



Home Office

# Windrush Compensation Scheme Deceased Estates Claim Form

Please complete this form using the accompanying guidance

## What is this claim form for?

You should complete this form if you want to claim compensation from the Windrush Compensation Scheme.

## Who can claim using this form?

You can use this form to claim as a representative of the Estate of a Primary Claimant.

If you are the primary claimant use the Primary Claimant form.

If you are claiming as a close family member use the Close Family form.

## About this form

This claim form is for one individual only. It will be used by compensation scheme caseworkers to assess any losses for which you may be entitled to claim. The accompanying guidance will help you understand the terms we use and explain how best to complete the form. Please complete this form using the accompanying guidance notes.

## What if I need help to complete the form?

Our intention is to make this process as easy as possible for you. We do not believe you should need legal assistance to make a claim but there is nothing to prevent you from seeking this if you want to.

If you need help completing the form, you can:

- call the Windrush Helpline on 0800 678 1925. This line is free to call from within the United Kingdom
- email: [WindrushCompensationScheme@homeoffice.gov.uk](mailto:WindrushCompensationScheme@homeoffice.gov.uk)

The team may refer you to the Claimant Assistance Service which will then contact you to offer assistance to complete the form.

## Where do I send the completed claim form?

Send the completed form and the information (see the Claim Guidance document) to support your claim to:

Scan and email:

[WindrushCompensationScheme@homeoffice.gov.uk](mailto:WindrushCompensationScheme@homeoffice.gov.uk)

United Kingdom Freepost:

Freepost WINDRUSH COMPENSATION SCHEME

Overseas:

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

April 2019

## Section 1: Eligibility

You are applying as a representative of the estate of someone who would have met one of the below criteria had they still been alive. Tick which criteria applies to the deceased person.

For more explanation please see the guidance.

- (a) They came to live permanently in the United Kingdom before 1 January 1973 as a Commonwealth citizen, and they lived in the United Kingdom until the time of their death
  
- (b) They 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 were lawfully in the United Kingdom at the time of their death
  
- (c) They were a Commonwealth citizen with a Right of Abode and were ordinarily resident in the United Kingdom on 1 January 1973
  
- (d) They previously met one of the above criteria and were a British citizen
  
- (e) They came to live in the United Kingdom before 31 December 1988 and had a Right of Abode, settled status or were a British citizen
  
- (f) They were 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: a Right of Abode, settled status, British citizenship, or their settled status lapsed because they left the United Kingdom for a period of more than two years
  
- (g) Their parent or grandparent either (i) came to live permanently in the United Kingdom before 1 January 1973, or (ii) had a Right of Abode (or was a British Citizen) and was ordinarily resident in the United Kingdom on the 1 January 1973 and they (and if they were a grandchild, their parent) were born in the United Kingdom or arrived in the United Kingdom before the age of 18 and they lived here until the time of their death

We need information about you **and** about the deceased person linking you to the Scheme.

## Section 2: About you

2.1 Full name

2.2 Your gender

Male  Female

2.3 Your previous names (for example, if your name changed when you got married)

2.4 Date of birth

2.5 Date you began to act on behalf of the estate of the deceased

2.6 In what capacity are you acting on behalf of the estate of the deceased

2.7 Address

House number and street name:

Town/city:

County:

Country:

Postcode:

2.8 Country of birth

2.9 Nationality

2.10 Telephone number

2.11 Email address

2.12 Current passport number

2.13 Do you still have any expired passports?

Yes  No

2.14 National Insurance number

## About the deceased person linking you to the scheme

2.15 Full name

2.16 Gender

Male  Female

2.17 Previous names (for example, if their name changed when they got married)

2.18 Date of birth

2.19 Date of death

2.20 Death certificate reference number

2.21 Date letters of administration or probate granted

2.22 If you cannot provide answers to 2.19, 2.20, 2.21 please explain why

2.23 Address

House number and street name:

Town/city:

County:

Country:

Postcode:

2.24 Country of birth

2.25 Nationality

2.26 Current passport number

2.27 Do you have their expired passports?

Yes  No

2.28 Expired passport numbers

2.29 National Insurance number

2.30 Did they contact the Home Office any time since April 2018 about their status in the United Kingdom?

Yes  No

If yes, what is their reference number?

## Section 3: Compensation

3.1 Set out below are the different categories under which you can claim compensation. You will need to be able to prove that any impact suffered was a direct result of the deceased's difficulties demonstrating a lawful right to stay in the United Kingdom.

You should indicate below the categories under which you want to make a claim for the estate.

If you are claiming on behalf of an estate, it is open to you to submit a claim under any of the following categories.

See the guidance for more explanation.

- Immigration fees and legal fees - Fees or legal costs incurred for unsuccessful immigration applications for British citizenship, certificate of entitlement to a right of abode, No Time Limit (NTL), Indefinite Leave to Remain (ILR), Indefinite Leave to Enter (ILE) and returning residents visa. (Complete Section 3.2)

Detention, deportation and removal - (Complete Section 3.3)

- Detention: If they were held in Immigration Detention in the United Kingdom
- Deportation: If they were deported to another country
- Removal: If they were removed from the United Kingdom by the Home Office. This includes those who have since returned to the United Kingdom and those who remain in another country and have been unable to return to the United Kingdom, or do not wish to return
- Return: If they voluntarily left the United Kingdom as a result of being unable to demonstrate their lawful right to stay

- Loss of access to employment - This means they lost employment, had an offer of employment withdrawn, or were unable to work in the United Kingdom. (Complete Section 3.4)

- Loss of access to Child Benefit or Child Tax Credit - If any of their child benefits were stopped or refused. (Complete Section 3.5)

- Loss of access to benefits - If any of their other benefits were stopped or refused. (Complete Section 3.6)

- Housing - If they were unable to rent a home through the Local Authority (Council), Housing Association or privately. (Complete Section 3.7)

Health - Complete Section 3.8 if:

- They were unable to access NHS healthcare
- A refund for private healthcare in the United Kingdom which the deceased paid for because they were unable to access NHS healthcare
- A refund for private healthcare in the United Kingdom that the deceased paid for because they were unable to access free NHS healthcare
- A refund for private healthcare that the deceased received outside of the United Kingdom because they had been removed, deported or refused re-entry to the United Kingdom

- Education - If they were unable to access university as a home student and/or paid university tuition fees at the overseas student rate. (Complete Section 3.9)
  
- Banking - Their application for banking (for example, account, mortgage, overdraft facility) was refused or their account was closed. This applies to any bank, Building Society or banking institution operating in the United Kingdom. (Complete Section 3.10)
  
- Driving licence - If they were wrongly denied a driving licence or if their licence was cancelled. This applies to both provisional and full licences. (Complete Section 3.11)
  
- Homelessness - If they were forced into homelessness. (Complete Section 3.12)
  
- Impact on life - Complete this section if their difficulties demonstrating their lawful right to stay in the United Kingdom affected their ability to live a normal daily life. (Complete Section 3.13)
  
- Discretionary - If they experienced a significant impact, loss or detriment of a financial nature as a direct consequence of being unable to establish their lawful status, that is not covered by a category above and is not excluded from compensation under the scheme. (Complete Section 3.14)

Please tell us about any steps taken by the deceased to try to reduce the impacts or losses that are being claimed for in section 3.15.

**Continue on plain paper if necessary but ensure you clearly indicate which section your information relates to. For example, "Continued from 3.10 Banking".**

**You will need to provide supporting evidence. Refer to the guidance for details.**

### 3.2 Immigration and legal fees

Enter the details and type of unsuccessful immigration application made by the deceased including when they made the application. If you are also claiming for legal fees for the application provide a copy of relevant invoices or other details of the amount paid and details of the legal services provided.

### 3.3 Detention, deportation, removal and return

Set out the details of your claim and whether it relates to detention, deportation, removal or return. If you were detained tell us how long you were detained for. Explain why you think one of the reasons for your detention, deportation, removal or return was your inability to demonstrate your lawful right to stay in the United Kingdom. In all cases tell us when these events happened and provide details of locations of detention. Attach any documents or other evidence to support your claim.



### 3.4 Loss of access to employment

The compensation scheme calculates loss of earnings in two different ways: an actual earnings award and a general award. These are set out in detail in the accompanying guidance notes. You can tell us how you would like us to assess your claim. If you choose for it to be considered on the basis of actual earnings we will do this but if you do not have the necessary evidence to meet the conditions for a payment on that basis we will consider whether or not you meet the conditions for a general award-based payment. If you ask for us to consider you for a general award payment we will assess your claim on that basis. If you do not express a preference we will assess your claim to see if you meet the conditions for a general award payment.

Tick here if you would like the claim to be considered on the basis of actual earnings.

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the employer, dates of employment and the type of employment (permanent or temporary).

### 3.5 Loss of access to Child Benefit or Child Tax Credit

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the benefit(s), when the deceased started receiving the benefit(s) and when they stopped receiving them.

### 3.6 Loss of access to benefits

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the benefit(s), when the deceased started receiving the benefit(s) and when they stopped receiving them.

### 3.7 Housing

Enter the details of the claim and the evidence you are using to support the claim. Include where the deceased lived, the dates they lived there and whether it was private or social/local authority housing. Include details of the local authority and/or housing association if relevant.

### 3.8 Health

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the health provider if known, the dates the deceased attended and if they paid for private treatment, why they did so.

### 3.9 Education

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the educational establishment(s), dates the deceased attended or wanted to attend and if they were charged overseas tuition fees.

### 3.10 Banking

Enter the details of the claim and the evidence you are using to support the claim. Include the name of the deceased's bank(s), when they opened or tried to open their financial account(s) and when it was closed and the details of any losses as a result of this.

### 3.11 Driving licence

Enter the details of the claim and the evidence you are using to support the claim. Include when the deceased had their licence cancelled including dates and if the licence was a full driving licence or a provisional driving licence.

### 3.12 Homelessness

Enter what you are claiming, the reasons for this and the evidence you are using to support the claim. Include the address of the property the deceased was forced to leave and the dates they were homeless.

### 3.13 Impact on life

Provide details of the non-financial impact the deceased experienced for which you are claiming, the dates or times they were affected and set out or attach the evidence you are using to support your claim.

### 3.14 Discretionary

If there is anything else for which the deceased suffered loss due to difficulties demonstrating their lawful status but which is not covered in any other category and is not specifically excluded from compensation under the scheme provide details below. Enter what you are claiming, the reasons for this, the relevant dates and provide copies of all evidence you are using to support your claim.

3.15 In support of the claim for compensation in any category please provide details of action the deceased person took in the past to try and restore 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.



**Check the guidance to see which documents you should use to support your claim.**

## **Section 4: Declaration**

I confirm that, to the best of my knowledge and belief, the information given in this claim form is correct. I undertake to notify the Home Office if any of the information provided changes or is discovered to be inaccurate.

The Data Protection Act 2018 and the General Data Protection Regulation govern how we use personal data. For details of how we will use your personal information and who we may share it with see our Privacy Notice at [www.gov.uk/windrush-compensation](http://www.gov.uk/windrush-compensation) or request it from the Windrush Helpline on 0800 678 1925. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns. Refer to the declaration section of the guidance for further information.

Please tick the box below to confirm you are making this claim on behalf of the estate of a deceased person and sign below.

I am making this claim on behalf of the estate of a deceased person

Signature:

Date:

Print name:

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Send your completed claim form and other supporting documents to:

**Scan and email:**

**[WindrushCompensationScheme@homeoffice.gov.uk](mailto:WindrushCompensationScheme@homeoffice.gov.uk)**

**United Kingdom Freepost:**

**Freepost WINDRUSH COMPENSATION SCHEME**

This is a Freepost address so you do not need to put a stamp on the envelope

You must write exactly this address on the envelope, including uppercase letters, and nothing else. If the precise address is not used, or anything else is written on the envelope, it may not be received.

**Overseas postal address:**

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

You do not need to pay postage if you are posting from the United Kingdom. You can withdraw your claim at any time by using the above contact details.

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.

For official use only:	
Date received	
Reference Number	
CA Number	