Veterans Affairs Canada | Anciens Combattants Canada

Detention Benefit

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This policy replaces the following VPPM 5 policy: Articles 64 and 65 - Detention Benefit.

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Purpose

The purpose of this policy is to provide direction on detention benefit compensation provided by the *Veterans Well-being Act* (VWA).

Policy

General

1. If a Canadian Armed Forces (CAF) member or Veteran's period of detention began prior to April 1st, 2006 (the coming into force date of the *Veterans Well-being Act*), the detention benefit is not payable. Prisoner of war compensation may be payable pursuant to the *Pension Act*.
2. A detention benefit may be paid over and above the 100% limit for disability awards and/or disability pensions.

Eligibility

3. The detention benefit is payable to a member or a Veteran, who, while serving with the CAF, was detained by a power, for the period spent in detention. The period spent in detention includes the period during which the member or Veteran was engaged in evading capture by, or in escaping from, any power.
4. "Power" is defined in the legislation to be an enemy, opposing force, or terrorist group.
5. An evader, for the purposes of this policy, is defined as a CAF member or Veteran who was officially reported missing in enemy or enemy occupied territory, or in circumstances controlled by an enemy power.
6. The minimum period of time spent in detention required to qualify for the Detention Benefit is 30 days.
7. The benefit may be payable to the member's or Veteran's testamentary estate or testamentary succession where he/she is eligible, but dies before making an application or before a decision is made in respect of

the Veteran’s or member’s application.

8. The reference to “testamentary estate” and “testamentary succession” (province of Quebec) means that a person who was detained, and who is now deceased, must have had a last will and testament when he/she died, in order for the Department to pay benefits to the representative of the estate. If that person died “intestate” (without a valid will), then the Department cannot pay benefits.

References

Veterans Well-being Act, sections 64 and 65

Veterans Well-being Regulations, sections 60 and 61

Pension Act, sections 71.1, 71.2, 71.3, 71.4, and 71.5