

## **Issues arising from the Inquiry initiated by the Human Trafficking Foundation at the request of the APPG**

1. **Suspension of all asylum and NRM decisions for victims of trafficking until September 1<sup>st</sup> where the decision maker is 'minded to refuse'**

### **Why needed**

Covid-19 places additional barriers to modern slavery victims in accessing legal advice. Negative conclusive grounds decisions are often successfully challenged as being wrong. As the system is not inquisitorial the burden is on the victim to produce the relevant evidence. This is no longer possible because of the restrictions placed by Covid-19. That means victims do not get a chance to meet their legal representative. Giving instructions remotely is hugely problematic. This is made worse by lack of access to internet, and necessary technology to sign papers, and receive email statements, etc. Furthermore, in order for clients to provide statements they need to recall their trafficking in detail. This can be extremely traumatising and survivors without the necessary support will often fail to recall the information that is essential to get the right NRM decision. To save public funds in lodging an appeal, NRM decisions should be halted for the next few months where the decision maker is 'minded to refuse'. NRM decisions are now unreliable as a result of the effect of Covid-19.

2. **Victims of modern slavery with positive conclusive grounds decisions who are British nationals and those who have leave to remain in the UK to receive priority need for local authority accommodation**

Victims of human trafficking and modern slavery are routinely denied housing by local authorities who do not consider them to be in priority need, even where other criterion (i.e. eligibility and homelessness) are met.<sup>1</sup> Local authorities will not usually consider victims of modern slavery to be at an increased risk of trafficking than an ordinary homeless person despite a history of exploitation evidenced by a positive conclusive grounds decision. Most local authorities will not take trafficking identification into account and they typically lack understanding of trauma and how this affects victims of trafficking.

Home Office interim policy prevents victims from being exited from accommodation in the victim care contract currently until the end of June 2020.

The current lack of legal aid providers and in particular those with trafficking expertise (see next recommendation), means many simply will not have access to quality legal representation to demonstrate their vulnerability to the local authority.

### **Action Required**

Confirm that victims of modern slavery fall within the vulnerable persons category within the Homelessness Reduction Act 1996 Homelessness Code of Guidance section 8(3) and are in priority need for accommodation.

### **Immediate impact:**

---

<sup>1</sup> Homelessness Code of Guidance for Local Authorities, Chapter 8  
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need>

This would enable all recognised victims of modern slavery, who are British nationals and those with leave to remain in the UK, homelessness assistance at a time when they are most at risk. It will also help to manage the public health risk of this highly vulnerable group, who would otherwise likely to be homeless, from contracting and/or spreading Covid-19.

3. **Legal Aid payments on trafficking cases need to be restructured because of Covid-19 and the history of the Legal Aid Agency only paying lawyers when the case is completed**

Half of all law centres and not-for-profit legal advice services in England and Wales have closed since 2012. In 2013-14, there were 94 local areas with law centres or agencies offering free legal services and in 2019-2020, only 47 such law centres/agencies

Victims of modern slavery are disproportionately affected by the lack of legally-aided advice for the following reasons:

- Trafficking cases are not financially viable – structure of payment system often requires three years of work with no payment, requiring providers to source alternative means of funding for this period. i.e. staff salaries and the costs of running a legal practice
- Victims of trafficking can only access legal advice on their trafficking identification case from legal aid providers with immigration/asylum legal aid contracts, and are often denied assistance
- The average cost of running a case for a victim of trafficking is significantly higher as the cases are more complex. ATLEU estimate this to be an average of over £3000 per case.

Recommendation: Lawyers are reimbursed on a quarterly basis.

4. **NRM Subsistence rates should be increased consistent with Universal Credit increases (£20 per week)**

Currently, there is insufficient weekly payment to cover the additional costs of living, resulting from Covid-19. Specifically, the need to keep accommodation sufficiently clean, access to internet to engage with necessary services, and closure of many foodbanks and charities providing baby products. Victims of trafficking in the NRM currently receive £35 per week subsistence or £65 per week if also claiming asylum support.

Recommendation: The subsistence rates increased by £20 per week in line with Universal Credit until the end of the year.

5. **Expand the embargo on move-on from NRM support to include victims receiving outreach support**

The Home Office interim move-on policy protects victims of human trafficking receiving support via the victim care contract from being exited from NRM accommodation (approx. 600 victims) until the end of June, whereas a conclusive grounds decision would usually trigger an end to support (9 days for negative, 45 days for positive).

There is no such policy to protect victims receiving support in outreach only (estimated at around 4,000 although the Home Office data is lacking). Many are reliant on £35 per week subsistence. This can stop when they receive a conclusive grounds decision. This was confirmed by The Salvation Army and Home Office in the Human Trafficking Foundation virtual Forum on 7<sup>th</sup> May, when the Voice of Domestic Workers disclosed one of its members had been issued with a Home Office letter advising support would stop 9 days after receiving a negative conclusive grounds decision. **If this person had been in victim care contract accommodation, she would have been guaranteed support until the end of June. Whereas she was abandoned and left destitute.**

Following the judgement of **NN and LP v Secretary of State for the Home Department (June 2019)**, the Home Office conceded its policy of exiting confirmed victims of trafficking after a set time period after receiving a conclusive grounds decision was **unlawful**. It agreed to develop a needs-based system for victims of human trafficking. The system the Home Office developed **continues to limit support to 45 days** following a conclusive grounds decision, **unless** the victim's professional case worker can provide compelling evidence of needs requiring ongoing support. This is not possible because the level of proof demanded by the Home Office is often not available. NRM subcontractors I gather report that victims continue to be exited after 45 days even where there are ongoing support needs. As a result, they are then left destitute, without weekly subsistence, in precarious living situations, and at greater risk of contracting Covid-19.