



Home Office

Windrush Compensation Scheme Claim Form Guidance

Deceased Estates Claim

December 2020

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Introduction to the Deceased Estates Claim Form

Guidance

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

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

The scheme is not limited to those connected to that ship or those who came to the United Kingdom from the Caribbean. The scheme is open to anyone who arrived in the United Kingdom before the end of 1988 from any country and who is now either a British citizen or whose lawful status in the United Kingdom 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 who were affected mainly, but not exclusively, arrived from Commonwealth countries before 1 January 1973. For those individuals, 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 may also be eligible.

These are seven different eligibility categories 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 end of 1988 and who either is lawfully in the United Kingdom or is now a British Citizen
- (g) A Commonwealth citizen outside the United Kingdom who was settled in the United Kingdom before 1 January 1973 who has a right of abode or settled status or who is now a British Citizen, or whose settled status has lapsed because they left the United Kingdom for a period of more than 2 years

The scheme permits claims to be made by the estate of a deceased person who would have met one of these criteria as the primary claimant. This guidance should therefore be used if you are making a claim on behalf of an estate in these circumstances.

To make a claim, you should use the Deceased Estate Claim Form. This guidance sets out what information is required for each section and what you need to provide in support of the claim.

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

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

Assistance is available to anyone who experiences difficulties in completing a claim for compensation. 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 and Saturday and Sunday 1000-1500, United Kingdom time.**

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

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

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

Who can claim using the Deceased 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.

In order to obtain an award you must demonstrate that the deceased person met the eligibility criteria and that they personally experienced a direct loss or impact because of their difficulties demonstrating their lawful 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 the information you think is relevant to the claim. Where possible, we will work with other government departments and statutory bodies to help gather and check the information you have provided as part of the claim.

The Home Office set up the Commonwealth Citizens Taskforce on 16 April 2018 to help people who needed to obtain documents to prove their lawful status in the United Kingdom. You can still make a claim for compensation even if the deceased did not use the Taskforce.

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, see our Privacy Notice for the Windrush Compensation Scheme at:

www.gov.uk/windrush-compensation

You can 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 for compensation is unsuccessful.

How to complete the Deceased Estate Claim Form

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

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

You will need to complete the form using black ink.

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

Identity 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.

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 original documents if we need to see them.

Proof of identity: list of acceptable documents

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

Proof of address: list of acceptable documents. These must be dated within the last 3 months.

- Household utility bills (e.g. gas, electric, water or fixed line telephone, but not a mobile phone bill)
- 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 the relevant section. We will consider any documents you are able to provide, even if they are not listed in any of the sections you complete.

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

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

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

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:

- The death certificate of the deceased
- 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 fallen into one of the eligibility categories in this section.

We explain what each eligibility category means to help you understand which criteria applies to the deceased person. Tick the box on the claim form that you think best describes them.

Commonwealth Citizen

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

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

Immigration status in the United Kingdom

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)
- Indefinite leave to enter (ILE)

People who have a right of abode, or who lost ILR or ILE and subsequently lived outside the United Kingdom, may also be eligible for compensation.

(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 for the rest of their life

If the deceased person that you are claiming on behalf of 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.

This is because individuals who were 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 a British citizen 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 2 years, but they returned to the UK and were lawfully living here at the time of their death

If the deceased person left the United Kingdom for a continuous period of more than 2 years, after 1 August 1988, they would no longer have had automatic 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 apply 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 and work in the United Kingdom without restrictions. In addition, they would not have needed permission to enter the United Kingdom when returning from overseas.

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 it was before this date.

(d) The deceased person 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 end of 1988 and was lawfully in the United Kingdom or was a British citizen

The deceased was lawfully in the United Kingdom if they had a 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 ILR or ILE.

(f) The deceased person was living in the United Kingdom at the time of their death, and they were a Commonwealth citizen who came to live permanently in the United Kingdom before 1 January 1973 and had any of the following before their death: right of abode, settled status, British citizenship and their settled status lapsed because they left the United Kingdom for a period of more than 2 years

The deceased person must have arrived to settle in the United Kingdom before 1 January 1973.

The deceased person must first have been a citizen of one of the countries listed in Annex B of this guidance, before they came to settle in the United Kingdom and at the time of the deceased person's death they were not living in the United Kingdom.

The deceased person's status would fall into one of the following 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 2 years.

A calculation of 2 years is illustrated in this example:

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

The reason why the deceased person remained absent from the United Kingdom for more than 2 years will not matter.

If the deceased person's absence from the United Kingdom was for more than 2 years, this meant the permission we gave them in their settled status, was no longer

in force. Therefore, they would not have met the eligibility criteria. They could not have re-entered 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 until they passed away.

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 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 you are male or female.

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

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

2.3 Your previous names

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

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

2.4 Date of birth

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

2.5 The date you began to act on behalf of the estate of the deceased

2.6 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
- Town or City
- County, Province or District
- Postcode
- Country

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, please also provide the country dialling code and any area code that forms part of the telephone or mobile number.

We will always ask identification questions when we contact you by telephone. We can only speak to someone else if you give us permission to do so.

2.11 Email

If you provide an email address, we may use it to communicate with you about the claim. It is advisable that the email address you provide is not shared by anyone you do not want to know about the 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 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 Previous passports

If you do not have any previous 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. You will find your National Insurance number on any:

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

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.

2.18 Date of birth

Write the date of birth of the deceased using numbers. e.g. 02/04/1961. 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
- Town or City
- County or Province or District
- Postcode: This is the geographic area code your country's postal services uses for addresses.
- Country

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 they were born in changed its name, write the name by which it is now known.

If other details you give are different from the details shown in the deceased's passport or 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 they did not have any previous 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 their National Insurance number on any:

- National Insurance card
- Wage slip from an employer
- Benefit notification
- Tax notifications from Her Majesty's Revenue and Customs (HMRC) *formerly, Inland Revenue*) such as a P60 (a tax document telling how much has been earned and how much tax has been paid) or P45 (a tax document that is provided 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 submit a claim for compensation on behalf of the estate under all categories that applied to the deceased person.

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

You should also provide details of any steps the deceased person took to try to avoid or reduce their losses, by trying to obtain documentation to demonstrate their lawful right to stay in the United Kingdom. For example, they may have contacted the Home Office or their local MP.

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

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

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

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

(1) Immigration fees and legal costs in respect of immigration applications:
Complete Section 3.2

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

Immigration applications became chargeable from 1 August 2003.

Fees for unsuccessful United Kingdom immigration applications, which were made to resolve the deceased's lawful status, will only be reimbursed in certain circumstances. You will need to show that the fee was paid by them.

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

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

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

A claim will not usually be able to be made for a successful immigration application, even if it is felt that application was unnecessary. However, we will consider reimbursing immigration fees where:

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

and/or

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

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

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

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

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

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

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

(2) Detention, deportation, removal and return: Complete Section 3.3

The reason for the deceased's detention, deportation, removal or voluntary return, was solely or mainly because they were unable to provide evidence to demonstrate their lawful 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 and you believe that had they been able to demonstrate their lawful status in the United Kingdom at the time of deportation they would have been exempt from deportation under the provisions of the 1971 Immigration Act.**

Removal

- **If the deceased person was removed from the United Kingdom by the Home Office. This includes if they subsequently returned to the United Kingdom or if they remained in another country because they were unable, 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 they would not have left voluntarily if they were able to demonstrate lawful status.**

In all cases, you will need to tell us why the deceased person was unable to demonstrate their lawful right to stay in the United Kingdom.

Please provide any evidence which supports what you say including how long the deceased lived in the United Kingdom and any family they may have had 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.

If the deceased took specific action to resolve their status relating to this area of claim, you should provide evidence to show when their difficulties began and ended and what they did to try to resolve their lawful status.

Detention

This section refers to detention in any of the following for more than 30 minutes where the (now) deceased person was prevented from leaving:

- Removal Centre
- Short-term holding facility
- Prison
- A section of a prison

You will not be able to claim compensation if the deceased person was not held in any of the facilities mentioned.

Deportation and removal

Deportation and removal mean the Home Office removed you from the United Kingdom. If you were deported you will have been prohibited from returning until the 'deportation order' against you is taken away.

In either case, it will assist your claim if you can provide evidence to show:

- Why they were deported or removed
- That they sought advice on resolving their status difficulties, for example, to establish that they were exempt from deportation or removal having made contact with the Home Office, an immigration lawyer or other advisory service such as Citizens Advice or another charity
- Whether they managed to resolve their status difficulties

You should explain why you think one of the reasons the deceased person was deported or removed was because they were unable to demonstrate their lawful right to stay in the United Kingdom. This may be because they were unable to demonstrate that they should have been exempt from deportation or removal.

Return

This includes any decision to leave the United Kingdom, which is not covered above, where the reason for leaving related to difficulties associated with an inability to establish their lawful status in the United Kingdom.

Even if the deceased person left the United Kingdom voluntarily, you may be able to make a claim if you can provide evidence that they were told they were not allowed to remain in the United Kingdom and that they would have chosen to remain in the United Kingdom had they been able to demonstrate their lawful status to remain in the United Kingdom.

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

This means the deceased person: lost employment, had an offer of employment withdrawn, or was 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 a service they provided. This employment or self-employment must have been in the United Kingdom.

Regular employment does not mean that the deceased person must have been in permanent full-time employment. They may have been in part-time employment or may have had periods of employment interspersed with periods out of employment.

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, the evidence you provide and any additional evidence we are able to obtain on your behalf.

Actual earnings award

For an award to be made on the actual earnings lost, you will need to provide clear evidence to show that the deceased person met the following conditions:

- The deceased person was in employment which was terminated, and you can demonstrate what their earnings had been; or
- The deceased person had accepted an offer of employment which was rescinded, and you can demonstrate what their earnings would have been; or
- The deceased person was unable to access employment but had been in regular employment in the two years prior to the date they were first unable to access employment and you can demonstrate their earnings over that period; or
- The deceased person was required to defer the progression of an application for employment which they were subsequently able to secure, and you can demonstrate their earnings in that employment; and
- the reason the deceased person lost access to employment was because they could not demonstrate their lawful status in the UK.

An award based on their **actual earnings** lost will be calculated for a period of loss as set out below.

If an award for actual earnings lost is less generous than a general award would be, you will receive a general award.

General award

For a general award to be made you will need to provide evidence to show that the deceased person met the following conditions:

- The deceased person was in employment which was terminated but you are unable to demonstrate what their earnings had been; or

- The deceased person had accepted an offer of employment which was rescinded but you are unable to demonstrate what their earnings would have been; or
- The deceased person was unable to access employment and had been in regular employment in the two years prior to the date they were first unable to access employment, but you are unable to provide evidence of their earnings over that period; or
- The deceased person had not been in regular employment in the previous two years but you can demonstrate they were actively seeking employment and were unable to progress applications for employment; and
- the reason the deceased person lost access to employment was because they could not demonstrate their lawful status in the UK.

A general award will be calculated by multiplying the number of months comprising the period of loss by £1,147, adjusted on a pro-rata basis for part-time working.

Period of loss

The start date of the period of loss is the date the deceased person lost their employment, or their offer of employment was rescinded, or they first couldn't access employment or progress applications for employment.

The period of loss ends on whichever of these comes first:

- three months from the date the deceased person received a document from the Home Office proving your lawful status in the UK
- the date the deceased person commenced employment
- the date on which the deceased person died

Employment evidence

You should provide as much evidence as possible to show that the deceased person lost access to employment because they could not demonstrate their lawful status in the UK. This could include, but is not limited to, a combination of:

- Contract of employment
- Job offer letter
- Official correspondence from an employer or a prospective employer asking for evidence of their lawful status
- Letter withdrawing a job offer because the deceased could not demonstrate that they had the right to work in the United Kingdom
- Job termination letter stating that the reason for termination was because the deceased could not demonstrate that they had the right to work in the United Kingdom
- Bank statements evidencing regular income
- Pay slips
- Evidence the deceased was in receipt of Working Tax Credits

Self-employment

You will need evidence to show the business of the deceased was trading. For example:

- Business advertisement or promotion
- Tax returns
- Business bank statements
- Evidence of a business account showing income earned and income tax paid
- Self-employment National Insurance registration HMRC

(4) Loss of access to Working Tax Credit, Child Benefit, Child Tax Credit, or other benefits: Complete section 3.5

Provide details of the types of any benefits the deceased claimed, which were stopped or which were refused because they could not demonstrate their lawful status in the United Kingdom.

If any of your Working Tax Credits, Child Benefit or Child Tax Credit were stopped or refused: Complete section 3.5

If any of your other benefits were stopped or refused: Complete section 3.6

Tell us if 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 was in receipt of Child Benefit, Child Tax Credits or Working Tax Credits and they were stopped because they were not able to demonstrate that they had lawful status in the United Kingdom.

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

(5) Housing: Complete Section 3.6

If the deceased person had been unable to access housing service or had these services withdrawn because they were unable to demonstrate their lawful status in the United Kingdom, you can claim for a housing award.

This includes difficulties accessing:

- Social housing
- Emergency Local Authority housing
- Private rented property
- The Right to Buy scheme
- Local Authority housing advice

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

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:

- Termination or withdrawal of 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 were on a Local Authority waiting list
- Letters from the council or housing association to show they did not have the Right to Rent

(6) Health: Complete Section 3.7

- **The deceased person was unable access free NHS healthcare because they were unable to demonstrate their right to free NHS treatment.**
- **You are seeking a refund for private healthcare in the United Kingdom that the deceased person paid for because they were unable to access free NHS healthcare.**
- **You are seeking a refund for private healthcare that the deceased person received outside of the United Kingdom, because:**
 - **they had been removed, deported or refused re-entry to the United Kingdom; or**
 - **They left the United Kingdom under voluntary return arrangements because they could not demonstrate lawful status and would not have left the United Kingdom had they been able to demonstrate lawful status.**

Under this scheme health refers to any healthcare of the types described above. You can find out the areas that make up the United Kingdom Annex A of this guidance.

You will need to show that the deceased person could not use or access NHS services because they were unable to demonstrate their right to access free NHS treatment or healthcare services in the United Kingdom.

If you believe the deceased was wrongly charged NHS fees because they were unable to demonstrate their lawful right to stay in the United Kingdom, set out the details of this. These types of losses are dealt with by the NHS. We will share your details with them for them to make a decision on your 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
- Letter from the NHS rejecting the deceased person's request for an NHS number
- Letter from the NHS to show they were not eligible for NHS treatment.

Where relevant, the following evidence should also be provided:

- 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, deported or returned 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 refers to the ability to undertake any course of study as a home student.

If you are uncertain what areas make up the United Kingdom, refer to Annex A of this guidance.

If the deceased person was unable to access higher education, you will need to show that they had an offer of a place and that they did not take this place up because they were required to pay tuition fees at the international student rate.

If the deceased did access higher education and you wish to make a claim for reimbursement of international student fees, you will need to provide evidence that they paid international student fees. You will also need to provide evidence that they had to pay these fees because they were unable to demonstrate their lawful status as a home student.

(8) Banking: Complete 3.9

- **The deceased person's application for banking services (e.g. account, mortgage, overdraft facility) was refused because they did not have documents to prove their right to live in the United Kingdom.**
- **They had a bank account or service that was closed or withdrawn because they did not have the documents to prove their right to live 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 an individual may have faced from institutions outside the United Kingdom.

If you are unsure what areas make up the United Kingdom, refer to Annex A of this guidance.

You may be able to claim compensation under this category if the deceased person could not access banking services or if they were withdrawn because they could not prove their lawful right to be in the United Kingdom. Banking services include:

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

The following evidence may help support the claim:

- 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 lawful right to stay in the United Kingdom
- Evidence of a mortgage or other banking products the deceased person tried to acquire but was unsuccessful because they could not demonstrate their lawful status in the United Kingdom

(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.

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

You should provide the deceased person's driving licence number if you have it. You can find this on the paper or photocard versions of either a provisional or full driving licence.

- 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 provide evidence that the denial or withdrawal of the licence was solely as a result of the deceased person's difficulty demonstrating their lawful status in the United Kingdom.

(10) Homelessness: Complete Section 3.11

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

Under the compensation scheme homelessness means the deceased person became homeless or did not have reasonable accommodation to live in.

If the deceased person was homeless or inadequately housed as described above, you will need to show that they lost their home for which they were paying rent or a mortgage because of difficulties demonstrating their right to live in the United Kingdom. You will also need to show they were making regular payments prior to the difficulties they had demonstrating their lawful status in the United Kingdom.

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 the difficulties they had demonstrating their lawful status in the United Kingdom.

The deceased person is considered homeless or in inadequate accommodation 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

If you are able to, you should provide evidence from anyone who helped them deal with their accommodation issues, particularly a homeless charity, accommodation provider or Social Worker who helped them with their homelessness. If they had a Social Worker helping them with this, then 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 normal daily life.

Under this scheme impact on life refers to any non-financial impacts on a person's daily life which occurred due to their difficulties demonstrating their lawful status in the United Kingdom. You will need to provide evidence of how being unable to prove the deceased person's lawful right to live in the United Kingdom affected them.

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

- Inconvenience
- Injury to feelings, including anxiety, distress and reputational damage
- Family separation
- Immigration difficulties when attending to return to the United Kingdom following a trip abroad
- Inability to attend significant family occasions, celebrations and events
- Impacts relating to a deterioration in physical or mental health such as pain, suffering and loss of amenity

Some examples of the type of impact the deceased may have suffered are set out below.

Inconvenience

- Any type of inconvenience to the deceased person's normal daily life as a result of difficulties demonstrating lawful status

Impact on well-being or health

- Including anxiety, distress, and damage to their reputation
- Worry, annoyance and emotional upset; 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 of 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

Missing significant family occasions

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

Inability to return to the United Kingdom after travelling abroad

The deceased person may have experienced inconvenience, distress and family separation arising out of an inability to return to the United Kingdom after travelling abroad.

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

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

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

(12) Discretionary: Complete Section 3.13

Discretionary payments will be considered if an individual 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 another category of claim and is not specifically excluded from compensation under the scheme.

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

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

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

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

(13) Mitigation: Complete 3.14

In support of this claim for compensation you must provide details of any 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), their MP, or other relevant authorities to attempt to resolve status difficulties. This may have resulted in them making an immigration application. If they resolved their status difficulties after April 2018 by contacting the Windrush Taskforce, you do not need to provide details of this contact with the Taskforce. If they did not take any action to resolve their status, you will need to tell us why.

Section 4: Declaration

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

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

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

What to do next

Make sure you have signed the form and included all the 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] 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.

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

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

Annexes

In this section you will find the following useful information:

Annex A

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

Annex B

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

Annex C

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

Annex A – What do we mean by...

Term	Explanation
Child	<p>Any biological descendant of a parent under 18 years of age.</p> <p>Any legally adopted person under the age of 18 years of age.</p>
Civil partnership	<p>This is a legally recognised relationship between two people of the same sex. A civil partnership only exists once it is registered. If you have not registered your relationship as a same sex couple, you should complete the partner category.</p>
Claimant	<p>The person for whom the claim for compensation is being made.</p>
Close family member	<p>Is related to the primary claimant as a: parent, child, sibling, spouse (husband/wife), partner.</p>
Commonwealth citizen	<p>Citizens of the Commonwealth countries means, citizens of any country listed in Annex B.</p>
Continuously resident	<p>Is lawfully resident in the United Kingdom for a continuous period except that a person will not lose their right to stay in the United Kingdom if they are absent from the United Kingdom for:</p> <p>(a) a period of 2 years or less; and</p> <p>(b) in the case of a Commonwealth citizen, any absence from the United Kingdom before 1 August 1988 is not considered.</p>
Dual national	<p>This means a citizen of more than one country. For example, a British Citizen who is also a citizen of Ghana.</p>
Executor of Wills	<p>An Executor is a person named in a will or in an update to the will (this is known as a Codicil) and deals with the estate of the deceased.</p>
Indefinite leave to remain (ILR)	<p>Permission to live and work freely in the United Kingdom without any time restrictions. If a person has ILR it means they have settled status.</p>
Naturalised British citizen	<p>Naturalisation is the legal process by which a person changes their nationality. A person changing their nationality to British will have a certificate to show they have British Nationality.</p>

Ordinarily resident

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 United Kingdom if this is your regular place of living, your residence here is voluntary and for a settled purpose.

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

Parental responsibility

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

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

Unmarried fathers

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

Births registered in Scotland

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

Births registered in Northern Ireland

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

Births registered overseas

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

Same sex parents

Civil partners:

- Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, for example, donor insemination or fertility treatment.

Non-civil partners:

- For same-sex partners who aren't civil partners, the 2nd parent can get parental responsibility by either [applying for parental responsibility](#) if a parental agreement was made

or

- becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Partner	A person you live together with, as a couple, but without being married or in a civil partnership.
Power of Attorney	A power given to someone who acts on behalf of an individual who is identified as having complex needs and who requires help to manage their affairs.
Primary claimant	<p><u>Primary claimant</u> A person, who directly meets at least one of the eligibility criteria at section 1.</p> <p><u>Close family member claimant</u> Shares a specified relationship to a primary claimant who meets an eligibility category. Refer to close family member for details.</p> <p><u>Executor</u> A person appointed to deal with the estate of a deceased person.</p>
Right of abode	This means you live and work in the United Kingdom without restrictions.
Settled	United Kingdom settled status means indefinite leave to enter or remain in the United Kingdom within the meaning of the Immigration Act 1971.

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

Annex B – Commonwealth countries

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

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

Citizens of countries excluded from this list can still claim compensation if they meet the eligibility 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 my claim?

Processing times will vary depending on the complexity of your claim.

It will take longer to process your claim if we need to ask for more information, if your claim is complex or if your claim covers many different areas.

We aim to consider claims as quickly as possible. We may pay some elements of your claim earlier than others.

If you consider yourself to be a vulnerable person, tell us and provide as much detail as possible to support what you say.

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

How much compensation will I be paid?

This will depend on the circumstances of your claim.

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

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

How will I be paid?

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

We will write your name the way you have written it on your claim form. Please make sure it matches the account you want your compensation to be paid into as banks and Building Societies may not accept it otherwise. You will not be able to exchange the cheque for cash at a United Kingdom Post Office; it must be paid into the payee's account.

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

We will not accept requests for alternative or multiple payees.

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

How will I be paid compensation if I am living overseas?

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

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

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

Our offer of compensation will be recorded in Pound Sterling. It will be up to you to know the amount our offer converts to in your own currency. Remember, currency exchange rates change daily, which means you may get a different amount paid to you by the time you receive your compensation. We will not increase or reduce the amount we offer you to take account of currency fluctuations.

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

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

What if I disagree with the amount you offer?

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

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

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

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

How do I submit additional supporting evidence?

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

Remember to:

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

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

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

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

What can I do if I am unhappy about a decision we have made?

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

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

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

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

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

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

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