



Home Office

Windrush Compensation Scheme Claim Form Guidance

Primary Claimant

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Contents

Introduction to The Primary Claimant Form Guidance	2
Who can claim using the Primary Claimant form	4
Making a claim for compensation	4
How we use information you provide	5
How to complete The Primary Claimant Claim Form	5
Identity Documents	6
Documents to support your claim	7
Section 1: Eligibility	8
Section 2: About You	12
Section 3: Compensation.....	16
Section 4: Declaration.....	34
What to do next.....	34
Annex A – What do we mean by... ..	36
Annex B – Commonwealth Countries	40
Annex C – Frequently Asked Questions	42

Introduction to The Primary Claimant Form Guidance

The Windrush Compensation Scheme (the Scheme) will compensate individuals who have suffered loss and experienced impact. This is because they were unable to demonstrate their lawful right to stay in the United Kingdom and gain access to benefits and services. The annex A to this guidance What do we mean by... sets out how the United Kingdom is made up.

The title 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 compensation scheme is open to anyone who arrived in the United Kingdom before 31 December 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. In these cases, 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 are also eligible.

These are the 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 31 December 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**.

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

A close family member of a Primary Claimant (or someone who could make a claim under the Scheme as a Primary Claimant) may also be able to make a claim for certain losses. A close family member can bring a claim even if their relative (the potential Primary Claimant) chooses not to. To do this you should use the Close Family Member Claim Form and the Close Family Member Guidance.

This guidance is to guide Primary Claimants in completing claims for compensation. It sets out what information is required for each section and what information 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 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 United Kingdom time**

You can also email us at:

WindrushCompensationScheme@homeoffice.gov.uk

You can also access the claim form online which you will need to download 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 also call our helpline to request a form in large print, Braille or in Welsh.

Who can claim using the Primary Claimant form

You can claim compensation as a person who is a Primary Claimant if you meet one of the eligibility categories in Section 1 of the claim form and have personally experienced direct impact or loss as a result of difficulties demonstrating your lawful right to stay in the UK.

Primary 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. Refer to the *What do we mean by...*Annex A of this guidance to find out who has Parental Responsibility.

Primary Claimants who lack capacity

If a primary claimant lacks capacity a person exercising power of attorney over the claimant's financial affairs or 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 make the application. We will require proof of 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.

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

The Home Office set up a Commonwealth Citizens Taskforce in 16 April 2018 to help people who needed to obtain documents to prove their lawful status in the

UK. You can still make a claim for compensation even if you did not use the Taskforce.

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, 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 Border, Immigration and Citizenship system at:

www.gov.uk/windrush-compensation

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

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

How to complete The Primary Claimant Claim Form

An explanation of the terms used in this guidance and claim form can be found in the *What do we mean by...* at the end of this document.

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

It is recommended that you complete the form using black ink.

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.

Identity Documents

We will need to see documents that identify you as the Primary Claimant.

We will also need proof of identity from anyone acting on behalf of a Primary 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 Primary Claimant.

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 UK 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, which should be dated no more than three months old.

- 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

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 answer.

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.

Please do not send 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

Eligibility means someone who is entitled to make a claim for compensation and falls into one of the eligibility categories in this section.

We explain beneath each box what each eligibility category means to help you understand which applies to you. Please tick the box that best suits you.

Commonwealth Citizen

For all eligibility categories below, a commonwealth Citizen is a citizen of one of the countries listed in the *Commonwealth Countries 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

The Immigration Act 1971 defines what lawful status in the United Kingdom is, which means a person has a Right of Abode or settled status. A person who has settled status will have either of the following:

- Indefinite Leave to Remain (ILR) settled status
- Indefinite Leave to Enter (ILE) settled status

People who have a Right of Abode or lost Indefinite Leave to Remain or Indefinite Leave to Enter and now live outside the United Kingdom may also apply.

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

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

Since 1 August 1988, you must not have been outside the United Kingdom for an unbroken period of more than 2 years.

A person 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.

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.

(b) I came to live permanently in the United Kingdom before 1 January 1973 as a Commonwealth citizen and my status lapsed because I left the United

Kingdom for more than two years, but I am now lawfully in the United Kingdom.

If you left the United Kingdom for a continuous period of more than two years, after 1 August 1988, you will no longer have permission to return to the United Kingdom.

A person 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. If you left the United Kingdom for a period of more than 2 years, after 1 August 1988, you will have to apply for a Returning Resident Visa.

You will be lawfully in the United Kingdom if you have settled status or a Right of Abode.

(c) I am 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 you have this, it means you have been given permission to live and work in the United Kingdom without restrictions. You do not need permission to enter the United Kingdom when returning from overseas.

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

(d) I previously met one of the above criteria and am now a British citizen.

You will need to have met one of the previous criterion in this eligibility section.

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

You must at the time of making your claim continue to be a British Citizen.

If you held British Citizen status and we later withdrew it, you will not qualify to make a claim under this category. If your British Citizenship status was withdrawn, we would have written to you to tell you.

You must have arrived to live in the United Kingdom no later than 30 December 1988. You will not be eligible if you arrived in the United Kingdom on 31 December 1988 or afterwards.

(e) I came to live in the United Kingdom before 31 December 1988 and am now lawfully in the United Kingdom, or am now a British citizen.

You are lawfully in the United Kingdom if you have a right of abode or settled status.

Right of Abode was given to specific categories of person in the Immigration Act 1971. If you have this, it means you have been given permission to live and work in

the United Kingdom without restrictions. You do not need permission to enter the United Kingdom when returning from overseas.

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

You could also be a British Citizen.

Settled status means you have one of the following:

- Indefinite Leave to Remain (ILR)
- Indefinite Leave to Enter (ILE)

(f) I am not currently living in the United Kingdom, but I came to live permanently in the United Kingdom before 1 January 1973 as a Commonwealth citizen and have a Right of Abode or settled status or am a British citizen or my settled status lapsed because I left the United Kingdom for a period of more than two years.

- You must have arrived to settle in the United Kingdom before 1 January 1973. This means the latest date you arrived to settle in the United Kingdom was 31 December 1972.

and

- You must first have been a citizen of one of the countries listed in *Commonwealth Countries Annex B* of this guidance, before you came to settle in the United Kingdom.

and

- At the time the claim for compensation is made, you are not living in the United Kingdom

Your status will fall into one of these categories:

- You are a person who has Right of Abode or was granted permission to live in the United Kingdom and has Settled Status, but you were **not** a British Citizen.
- You are a person who later became a British Citizen.
- You 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 two years.

A calculation of 2 years is illustrated in this example:

- ❖ *If a person leaves the United Kingdom on 22 June 1980 and arrived back in the United Kingdom on 21 June 1982. 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 1980 and did not arrive until 22 June 1982, this would mean they were absent from the United Kingdom for more than 2 years, by one day.*

The reason why you remained absent from the United Kingdom for more than two years will not matter.

If your absence from the United Kingdom is for more than two years, this means the permission we gave you in your Settled Status, is no longer in force, so you cannot enter the United Kingdom without applying for a new permission. This is what we mean when we say your status has lapsed.

(g) My parent or grandparent was either (i) 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, **(or if deceased met one of these requirements) and I (and if I am a grandchild, my parent) was born in the United Kingdom or arrived in the United Kingdom before the age of 18 and I 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. Your grandparent or parent does not need to be living in the United Kingdom now for you to be eligible under this category.

You must have lived in the United Kingdom continuously since your birth or arrival.

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

You can claim even if your parent or grandparent is not making a claim or is deceased.

Section 2: About You

We will use this section to identify you so please provide all the information requested.

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 a person is 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. You should write one letter in each box leaving a space between 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 the change for the name you use.

2.4 Date of Birth

Write your date of birth using numbers e.g. 01/04/2019 Each number should be written in a box. If you make a mistake cross it out and write the correction above or beneath.

2.5 Address

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

- House number or name
- Street name or number
- Name of the town or City
- The County, Province or District
- The name of your country
- Postcode or Zip Code: This is the geographic area code your country's postal services uses for addresses.

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** 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 where you were born has 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 area dialling code.

If you, or someone you are claiming for is overseas, also provide the country dialling code and any area code that forms part of the telephone or mobile (cellular) 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 wish for 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 Do you still have previous passports?

If you do not have any expired 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 received when your employment ends).

2.14 Have you contacted the Home Office since April 2018?

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

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

Section 3: Compensation

You can claim compensation under all the categories that apply to you.

In all categories, you should show the action that you have taken to try to avoid losses, by trying to obtain documentation to demonstrate your lawful right to stay in the United Kingdom.

The Home Office will generally expect you to have taken reasonable steps to resolve the difficulties you faced, even if you were unsuccessful in doing so. For example, you may have contacted the Home Office, including the HM Passport Office.

The information and supporting evidence you provide should help to show that you did not contribute to the difficulties in resolving your lawful status or make them worse.

It is important that you tell us as much as possible about what you did, if you do not you may not be paid compensation, or your compensation may be reduced. We will look at whether you took reasonable steps to mitigate your losses, or if you acted which increased your losses. We will consider each case based on its individual circumstances.

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.

Demonstrating Mitigation. For each category, we will expect you to provide the following information:

- 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 you did to try and resolve your lawful status. If you are unable to provide evidence, you should explain the reasons
- Tell us when your problem evidencing your lawful status began and when it was resolved and how it had an impact on the category you are claiming against.

(1) Immigration and Legal Fees: Complete Section 3.2

If you have paid fees or incurred legal costs for some types of unsuccessful Immigration applications.

Fees for unsuccessful immigration applications will only be reimbursed in certain circumstances. You will need to show that the fee was paid by you.

If a close family member paid the fee on your behalf, they can make their own claim for refund using the *Close Family Member Claim Form*.

You will not be able to make a claim for a successful immigration application, even if you feel the application was unnecessary.

Immigration applications became chargeable from 1 August 2003 for the following types of refused applications and these are the types of application covered by the Scheme:

- British citizenship
- Certificate of entitlement to a right of abode
- No Time Limit (NTL)
- Indefinite Leave to Remain (ILR)
- Indefinite Leave to Enter (ILE)
- Returning Residents Visa (RRV)

If you are claiming for the fees that you were charged by a lawyer who helped you with your immigration application, you will need to provide:

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

(2) Detention, Deportation, Removal and Return: Complete Section 3.3

A reason for your deportation, detention, removal or return must be solely or mainly because you were unable to demonstrate your right to stay in the United Kingdom.

Detention

- **If you were held in a removal centre, short term holding facility or prison or detained at the end of a prison sentence in the United Kingdom for any length of time**

Deportation

- **If you were deported to another country**

Removal

- **If you were removed from the United Kingdom by the Home Office. This includes those who have since returned to the United Kingdom and those who remain in another country and have been unable to return to the United Kingdom, or do not wish to return**

Return

- **If you left the United Kingdom voluntarily because you were told you did not have permission to stay [and were required to leave]**

You will need to tell us why you were unable to demonstrate your right to stay in the United Kingdom.

Provide any evidence which supports what you say including any family you may have and how long you lived in the United Kingdom. We will consider any relevant evidence you provide connecting your status to your detention, removal, deportation or voluntary return.

If you took specific action to resolve your status relating to this area of your claim you should provide evidence to show:

- What you did to resolve your lawful status
- When your difficulties began and ended

Detention

This section refers to detention in any of the following for more than 2 hours, where you were prevented from leaving the facility:

- Removal Centre
- Short-term holding facility

- Prison
- Or a section of a prison

You will not be awarded compensation if you:

- Were not held in any of the facilities mentioned.

Deportation and Removal

Deportation means, the Home Office made a Deportation Order to remove you from the United Kingdom which restricted you from re-entry.

This means any removal where the reason for the removal related to difficulties associated with an inability to establish your lawful status.

You will need to provide evidence to show:

- That you sought advice on resolving your status difficulties, for example contact with the Home Office, an immigration lawyer or Citizens Advice or another charity
- Why you were deported
- Whether you managed to resolve your status difficulties

Return

This includes any return, which is not covered above, where the reason for the return related to difficulties associated with an inability to establish your lawful status.

(3) Loss of access to employment: Complete Section 3.4

This means you lost employment, had an offer of employment withdrawn, or were unable to work in the United Kingdom.

Employment means either you worked for someone or you were self-employed, and you were being paid for the work you did or a service you provided. Your employment or self-employment must have been in the United Kingdom.

An award for loss of access to employment under the Scheme will either be based on actual earnings or will be a general award. How your claim will be considered will depend on what you say in the claim form and the evidence you provide.

If you have ticked the actual earnings box on the claim form, we will consider your claim for an actual loss of earnings payment. If you have not ticked the actual earnings box on the claim form, or if you have ticked the actual earnings box but do not provide sufficient evidence your claim will be considered against the criteria for a general award.

Actual earnings award:

For an award to be made on the actual earnings lost, you will need to provide clear evidence to show:

- that you were in employment or had accepted an offer of employment or had been in regular employment in the two years before you stopped working because you could not demonstrate your right to live and work in the United Kingdom;
- you lost that employment, or the job offer was withdrawn or that you otherwise stopped working because you could not demonstrate your right to live and work in the United Kingdom; and
- you had applied to the Home Office for documentary evidence of your status as soon as possible after you became aware that you could not demonstrate your status.

An award for actual earnings lost will be calculated for a period of loss:

- If you are living in the United Kingdom, the start date of the period of loss is taken from the later of the date you were notified or became aware that you could not demonstrate your lawful status and the date that you lost your employment or job offer. The end date is the earlier of you either starting new employment, or 3 months after your status is resolved.
- If you are not living in the United Kingdom as a direct result of Home Office enforcement action or threat of enforcement action, the period of loss is taken from the later of the date you were notified or became aware that you could not demonstrate your lawful status, and the date that you lost your employment or job offer. The end date is the earlier of 3 months from the date you left the United Kingdom, or the date you started new employment.

General award

For a general award to be made, you will need to provide evidence to show:

- that you were in employment or had accepted an offer of employment or had been in regular employment in the two years before you stopped working because you could not demonstrate your right to live and work in the United Kingdom;
- you lost that employment, or the job offer was withdrawn or that you otherwise stopped working because you could not demonstrate your right to live and work in the United Kingdom; and

A general award for will be calculated for a period of loss up to a maximum of 12 months:

- If you are living in the United Kingdom, the start date of the period of loss is taken from the later of the date you were notified or became aware that you could not demonstrate your lawful status and the date that you lost your employment or job offer. The end date is the earlier of you starting new employment or 3 months after your status is resolved.
- If you are not living in the United Kingdom as a direct result of Home Office enforcement action or threat of enforcement action, the period of loss is taken from the later of the date you were notified or became aware that you could not demonstrate your lawful status and the date that you lost your employment or job offer. The end date is the earliest of 3 months from the date you left the United Kingdom, or the date you started employment.

Employment evidence

Where possible you should try to provide evidence to show you were employed, or offered employment, or were in regular employment in the two years before you stopped working because you could not demonstrate your right to live and work in the United Kingdom.

Regular employment does not mean that you must have been employed by the same employer for the two years. Also, there is no requirement for the two-year period to be full-time work only you may also claim under this category if you were working part-time. A combination of permanent, temporary, full-time, part-time or self-employment work during the two years will be accepted. We are also working with HMRC.

Overseas Claimants

If you are overseas and making a claim in this category, you will need to show that when you were in the United Kingdom you lost employment or an offer of employment, due to difficulties demonstrating your right to live and work in the United Kingdom. You should try, where you can, to provide the evidence set out above.

You will not be able to claim compensation for the time you were living overseas if nothing prevented you from taking up employment whether you left the United Kingdom voluntarily, or we arranged your removal.

Employment

You will need to try to provide evidence to show you were employed or were offered employment:

- Permanent or temporary contract of employment
- Job Offer Letter
- Job offer withdrawal letter because you do not have the Right to Work
- Pay slips
- Evidence of Working Tax Credits

You will need to provide evidence to show your employment ended:

- Job termination letter because you could demonstrate the Right to Work
- P60 – a tax document issued at end of a financial year
- P45 – a tax document issued when a person leaves employment
- A letter from your employer telling you that you could no longer be employed by them because you are unable to demonstrate your right to stay in the United Kingdom.
- Evidence to show what you did to resolve your status difficulties

Self-employment

You will need evidence to show:

- That your business was trading, for example business advertisement or promotion.
- Tax returns and account evidence income derived and income tax paid
- Self-employment National Insurance registration HMRC

(4) Loss of Access to Working Tax Credit, Child Benefit, Child Credit Tax Credit, or other Benefits.

Provide details of the types of any benefits you claimed, which were stopped or that you were refused because you had difficulty demonstrating your lawful status.

Loss of Access to Working Tax Credits, Child Benefit or Child Tax Credit:

Complete section 3.5

If any of your Working Tax Credits, Child Benefit or Child Tax Credit were stopped or refused:

Complete section 3.5

If any of your other benefits were stopped or refused:

Complete section 3.6

Tell us if you were previously in receipt of: Child Benefit, Child Tax Credits or Working Tax Credits.

Ensure that you provided your National Insurance Number at section 2.14.

You should provide evidence that you received Child Benefit and or Tax Credits, or other benefits and they were stopped because of not being able to show you had lawful status in the United Kingdom.

The Home Office will notify DWP, HMRC, the Local Authority, NHS body concerned, or other relevant public body. The claim will be considered in accordance with the relevant rules which apply to: reinstatement of the benefit in question, back payment of the benefit, or other payments.

(5) Housing: Complete Section 3.7

If you have been unable to access housing services.

If you could not access housing services, including the following housing services or you had these services withdrawn because of your inability to demonstrate your lawful status, you can an apply for a housing award:

- 1) Social housing
- 2) Emergency Local Authority housing
- 3) Private rented Property
- 4) The Right to Buy scheme
- 5) Local Authority housing advice.

Housing services can include rented accommodation provided by a Local Authority (council), a Housing Association or a private sector landlord.

You will need to provide evidence to support the information you provide about your circumstances for denial of housing services such as:

- Rental Agreement / Contract
- Evidence to show you paid rent or that it was paid for you
- Applications for Local Authority Housing
- Decision Letter for your housing application
- Evidence to show you were on a Local Authority waiting list
- Letters from the council or housing association to show you do not have the Right to Rent

(6) Health: Complete Section 3.8

- **You were unable access free NHS healthcare because you were unable to demonstrate your right to free NHS treatment**
- **You are seeking a refund for private healthcare in the United Kingdom that you paid for because you were unable to access free NHS healthcare**
- **You are seeking a refund for private healthcare you received outside of the United Kingdom because you had been removed, deported or refused re-entry to the United Kingdom.**

Under this scheme health refers to any healthcare of the type described in the box above. You can find out the areas making up the United Kingdom in *What do we mean by...* annex A of this guidance.

You will need to show that you could not use or access NHS services because you were unable to demonstrate your right to access free NHS treatment or services in the United Kingdom.

If you believe you were wrongly charged NHS fees because you were unable to demonstrate your right to stay in the United Kingdom, please set the details out. These types of losses are dealt with by the NHS. We will share your details with them for them to decide on your claim.

If at the time of your treatment you were not living in the United Kingdom because you were deported, removed by the Home Office or refused re-entry. It will assist us in considering your claim if you can provide the following information:

- **National Health Service (NHS) Number**
You will have been allocated this if you registered with a Doctor and will find it on prescriptions and all letters from the NHS. It is usually made up of 10 numbers and set out in a 3-3-4 format. You can also get it from your GP surgery or NHS dental practice.

For example: **123 456 7890**

- Letter from the NHS rejecting your application for an NHS number.
- Letter from the NHS to show you were not eligible for NHS treatment.

Where relevant, the following evidence should also be provided:

- Letter from an NHS medical provider showing that you were charged and paid for treatment as a private patient.
- Evidence of treatment and payment of private health costs in the United Kingdom.
- Evidence of treatment and cost from a healthcare provider in the county you were removed or deported to.

(7) Education: Complete Section 3.9

If you were unable to access higher education i.e. universities or similar establishments as a home student and/or paid university tuition fees at the overseas student rate.

Under the Scheme access to higher education in the United Kingdom refers to your ability to undertake any course of study as a home student.

If you are uncertain what areas make up the United Kingdom, refer to *What do we mean by...* Annex A of this guidance.

If you were unable to access higher education, you will need to show that you had an offer of a place and did not take it up because you were required to pay International rate tuition fees

If you did access higher education and wish to make a claim for re-imburement of international student fees, you will need to provide evidence that you paid international tuition fees. You will also need to provide evidence that the reason why you had to pay these fees was your inability to demonstrate your lawful status as a home student.

(8) Banking: Complete Section 3.10

- **your application for banking services (e.g. account, mortgage, overdraft facility) was refused because you did not have documents to prove your right to bank in the United Kingdom**
- **you had a bank account or service which was closed or withdrawn because you did not have documents to prove your right to bank in the United Kingdom. This applies to any bank, Building Society or banking institution operating in the United Kingdom**

Banking under this category of claim is limited to financial institutions operating in the United Kingdom and does not extend to banking difficulties you may have faced from institutions outside the United Kingdom.

If you are unsure what areas make up the United Kingdom, refer to *What do we mean by...* Annex A of this guidance.

You could not get access to banking services or they were withdrawn. Banking services include:

- Any type of bank or building society account
- An overdraft facility
- Any mortgage product
- A loan facility

The following types of evidence may help support your claim:

- Letter or email from your bank, building society or banking institution telling you that your account is closed, or you were unable to open a new account because you were unable to demonstrate your right to stay in the United Kingdom.
- Evidence of a mortgage or other banking products you tried to acquire but were unsuccessful, because you could not show your lawful status.

9) Driving Licence: Complete Section 3.11

If you were wrongly denied a Driving Licence or if your licence was cancelled. This applies to both Provisional and Full licences

We will send the details you provide to the Driving Vehicle Licencing Authority (DVLA) for them to consider your circumstances.

You should provide your driving licence number if you have it.

- You can find this on the paper version of either a Provisional or Full Licence and photocard versions.
- If you hold a paper licence, this will be found under the *Driver Number* section.
- The number will usually be made up of numbers and letters. Licences issued in Great Britain (GB) have 16 characters. You will find this at point 5 on a pink photograph licence.

For example: **ABCDE 123456 AB9CD**

- Full and Provisional Licences issued in Northern Ireland will usually have 8 characters.

For example: **22061948**

You will need to tell us the type of licence and show evidence that the denial or withdrawal was solely due to your difficulty demonstrating your lawful status.

(10) Homelessness: Complete Section 3.12

If you were forced into homelessness or did not have access to reasonable accommodation e.g. rough sleeping, staying temporarily in a hostel, night shelter, B&B, a squat or other accommodation with poor conditions.

Under this Scheme homelessness means you became homeless or you did not have access to reasonable accommodation to live in.

If you are or were homeless (no fixed abode), you will need to show that you lost your home for which you were paying either rent or a mortgage, and that you were making regular payments prior to difficulties evidencing your lawful status in the UK.

If you now live, or have lived, with family or friends, you will still need to show that you had your own home and paid rent or that it was being paid for you and that you had to leave your own home solely because of your status difficulties.

You are considered homeless if you were:

- Rough sleeping
- Squatting
- Staying temporarily in a hostel
- Staying temporarily in a night shelter
- Staying temporarily in a bed and breakfast
- Staying temporarily in other accommodation with poor conditions that adversely impacted your health

It would be useful if you are able to provide evidence from any of the following, who helped you deal with your accommodation issues:

- Homeless charity, or other accommodation provider.
- Social Worker who has helped with the homelessness; you may want to provide a report from them setting out your circumstances.

(11) Impact on life: Complete Section 3.13

Complete this section if your difficulties demonstrating your 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 non-financial impacts on your daily life which occurred due to difficulties demonstrating your lawful status faced in your daily life. You will need to provide evidence of how being unable to prove your lawful right to stay in the United Kingdom affected you.

You will need to provide evidence that covers any of the following types of impact written in listed below. We have given some examples of the types of impact you may have suffered under each of the headings, but you can also provide evidence of any other impacts falling within the headings listed below.

You can provide any evidence that supports any of the headings written in bold and listed here:

- **Inconvenience**
 - Hardship lasting no more than a few days, for example having to cancel appointments.
 - If you did not have any money because of small financial losses
- **Impact on your well-being or health**
 - Including anxiety, distress, and damage to your reputation
 - Worry, annoyance and similar things that affected you emotionally; 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 you were unable to travel overseas to attend significant family occasions such as a wedding or funeral of a close family member.

If you have suffered depression, stress and other related conditions such as anxiety and have been unable to work you should provide medical evidence which shows your condition resulted from problems demonstrating your right to stay in the United Kingdom.

If you were unable to travel abroad because you did not have documents to return to the United Kingdom, you should provide details along with any events you missed.

(12) Discretionary: Complete Section 3.14

If you experienced significant impact, loss or detriment of a financial nature as a direct consequence of being unable to establish your lawful right to stay in the United Kingdom that is not covered by a category above and is not excluded from compensation under the scheme

We expect awards under the previous categories to address impacts and losses of the type described to us in responses to the Windrush Compensation Consultation.

However, we recognise that some individuals may, exceptionally, have evidence of other financial impacts or losses linked to their status difficulties which we may decide to qualify for a discretionary award.

If you feel you have strong evidence of other significant impacts or losses; or if you feel there are wholly exceptional circumstances 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 impact or losses which are covered elsewhere in the scheme. A discretionary award cannot be used to simply increase the overall size of an award.

(13) Mitigation: Complete 3.15

In support of your claim for compensation in any, or all the categories, provide details of action you have taken in the past to try and resolve your status in the United Kingdom. For example, you may have contacted the Home Office (including the Passport Office) either before or after April 2018. Please provide details only if you applied before April 2018. If you did not take any action to resolve your 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 realise something is not correct or something has changed after you have sent us your form, you need to tell us straight away.

What to do next

Make sure you have signed the form and included 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] Primary Claimant Claim**

If you are posting your claim form and documents from overseas we will refund those costs if your claim is successful and you accept the award we offer. We will contact you to ask about how much you paid. You will need to provide proof of how much you paid so remember to get a receipt and keep it safe. The amount you paid for postage will be added to the amount we pay you in compensation.

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

WindrushCompensationScheme@homeoffice.gov.uk

Posting – From the United Kingdom:

Freepost WINDRUSH COMPENSATION SCHEME

Posting – From Overseas:

**Windrush Compensation Scheme
PO Box 3468
Sheffield
S3 8WA
United Kingdom**

If you are overseas you will have to pay to send us any documents by post. Please use the correct postage

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 to be 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
Right of Abode	This means you live and work in the United Kingdom without restrictions.
Commonwealth Citizen	Citizens of the Commonwealth countries means, citizens of any country listed in annex B
Child	Any biological descendant of a parent under 18 years of age. Any legally adopted person under the age of 18 years of age.
Settled	United Kingdom settled status means indefinite leave to enter or remain in the United Kingdom within the meaning of the Immigration Act 1971 Ordinarily Resident means you normally and continually live in the United Kingdom. Temporary or absences of 2 years or less will not affect this.
Claimant	The person for whom the claim for compensation is being made.
Partner Civil Partnership	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.
Vulnerable Person	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. The Care Act 2014 definition of an adult at risk of harm are: <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
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.

Indefinite Leave to Remain (ILR)	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.
Naturalised British Citizen	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.
Dual National	This means a citizen of more than one country. For example, a British Citizen who is also a citizen of Ghana.
Close family member	Is related to the Primary Claimant as a: Parent, child, sibling, spouse (husband/wife), partner.
Executor of Wills	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.
Primary Claimant	<p><u>Primary Claimant</u> A person, who directly meets at least one of the Eligibility criteria at section 1.</p> <p><u>Close family member claimant</u> Shares specified relationship to a Primary Claimant who meets an eligibility category. Refer to close family member for details.</p> <p><u>Executor</u> A person appointed to deal with the estate of a deceased person.</p>
Sibling	A person's brothers and sisters who share at least one parent.
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:</p> <p>(a) a period of 2 years or less; and</p> <p>(b) in the case of a Commonwealth citizen, any absence from the United Kingdom before 1 August 1988 is not considered.</p>

Ordinarily Resident A person who normally and continually lives in the United Kingdom, whether for a short period or a long time.

You are ordinarily resident in the UK 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.

Parental Responsibility 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.

United Kingdom

The following are part of the United Kingdom:

- England
- Scotland
- Wales
- Northern Ireland

Annex B – Commonwealth Countries

The countries and territories listed below were part of the Commonwealth before 1 January 1973.

Countries such as Rwanda, Cameroon and Mozambique are **excluded** from the list of Commonwealth countries because they joined the Commonwealth after 1 January 1973.

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?

Depending on the complexity of your claim processing times may vary.

It will take longer to process your claim if we need to ask for more information, or 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 earlier.

Tell us if you are a vulnerable person and provide details to support what you say.

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

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.

Overseas Claimants

Anyone claiming from overseas will normally be paid into their **own** bank account. We will pay claims from overseas using International Banking Transfer, which means the money will be sent securely to the specified bank account.

We will tell you when the payment is to be expected. If you do not have a bank account you must tell us, so we can arrange to pay you another way.

We will pay in Pound Sterling and you will receive your currency equivalent according to trading rates on the day we pay you.

Our offer of compensation will be recorded in Pound Sterling. It will be up to you to know the amount our offer converts to in your own currency. Remember currency exchange rates change daily. We will not increase or reduce the amount we offer you to take account of currency fluctuations.

How much compensation will I be paid?

If we decide to pay you it will depend on the circumstances of your claim.

We will use a variety of ways to work out 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 can use a combination of actual loss and award when assessing your claim.

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.

If you do not accept the offer you can seek a review and we will ask you to explain why you are rejecting the offer. We will consider what you say and let you know our decision. You will receive full details with your offer about what to do next when the offer is made.

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.

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