity of your claim. It will take longer to process your claim if we need to ask for more information, if your claim is complex or if your claim covers many different areas. We aim to consider claims as quickly as possible. We may pay some elements of your claim earlier than others.

Whilst hardship or vulnerabilities may not generally be a reason to being the consideration of a claim out of order, in such instances, caseworkers will assess whether a referral to the Vulnerable Persons Team or an Urgent and Exceptional Payment may be appropriate.

Exceptionally, it may be appropriate to begin considering a claim out of date order. This may include where an individual has a critical or life shortening illness that means there is a substantial risk they will not receive the outcome of their claim if it is considered in date order. If you or a family member who has made or is making a claim have such an illness, you should tell us, either on the claim form or by contacting the Help Team.

Requests to consider claims out of date order will be looked at on a case by case basis.

We will write to you with an offer as soon as a decision has been made on your claim. You will be asked to confirm your acceptance of this offer in writing and return it to us.

How much compensation will I be paid?

This will depend on the circumstances of your claim.

We will use a variety of methods to calculate your compensation. This will include, in some instances, an award which reflects actual amounts lost where there is supporting evidence.

For some types of losses, an award table may be used to decide on the amount of an award. We may use a combination of actual losses and awards when assessing your claim.

How will I be paid?

In most cases, we will pay by cheque which will need to be paid into your bank account. The claimant's name will be written on the cheque, this is also known as the payee.

We will write your name the way you have written it on your claim form. Please make sure it matches the account you want your compensation to be paid into as banks

and Building Societies may not accept it otherwise. You will not be able to exchange the cheque for cash at a United Kingdom Post Office; it must be paid into the payee's account.

In most cases cheque payments have a limited time in which they can be cashed, so it is advisable to pay it in before it expires. You can enquire about time limits with your bank or building society, or other financial institution.

We will not accept requests for alternative or multiple payees.

In some instances, we may arrange for some elements of a claim to be paid by another Government Department because your claim relates to a benefit paid by them. These payments will not form part of any award you may be paid under the scheme.

Will any compensation I am paid be taken into account by DWP?

If your claim for compensation is successful, then payments made under the Windrush Compensation Scheme will be disregarded in the calculation of Universal Credit and other DWP means-tested benefits. This means that the money you are paid in compensation will not be taken into account when your eligibility for these benefits is being assessed.

What if I disagree with the amount you offer?

Once we have assessed your claim, if we decide to pay you compensation, we will send you an offer letter. Please remember to tell us if you change address after submitting your claim.

You will need to reply to us within a specified time to tell us if you accept the offer or not. You will receive full details with your offer about what to do next when the offer is made.

If you do not accept the offer, you can ask the Windrush Compensation Scheme for an internal review. Someone who represents you can also ask for a review of your claim on your behalf.

If you, or the person who represents you, is not satisfied with the outcome of the internal review, you may be able to request an independent review. Your case will then be looked at by the Adjudicator's Office. The Adjudicator is independent of the Home Office and she will review your case.

How do I submit additional supporting evidence?

Write to us if anything changes since you sent us the claim for compensation.

Remember to:

- Include your claim reference number, which you will find on the acknowledgement letter we send to you when we receive your claim.
- Write your full name on the documents
- Send us copies of the documents you want us to consider

If you do not have all the documents to support your claim you can still make a claim for compensation, but this may take longer for us to process your claim.

Wherever possible, you should submit your claim form with supporting documents.

You will need to tell us why you are claiming in the boxes on the claim form for each category of claim.

What can I do if am unhappy with the decision you have made?

If you're not satisfied with a decision we have made, or if you want to ask for a review, you can ask the Windrush Compensation Scheme for an internal review. Someone who represents you can also ask for a review of your claim on your behalf.

If you, or the person who represents you, is not satisfied with the outcome of the internal review, you may be able to request an independent review. Your case will then be looked at by the Adjudicator's Office. The Adjudicator is independent of the Home Office and she will review your case.

What can I do if I am unhappy about the service I have received?

If you have a complaint about our service, you should email us at complaints@homeoffice.gov.uk

If you are unable to email, you can also write to us at:

Complaints Allocation Hub
Customer Correspondence Hub
7th Floor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

If you need help completing the claim form, you can call the Windrush Helpline on 0800 678 1925. This number is free to call from within the United Kingdom.