

# Trafficking and Modern Slavery

## Introduction

The UK Government recognises human trafficking as a form of modern slavery. The UK is a destination, transit and source country for human trafficking. This means that people are trafficked into through, around and out of the UK. Women are over half the victims of trafficking brought into the UK. <sup>1</sup> It is difficult to estimate numbers, but the Home Office calculated 13,000 in the UK in 2014; and the National Crime Agency identified 1,200 victims in the 3 month period from April-June 2017 alone <sup>2</sup>.

Exploitation can take many different forms; among the most common for women are sexual exploitation, <sup>3</sup> and domestic servitude. Women are also trafficked within the UK for sex, and some victims of human trafficking may be vulnerable British or settled women and girls who are trafficked.

If you have been trafficked there are a number of ways that the law can help you. You may want to remain in the UK for either the short or long term, report violence you have experienced to the police or seek compensation for injuries you have received.

This legal guide explains the immigration and criminal laws relevant to women who have been trafficked into the UK, or who have suffered other forms of slavery. It also explains some of the financial and other support options that may be available to you. This legal guide is not legal advice. If you think that you or someone you have encountered may have been trafficked it is very important that you get legal advice.

If you are supporting a woman who has been trafficked into the UK, or who is otherwise a victim of modern slavery, it is vital that you assist her to get legal advice. You should not give her immigration law advice unless you are allowed by law to do so. It is a criminal offence under the **Immigration and Asylum Act 1999** for anyone to give immigration advice or services in the UK unless they are regulated by the Office of the Immigration Services Commissioner (the OISC), a regulated solicitor, barrister or legal executive (or European equivalent) or exempted by the OISC or by Ministerial Order.

*'...If you are supporting a woman who has been trafficked into the UK, or who is otherwise a victim of modern slavery, it is vital that you assist her to get legal advice. You should not give her immigration law advice unless you are allowed by law to do so...'*

1. [www.unseenuk.org](http://www.unseenuk.org)

2. [www.nationacrimeagency.gov.uk](http://www.nationacrimeagency.gov.uk)

3. [http://www.uknswp.org/wp-content/uploads/Setting%20the%20Record%20\(Project%20ACUMEN\)%20Aug%20](http://www.uknswp.org/wp-content/uploads/Setting%20the%20Record%20(Project%20ACUMEN)%20Aug%20)

You can contact one of Rights of Women's legal advice lines for free, confidential legal advice. Details of our advice lines and their opening times are given at the end of this legal guide.

You can also contact a solicitor or immigration adviser in your area for advice.

Depending on your financial circumstances and the details of your case, you may be entitled to **public funding** (known as **legal aid**).

### Legal Aid

Public funding enables some people who cannot afford to pay for legal advice to get legal assistance and representation free of charge. If the Competent Authority (part of the National Referral mechanism, see below) has decided that there are reasonable grounds to consider you a victim of human trafficking (or since 2015, a victim of slavery, servitude, or compulsory or forced labour)<sup>4</sup> and there is no conclusive grounds decision that you are not, then you are entitled to legal aid for any application for leave to enter or remain in the UK.<sup>5</sup>

Legal aid is also available in the following circumstances:

- If you receive a negative reasonable or conclusive grounds decision then you can receive public funds to challenge the decision.

You are entitled to legal aid to assist you with a claim for damages, or for an employment law claim against an employer who has exploited you.<sup>6</sup>

- If you make a claim for asylum at the same time, or after a referral into the National Referral Mechanism (see below), then you are entitled to legal aid for the asylum process. This can include advice and assistance before you claim asylum.<sup>7</sup>
- If you are under 18 but as a result of an age assessment you are thought to be an adult, you are entitled to legal aid to challenge the assessment.<sup>8</sup>

You can check your eligibility for legal aid here [www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid). For further information about public funding contact Civil Legal Advice on **0345 345 4345** or online [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice).

A solicitor should always discuss your payment options with you, and must tell you whether you are eligible for public funding.<sup>9</sup>

An immigration advisor is someone who is not a lawyer but who has the knowledge and skills necessary to give advice on immigration law. For information about immigration advisors contact the Office of the Immigration Services Commissioner [www.oisc.gov.uk](http://www.oisc.gov.uk)

You should always make sure that the person you see to get immigration law advice is professionally qualified and allowed to help you. You can get immigration advice from a **solicitor** or from an **immigration advisor**.

A **solicitor** is a qualified lawyer who is responsible for dealing with the preparation of cases. Some solicitors may also represent their clients in courts or tribunals. Solicitors are represented by the Law Society [www.lawsociety.org.uk](http://www.lawsociety.org.uk) and are regulated by the Solicitors Regulation Authority [www.sra.org.uk](http://www.sra.org.uk).

4. S. 47 of the Modern Slavery Act 2015 amends LASPO 2012 to include victims of slavery, servitude or forced or compulsory labour

5. Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, paragraph 32 (1)

6. Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, paragraph 32(2) & (3)

7. Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, paragraph 30

8. Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, paragraph 19

9. Solicitors' Code of Conduct 2011, IB (1.16)

## What is trafficking?

Human trafficking is different from smuggling, where a person is assisted (most often for payment) to cross borders unlawfully, with his or her consent.

Article 4 of the **Council of Europe Convention on Action against Trafficking 2005**<sup>10</sup> (the Trafficking Convention) defines trafficking as involving three things:

- recruiting, moving or harbouring a person;
- in particular ways, such as by using force, deception, the abuse of power or the abuse of a position of vulnerability;
- for the purpose of exploitation, like forcing someone to be involved in prostitution, forced labour or domestic servitude<sup>11</sup>

**Recruiting** involves persuading someone to take part in a particular activity, like a new job. For a particular situation to fall within the legal definition of trafficking, a person's recruitment and movement has to be done in certain 'ways', such as by force or deception.<sup>12</sup> A woman may be recruited by someone who uses physical or sexual **violence** against her. A woman might be **deceived** into coming into the UK because she is told that she can study or work here when really those who are arranging her travel intend to force her into prostitution. A woman could also be recruited by someone who is in a **position of power over her**; this could be someone who she cannot refuse, like a powerful person in her family or community. A woman may also be recruited by abusing her vulnerable position. A person is **vulnerable** if they are more likely to be physically, emotionally, or mentally harmed or influenced than other people are. A woman may be particularly vulnerable to trafficking because she has a physical or mental health problem, because of her age or education or because she has experienced violence in the past.

Where force, deception or the other 'ways' set out above are present in a particular situation, whether or not a person appears to have 'agreed' to the situation is irrelevant. For example, a woman might be deceived into coming to the UK because she is told that she has been offered a job here when really those who are arranging her travel intend to force her into prostitution. Although the woman concerned might agree to come to the UK and travel here voluntarily, her agreement does not mean that she has not been trafficked because the deception means that her 'agreement' is not real agreement. Someone who is trafficked as a child can never have consented. This is because **child victims of trafficking are not able to agree to their treatment**, whether or not they are coerced or deceived is not relevant.

In addition to recruiting a person, for a particular situation to amount to trafficking there has to be **movement**. This could be between towns in the UK or from one country to another. A number of people could be involved in trafficking a woman. One person may recruit her, another may arrange her travel documents, another may meet her when she arrives in the UK and another may force her into prostitution. A woman may not know all the people involved in trafficking her into the UK, or within the country. She may also be trafficked by someone she is in a relationship with, or by a family member.

Finally, the recruitment and movement of a woman has to be for the purposes of **exploitation**.

*'...Human trafficking is different from smuggling, where a person is assisted (most often for payment) to cross borders unlawfully, with his or her consent...'*

10. The Convention (CAT) although not having direct effect in England and Wales is treated as having direct effect by virtue of Home Office policy and failure to comply with CAT can be relied upon in public law proceedings: *R (on application of Minh) v Secretary of State for the Home Department* 2015 EWHC1725 (para 53).

11. Article 4 of the Council of Europe Convention on Action against Trafficking 2005 states that trafficking is: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

12. Where the victim of trafficking is a child (someone who is under 18 years old) their recruitment and movement, for the purposes of exploitation is considered trafficking even if this does not involve any of the 'ways' described above.

## Forms of exploitation

Exploitation can take many forms, but includes sexual exploitation, forced labour, forced domestic labour, doing something that someone else gets benefit from, and organ harvesting. Trafficking for sexual exploitation includes prostitution and other forms of sexual activity. Enabling others to gain benefit includes any form of profit and may involve forced criminality. For example, where victims are required to beg, steal or commit other criminal offences for the benefit of those who are exploiting them. A woman may consent to being brought to the UK to engage in work, but not to how the work is undertaken, or the conditions under which she is required to participate.<sup>13</sup>

## Identifying victims of human trafficking

It is also important to note that the UK as a signatory to the trafficking convention has been held to have a responsibility towards a victim of historic trafficking who later travelled to the UK untrafficked.<sup>14</sup>

If your work might bring you into contact with women who have been trafficked it is important that you are aware of what circumstances may indicate this. Not all women and girls will identify themselves as victims of trafficking, or even agree with a professional assessment that this may be what has happened to them.

Asking someone questions about their experiences may give indicators that they are, or have been victims of human trafficking. The following indicators are not determinative and someone may have experienced trafficking without identifying that they have experienced any of the behaviour below. If you are in contact with someone you may believe has been trafficked, or if you are unsure whether you are a victim of trafficking, you can contact the specialist organisations listed at the back of this guide. If you believe someone may be under the control of another person, you can report this to the police on 101, in an emergency, you can contact the police on 999.

### Key indicators<sup>15</sup>

Is the person in possession of their own passport, identification or travel documents? Are these documents in possession of someone else?

- Does the person act as if they were instructed or coached by someone else?
- Do they allow others to speak for them when spoken to directly?
- Was the person recruited for one purpose and forced to engage in some other job?
- Have transport costs been paid for by facilitators, whom they must pay back through working or providing services?
- Does the person receive little or no payment for their work? Is someone else in control of their earnings?
- Does the victim have freedom of movement? Are they dropped off and collected from work?
- Is the person withdrawn or do they appear frightened?
- Has the person or their family been threatened with harm if they attempt to escape?
- Is the person under the impression they are bonded by debt, or in a situation of dependence?
- Has the person been physically or emotionally harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the person freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

*'...Not all women and girls will identify themselves as victims of trafficking...'*

<sup>13</sup>. EK (Article 4 ECHR: Anti-Trafficking Convention) Tanzania [2013] UKUT 00313 (IAC) the Upper Tribunal held that there was no distinction, for the purposes of Article 4, between a domestic worker who was trafficked by way of forced labour and one who came to the UK voluntarily and was then subjected to forced labour.

<sup>14</sup>. Nhan Thi Nguyen v SSHD (2015) UKUT 00170(IAC)

<sup>15</sup>. Home Office: Victims of Modern Slavery, Frontline Staff Guidance March 2016  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf)

The Guidance also states that women's accounts should not necessarily be doubted due to inconsistencies, incoherence or due to delays in disclosure.

### Trafficking case study: Mae

Mae was found by police in a brothel; she is very young, from Thailand and the only English words she knows are linked to sexual activity. Mae has bruises on her arm and appears to be very frightened of the police. Mae tells the police through an interpreter that a friend she worked with in Thailand, where she danced in a strip club, arranged for her to come to the UK. She says that she is involved in prostitution as she has to make money for her family who are in debt. She says that she came to the UK voluntarily and that she is not being forced into prostitution, although she has to give the brothel owner most of what she earns.

Mae's age, limited knowledge of English, injuries, fear of the authorities, reference to debt and payment to the brothel owner all indicate that Mae is a victim of trafficking. The fact that Mae might have been involved in the sex industry in Thailand does not mean that she cannot have been trafficked, nor does the fact that she might have known that she would be involved in prostitution when she came to the UK. This is because her reference to her family's debt and the fact that she is paying most of what she earns to the brothel owner indicates that she is not making a meaningful choice about being involved in prostitution.

Many women will only disclose part of their story, and may not always tell the truth. There are a lot of reasons why someone would not disclose what has happened to them, including fear of reprisals in the UK, fear for the safety of family members in their country of origin, feelings of guilt and shame associated with the exploitation. Many trafficking victims are told a story by their traffickers to use when in contact with officials. Some women may not accept that they have been trafficked, because they agreed to come to the UK, or for example, because the trafficking was arranged by a family member.

The World Health Organisation has produced best practice guidance on interviewing trafficked women.<sup>16</sup> If you are a woman who has experienced trafficking, then this list sets out what you can expect and ask of an interviewer.

The guidance sets out ten guiding principles for speaking with a woman about her experience:

1. Do no harm: do not undertake an interview that will make a woman's situation worse in the short or long term.
2. Know your subject and assess the risks: there are different risks inherent in every situation, this may vary depending on the situation of the woman, where she has been trafficked from, her relationship with those who have trafficked her.
3. Prepare referral information – do not make promises that you cannot fulfil.
4. Adequately select and prepare interpreters, and co-workers. Be aware that in some circumstances, interpreters have been linked to the nexus of traffickers.
5. Ensure anonymity and confidentiality.
6. Get informed consent – make sure the woman you are interviewing understands the content and purpose of the interview.
7. Listen to and respect each woman's assessment of her situation and risks to her safety.
8. Do not re-traumatize a woman.
9. Be prepared for emergency intervention.
10. Put information collected to good use.

Be aware that it may take many conversations with a woman who has been trafficked before you will have a clear idea of her experiences.

<sup>16</sup>. WHO, Ethical and Safety Recommendations for Interviewing Trafficking Women, 2003

## Other Forms of Modern Slavery

The Government recognised human trafficking in 2009, and in 2015 trafficking was subsumed under a wider definition of modern slavery by the Modern Slavery Act.

Whereas the offence of trafficking requires that the person arranges or facilitates the travel of another person with a view to the victim being exploited, travel is not necessary for the following offences (in degrees of severity):

**Forced labour** – work exacted from a person under penalty and for which that person has not offered himself diligently

**Servitude** – labour imposed by coercion, and

**Slavery** - forced labour or servitude with an additional element of claimed ownership ie a slave is a person over whom any or all powers attaching to ownership are attached.

Definitions of the above offences should be interpreted under Article 4 of the European Convention of Human Rights, which forbids servitude, slavery or compulsory labour.<sup>17</sup>

Note that none of the above offences are ruled out on the sole ground that the victim consents.<sup>18</sup>

*'...the offence of trafficking requires that the person arranges or facilitates the travel of another person with a view to the victim being exploited...'*

## The National Referral Mechanism

Women who have been trafficked may want to remain in the UK for the short or long term, or they may want to return to their country of origin. This legal guide explains the law that enables women who have been trafficked into the UK to seek protection here. You can, at any time, return to your country if you want to and support may be available to help you do this. You should discuss returning to your country voluntarily with your lawyer or support worker, return is not the only option available.

The **National Referral Mechanism** (the NRM) is a framework that should identify and protect victims of trafficking and of modern slavery.<sup>19</sup> The NRM was created so that the UK could meet its obligations under the Trafficking Convention. The framework also allows the police to gather evidence through the Human Trafficking Centre which is now part of the National Crime Agency (NCA).

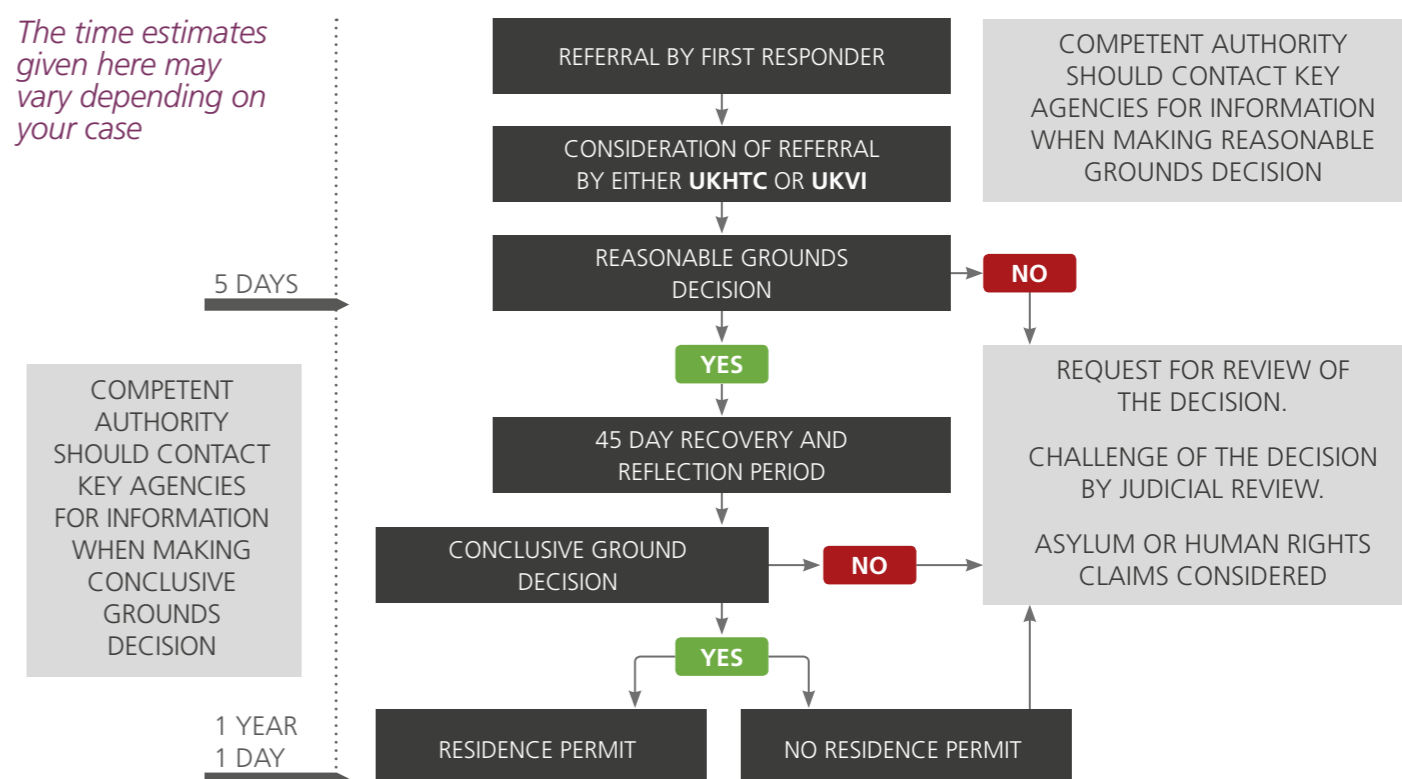
The Competent Authority who are either the UK Human Trafficking Centre (UKHTC) or UK Visas and Immigration (UKVI) must consider and decide on the issue not only of trafficking but also, if not a victim of trafficking, of the other forms of modern slavery.<sup>20</sup>

Under the NRM, certain professionals who think that a person may be a victim of trafficking can refer that person to a Competent Authority to have their case assessed. If the Competent Authority recognises that a woman is a victim of trafficking or of modern slavery she is given important rights, including rights to necessary accommodation and support.

If a potential victim of modern slavery does not wish to be referred to the NRM, there is an additional duty on public authorities who encounter the person to notify the Home Office, by way of Form MS1, which allows the victim to remain anonymous.<sup>21</sup> Voluntary organisations may (but do not have to) notify the Home Office on the same form.

### Flowchart of the National Referral Mechanism

*The time estimates given here may vary depending on your case*



<sup>17</sup>. Modern Slavery Act 2015 (MSA) Section 1

<sup>18</sup>. 'The consent of a person (whether an adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour' MSA 1 (5)

<sup>19</sup>. <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism> Victims of trafficking Competent authority guidance

<sup>20</sup>. Guidance [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/521763/Victims\\_of\\_modern\\_slavery\\_-\\_Competent\\_Authority\\_guidance\\_v3\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/521763/Victims_of_modern_slavery_-_Competent_Authority_guidance_v3_0.pdf)

<sup>21</sup>. <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

## Referring a woman into the NRM

Certain chosen organisations, called **first responders** can refer a woman into the NRM. First responders include the police; local authorities; the Salvation Army and certain organisations who are experts on trafficking (like Migrant Helpline and Kalayaan); and certain government bodies like the UK Border Force, UK Immigration and Visas and the Gangmasters Licensing Authority.

Referring a woman involves finding out about her situation and how she came to the UK and then completing a referral form which will then be assessed by the relevant Competent Authority (see below). If your organisation are not first responders, then the woman will need to be referred to a first responder. She must consent to this.

At the time of publication, a woman has to consent to be referred into the NRM. It is important that she gets legal advice at this stage so that she is able to make an informed decision about whether or not she wants to consent to referral. Anyone who is thought to be a child is not required to consent to a referral. The referral should be done within **48 hours** of the first responder coming into contact with her.

If you work for an organisation that is not a first responder and you want a woman you are supporting to be referred into the NRM you should contact one of the first responders or the **UK Human Trafficking Centre** (the UKHTC). The information contained in the referral is the basis of someone's claim that they have been trafficked. It is therefore important that the referral form is comprehensively completed by someone with the necessary skills and expertise.

The **Salvation Army** is the central contractor who coordinates services for adult victims of trafficking. They run a 24 hour help-line for victims of trafficking, agencies and first responders on **0300 303 8151**.

*'...Referring a woman involves finding out about her situation and how she came to the UK and then completing a referral form which will then be assessed by the relevant Competent Authority...'*

### Other specialist organisations include:

Migrant Helpline supports migrants in the UK, including trafficked women. You can read about them here [www.migranthelpline.org.uk](http://www.migranthelpline.org.uk) or telephone **07766 668 781** 24 hours a day.

Kalayaan supports migrant domestic workers. You can read about them here [www.kalayaan.org.uk](http://www.kalayaan.org.uk) or telephone **020 7243 2942**.

**The UK Human Trafficking Centre** co-ordinates the UK's responses to trafficking, you can read about them here <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre> or telephone **0844 778 2406** 24 hours a day for further information.

For a first list of First Responders see here:

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

## The 'reasonable grounds' decision

The First Responder makes a referral to the relevant Competent Authority. The **Competent Authority** is the body that will decide whether or not a person is a victim of trafficking or modern slavery.

There is:

- A Competent Authority in the UK Human Trafficking Centre to assess cases where the victim is British, an EEA national or where there are no immigration issues.

And there is:

- A Competent Authority within UK Visas and Immigration to assess cases where there are linked immigration issues.

If you are trafficked into the UK or otherwise a victim of modern slavery, and agree to be referred into the NRM your referral form and any other supporting evidence that the first responder has on your case will go to the Competent Authority that will be dealing with your referral.

The Competent Authority will read through the referral form and any other evidence that is given to them on your case with it and should decide within **5 working days** (which can be extended if necessary) whether or not there are **reasonable grounds** for believing that you have been trafficked. This test means first applying the statement "I suspect but cannot prove" to the information provided and then considering whether a reasonable person, looking at all the information, would conclude that there were reasonable grounds to believe that the individual was trafficked.

If the Competent Authority finds that there are reasonable grounds for believing that you are a victim of trafficking or of modern slavery they will grant you a **45 day recovery and reflection period**. This will involve you being given safe accommodation and support, including support with any medical or other issues that you have. During this period, you cannot be removed from the United Kingdom.

The 45 day recovery and reflection period is not dependent on you reporting your traffickers to the police or co-operating with them. This means that if there are reasonable grounds for believing that you have been trafficked you are entitled to a recovery and reflection period whether or not you choose to report your experiences to the police or help them in their investigations.

## The "conclusive grounds" decision

Before the end of your recovery period the Competent Authority should make a 'conclusive' decision about whether or not you are a victim of trafficking or of modern slavery. The legal test at this stage is higher than that applied at the 'reasonable grounds' stage. The question is, whether on the **balance of probabilities**, you are a victim of trafficking or of modern slavery. The Competent Authority will look at all the evidence that is available on your case when making this decision. This could include evidence that becomes available during your rest and recovery period. This may be because you reported the perpetrators to the police or because you received medical treatment for injuries you have received or other support.

If the Competent Authority assessing your case is the Home Office, then your referral is likely to be examined by the same person who makes the decision in respect of any other immigration application. The referral will then be re-assessed by a second person who is not connected to any other immigration or asylum application you have made.

Whether, on **the balance of probabilities** you are a victim of trafficking or of modern slavery means that it is more likely than not that you are a victim of trafficking or if not, of another form of modern slavery.

*'...If the Competent Authority assessing your case is the Home Office, then your referral is likely to be examined by the same person who makes the decision...'*

## What if I am found to be a victim?

If you are found, on the balance of probabilities, to be a victim of trafficking or of modern slavery a decision may be made to extend your recovery period or to grant you a residence permit if you do not have any other right to remain in the UK. In the UK, the residence permit is given in the form of Discretionary Leave to remain (DL). This period of leave is given for at least one year and one day, to allow you a right of appeal against a refusal on any other immigration or asylum application you have made at the same time.

You may also be recognised as a victim, but not be given a further period of recovery or a residence permit. Article 16 of the Trafficking Convention requires that any return to your country of origin is conducted with due regard to your rights, dignity and safety.<sup>22</sup>

Under the Trafficking Convention, you are entitled to a **residence permit** if you are recognised as a victim of trafficking and your stay in the UK is necessary because:

- of your personal circumstances; and / or,
- because you are co-operating with criminal proceedings against your traffickers.

This entitlement has been extended by the Modern Slavery Act to other victims of modern slavery.

Your personal circumstances includes things like your health and wellbeing, for example, you may want to remain in the UK for longer to enable you to complete a course of medical treatment or counselling. If you reported your traffickers or other violence that you experienced to the police you may be asked to make a formal statement to the police and tell a criminal court what happened to you. In cases like these you can apply for a residence permit to enable you to remain in the UK while the criminal case proceeds.

A residence permit under the Trafficking Convention is renewable, if the grounds continue.

## What if I am found to be an historic victim of trafficking?

On receiving a NRM decision, it may be accepted that you are a victim of trafficking, but that this happened in the past and that there is therefore no link between the trafficking and your current situation. This may occur if you were trafficked to the UK as a child but only sought assistance or identification as an adult.

A woman who has been subject to trafficking in the past still counts as a victim of trafficking.<sup>23</sup> However, a decision that you have in the past been subject to trafficking but are no longer may result in a refusal to grant you either a residence permit or asylum. Some women who have left a situation of trafficking may have established links to the community which means that they are not able or willing to leave the UK (see below).

If you are assisting a woman who has left a trafficking situation in the past, then it is important to remember that she may still suffer from the effects of trafficking, including mental and physical illness which may never have been diagnosed or treated.

*'...If you are assisting a woman who has left a trafficking situation in the past, then it is important to remember that she may still suffer from the effects of trafficking...'*

## Negative decisions

You may receive a decision from the Competent Authority that you are not a victim of trafficking or of modern slavery, at either the reasonable grounds or the conclusive grounds stage.

There is no right of appeal from this refusal, but you can ask for the decision to be reconsidered.

A failure to have regard to the Home Office guidance in assessing delayed disclosure of being a victim of trafficking and inconsistencies in an account might render a decision unlawful.<sup>24</sup>

When reconsidering the decision, the Competent Authority may look at any additional evidence. If the reconsideration is refused, then the only route to challenge the decision of the Competent Authority is through judicial review. It is recommended that you seek specialist legal advice regarding a judicial review.

A conclusive grounds decision can also be quashed where there is a failure on part of the competent authority to engage with the report of a respected support organisation who is using its experience to give an opinion that an applicant is a trafficked person.<sup>25</sup>

If you have made another immigration application, for example, an asylum application (see page 13) then you may be able to appeal to the First Tier Tribunal if that application is refused.

*'...If you have made another immigration application, for example, an asylum application then you may be able to appeal to the First Tier Tribunal if that application is refused...'*

<sup>22</sup>. Council of Europe Convention on Action against Trafficking in Human Beings (CAT) 2005, Article 16 (2)

<sup>23</sup>. R (Atamewan) v Secretary of State for the Home Department [2013] EWHC 2727 (Admin)

<sup>24</sup>. R (on the application of FK) v Secretary of State for the Home Department [2016] EWHC 56 (Admin)

<sup>25</sup>. AB v SSHD 2015 EWHC 1490

## The European Economic Area

Women who come from other countries in the European Economic Area have important rights to enter and remain in the UK, to work and to be able to access housing support and other welfare benefits.

It is likely that these rights will be modified or restricted after Britain leaves the European Union, but until then your rights remain unaffected.

The **European Economic Area** is the European Union (EU) (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Germany, Hungary, the Republic of Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK) and three other countries that while not being members of the EU, are treated in a similar way. These countries are Iceland, Norway and Liechtenstein. Switzerland is not a member of the EU or EEA but it is treated as if it is. Croatia joined the EU on 1st July 2013 and Croatian workers are currently subject to transitional provisions.<sup>26</sup>

The Regulations that bring the Citizens Directive into UK law refer to all of these people as 'EEA nationals' and gives them important rights in the UK.<sup>27</sup>

If you are from another EEA country you have free-movement rights which give you a right of entry to the UK. You also have rights under European law to (among other things) work, seek work, offer or receive services (such as healthcare) and study in the UK. If you have been trafficked into the UK and you are from another EEA country you can remain here by using these rights. You might also be able to apply for welfare benefits and housing support.

But the law in this area is constantly changing, and will change profoundly after the UK leaves the European Union, as expected in 2019.

For further information about your rights under European law contact the **AIRE Centre**. Visit [www.airecentre.org](http://www.airecentre.org) or contact their legal advice line on **020 7831 4276**. The AIRE Centre advice line is open between 10.30 am and 6.00 pm on Monday Wednesday and Friday.

However, in order to be able to receive certain welfare benefits or housing support you will have to meet the relevant eligibility requirements. For example, in order to be able to receive benefits like income support and housing benefit you have to be habitually resident in the UK and pass something called the (enhanced) habitual residence test.

You must have been in the UK for at least 3 months in order to apply for benefits, and you must be able to show that you have a realistic chance of finding employment, including speaking English. To find out more about your rights to get welfare benefits or housing support you can contact Citizen's Advice or your local law centre.

If you have been in the UK for longer than 3 months without working, then you can be made to return to your country of origin unless you are economically active, seeking work and have a genuine chance of employment or self-sufficient. If you are self-employed or offering services, you can be considered economically active as long as your business is genuine and effective.

**Citizens Advice** provide people with information and advice on a range of issues, including welfare benefits. Visit [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) to find your local Bureau.

**Law Centres** provide people with legal advice and representation on a range of issues. Visit [www.lawcentres.org.uk](http://www.lawcentres.org.uk) to find your local law centre.

The eligibility rules for getting certain welfare benefits and housing support result in some people from other EEA countries who live in the UK being unable to receive them. Women in this situation may want to apply for a residence permit under the National Referral Mechanism (see above) because a residence permit gives the person who has it the right to receive welfare benefits and housing support.

<sup>26</sup>. Accession Croatia (Immigration and Worker authorisation) regulations <http://www.legislation.gov.uk/uk/si/2013/1460/contents/made>

<sup>27</sup>. The most updated version of EEA law on freedom of movement, as interpreted in the UK, is contained in the Immigration (EEA) Regulations 2016 (SI 1052) <http://www.eearegulations.co.uk/Regs2016>

## Refugee Law and The European Convention on Human Rights

For many victims of human trafficking, it is not possible to return home. For some women, this will be because they fear harm if they return to their country of origin. You may fear harm from those who were involved in your trafficking, or from your family or community. This is because in some countries or cultures it is considered shameful to have experienced sexual violence, been exploited for prostitution, or have been trafficked. Women may be at risk for a number of reasons, including because they are women.

If you fear that you will face serious harm if returned to your own country then you can make an application for **asylum** in the UK. A claim for asylum is a claim for protection under either the **Refugee Convention** or Article 3 of the **European Convention on Human Rights** (the right to be free from torture, inhuman or degrading treatment).

To be recognised as a refugee, a woman must demonstrate that she is at risk of persecution for a Convention reason and that she is unwilling or unable to avail herself of state protection.

### Convention reasons

The Refugee Convention sets out reasons why someone may fear persecution, these categories are: race, nationality, religion, political opinion, or membership of a particular social group.<sup>28</sup> For some women, being a victim of human trafficking means that they are part of a particular social group for others, being a woman alone in their country of origin may mean that they are part of a particular social group, or being a woman who has experienced trafficking may make someone particularly vulnerable. Victims may also fear retribution from their traffickers or fear being re-trafficked.

If you claim asylum at the same time as you are referred into the National Referral Mechanism, then a decision may be made about how to treat your asylum claim before it is decided whether you are a victim of trafficking.

**Victims of trafficking are not considered suitable for detention. A positive reasonable grounds decision should result in release from detention.**<sup>29</sup>

### Who will decide my case?

A decision as to whether you are a victim of trafficking is made by a caseworker within the Competent Authority (for non EU citizens, the UK Visas and Immigration); a decision about whether you require protection under the Refugee Convention of the European Convention on Human Rights is also made within UK Visas and Immigration which means that the decision maker for both may be the same person. A second person will have looked at the trafficking or modern slavery decision.

If you are refused asylum or humanitarian protection, then you can usually appeal this decision. This appeal will take place in the First Tier Tribunal and there are strict time limits. You must appeal no later than 14 days after you receive the Home Office decision refusing your application.<sup>30</sup> The decision letter will tell you why the decision has been made not to grant you asylum.

Asylum-seekers are entitled to receive financial and other support while their claim is decided. Women who make successful claims for asylum may be given either Refugee Leave or Humanitarian Protection for 5 years, depending on their case. For further information about asylum law and making a claim for protection in the UK see Rights of Women's **Seeking Refuge? A handbook for asylum seeking women**.

Where you are refused asylum on the grounds that you are not a victim of trafficking, then you may be able to challenge this as part of your appeal. Although there is no right of appeal from a trafficking decision, an immigration tribunal can decide whether to accept the decision of the NRM that someone is not a victim of human trafficking. The tribunal may decide that there is sufficient further evidence to enable it to reach the conclusion that the individual is a victim of human trafficking.<sup>31</sup>

<sup>28</sup>. *PO (Nigeria) v SSHD* [2011] EWCA Civ 132

<sup>29</sup>. 'Management of adults at risk in immigration detention' Home Office guidance February 2017 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/594770/DSO\\_Adults\\_at\\_risk\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/594770/DSO_Adults_at_risk_.pdf)

<sup>30</sup>. *Tribunal Procedure (First Tier) (Immigration and Asylum Chamber) Rules 2014* <http://www.legislation.gov.uk/uk/si/2014/2604/made>

<sup>31</sup>. *AS (Afghanistan) v Secretary of State for the Home Department* [2013] EWCA Civ 1469 (21 November 2013)



## Re-trafficking

One reason why you may not be able to return home is the risk of re-trafficking. This means that you would be forced into another situation of trafficking, either because those responsible for the exploitation would seek you out again or because you owe them money as a result of the transit to the UK. There may also not be other opportunities in your country of origin, so you would be forced to travel to seek work.

If you are concerned that you might be trafficked if you were to be returned to your country of origin you can say this in your asylum claim. You may need expert evidence on this and / or other risks that you might face if you were to be returned to your country of origin. In some countries there are resources available for women who are identified as victims of trafficking and return home, but these are not always suitable for all women.

## Family and private life in the UK

Many women and girls spend a long time in the UK as a result of trafficking. Some are able to attend school or college during their time in the UK and some women and girls may have children while in the UK. Many victims of trafficking are able to leave their situation and to continue with their lives, although others may find themselves in situations of further abuse and exploitation.

A woman who has been in the UK may be able to make an application to remain here on the basis of Article 8 of the **European Convention on Human Rights**. This is a right not to face disproportionate interference with your family and private life, for example by being required to leave the UK and be separated from your children.

In Article 8 cases the decision-maker in your case has to balance your rights to respect for your privacy and family life against the needs of the UK to exercise immigration control. This means that they have to look at the effects on you and any family that you have of a decision to remove you. Each woman's case is different, but the courts are likely to particularly scrutinise decisions which have the effect of separating parents from their children or breaking up other significant relationships.<sup>32</sup>

Women can make applications under the right to family or private life, where their case fits the Immigration Rules (for example, if they have British citizen or settled spouses or children in the UK, or if there are 'significant obstacles to integration' in their own countries). Whenever a decision is taken on your case (either by the Home Office or on appeal, by an Immigration Judge), the decision-maker should look more broadly at all the circumstances and whether there are any Article 8 considerations. This is particularly the case since only one kind of application for leave can be made at any one time.

Joy came to the UK from Ghana when she was twelve years old, she was sent to stay with her Aunt somewhere in the UK. She was going to help her Aunt look after her children and go to school here. From the time of arrival until she was fifteen, Joy did not go to school but worked long hours caring for her Aunt, her children and doing all the domestic work in the house. At 15, Joy was sent to stay with a friend of her aunt. She had to do the same work, but this friend would slap her when she did something wrong, and the friend's husband would sometimes touch her sexually. At seventeen, Joy left the house when everyone was at work. She was not able to find her passport. Joy was able to get a bus to London where she found some support through a homeless shelter. For some time she was street homeless and living on free meals through community groups. At 18 years old Joy made an application based on spending 7 years in the UK and included information about her circumstances if she had to return to Ghana, and her friendships and life in the UK. She was given 2 ½ years leave to remain and must complete ten years leave before she is eligible to apply for ILR.

For more information about Article 8 see Rights of Women's legal guide **Seeking Refuge? Women, Families and Article 8. Women, Families and Article 8 Update**. This is a complex area of law and you are advised to seek legal advice.

## Migrant Domestic Workers

People who enter the UK to work in someone's home are known as migrant domestic workers. You are allowed to come to the UK with your overseas employer if you have been working for them for at least a year. Domestic workers may be exploited by: not having days off, having no personal space or separate room, being expected to be available at all times, having their documents withheld, not being paid or being assaulted by their employers. If this is happening to you, then you can seek assistance through Kalayaan (see useful contacts at the end of this guide). If you experience any form of violence from your employer, then this may be a criminal offence and you can report your employer to the police.

If you or your employer have applied for you to come to the UK as a domestic worker after the 5 April 2012 you can stay in the UK for a maximum of 6 months. If you are on a post 5 April 2012 visa, then you are not allowed to change employers while you are in the UK and you are expected to leave once your visa expires. If your employer requires you to stay for longer, then you and they are breaking the law. In order to make the application for a domestic worker visa, you must show a completed and signed copy of your terms and conditions of employment. This will set out your working hours, holiday entitlement and living and sleeping conditions.<sup>33</sup>

From 6th April 2016 domestic workers have again been able to change employer. This change has been as a result of extensive campaigning by domestic worker charities around the exploitation of domestic workers.

If you come to the UK as a domestic worker you are entitled to receive information about your rights from UK Visas and Immigration when you enter the UK. A failure to give you this information may mean that the UK has breached their obligations to you.<sup>34</sup> If your working conditions are not the same as the terms and conditions you were given to make the application for your visa, then you may be able to bring a case for compensation against your employers.

If you experience exploitation once you are in the UK as a migrant domestic worker, then you may be referred into the NRM (see above) if you are a victim of trafficking. If you are accepted as a victim of trafficking, then you may be given a residence permit to allow for your recovery. Some

domestic workers may be able to remain in the UK on the basis of their family and private lives see Rights of Women's legal guide **Seeking Refuge? Women, Families and Article 8. Women, Families and Article 8 Update**.

If you are afraid to return to your country of origin because you are at risk of harm there, then you may be able to claim asylum. You are strongly advised to seek advice if you wish to leave your employer.

If you hold a domestic worker visa from before 05 April 2012 then you will have a visa for one year which you can renew every year. If you are experiencing exploitation and you are on this form of visa, then you may be able to change employer. You may also be able to bring an employment law case against your employer for compensation. You can bring your partner and children with you if they are dependent on you and you may apply to settle in the UK after 5 years.

*'...If you come to the UK as a domestic worker you are entitled to receive information about your rights from UK Visas and Immigration when you enter the UK...'*

<sup>32</sup>. See the comments of Baroness Hale at paragraph 50 in *R v. SSHD ex parte Razgar* [2004] UKHL

<sup>33</sup>. <https://www.gov.uk/domestic-workers-in-a-private-household-visa/documents-you-must-provide>

<sup>34</sup>. *EK (Article 4 ECHR: Trafficking Convention)* [2013] UKUT 00313 IAC

## Extension of migrant domestic worker visa for victims of trafficking and slavery

If you have had a migrant domestic worker visa, and you have been found to be a victim of trafficking or of modern slavery, you can now apply for an extension of your visa for a up to a further 2 years.

But you must apply within 28 days of receiving recognition, and there may be difficulties finding another job or otherwise becoming self-supporting within that time.

However, Home Office guidance on victims of slavery and trafficking April 2017 indicates that there will be some flexibility:

The applicant must be able to maintain and accommodate themselves without recourse to public funds. There is no set level of funds required for an applicant to show this. A person granted leave to remain as a domestic worker who is the victim of slavery or human trafficking will be permitted to take employment as a domestic worker. They are not, however, required to demonstrate that they have an offer of employment at the point at which they apply. Given the purpose of the route, it is not appropriate to refuse an application of leave to remain in this category simply because the applicant does not provide evidence of employment and in the absence of evidence of employment, you may take into account any other evidence of funds, including evidence of support being provided by a third party (such as a charity).<sup>35</sup>

*'...If you have had a migrant domestic worker visa, and you have been found to be a victim of trafficking or of modern slavery, you can now apply for an extension of your visa for a up to a further 2 years...'*

35. Victims of Slavery and Human Trafficking Guidance version 4

## Criminal Offences

The Modern Slavery Act 2015 (MSA) codified a number of offences related to modern slavery and human trafficking. Slavery, servitude and forced or compulsory labour are offences, to be construed in line with section 4 of the European Convention on Human Rights.<sup>36</sup>

The offence of human trafficking is defined as arranging or facilitating the travel of another person with a view to that person being exploited ie if the person intends to exploit the other, or knew or should have known that the person would be exploited.

'Exploitation' must include an element of slavery, servitude, or forced labour.

Again whether the victim consented may not be relevant, and is never relevant with a child victim.

The travel can be within the UK, or from one country to another before arriving in the UK.

### Giving Evidence

If the people responsible for trafficking you are charged with an offence, then you may be asked to give evidence against them. If you have to give evidence at court, then you can ask for special measures to protect you.<sup>37</sup> Special measures are available where you may be scared to give evidence. The measures include, but are not limited to: providing screens at court when you give evidence so you cannot be seen, giving evidence via video-link so you are not in court, or pre-recording your evidence in chief. If the perpetrators are also charged with sexual offences, you will receive these measures automatically. For more information see the Rights of Women publication **From Report to Court: a handbook for adult survivors of sexual violence**.

Victims of trafficking are frequently compelled to take part in criminal activity meaning that they may be arrested and charged with criminal offences where the police have failed to recognise them as victims of trafficking.

36. Modern Slavery Act (MSA) 2015 s 1

37. MSA 2015 S 46

38. O.O.O and others v Commissioner of Police of the Metropolis [2011] EWHC 1246

39. S 45 MSA (2015)

40. R v L, HVN, THN, T [2013] EWCA Crim 991

Women who have been trafficked may commit the following immigration offences while they are being controlled by their trafficker:

- using a false instrument (such as a false passport or identity card) under section 3 of the **Forgery and Counterfeiting Act 1981**;
- having a forged passport or other documents under section 5 of the **Forgery and Counterfeiting Act 1981**; or,
- Failing to have a travel document at an immigration or asylum interview under section 2 **Asylum and Immigration (Treatment of Claimants) Act 2004**.

The police are under an obligation to investigate where they believe someone may be a victim of trafficking,<sup>38</sup> and as a first responder, may have a duty to refer someone to the National Referral Mechanism (if they consent). Lawyers and courts may also be under a positive obligation to identify victims of human trafficking who are charged with a criminal offence(s).

If you are a victim of trafficking or of modern slavery, the Crown Prosecution Service (CPS) can take a decision not to prosecute you for an offence committed where you had no choice because you were still under the control of your traffickers.

If you are charged, the Modern Slavery Act provides a defence to any crime committed as a direct consequence of having been a victim of trafficking or of modern slavery. A minor cannot be guilty in these circumstances; and an adult is not guilty if compelled to do it, and 'a reasonable person would have no realistic alternative' but to do it.<sup>39</sup>

In circumstances where you are prosecuted for a criminal offence despite the above applying to you, lawyers can argue that this is an abuse of process. Courts have the power to halt the prosecution where the facts of the offence are linked to trafficking and modern slavery. The Court can do this without legal argument from your defence lawyer<sup>40</sup>

Some women are victims of human trafficking or of modern slavery, and are also part of the criminal enterprise. This includes women who manage brothels, or who control other trafficking victims. These women may be charged with offences in respect of trafficking or modern slavery and should seek specialist criminal defence advice.

## Appeal after conviction

Where you either pleaded guilty or were found guilty of a criminal offence as a direct result of your trafficking situation, you may be able to appeal your conviction. You may be able to appeal even if the case took place many months, or even years ago. You can seek specialist advice about appealing a conviction from a criminal solicitor, or from the Criminal Cases Review Commission who have produced information for victims of trafficking and asylum seekers.<sup>41</sup>

## Consequences of a conviction

If you are a victim of human trafficking and you have pleaded guilty or been convicted after trial of a criminal offence, you are likely to face a punishment. In addition to possible imprisonment, a foreign national with a criminal conviction may be either recommended for deportation or automatically deported.

Even where you are not facing deportation, a criminal record may prevent you from being granted Indefinite Leave to Remain (ILR) in the UK. This is because in order to be granted ILR, you must meet strict suitability or eligibility criteria.

*'...You can seek specialist advice about appealing a conviction from a criminal solicitor, or from the Criminal Cases Review Commission who have produced information for victims of trafficking and asylum seekers...'*

# Compensation

## Compensation by Court Order

Where a person is found guilty of a trafficking or modern slavery offence, against you, the criminal court can in some circumstances order them to pay compensation.<sup>42</sup>

## Criminal injuries compensation

Compensation for victims of trafficking is available through the Criminal Injuries Compensation Authority (CICA). It is also a right guaranteed by the Convention on action against Trafficking in Human Beings.<sup>43</sup>

To make an application for compensation, you must either be ordinarily resident in the UK, a British or an EEA citizen unless certain exceptions apply. If you are from a third country, then you may make an application for compensation if there are reasons to believe you have been a victim of trafficking or of modern slavery.

If however you have been refused recognition under the National Referral Mechanism, this may go against your claim unless you have challenged the decision.

In order to be successful, you must show that you received an injury, which includes psychiatric injuries, as a result of a violent crime. You will probably need a medical report to demonstrate the injuries that you have suffered.

The **Criminal Injuries Compensation Scheme 2012** is run by the **Criminal Injuries Compensation Authority** (the CICA). Victims of violent crime in England and Wales can apply to the CICA for compensation if they have sustained a physical or mental injury. For further information visit [www.cica.gov.uk](http://www.cica.gov.uk) or telephone **0300 003 3601**.

You must also have reported the offence to the police within 2 years of leaving the trafficking situation. It does not matter if no one is identified or charged. However, you must cooperate with the police and help them with their enquiries. This may include attending court to give evidence. For more information see the Rights of Women's **A Guide to Criminal Injuries Compensation**.

MM was trafficked into the UK from Romania and forced into prostitution. She was unable to escape from her traffickers for three years. After MM had escaped and was in a place of safety she decided to report her traffickers to the police and help them investigate her case. She later applied for compensation from the CICA. MM received £22,000 for the sexual violence she had experienced over the three years she had been forced into prostitution and £40,000 for the earnings and opportunities she lost as a result of being trafficked.

The amount of money a person who has been trafficked into the UK may receive will depend on the facts of their case.

41. <http://www.justice.gov.uk/downloads/about/criminal-cases-review/policies-and-procedures/ccrc-asylum-seeker-refugee-leaflet.pdf>

42. MSA 2015 sections 8 and 9

43. Council of Europe Convention on Action against Trafficking in Human Beings, 2005 Article 15

## Compensation from an employer who has exploited you

If you have been trafficked for labour exploitation, you may be able to make a claim against your employer. There are a number of grounds you may be able to rely on, including that your employment was ended unreasonably, you did not have a written contract, or that the contract was breached.

You may also be able to claim if you were treated differently because of a protected characteristic (for example, your race or ethnicity)

If you are working anywhere other than your family home, employers must pay you the National Minimum Wage (NMW) which is currently £7.50 per hour if you are over 25, £7.05 if over 21.

You are only required to work up to 48 hours per week unless you choose to work more.

Wherever you work, you are also entitled to rest periods and to days off from work. You should be provided with an employment contract which will set out the hours that you are expected to work. If your employers require you to work more than this, then you may be able to seek compensation for breach of contract.

If your employment contract has been breached, or you have never had one, then you may be able to take a case to the Employment Tribunal (ET) for compensation. You may also be able to take a case to the Employment Tribunal if you were dismissed from a job unfairly, or you had to leave because of the conditions of your employment.

If you have been badly treated or exploited by your employers because of a protected characteristic (discrimination) you can seek compensation in the Employment Tribunal or through the County Courts. Caste discrimination has recently been declared unlawful by the Employment Tribunal<sup>44</sup> but discrimination on the basis of immigration status per say is not.<sup>45</sup>

You should seek specialist legal advice if you believe this applies to you.

Undocumented migrants or those without a valid contract of employment have not been able to enforce compensation claims in the UK courts, until a recent decision allowing discrimination claims, and opening the way for other claims, from victims of trafficking. This was a decision made on grounds of public policy (ie it was considered unjust that there should be immunity for traffickers against such claims).<sup>46</sup>

For more information about your rights as an employee, you can contact the Pay and Work Rights Helpline on **0800 917 2368** (telephone) or **0800 121 4042** (text-phone)

You can also contact the Anti-Trafficking Labour & Exploitation Unit (ATLEU) on **020 7700 7311**

Focus on Labour Exploitation (FLEX) has published an updated Guide on Legal Remedies for Victims of Trafficking for Labour Exploitation [www.labour.exploitation.org](http://www.labour.exploitation.org)

*The law relating to trafficking and modern slavery is complex; in this legal guide we have only provided a basic overview of the relevant law and procedure for general information only. Please note that the law explained in this legal guide is as it stood at the date of publication. The relevant law and procedure may have changed since then. If you are affected by any of the issues in this guide you should seek up-to-date independent legal advice. Rights of Women cannot accept responsibility for any reliance placed on the legal information contained in this guide.*

Rights of Women September 2017

For free, confidential, legal advice on immigration and asylum law, including in relation to financial support issues, call our Immigration and Asylum Law Line on **020 7490 7689**. The advice line is open on **Mondays 10am – 4pm and Thursdays 10am – 4pm**.

For free, confidential, legal advice on criminal law issues including domestic and sexual violence call our Criminal Law Advice Line on **020 7251 8887**. The advice line is open on **Tuesdays 11am-1pm**.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children call the following:

Women living and working in London: call **020 7490 2562**. The advice line is open **Mondays 11am-1pm, Tuesdays to Thursdays 2pm-4pm**.

For all women: call **020 7251 6577**. The advice line is open **Monday to Thursdays 7pm – 9pm and Friday 12-2pm**.

To check for any changes to our advice lines since this guide was published, visit our website [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk).

## Other Useful Contacts

### AIRE Centre

020 7831 4276 for advice and information on European law.  
For referrals contact Markella Papadouli (mpapadouli@airecentre.org)

### ATLEU (Anti-trafficking and Labour Exploitation Unit)

020 7700 7311  
[www.atleu.org.uk](http://www.atleu.org.uk)  
provides a dedicated service to victims of trafficking, offering free legal advice and representation across several areas of law including:  
on immigration and asylum; securing appropriate and safe accommodation, financial support and treatment; and obtaining compensation from traffickers or the state.

### ATLEP (Anti-trafficking Legal Project)

Atlep@googlegroups.com  
The Anti-trafficking Legal Project is a networking site of solicitors, barristers and specialist practitioners who advise, represent and support victims of trafficking and modern slavery.

<sup>44</sup>. *Chandhok and Ano v Tirkey* UKEAT0190/14/KN can be found at <https://www.employmentcasesupdate.co.uk>

<sup>45</sup>. *Taiwo v Olaigbe and ano* (2016) UKSC 31.

<sup>46</sup>. *Hounga v Allen* (2014) UKSC 47.

### **CICA (Criminal Injuries Compensation Authority)**

080 8271 4296

[www.cica-criminal-injuries.co.uk](http://www.cica-criminal-injuries.co.uk)

For victims of crime seeking compensation for their injuries, if they have reported the trafficking to the police

### **Hibiscus**

020 7697 4120

[www.hibiscusinitiatives.org.uk](http://www.hibiscusinitiatives.org.uk)

Hibiscus Initiatives provides advocacy, support and specialist services to BMER and migrants affected by the criminal justice system, including victims of trafficking and modern slavery

### **Hope For Justice**

084 5519 7402

[www.hopeforjustice.org](http://www.hopeforjustice.org)

Advocacy and support for victims of trafficking

PO Box 299, Manchester, M22 2BQ

### **Human Trafficking Foundation**

020 3773 2040

[www.humantraffickingfoundation.org](http://www.humantraffickingfoundation.org)

policy and campaigning organisation and information hub

### **Independent Anti-Slavery Commissioner**

020 3513 0475

Office of the Independent Anti-Slavery Commissioner, 5th Floor, Globe House

89 Eccleston Square London SW1V 1PN

Established under the Modern Slavery Act, to improve the identification and support of victims, and the prosecution of perpetrators. He presents an report to Parliament annually.

### **Justice4domesticworkers**

[www.j4dw.com](http://www.j4dw.com)

Support for migrant domestic workers from self organised group; meets Sundays 11-6 at 45-51 Old Gloucester Street London

WCI N 3AE

### **Kalayaan**

020 7243 2942

[www.kalayaan.org.uk](http://www.kalayaan.org.uk)

provides support for domestic migrant workers

### **Medaille Trust**

[www.medaille-trust.org.uk](http://www.medaille-trust.org.uk)

subcontractor of Salvation Army,

116 places for victims of trafficking.

### **Salvation Army**

033 0303 8151

<http://www.salvationarmy.org.uk/trafficking>

24 helpline – first responder – for referral under NRM and providing support/ accommodation to victims of trafficking

### **UK Human Trafficking Centre**

084 4778 2406

[nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk)

<http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

receives all referrals under the NRM from first responders, and processes referrals from EEA nationals

## **Unseen**

0800 0121 700 (24/7)  
modern slavery helpline

## **WALES**

### **Welsh Refugee Council**

029 2043 2975  
roxy@nrc.wales  
Roxanne Mason provides advice and support to migrant women including victims of trafficking

## **NORTHERN IRELAND**

### **1. Migrant Help** (Roger McVicker)

075 4582 2244  
roger.mcvicker@migranthelp.uk.org  
First responder in Northern Ireland – refers cases to the Home Office

### **2. Womens Aid Northern Ireland**

028 9024 9041  
info@womensaidni.org  
assists and accommodates women victims of trafficking

## **SCOTLAND**

### **TARA (Trafficking Awareness Raising Alliance)**

014 1276 7724  
commsafetyTARA@glasgow.gov.uk  
first responders for Scotland – referral, accommodation, support

**Rights of Women,**

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September 2017

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