



Home Office

Windrush Compensation Scheme Claim Form Guidance

Close Family Member Claims

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Introduction to the Close Family Member Claim 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 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 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 make an application, even if their relative, the potential Primary Claimant decides not to make an application. They can also make a claim if the Primary Claimant is no longer alive. To do this you should use the Close Family Member Claim Form and the Close Family Member Guidance.

This guidance is to help close family members 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 Close Family Member Claim Form

You can claim compensation as a person who is a close family member of a Primary Claimant if they meet one of the eligibility categories in Section 1 of the claim form. You will need to show that you have personally experienced direct impact or loss, and this has been 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 a Primary Claimant who is eligible and that you have lawful status.

Under the Windrush Compensation Scheme the close family member's relationship to the Primary Claimant must be one of the following:

- **Partners**
 - The Primary Claimant's spouse, or civil partner and they were living with you at time the loss or impact occurred.
 - A partner (living with the Primary Claimant, unmarried and not in a civil partnership, as husband and wife, or as partners, for a continuous period which lasted 2 years or more at the time loss/impact occurred).
 - You will need to provide evidence of this. Refer to the *Identity Documents* section of this guidance.
 - Spouse: you will need to provide a valid marriage certificate from any country.

- Civil partners: will need to provide a valid Civil Partnership certificate (or its equivalent) issued from a country that lawfully recognises same sex relationships.
- Unmarried couple: will need to show evidence that you shared the same home (co-habitation) as the Primary Claimant for 2 years or more.
- **Children**
 - The children (including those adopted) of the Primary Claimant.
 - Any child can make a claim. There does not have to be consent from other siblings, as they can make their own claim.
 - We will not apportion payment to different sibling claimants. Each application will be considered on the evidence provided.
- **Siblings**
 - The siblings of the Primary Claimant, who are of the full-blood; you share the same biological mother and father. Siblings of the Primary Claimant who are of the half-blood; who share either a biological mother or father.
- **Parents**
 - A 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. Refer to the *What do we mean by...* 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.

A person who lacks mental capacity

If the Close Family Member claimant lacks mental capacity on the date their claim is made, then either of the following will apply:

- If the claimant is in the United Kingdom, a claim for compensation can be submitted on their behalf by a person exercising Power of Attorney over the claimant's financial affairs.
- If the claimant is outside the United Kingdom, a claim for compensation can be submitted on their behalf by a person with the same authority to act on the claimant's financial affairs.

A person acting on behalf of a claimant will need to send us proof of authority to act on behalf of the claimant's financial affairs

Making a claim for compensation

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

Before making a claim under the Windrush Compensation Scheme, you should discuss it with the Primary Claimant. If you are applying for the reimbursement of fee that you paid on behalf of the Primary Claimant, you will need their consent to make an application for reimbursement of fees. 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. We will work together with other government departments and statutory bodies, where possible, to verify and help gather 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) governs 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 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 Close Family Member Claim Form

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

There can only be one claimant for each claim form. If you are part of a family which has suffered loss and wish to make a claim, then 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.

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.

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. 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

Close Family Member and Primary Claimant Relationship

We will ask you to provide evidence that you are related, as a close family member, 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 your close family member

- Household bills if you live together, for example gas bill
- Bank or building society statements or letters
- Local Authority Council Tax Bill

Evidence if not married or in a Civil Partnership with the Primary Claimant, but live together:

- Household bills for example, electric bill in joint names
- Bank or building society statements or letters in joint names
- Local Authority Council Tax Bill in joint names
- Rent book in joint names

Representative

We will need to provide proof of identity if you are acting on behalf of a Close Family Member Claimant in a non-professional capacity, for example a friend or faith leader. As a Representative you will also need to provide formal written consent that you are acting on behalf of a Close Family Member Claimant. The consent should include a signed letter which includes the name and address of the Close Family Member Claimant and the Primary Claimant.

If you are acting for Close Family Member claimant in a professional capacity, we will need to see a copy of the formal written agreement or consent that you are acting on behalf of the Primary Claimant. 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 answer.

We will also check Home Office records and details provided by other government departments and statutory bodies.

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

Eligibility: of the Close Family Member Claimant

You are the Close Family Member Claimant who is entitled to make a claim for compensation if you are lawfully in the United Kingdom, which means you will be a British citizen or have either:

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

The loss you are claiming for must have occurred at the time when the Primary Claimant was in the United Kingdom. You can still make a claim if the Primary Claimant, is no longer living in the United Kingdom.

The Primary Claimant, whom your claim relies on (refer to *What do we mean by...* Annex A) must meet an eligibility category in this section.

If you do not satisfy eligibility criteria, you will not be awarded compensation.

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

Section 1: Eligibility of the Close Family Member & the Primary Claimant

Commonwealth Citizen

Eligibility means someone who is entitled to make a claim for compensation, because they are a close family member of a Primary Claimant. The Primary Claimant 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 describes the Primary Claimant.**

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) 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.

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.

Since 1 August 1988, 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.

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) 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 two years, after 1 August 1988, they 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 the Primary Claimant left the United Kingdom for a period of more than 2 years, after 1 August 1988, they will have to apply 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 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) 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, as a close family member, 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, as a close family member, 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 31 December 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 their 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 one of the following:

- Indefinite Leave to Remain (ILR)
- Indefinite Leave to Enter (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 two years and is 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.

and

- must first have been a citizen of one of the countries listed in *Commonwealth Countries* 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 these categories:

- 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.
- a person who later became a British Citizen.
- 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.*
- ❖ *A person would need to arrive in the United Kingdom on or before 21 June 1982, which means they were absent for exactly 2 years, therefore the permission to live in the United Kingdom will automatically continue.*

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

If the Primary Claimant's absence from the United Kingdom is for more than two years, this means the permission we gave them in their Settled Status, is no longer

in force. The Primary Claimant could not enter the United Kingdom without applying for a new permission. This is what we mean when we say a status has lapsed.

(g) The Primary Claimant's 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 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.

The Primary Claimant (and, if they are the grandchild of the Commonwealth citizen, their parent) must have been born in the United Kingdom or arrived before age of 18.

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.

You can claim even if the Primary Claimant's parent or grandparent is not making a claim or is deceased.

Section 2: About You (Close Family Member claimant)

In this section boxes are provided for you to write **your** details. Please write only one letter or number in each box.

We will use this section to identify you. The information included in this section will also be used for the prevention of fraud, 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 are 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 Driver's 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 at 2.1.

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 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 for example. You should write the date, then month as a number and for digits for the year for example 01/04/2019. Each number should be written in a box. If you make a mistake cross it out writing the correction beneath or above.

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 or 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 you were born in.

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

If other details you give are different from the details shown in your passport / 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

Please 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, you will need to be present.

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

This is your British 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.

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 if you know them.

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:

- 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).

The Primary Claimant linking you to the Compensation Scheme

2.14 Full Name refer to the guidance provided at 2.1

2.15 Gender refer to the guidance provided at 2.2

2.16 Previous Names refer to the guidance provided at 2.3

2.17 Date of Birth refer to the guidance provided at 2.4

2.18 Address refer to the guidance provided at 2.5

2.19 Country of Birth refer to the guidance provided at 2.6

2.20 Nationality refer to the guidance provided at 2.7

2.21 Telephone Number refer to the guidance provided at 2.8

2.22 Email refer to the guidance provided at 2.9

2.23 Current Passport Number refer to the guidance provided at 2.10

2.24 Do you have any expired passport? Refer to the guidance provided at 2.11

2.25 Expired Passport Numbers refer to the guidance provided at 2.12

2.26 National Insurance Number Refer to the guidance provided at 2.13

2.27 Has the close family member 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 you were given.

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

Doing this will mean you are not required to provide details already provided to the Home Office. Complete question 2.27 and then complete the areas that apply under the Compensation heading in section 3.

Section 3: Compensation

We will assess your claim for compensation where any of the categories apply to you. You can claim under more than one category in this section.

We may reduce or not pay an award under the Scheme if you cannot show evidence of what you, or the Primary Claimant did to minimise the loss you are claiming for in claims 1 and 3:

- (a) a primary claimant or (in the case of an estate) the deceased has failed to take reasonable steps to resolve their lawful status;
- (b) a primary claimant, deceased or close family member has otherwise failed to take reasonable steps to mitigate losses or impacts;
- (c) a primary claimant, deceased or close family member has taken unreasonable steps that have resulted in increased losses; or
- (d) there has been wilful default or lack of co-operation on the part of a primary claimant or deceased when attempting to resolve their lawful status.

(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 the negative impact on your daily life, because you are a close family member of a Primary Claimant. Under this Scheme impact on life refers to non-financial impacts on your daily life. This impact, which may have affected your wellbeing or health, must have occurred due to the Primary Claimant's difficulties in demonstrating their lawful status.

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 shows you have experienced the types of impact 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:

- **Inconvenience**
 - Hardship lasting no more than a few days, for example having to cancel appointments.
 - If you suffered because you were providing support for the Primary Claimant.
- **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 conditions resulted from the problems experienced by the Primary Claimant.

(2) Immigration and Legal Fees: Complete section 3.3
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, on behalf of the Primary Claimant and that you have their consent to make this claim.

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 applications:

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

- What you or the Primary Claimant did to try to resolve these difficulties
- When these difficulties began and ended

If, as a close family member, you are claiming for the fees that were charged by a lawyer who helped the Primary Claimant with their immigration application, you will need to provide:

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

(3) Close Family Member Discretionary Payment: Complete Section 3.4
If you experienced 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, not covered by a category above and which 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.

We recognise that some individuals may exceptionally, have evidence of other financial impacts or losses, which we may decide qualifies 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.

If you or the Primary Claimant took specific action to resolve the issues relating to this area of your claim, you should provide evidence to show:

- What you, or the Primary Claimant did to resolve these difficulties.
- When the difficulties began and ended.

(4) Mitigation: Complete 3.5:

In support of your claim for compensation in any category please provide details of action the Primary Claimant took in the past to try and resolve their status in the United Kingdom. For example, they may have contacted the Home Office (including the Passport Office). Please provide details. If they did not take any action to resolve their status please set out the reasons why.

Section 4: Declaration

By signing the declaration, you are confirming the information you have provided is true. If you are applying 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 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 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 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 for sending us any documents by post.

Annex

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
Right of Abode	This means you live and work in the United Kingdom without immigration restrictions.
Commonwealth Citizen	Citizens of the Commonwealth countries mean, citizens of any country listed in Annex A
Child	<p>Any biological descendent of a parent, who is under 18 years of age.</p> <p>Any legally adopted person under the age of 18 years of age.</p>
Settled	<p>United Kingdom settled status means Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) in the United Kingdom within the meaning of the Immigration Act 1971.</p> <p>Ordinarily Resident means you normally and continually live in the United Kingdom. Temporary or absences of 2 years or less will not affect this.</p>
Claimant	The person for whom the claim for compensation is being made.
Partner	A partner lives with the claimant and they are unmarried and not in a civil partnership, they live as husband and wife, or as partners, for a continuous period which lasted 2 years or more at the time loss/impact occurred.
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	<p>A person who is age 18 and over, who is or maybe in need of community care services by reason of mental or other disability, age or illness and who is or maybe 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

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. A person who has ILR 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 also holds citizenship for Ghana.
Close family member claimant.	Related to the Primary Claimant in one of the following ways: Parent Child Sibling, of both full and half blood. Spouse Partner (you must live together for a period not less than continuous 2 years at the time of making your application)
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	<u>Primary Claimant</u> A person, who directly meets at least one of the Eligibility criteria at section 1.
Sibling	A person's brothers and sisters who share at least one parent.
Continuously Resident	Is lawfully residence 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) a period of 2 years or less; and (b) in the case of a Commonwealth citizen, any absence from the United Kingdom before 1 August 1988 is not considered.

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. You can find out more at gov.uk

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 following are the list of countries and territories that 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.

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 the claimant's 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. 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 are to be cashed, so it is advisable to cash it before it expires. You can enquire about dates 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 you to be paid by another Government Department because your claim relates to a benefit paid by them. A payment from another Government Department will be, part of settling your claim for compensation.

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.

Our offer of compensation will be recorded and paid 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?

How much you will be paid 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.

What if I disagree with the amount you offer?

Once we have assessed your claim 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.