

# WINDRUSH COMPENSATION SCHEME

The Government has so far failed to deliver on its promises to those impacted by the Windrush scandal. The Windrush Compensation Scheme set up in April 2019 is complicated and we know that contact with the Home Office can be distressing.

We are a charity supported by pro bono volunteer lawyers from eight city firms. We will work on your case for free and support you throughout the application process, including evidence gathering, speaking to and writing to the Home Office on your behalf, challenging any delay and advising on the decision and next steps.

Please get in touch if you think the following might apply to you, a friend or family member - [nicola@gmiau.org](mailto:nicola@gmiau.org) or [07421312169](tel:07421312169).



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## ARE YOU ELIGIBLE TO APPLY?

Did you come to the UK from a Commonwealth country before 1973?

OR

Did your parents or grandparents come to the UK from a Commonwealth country before 1973?

OR

Did you come to the UK from any country before 31 December 1988 and are now settled here?

AND

Have you suffered financial loss as a result of your inability to prove your lawful status?

If yes, then you may be eligible to apply.

## APPLYING AS A FAMILY MEMBER OR ON BEHALF OF AN ESTATE

You would also be eligible to apply if you are a close family member of someone eligible to claim and you have had significant losses yourself

OR

You are representing the estate of someone who would have been eligible.

GMIAU are able to advise on your eligibility under the scheme if you are unsure whether it might apply to you or someone you know.



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## TYPES OF FINANCIAL LOSS

Primary Claimants and those applying on behalf of an estate can claim for the following losses:

- Immigration fees and legal costs in respect of immigration applications;
- Detention, deportation, removal and return;
- Loss of access to employment;
- Loss of access to child benefit, child tax credit or working tax credit;
- Denial of access to services - including housing, healthcare, education and banking;
- Homelessness;
- Impact on Life - if you have been caused anxiety, distress, inconvenience, or separated from family, unable to attend family occasions such as weddings, births or funerals, have had problems with immigration when returning from abroad or have suffered a deterioration in your mental or physical health and
- Discretionary - where you have suffered a significant impact, loss or detriment of a financial nature not covered above.

Close family members can claim for immigration fees and legal costs, impact on life and discretionary grounds only.

## DO GET IN TOUCH

If you think the scheme applies to you or someone you know, do get in touch for a confidential discussion - [nicola@gmiau.org](mailto:nicola@gmiau.org) or 07421312169.



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## APPLICATION PROCESS

The evidence should be emailed or posted to the Home Office, along with a completed application form, available from the gov.uk website. It is a complicated form and GMIAU and our volunteer lawyers can help you complete this and provide detailed legal submissions on your behalf.

## EVIDENCE

We appreciate it can be difficult to provide proof of your losses as documents might have been lost over time. Where possible, the Home Office will want to see evidence to support your claim. This can include:

- A detailed witness statement from you telling the Home Office in your own words exactly how you have been impacted. Your own testimony is often the most powerful evidence;
- Evidence from government departments such as the Department for Work and Pensions, the Home Office, Local Authority or Social Services etc - it is possible to ask any public body for a copy of all data they hold about you;
- Contracts, pay slips, P60s, letters terminating employment or withdrawing job offers - if you don't have this paperwork, you can request copies from your previous employer;
- Receipts from solicitors or the Home Office; any copies of previous applications submitted to try and get proof of your lawful status and
- Medical records - including specialist psychological reports documenting the negative impact your inability to prove your lawful status has had on you.

GMIAU and our volunteer lawyers will advise you on the most suitable evidence based on your own circumstances. We will help you obtain all supporting evidence. We work with pro bono accountants who can help prepare a schedule of loss and clinical psychologists who can help document your case.



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## TIMEFRAMES AND PRELIMINARY PAYMENT

There is no set timeframe for the Home Office to make a decision on your application. Sadly, it can take months if not years. Once the application has been made, the Home Office should quite quickly decide whether you qualify for a preliminary payment. If they think you are eligible under the scheme and there has been an impact on your life, you should be awarded £10,000. This is the lowest level under the impact on life award. This is paid before the final assessment of your claim.

If there are urgent reasons why a quick decision is needed, such as severe ill health, it is possible to ask the Home Office to consider your application out of turn.

## DECISIONS

If your application is successful, the Home Office will provide an apology and an offer of compensation. The total figure will depend on the actual losses you have experienced and the amount of evidence you have been able to provide. By way of example, if you can show that there has been a profound impact on your life which is irreversible you could receive up to and in some cases over £100,000.

If you are dissatisfied with the decision as you think the offer is too low or if the Home Office refuse to accept you are eligible under the scheme, it is possible to request a review.

## DON'T BE PUT OFF

We understand that it is a daunting and lengthy process. There might be good reasons why you are reluctant to engage with the Home Office again. However, if you meet the criteria and have suffered loss you are entitled to apply. We can help you with this process.



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