

**EX-GRATIA PAYMENT SCHEME FOR FAR EAST PRISONERS OF WAR**  
**AND CIVILIAN INTERNEES**

**GUIDANCE AND RULES FOR THE 20-YEAR RESIDENCY REQUIREMENT**  
**Revised February 2007**

In order to qualify for a payment under the Ex Gratia Payment Scheme for former Far East Prisoners of War and civilian internees, former civilian internees must (1) have been British at the time of their internment, (2) have been held captive within a specifically designated camp controlled by the Japanese and (3) be able to demonstrate a close link with the United Kingdom (UK) by meeting the residency-based criteria detailed below.

The first means of demonstrating the requisite close link is based on post-war residency in the UK. A former civilian internee will be regarded as demonstrating this link if they can show that they resided in the UK for at least 20 years between 1 January 1945 and 7 November 2000 (the date when the Scheme was introduced).

Applicants who would have 20 years residency but for temporary posting overseas or the exercise of European Union citizenship rights will still qualify. Eligibility applies to anyone who was alive on 7 November 2000 or to their surviving spouse or estate if they have since died.

Former colonial forces POWs who can meet these residence criteria will also be entitled to receive a payment.

The second means of demonstrating the requisite close link is for former civilian internees to show that they meet the eligibility criteria of the UK's 1950's compensation scheme based on the distribution of liquidated Japanese assets – ie that they were normally resident in the UK before internment and returned to the UK after the War.

Claimants will be required to provide evidence in support of their application to prove that they have met the 20-year residency requirement. Evidence which will be considered will include, for example, details from the UK Electoral Register, (this is our preferred form of evidence and other options will only be considered if for some reason evidence cannot be provided in this form) records of National Insurance Contributions, evidence of owning and occupying a property in the UK (or, where relevant, elsewhere in the European Union), a statement by an independent landlord confirming residence, or appropriate employment records. The detailed rules are set out below.

**RULES FOR THE 20-YEAR RESIDENCY REQUIREMENT**

1. The United Kingdom is defined as comprising England, Scotland, Wales and Northern Ireland. Residency in the Channel Islands or the Isle of Man would not qualify as these are Crown Dependencies.
2. The period within which residency in the UK qualifies as counting towards the 20-year total is between 1 January 1945 and 7 November 2000.
3. A claimant does not have to have been resident in the UK or another European Union Member State on 7 November 2000.

4. Interrupted residency during the period between 1 January 1945 and 7 November 2000 is allowed. A claimant will qualify if he or she has a number of residency periods which, when combined, add up to a minimum of 20 years.

5. The following periods will also count towards the 20 years:

(a) any period spent outside the UK where there is reasonable evidence that, during the whole of that period, the claimant intended to return to the UK;

(b) any period between 1 November 1993 and 7 November 2000 where there is reasonable evidence that, during the whole of that period, the claimant, being a citizen of the European Union:

(i) was resident in a state which was then a Member State of the European Union; or

(ii) was resident outside the European Union but intended to return to such a State.

In relation to situations (a) and (b)(ii), 'reasonable evidence' would include, for example, a statement from an employer, supported by the terms of an employment contract or other material from the time, that a claimant was on a temporary posting. Periods eligible in this way will include, for example, time spent:

- in the UK Armed Forces,
- on UK Government service,
- posted on business,
- serving on British merchant ships, oil rigs etc.

6. Claimants who spent time outside the UK and other European Union Member States because they were the spouse of someone who was temporarily posted there (as at (5) above) can also count that time towards their qualifying 20-year period providing there is reasonable evidence of this. 'Reasonable evidence' would include, for example, a statement from an employer, supported by the terms of an employment contract or other material from the time, that their spouse was on a temporary posting.

7. A surviving spouse does not have to have lived in the UK or elsewhere in the European Union for at least 20 years to be eligible to claim. Entitlement will depend on whether the former POW/Internee met the scheme criteria.

8. Illegal residency in the UK or elsewhere in the European Union will not count towards the 20 years.

9. There is no minimum age required before residency counts towards the 20 year period.

10. Anyone who has benefited under another such scheme (i.e. one established by the Government of another state), is not eligible for a payment from the UK scheme.

11. Those who have already been paid in their own right under the UK scheme announced on 7 November 2000, whether as a former military POW or as a former civilian internee, will not be eligible for a second payment under the 20-year residency rule.