



Home Office

Windrush Compensation Scheme Claim Form Guidance

Deceased Person Estate Claim

April 2019

Contents

Introduction to the Deceased Person Estate Claim Form Guidance	2
Who can claim using the Deceased Person Estate Claim Form	5
Making a claim for compensation	5
How we use information you provide	5
How to complete The Deceased Person Claim Form	5
Proof of Identity & Address Documents	6
Documents to support the claim	7
Documents to support your right to act on behalf of the estate	7
Section 1: Eligibility	8
Section 2: About You	13
Section 3: Compensation	18
Section 4: Declaration	36
What to do next	36
Annex A – What Do We Mean By.....	39
Annex B – Commonwealth Countries	43
Annex C – Frequently Asked Questions	45

Introduction to the Deceased Person Estate 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 a person making a claim for the estate of a deceased person. The deceased person would have arrived in the United Kingdom before 31 December 1988 from any country and who at the time of their death was a British citizen, or whose lawful status was either of the following:

- Indefinite Leave to Remain (ILR)
- Indefinite Leave to Enter (ILE)
- Right of Abode, includes people who arrived before 1 January 1973.

Those who are deceased who were affected, mainly but not exclusively, arrived from Commonwealth countries before 1 January 1973. In these cases their right to stay in the United Kingdom derived 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 criteria for the deceased person which are explained 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 deceased person who would have met one of these criteria 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 guidance.

This claim form is designed to be completed by the person making a claim on behalf of the estate of a deceased person who would have been a Primary Claimant, but for their death. This guidance tells you what information is required for each section and what information you need to provide in support of the claim.

The Windrush Compensation Scheme can provide assistance to people who experience difficulties in making a claim for compensation. We will help you understand what is being asked and what documents we will need to see.

If you would like help completing this form 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 complete the form online and send it to us. The form is available at:
www. 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 Deceased Person Estate Claim Form

You can claim compensation on behalf of the estate of a deceased person if they met one of the eligibility categories in Section 1 of the claim form.

If you are making a claim for the estate of the deceased person, you must show that the deceased person met the eligibility criteria and that you are able to prove they were directly affected because they did not have documents to prove their right to stay in the United Kingdom.

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 the claim. We will work with other government departments and public bodies, where possible, to help gather and to verify the information you have provided as part of the claim.

You are still able to make a claim for compensation even if the deceased did not use the Taskforce Windrush Scheme services to resolve their lawful status. This is a free of charge service that was established on 16 April 2018, to help those who needed support because they had difficulty demonstrating their lawful status.

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, 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, 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 Deceased Person 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.

The Home Office will only accept **one** claim made on behalf of the estate of a deceased person.

It is recommended that you complete the form using black biro ink if you are sending it by post.

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 beneath or above the box.

Proof of Identity & Address Documents

If you are acting on behalf of the estate in a professional capacity, or as a Representative acting on behalf of the estate of the deceased, you will need to provide proof of your own identity and address. The list of acceptable documents is set out below. Documents offered as proof of your own address should be dated within the last three months.

We will also need proof of identity of the deceased person, together with evidence of the address that the deceased person lived at. We will request the original document 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

- Household utility bills (e.g. gas, electric, water or fixed line telephone but not a mobile phone bills)
- 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 statements. 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 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 the claim

Providing documents will help us decide the claim for compensation. The guidance sets out what to send under each 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 the documents. Do not send original documents. If we need to see an original document we will request it from you, and we will then return it to you.

Documents to support your right to act on behalf of the estate

If you are acting for the estate of a deceased person in a professional capacity, you will need to provide evidence of your authority to act on behalf of the estate. This should include the date on which you were appointed to act on behalf of the estate.

A Representative who makes a claim on behalf of an estate must submit the following documents:

- A copy/photocopy of the death certificate of the deceased.
- A copy/photocopy of the relevant Grant of Probate or Letters of Administration.

If the above documents are not available, then you should state why you are not able to provide the documents. Where relevant, provide alternative documentation or evidence of your entitlement to deal with the deceased's estate. You should set out the reasons in the claim form.

Section 1: Eligibility

Eligibility means the deceased person, who but for their death, would have been able to make a claim for compensation and they would have met the eligibility criteria.

We explain beneath each box what each eligibility criteria means, this is to help you understand which criteria applies to the deceased person. Tick the box that is most appropriate to the deceased person.

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 virtue of a connection to a country or territory on that list, or a British subject without citizenship under the law on 1 January 1973.

Settled Status

Settled status has the meaning given to it in the Immigration Act 1971. Settled means the deceased person had either:

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

You can find the meaning of these terms in the *What do we mean by...* Annex A of this guidance.

Lawful status in the United Kingdom

Means for the purposes of this Scheme the deceased person had either:

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

You can apply for compensation to be paid to the estate of a deceased person who had a Right of Abode or lost Indefinite Leave to Remain or Indefinite Leave to Enter and lived outside the United Kingdom at the time of their death.

(a) The deceased person who was a commonwealth citizen came to live in the United Kingdom before 1 January 1973 and lived in the United Kingdom ever since

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

Since 1 August 1988, if the deceased person was alive they must not have been outside the United Kingdom for an unbroken period of more than 2 years.

A deceased person who, whilst alive was been absent from the United Kingdom for more than 2 continuous years, would automatically have lost their indefinite leave as a matter of law.

This category also includes a deceased person who arrived in the United Kingdom before 1 January 1973 and who later became British Citizens at any point after arrival.

(b) The deceased person who was a commonwealth citizen came to live permanently in the United Kingdom before 1 January 1973 and their status lapsed because they had left the United Kingdom for more than two years but at the time of their death they were lawfully living in the United Kingdom.

If the deceased left the United Kingdom for a continuous period of more than two years, after 1 August 1988, they would no longer have had 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 they had left the United Kingdom for a period of more than 2 years, after 1 August 1988, they would have had to applied for a Returning Resident Visa. The deceased would have been lawfully in the United Kingdom if they had settled status or a Right of Abode.

(c) The deceased person was a Commonwealth citizen who lived in the United Kingdom and had a Right of Abode and was ordinarily resident in the United Kingdom on 1 January 1973 or at the time of their death before this date.

Right of Abode was given to specific categories of person in the Immigration Act 1971. If the deceased person had this, it meant they had been given permission to live in the United Kingdom.

A deceased person with Right of Abode would have been able to live and work in the United Kingdom restrictions and would not have needed permission to enter the United Kingdom when returning.

Ordinarily resident for these purposes means, the deceased person normally and continually lived in the United Kingdom before 1 January 1973 or at the time of their death if before this date.

(d) The deceased person had previously met one of the above criteria and was a British citizen at the time of their death.

The deceased person would need to have met one of the previous criteria in this eligibility section.

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

If the deceased person held British Citizen status and we later withdrew it, a claim cannot be brought under this category as they would not have qualified. If the British Citizenship status of the deceased was withdrawn, we would have written to tell them.

(e) The deceased person came to live in the United Kingdom before 31 December 1988 and was lawfully in the United Kingdom or was a British citizen.

The deceased was lawfully in the United Kingdom if they had right of abode or settled status.

Right of Abode was given to specific categories of person in the Immigration Act 1971. If the deceased had this, it means they had been given permission to live and work in the United Kingdom without restrictions. They did not need permission to enter the United Kingdom when returning from overseas.

If the deceased had settled status, they will have made a successful application for their status and they were granted permission to live in the United Kingdom.

The deceased could also have been a British Citizen.

Settled status means the deceased had one of the following:

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

(f) The deceased person was living in the United Kingdom at the time of their death, but they were a Commonwealth citizen who came to live permanently in the United Kingdom before 1 January 1973 and had either of the following before their death:

- **Right of Abode**
- **settled status**
- **British citizenship**
- **Their settled status lapsed because they left the United Kingdom for a period of more than two years.**

The deceased person must have arrived to settle in the United Kingdom before 1 January 1973 or the date of their death.

and

The deceased person 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 deceased person died they were not living in the United Kingdom.

The deceased person status would fall into one of these categories:

- The deceased person was granted permission to live in the United Kingdom which meant they had a Right of Abode or Settled Status but was **not** a British citizen.
- The deceased person is a person who later became a British Citizen.
- The deceased person was **not** a British Citizen but previously had permission to live in the United Kingdom, but 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 to 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 the deceased person remained absent from the United Kingdom for more than two years will not matter.

If the deceased person's absence from the United Kingdom was for more than two years, this meant the permission we gave them in their Right of Abode or Settled Status, was no longer in force. Therefore, they would not have met the eligibility criteria. They could not re-enter the United Kingdom without applying for a new permission. This is what we mean when we say a person's status has lapsed.

(g) The deceased's parent or grandparent was either (i) settled in the United Kingdom before 1 January 1973, or (ii) had 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 deceased (and if a grandchild, their parent) was born in the United Kingdom or arrived in the United Kingdom before the age of 18 and the deceased lived here until their death.

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

The deceased (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 deceased must have lived in the United Kingdom continuously since their birth or arrival of the deceased.

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

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

Section 2: About You

The person making the claim on behalf of the estate

The information required in this section will depend on whether you are acting in a professional capacity, or as a Representative.

We will need proof of your identity if you are acting on behalf of the estate of a deceased claimant in either a professional capacity, or as a Representative of the estate.

You should send a copy of any of the documents requested. We will only ask for an original if we need to see it.

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 Tell us the date you began to act on behalf of the estate of the deceased?

2.6 Tell us in what capacity you act for the estate of the deceased?

You need to state whether you are acting as: A Professional Adviser to the estate of the deceased, Representative of the Estate, Executor, Administrator, or in some other capacity.

2.7 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.

2.8 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.

2.9 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.

2.10 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.

2.11 Email

If an email address is provided, we may use it to communicate with you about deceased person's estate claim. It is therefore advisable that the email address provided is not shared by anyone else you do not want to know about deceased person's claim.

We cannot be held responsible if you provide someone else's email address or write it incorrectly or do not tell us you wish to stop using that email address.

If you do not wish for us to use email contact this section should be left blank.

2.12 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**

2.13 Do you still have previous passports?

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

2.14 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.

About the person linking you to the Scheme: The deceased person's details

You must provide all the details we ask for in section 2.15 to 2.30. The details you are providing are about the deceased person. We will use this information to check eligibility for compensation to be paid to their estate.

2.15 Full Name

The full name of the deceased should be written as it appears on their birth certificate, passport, marriage certificate or biometric residence permit.

2.16 Gender

Gender means whether a person is male or female.

We recognise that some people may have changed 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 the deceased did not hold a Gender Recognition Certificate, you must record their gender as stated in their official documents.

2.17 Previous Names held by the deceased

If the deceased had a previous name, for example if they changed their name on marriage, write their previous name or names. You should write one letter in each box leaving a space between names.

2.18 Date of Birth

Write the deceased date of birth using numbers. E.g. 02/04/2019. Each number should be written in a box. If you make a mistake cross it out and write the correction above or beneath.

2.19 Date of Death

2.20 Death Certificate Number

2.21 Date of Grant of Probate or Letters of Administration

2.22 Details if you are not able to provide evidence in support of information requested in 2.20 to 2.21

2.23 Address

You will need to enter the last known address of the deceased, 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 they were of no fixed abode, for example if they were homeless or frequently changed where they lived, you should write, **No Fixed Abode**.

2.24 Country of Birth

Write the name of the country they were born in.

If the country the deceased was born in changed its name, 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 the deceased's passport / birth certificate you should explain why.

2.25 Nationality

This is the deceased's nationality. If they were recognised as stateless, write, 'stateless.' Stateless means someone who is not recognised as a citizen of any country.

2.26 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 the deceased held a passport from another country, provide the number of that passport.

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

2.27 Previous passports?

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

2.28 Expired Passport Numbers

Enter the passport numbers for expired passports if you know them

2.29 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 National Insurance Numbers on any Tax notifications from Her Majesty's Revenue and Customs (HMRC) *formerly, Inland Revenue*) such as a P60 (a tax document telling how much was earned and how much tax was paid) or P45 (a tax document received when employment ends).

2.30 Did the deceased contact the Home Office after April 2018?

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

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

Doing this will mean you are not required to provide details already provided to the Home Office.

Section 3: Compensation

You can claim compensation, on behalf of the estate, under all categories that applied to the deceased person.

It is reasonable for the Home Office to expect that the deceased person had taken reasonable steps to resolve the difficulties faced, even if they were unsuccessful in resolving them.

In all categories that you claim under, you will need to show the action that the deceased person took to try to avoid losses, for example, by trying to obtain documentation to demonstrate their lawful right to be in the United Kingdom.

The information and supporting evidence you provide will demonstrate that the deceased person did not contribute to the difficulties in their status, either for them arising or being made worse.

If they did not act to resolve the problems they faced with demonstrating their lawful status, the estate may not be paid compensation. Only exceptionally will an award of compensation be made if this criterion is not met and we will consider each case based on its individual circumstances.

You should support what you say with evidence and if you do not have evidence, you should explain the reasons why.

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

- Evidence to support what the deceased person did to try and resolve their difficulty demonstrating that they had lawful status. If you are unable to provide evidence, you should explain the reasons why.
- Tell us when their problem began and when it ended.

(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 fees were paid.

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

You will not be able to make a claim on behalf of the estate of a deceased person 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 the deceased person took specific action to resolve their status relating to this area of claim you should provide evidence to show:

- What they did to resolve their lawful status.
- When their difficulties began and ended

If you are claiming for the fees that you were charged by a lawyer who helped them 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 the deceased person for the service provided.
- Acknowledgement from the lawyer that the deceased person paid the charges in full.

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

The reason for the deceased person detention, deportation, removal or voluntary return, was because they were unable to provide evidence to show they were able to stay in the United Kingdom.

The deceased person's deportation, detention, removal or Return must be solely or mainly because they were unable to demonstrate their right to stay in the United Kingdom.

Detention

- **If the deceased person was 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 the deceased person was deported to another country**

Removal

- **If the deceased person was removed from the United Kingdom by the Home Office. This includes if the deceased person had returned to the United Kingdom or if the deceased person remained in another country and had been unable to return to the United Kingdom or did not wish to return.**

Return

- **If the deceased person left the United Kingdom voluntarily because they were told they did not have permission to stay and were required to leave.**

You will need to tell us why the deceased person was unable to demonstrate their right to stay in the United Kingdom.

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

Detention

Under this scheme it means the deceased person was detained in any of the following for more than 2 hours:

- Removal Centre
- Short-term holding facility
- Prison
- Or a section of a prison and you were prevented from leaving the facility.

You will not be able to claim compensation if the deceased person:

- Was not held in any of the facilities mentioned.
- Failed to report at a reporting centre when required or did not reply to us when required resulting in their detention.

Deportation and Removal

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

The deceased person's deportation or removal cannot be because of crime they were involved in.

The deceased person was living in the United Kingdom lawfully at the time of their death.

You can make a claim if the deceased person lived in the country they were removed to and did not want to come back to live in the United Kingdom.

You will need to provide evidence to show:

- That the deceased person sought advice on resolving their status difficulties, for example contact with the Home Office, an immigration lawyer or Citizens' Advice Bureau (CAB).
- Why the deceased person was deported?
- How the deceased person managed to resolve their status difficulties

Return

This means any return, not included above, where the reason for the return related to difficulties associated with an inability to establish the deceased's lawful status.

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

This means the deceased person: lost their employment, had an offer of employment withdrawn, or were unable to work in the United Kingdom

Employment means the deceased person worked for someone or was self-employed and they were being paid for the work they did or the service they provided. This 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 the claim will be considered will depend on what you say in the claim form and the evidence you provide for the deceased person.

If you have ticked the actual earnings box on the claim form, we will consider the claim for an actual loss of earnings payment.

If you have ticked the general award box or have not ticked either box on the claim form, the claim will be considered against the criteria for a general award.

If you have ticked the actual earnings box on the claim form but do not provide sufficient evidence, the claim will be considered against the criteria for a general award.

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

- that the deceased person was employed or had accepted an offer of employment or had been in regular employment in the previous two years at the time of their death; and
- lost that employment or the job offer was withdrawn or that they otherwise stopped working because they could not demonstrate their right to stay and work in the United Kingdom; and
- had applied to the Home Office for documentary evidence of their status as soon as possible after they became aware that you could not demonstrate their status.

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

- that the deceased person was in employment or had accepted an offer of employment or had been in regular employment in the previous two years; and
- they lost that employment, or the job offer was withdrawn or that they otherwise stopped working because they could not demonstrate their right to stay and work in the United Kingdom.

Employment or self-employment must be in the United Kingdom.

If they were living in the United Kingdom the start date of any loss is taken from the later of the date they were either notified or became aware that they could not demonstrate their lawful status or the date that they lost their employment or job offer.

The end date is the earliest date of the deceased person starting new employment, receiving benefits in place of employment income or 3 months after their status was resolved.

If they deceased person was 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 also taken from the later of the date they were notified or became aware that they could not demonstrate their lawful status and the date that they lost their employment or job offer.

It ends on the earlier of 3 months from the date the deceased person left the United Kingdom, they started employment or receiving benefits in place of employment income.

You will need to provide evidence to show the deceased person's employment in regular work in the two years before they lost access to employment, or in the two years before their death. We can also, with your permission, get this information from HMRC.

The deceased person did not have to have been employed by the same employer for the two years. Breaks in employment within the two years before their death are not counted if it was for a valid reason.

Evidence of a valid reason for a break in employment can be proof that the deceased person had, for example:

- Caring responsibilities including maternity leave.
- Full time study
- Career break under a contract of employment

There is no requirement for the two-year period to be full-time work only; you may also claim under this category if the deceased person was working part-time.

A combination of permanent, temporary, full-time, part-time or self-employment work during the two years will be accepted.

Employment

You will need to provide evidence to show the deceased person was employed or offered employment, this could include:

- 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 the deceased person's employment ended, this could include:

- Job termination letter because the deceased person could not 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 their employer telling the deceased person that you could no longer be employed by them because they were unable to demonstrate their right to stay in the United Kingdom.
- Evidence to show what the deceased person did to resolve their lawful status

Self-employment

You will need evidence to show:

- The business of the deceased 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.
- Evidence that their business ceased trading because of difficulties with demonstrating lawful status
- Evidence to show what the deceased person did to resolve their lawful status.

Overseas Claimants

If the deceased person was overseas at the time of their death and you are making a claim in this category, you will need to show that when they were in the United Kingdom they lost employment or an offer of employment, due to difficulties demonstrating their right to stay in the United Kingdom.

You should provide all the evidence set out above.

You will not be able to claim compensation for the time the deceased person was living overseas if nothing prevented them from taking up employment. This is whether they left the United Kingdom voluntarily, or we arranged their removal.

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

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

Tell us if the deceased was previously in receipt of: Child Benefit, Child Tax Credits or Working Tax Credits.

Ensure that you provide the deceased's National Insurance Number at section 2.14.

You should provide evidence that the deceased received Child Benefit and or Tax Credits, or other benefits and they were stopped because of not being able to show they 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 in the case of the deceased claimant.

(5) Housing: Complete Section 3.6

If the deceased person had been unable to rent a home through the Local Authority Council), Housing Association or privately.

Housing means rented accommodation provided by the Local Authority (council) or a Housing Association (a company providing housing) or if privately rented (a person owns the home you live in but does not live at the same property).

Rented means the deceased person was being charged for the home they lived in.

The deceased person's estate can be compensated for their loss if they meet the following:

- The deceased was denied access to housing services including but not limited to the following and you will need to provide evidence to support what you say:
 - Social housing
 - Emergency council housing
 - Private rental
 - The Right to Buy scheme
 - Local Authority housing

The reason why they were denied access to housing services was their inability to demonstrate their lawful status.

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

- Rental Agreement / Contract
- Evidence to show they paid rent or that it was paid for them
- Applications for Local Authority Housing
- Decision Letter for their housing application
- Evidence to show they bided for property to rent from the Local Authority. This means they applied for a property that they expressed an interest in.
- Letters from the council or housing association to show they did not have the Right to Rent
- Evidence to show what they did to resolve their lawful status

(6) Health: Complete Section 3.7

- **The deceased person was unable access NHS healthcare because they were unable to demonstrate their lawful right to stay in the United Kingdom**
- **You are seeking a refund for private healthcare in the United Kingdom that the deceased person paid for because they were unable to access NHS healthcare**
- **You are seeking a refund for private healthcare the deceased person received outside of the United Kingdom, because the deceased person was 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 the deceased could not use or access NHS services because they were unable to demonstrate their right to stay in the United Kingdom.

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

You will need to provide the following:

- **National Health Service (NHS) Number**
The deceased person will have been allocated this if they were registered with a Doctor. You will find it on prescriptions scripts and all medical letters from the NHS. It is usually made of 10 numbers and set out in a 3-3-4 format. You may also be able to get it from a GP surgery or NHS dental practice.

For example: **123 456 7890**

- Letter from the NHS rejecting the deceased person's application for a NHS number.
- Letter from the NHS to show they were not eligible for NHS treatment.

You will need to provide any of the following:

- Letter from an NHS medical provider showing that they 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 country they were removed or deported to.

(7) Education: Complete Section 3.8
If the deceased person was unable to access university 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 means undertaking 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.

You will need to provide the following evidence to support what you say about the deceased person's circumstances:

- They had an offer of a place as an overseas student and did not take up the place offer because they could not afford overseas fees
- Proof that they had the qualifications they needed to undertake the course of study
- An offer of a place at a higher education institution in United Kingdom as an overseas student because the deceased person could not demonstrate their right to stay in the United Kingdom and would have to pay international tuition fees
- Evidence that the deceased person paid international tuition fees

(8) Banking: Complete 3.9

- **The deceased person's application for banking (e.g. account, mortgage, overdraft facility) was refused because they did not have documents to prove their right to bank in the United Kingdom.**
- **If their account was closed because they did not have documents to prove their 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 they 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.

The deceased person 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

You will need to provide any of the following:

- Letter or email from the deceased person's bank, building society or banking institution telling them that their account was closed, or they were unable to open a new account because they were unable to demonstrate their right to stay in the United Kingdom.
- Evidence of a mortgage product the deceased person tried to purchase.
- Evidence of any investments that ended because the deceased did not have access to banking.

**(9) Driving Licence: Complete Section 3.10
If the deceased was wrongly denied a driving licence or if the
licence was cancelled. This applies to both Provisional and Full
licences.**

To assess a claim for compensation we will send the details you provide to the Driving Vehicle Licencing Authority (DVLA).

You will need to provide the deceased person's driving licence number. You can find this on the paper version of either a Provisional or Full Licence and photocard versions.

If the deceased person held 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 section 5 of the 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 the deceased person's lawful status.

(10) Homelessness: Complete Section 3.11

If the deceased person was forced into homelessness.

Under this Scheme homelessness means the deceased person became homeless because they did not have access to reasonable accommodation to live in.

If the deceased person was homeless (no fixed abode) you will need to show that they were removed from their home that they were paying rent for, or mortgage and those payments were being paid for them.

If the deceased person lived with family or friends, you will still need to show that they had their own home and paid rent or that it was being paid for them and that they had to leave their own home solely because of difficulty demonstrating their lawful status.

If the deceased person took specific action to resolve their status relating to this area of the claim you should provide evidence to show:

- What the deceased person did to resolve their lawful status.
- When the difficulties began and ended.

The deceased person is considered homeless if they 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 their health

You will need to provide evidence, to help us decide the claim for compensation, this should include the cause of homelessness. This evidence may include:

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

(11) Impact on life: Complete Section 3.13
Complete this section if the difficulties demonstrating their lawful right to stay in the United Kingdom affected their ability to live a normal daily life.

Under this Scheme impact on life means serious or repetitive inconvenience or how the deceased person's physical health or mental well-being worsened or that they developed a new health problem, because of difficulty in demonstrating their lawful status faced in their daily life.

You will need to provide evidence of how not being able to prove the deceased person's lawful right to stay in the United Kingdom affected them.

You will need to provide evidence that covers any of the following headings written in bold. You can also provide any other evidence to demonstrate impact, even though it may not be 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 they did not have money because of small financial losses
- **Impact on well-being or health**
 - including anxiety, distress, and damage to their reputation
 - Worry, annoyance and similar things that affected them emotionally; traumatic or very upsetting experiences; embarrassment or humiliation.
 - If their physical, and, or, mental health became worse because of concerns about their immigration matters. You will need to show medical evidence that supports this.
 - If they experienced pain or illness because they developed a new health problem or that an existing health problem became worse.
- **Family separation**
 - They had been unable to visit close family members outside United Kingdom.
 - A breakdown in their family unit because they were not able to visit family overseas.
- **Significant family occasions**
 - If they were unable to travel overseas to attend significant family occasions such as a wedding or funeral of a close family member.

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

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

(12) Discretionary: Complete Section 3.13

If the deceased person experienced significant impact, loss or detriment of a financial nature as a direct consequence of being unable to establish their 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 claimants may exceptionally have evidence of other impacts or losses, which are linked to their difficulty demonstrating their lawful status. In these exceptional circumstances we may decide to grant a discretionary award.

If you feel you have strong evidence for the deceased person of other significant impacts or losses; or if you feel there are wholly exceptional circumstances you want us to consider for a discretionary award, 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 3.14

In support of this claim for compensation in any category provide details of action the deceased took to try and resolve their status in the United Kingdom. For example, they may have contacted the Home Office (including the Passport Office) either before or after April 2018. Provide details only if the deceased applied before April 2018. If the deceased did not take any action to resolve their status and you are able to tell us why, then set out the reasons.

Section 4: Declaration

By signing the declaration, you are confirming the information you have provide 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.

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

Before you send the Deceased Person's Estate Claim Form.

It is advisable that the information in the claim form is checked to make sure you have not missed anything you want us to know about and you have provided all the documents we have requested.

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] Deceased Estates 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 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	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	A partner lived with the claimant and they were unmarried and not in a civil partnership, they lived 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	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. 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	Related to the Primary Claimant in one of the following ways: Parent Child Sibling Spouse Partner (you must live together for a period not less than continuous 2 years at the time of making your application)
A Personal Representative	A personal representative is defined (in descending order of priority) as: If the person who has died left a valid will: The person named on the grant of Probate (or Letters of Administration with will annexed) or If Probate was not granted to the will, the executor named in the will, or If they did not leave a valid will: The person named on the grant of Letters of Administration or If no grant of Letters of Administration, the person entitled to administer their intestate estate If that person's personal representative subsequently dies, then it will be their personal representative who is entitled to deal with both estates.
Primary Claimant	<u>Primary Claimant</u> A person, who directly meets at least one of the Eligibility criteria at section 1. <u>Close family member claimant</u> Shares specified relationship to a Primary Claimant who meets the eligibility criteria. Refer to close family member for details <u>Executor</u>

A person appointed to deal with the estate of a deceased person	
Sibling	A person's brothers and sisters who share at least one parent.
Continuously Resident	<p>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:</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 taken into account.</p>
Ordinarily Resident	<p>A person who normally and continually lives in the United Kingdom, whether for a short period or a long time.</p> <p>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.</p> <p>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.</p>
Parental Responsibility	<p>Relates to the rights, duties, powers, responsibility and authority given to someone who is not the parent of a child.</p> <p>Mothers and married fathers at the time of a child's birth automatically have parental responsibility.</p> <p><u>Unmarried fathers</u></p> <ul style="list-style-type: none"> ➤ 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. <p><u>Births Registered in Scotland</u></p> <ul style="list-style-type: none"> • 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're 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 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 criteria 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

The United Kingdom and British Isles includes the Channel Isles and the Isle of Man.

Annex C – Frequently Asked Questions

How long will it take to process the claim?

Depending on the complexity of the deceased person's claim processing times may vary.

It will take longer to process a claim made on behalf of a deceased person's estate, if we need to ask for more information, or if the deceased person's claim is complex or if it 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 the deceased person's estate claim. You will be asked to confirm acceptance of an offer in writing and return it to us.

How will the claim 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. Make sure your name matches the account you want the 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 the claim relates to a benefit paid by them. A payment from another Government Department will be part of settling the claim for compensation.

Deceased Estate Claims submitted from overseas

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 the claimant's 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 be paid?

How much you will be paid will depend on the circumstances of the deceased person's estate claim. We will use a variety of ways to work out the correct compensation. This will include, in some instances, an award which reflects actual amounts lost where there is supporting evidence.

What if there is disagreement with the amount you offer?

Once we have assessed the deceased person's estate claim we will send you an offer letter. Remember to tell us if you change address after submitting the deceased person's claim or if you are no longer authorised to act on behalf of the estate.

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 the offer about what to do next when the offer is made.

We will only accept one claim for compensation on behalf of the estate of a deceased claimant.

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 the claim you can still make a claim for compensation, but this may take longer for us to process the claim.

Wherever possible, you should submit the 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.