

Leave in Limbo

Survivors of trafficking with uncertain immigration status

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EXECUTIVE SUMMARY

The Helen Bamber Foundation (HBF) works with people who have been trafficked to the UK from abroad and/or have experienced trafficking while on their journey to, or during their time in, the UK. Coming from countries such as Vietnam, Eritrea, China, Nigeria and Albania, these survivors have experienced sexual exploitation, labour exploitation and criminal exploitation in brothels, hotels, cannabis farms, nail salons and shops. Human traffickers will recruit people in positions of vulnerability and bring them to the UK through deception and coercion - often the way victims of trafficking reach the country is entirely outside of their control. Last year, over 12,000 non-UK nationals were referred to the National Referral Mechanism (NRM) - the framework designed to identify and protect victims of trafficking and modern slavery - as potential victims of trafficking.

For these people, immigration status is a key concern. Without having permission to be in the UK ('leave to remain'), survivors of trafficking experience ongoing fear and anxiety about the possibility of their removal from the country or being held in immigration detention. This deters many from coming forward to seek help. Even those who are formally identified as survivors of trafficking can face significant hurdles to obtaining the secure immigration status that they need to feel stable enough to begin to engage with support services and the police.

HBF's multidisciplinary work with survivors of trafficking has shown that it is only once granted leave to remain in the UK, with the sense of safety that this brings, that they are truly able to benefit from therapeutic care and begin to recover from the trauma that have experienced. A lack of a secure immigration status can also result in poverty, destitution and isolation as it prevents survivors from working and accessing services. This in turn can leave survivors vulnerable to abuse, exploitation and re-trafficking.

New figures show that shockingly few of the non-UK nationals recognised as survivors of trafficking by the NRM are granted leave to remain in this country. This is despite the high risk of re-trafficking that many of them would face if returned to their country of origin or if they are left with precarious status in the UK. In 2020 to 2022:

- 5,578 adults were confirmed as victims of trafficking but only 364 adults subject to immigration control were granted leave via the NRM.
- 5,266 children were confirmed as victims of trafficking, but fewer than 21 were granted leave via the NRM.

Those that are granted leave to remain often only receive it after lengthy delays and most grants are only for a short period of time, with the average grant period being for just 12 months. These very short grants of leave can cause more harm than good. Due to the significant flaws in the leave to remain process under the NRM, many non-UK national survivors are reliant on the asylum system as a way of being granted a secure form of immigration status, with a route to settlement, something that is not available for those in the NRM. 93% of HBF clients who have been trafficked are in both the asylum and NRM systems.

This problem will only worsen following new guidance which implements the Nationality and Borders Act 2022 and narrows the already restrictive policy for whether a conclusively recognised victim of trafficking should be granted leave to remain. In addition, the Illegal Migration Act 2023 will cut off access to the UK asylum and NRM protection systems for those arriving 'irregularly', removing the asylum 'safety net' for thousands of survivors and increasing the risk that people will be kept in their trafficking situation or face further exploitation or harm.

In order to actually break the business model of the traffickers, protection and support measures must be put in place that allow people to come forward about their exploitation without fear of repercussion and in the knowledge that they will receive meaningful protection and help to recover from their trafficking experience. If we are to enable survivors' long-term recovery, it is essential that they have stability and safety. For those without secure immigration status who are conclusively recognised as victims of trafficking under the NRM, a form of leave to remain with the right to work or access benefits and housing and a route to settlement is vital.



RECOMMENDATIONS

- **All survivors of trafficking with a positive final ('Conclusive Grounds') decision from the National Referral Mechanism (NRM) should be automatically granted support, including leave to remain and recourse to public funds, for at least 30 months with a route to settlement.**
- **Measures in the Illegal Migration Act that would introduce a de facto ban on the asylum system and the protections offered by the NRM should be abandoned.**
- **The government should recruit, resource and train decision makers adequately to ensure that NRM and asylum decisions are made in a timely manner.**
- **For those already granted leave under the NRM, there should be no application fee attached to any application to extend leave to remain.**
- **The Home Office should produce clearer guidance on when an application for Indefinite Leave to Remain can be made by a survivor of trafficking.**

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