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## 9 Identifying Victims of Trafficking

### 9.1. Introduction

This guidance should be followed during all operations where individuals who may be victims of trafficking are encountered, so that potential victims are handled in a consistent and sensitive manner.

During operations, enquiries into whether a person is a victim of trafficking should take precedence over enquiries into the individual's immigration status. Officers should be aware that victims of trafficking are likely to be classified as vulnerable persons and detention will not normally be appropriate.

**Officers should refer to Chapter 55 of the Enforcement Instructions and Guidance when considering detention.**

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## 9.2. The Palermo Protocol

The UN Convention against Transnational Organised Crime (UNTOC) and its two supplementary protocols aims to prevent, suppress and punish trafficking in persons, especially women and children ([trafficking protocol](#)) and guard against the smuggling of migrants by land, air and sea ([smuggling protocol](#)).

The trafficking protocol otherwise known as the Palermo Protocol was signed by the United Kingdom on 14th December 2000 and ratified on 9th February 2006. It was the first international instrument to define and address the trafficking problem.

The protocol sets forth three purposes:

- To prevent and combat trafficking in persons, paying particular attention to women and children;
- To protect and assist the victims of such trafficking, with full respect for their human rights; and
- To promote cooperation among State Parties in order to meet these objectives.

**The 2000 Palermo Protocol's definition on trafficking in persons states:**

**“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the purposes 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.”**

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### 9.3. Definition of Trafficking

The essence of trafficking, broadly speaking, is that the person is coerced or deceived into a situation where they are exploited.

Further to the [UNHCR guidelines of April 2006 on international protection](#) state:

**“An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country’s borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.”**

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#### 9.3.1. Children

Any child moved into a situation of exploitation, or for the purposes of exploitation, is considered to be a trafficking victim, whether or not they have been forced or deceived. This is because it is not considered possible for children to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults.

Children are trafficked for a number of purposes, including sexual exploitation through prostitution, illegal adoption, under-age forced marriage, benefit fraud and child labour (e.g., domestic servitude, work in sweatshops, criminal work like begging or producing and selling drugs). Child trafficking works through personal and family networks, as well as through highly organised international criminal networks.<sup>1</sup>

Traffickers specifically target impoverished communities in order to exploit their vulnerability. Poor and displaced families may entrust the care of their children to traffickers who promise to

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<sup>1</sup> MISSING OUT A Study of Child Trafficking in the North-West, North-East and West Midlands. ECPAT UK Jan 2007 [http://www.ecpat.org.uk/downloads/ECPAT\\_UK\\_Missing\\_Out\\_2007.pdf](http://www.ecpat.org.uk/downloads/ECPAT_UK_Missing_Out_2007.pdf)

provide them with education or skills training, but ultimately exploit them for the purposes of prostitution, forced labour or irregular adoption.<sup>2</sup>

It is important to realise that parents and relatives may be involved in the exploitation of the child, and that children are likely to be very loyal to their parents or caregivers. It cannot be expected that the child, on his or her own initiative, will seek to be protected against such persons.

Children who are in a trafficking situation are often extremely reticent with information, and often tell their stories with obvious errors. More often than not this will be because their stories are composed by others and learnt.<sup>3</sup>

A number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be little evidence of any pre-existing relationship or even an absence of any knowledge of the sponsor. There may be unsatisfactory accommodation arranged in the UK, or perhaps no evidence of parental permission for the child to travel to the UK or stay with the sponsor. These irregularities may be the only indication that the child could be a victim of trafficking.<sup>4</sup>

Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools which are situated near ports of entry, but Officers should be alert to this possibility in all schools.<sup>5</sup>

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<sup>2</sup> 'Human Trafficking', Handbook for the Protection of Internally Displaced Persons

<sup>3</sup> Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehandel, Norway, November 2008

<sup>4</sup> Working together to safeguard children - Safeguarding children who may have been trafficked DCSF [http://publications.dcsf.gov.uk/eOrderingDownload/DCSF\\_Child%20Trafficking.pdf](http://publications.dcsf.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf)

<sup>5</sup> Working together to safeguard children - Safeguarding children who may have been trafficked DCSF [http://publications.dcsf.gov.uk/eOrderingDownload/DCSF\\_Child%20Trafficking.pdf](http://publications.dcsf.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf)

### 9.3.2. Sexual Exploitation

The forcible or deceptive recruitment of women and children for the purposes of forced prostitution or sexual exploitation is a form of gender related violence.<sup>6</sup>

Trafficked women have very different experiences while in the trafficking setting. Some are held captive, unremittingly assaulted and horribly violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members.

It is worth noting that sexual exploitation can also occur with both men and boys (there are an increasing number of young boys being trafficked) but is generally less frequent.

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### 9.3.3. Forced Labour

Both children and adults are enslaved in illegal sweatshops, as field hands in the food processing industry, as construction workers and many other diverse forms of work. They can be sold and resold, earning healthy profits for traffickers. They are exploited and deprived of the most basic human rights.<sup>7</sup>

The European Court of Human Rights has interpreted “forced labour” as comprising two elements - involuntariness and an unjustifiable or oppressive character. Subsequent case-law adopts as a starting point the International Labour Organisation (ILO) definition:

**“All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.”**

The ILO is clear: forced labour cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives.

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<sup>6</sup> Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe <http://www.lshtm.ac.uk/hpu/docs/StolenSmiles.pdf>

<sup>7</sup> UKHTC Background: |

Forced labour represents a severe violation of human rights and restriction of human freedom practices similar to slavery, debt bondage or serfdom.<sup>8</sup>

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### 9.3.4. Domestic Servitude

Domestic servitude often involves people working in a private family home where they are ill treated, humiliated and subjected to exhausting working hours. Many overseas domestic workers do not speak English, and employers often hold on to their passport as a way of controlling them. Victims of domestic servitude may never, or rarely, leave the house for social reasons, or may never leave the house without their employer. A victim of domestic servitude may have no private space, or proper sleeping space. They may be made to sleep in communal areas, such as a living room. Often victims are subjected to insults, abuse, threats or actual violence.

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## 9.4. Indicators of Trafficking

Indicators are apparent symptoms of a situation. They should assist Officers (who are considered the First Responder (FR)) in making a primary assessment of whether the individuals encountered are or may be Potential Victims of Trafficking (PVOT). It is not the case that by selecting a set number of indicators this will equate to a person being a victim; it could be just one or a combination of indicators which demonstrate that the person may be a victim, each case should be considered on its own merits. Indicators highlight a potential situation to the Officer/FR who can then dig deeper to investigate what has happened.

General indicators to be considered include:

- Found in or connected to a type of location likely to be used for exploitation
- Distrust of authorities
- Expression of fear or anxiety
- Depression (lack of interest, hopelessness, suicidal)
- Hostility (annoyed and irritated easily, temper outbursts)
- The person acts as if instructed by another
- Passport or documents held by someone else

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<sup>8</sup> ILO A Global Alliance Against Forced Labour ILO Geneva 2005 (p5)

- Perception of being bonded by debt
- Being placed in a dependency situation
- Threat of being handed over to authorities
- Threats against the individual or their family members
- Injuries apparently a result of assault or controlling measures
- Evidence of control over movement, either as an individual or as a group
- Limited social contact
- Lack of access to medical care
- No or limited access to bathroom/hygiene facilities
- Claims to be older than their actual age - If Officers suspect that an individual may be a child i.e. less than 18 years of age they must contact Social Services immediately.

This is not an exhaustive or definitive list but highlights the more common indicators that may be identified.

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## **9.5. Conducting visits to suspected vice premises (Pre visit considerations)**

Staff will need to have regard to any locally prepared risk assessment and conform to its recommendations, as well as any regional or national guidelines for conducting such visits.

Staff should also be aware that due to the contentious nature of the work there is much media interest and publicity and such visits may be accompanied by media personnel. If Officers do not wish to be identified on camera they can opt not to go on such visits or request that no photographs or camera shots be taken of them. Equally, the victims have a right to privacy and consideration must be given to their safety. It is important that their identities remain hidden and if the media are present women should be advised of this and given access to blankets/coverings to protect their identity.

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### **9.5.1 Conducting visits to suspected vice premises**

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## **9.6. Security and Health and Safety issues during visits to suspected vice premises**

Compliance with local regional police Vice Unit commands whatever the grade are to be adhered to at all times during visits. Officers need to be aware of how to handle suspected victims and traffickers encountered and at all times comply with the local regional police Vice Units instructions/commands/guidance, to ensure that successful prosecution cases can be mounted against the traffickers.

Officers must be conscious of personal safety at all times and need to be aware of the risk of contamination at vice premises from bodily fluids, drugs, needles and diseases. Therefore any search of property/premises should be conducted taking adequate precautions.

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### **9.6.1. Conducting visits to vice premises**

The local regional police Vice Unit are to enter the premises first at all times and Immigration Officers are not to do so until given the go ahead. Staff should be aware that overt personal protection equipment (PPE) may have an effect on a victim's willingness to come forward.

All visits to premises suspected to be used for prostitution are to be conducted sensitively and in a low key manner with minimum disruption to the business premises. Courteous and professional relationships are to be established with all individuals encountered at such premises. Full awareness, acceptance and appreciation of diversity are to be displayed at all times by immigration personnel. Immigration personnel should be aware of the presence of CCTV at most premises and that every word movement, look or gesture is recorded and could lead to an official complaint against UKBA's conduct, particularly when dealing with individuals in a state of undress.

All interviews with any person on the premises during the enforcement operation are to be fully recorded in a note book with details of the date, place, location and persons spoken with. Initial questioning of those identified is to be brief and succinct as it is likely the individuals will not feel safe or comfortable being questioned on the premises. Removing potential victims away from the



premises is likely to be the best way of obtaining full and frank answers to any questions and therefore interviews, ideally, should be conducted off site. An Officer should never be left alone in a room with any suspected immigration offender of either sex due to risk of allegations of improper conduct being made and or accusations of financial theft (often large sums of cash will be found on premises).

Questions that are directed to individuals found on vice type premises should be based on specific local intelligence and the general situation of individuals found. Questions should relate, for example, to suspected identity of traffickers, specific routes to the UK and situation once in the UK.

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## **9.7. Guidance on handling possible victims of trafficking**

It should be recognised in the assessment process that victims may not be willing to fully disclose on first contact due to fear of retribution from their traffickers. It should also be recognised that there may be an inability and/or an unwillingness of exploited persons to perceive themselves as 'victims'. For many individuals they may perceive their situation as temporary and partly attributed to their lack of knowledge in understanding the country or labour market<sup>9</sup>.

It should be noted that some exploited persons may be viewed as 'colluding' with their 'employer' in their illegality, for instance accepting the 'cover' of the person exploiting them from the immigration authorities. Such 'relationships' can add to confusion when attempting to identify individuals as victims of trafficking<sup>10</sup>.

Agencies may also find that people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may also compare it more favourably to experiences at home<sup>11</sup>. In this situation front-line responders and decision makers should consider objective indicators such as the seizure of identity documents or use of threats by the employer/exploiter. Such indicators will facilitate in the identification of a trafficking situation.

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<sup>9</sup> OSCE (2007) Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p3

<sup>10</sup> OSCE (2007) Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p3

<sup>11</sup> OSCE (2007) Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p4

It is not uncommon for victims to feel both relief at having been identified along with feelings of fear and suspicion toward an identifying front line statutory responder, particularly from the police or immigration services. This is often linked to their fear of being returned to their trafficking situation many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying officer.<sup>12</sup>

For some victims, the identification and referral process may mimic aspects of what had happened to them during trafficking - promises of help and a good life, movement by persons they did not know, being taken to unknown locations where “everything would be fine” and “they would be taken care of”. As such, for many trafficked persons the identification process itself appears suspicious, particularly when viewed through the lens of someone who is already stressed, frightened and confused.<sup>13</sup>

In most trafficking situations, agents know or can easily discover personal information about the victim, his/her home, family and friends. It is very common for agents and employers to use threats against their family, especially children, in order to manipulate and control the person.<sup>14</sup> The fear of reprisal will have a huge impact on whether a potential victim of trafficking can be identified or not.

To side-step national laws, traffickers may become less physically aggressive or when the trafficked person is a woman, they may become romantically ‘involved’, or even marry them in order to legalise their status, or provide her with small sums of money.<sup>15</sup>

Individuals who are in a trafficking situation may be extremely reticent with information, and may tell their stories with obvious errors. It is not uncommon for traffickers to provide ‘stories’ for victims to tell if approached by the authorities and the errors or ‘lack of reality’ may be because

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<sup>12</sup> ‘Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe’ ICPMD, 2007 [http://www.icmpd.org/768.html?&tx\\_icmpd\\_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p57

<sup>13</sup> ‘Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe’ ICPMD, 2007 [http://www.icmpd.org/768.html?&tx\\_icmpd\\_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p60

<sup>14</sup> Anti-Slavery International (2005) ‘Protocol for identification and assistance to Trafficked Victims and Training Kit’ p20

<sup>15</sup> Anti-Slavery International (2005) ‘Protocol for identification and assistance to Trafficked Victims and Training Kit’ p20

their initial stories are composed by others and learnt.<sup>16</sup> Victim's early accounts may also be affected by the impact of trauma. In particular victims may experience Post Traumatic Stress Disorder which can result in symptoms of hostility; aggression; difficulty in recalling details or entire episodes of the worst events; and difficulty concentrating.

Further information on how trauma can affect victims can be found at:

<http://www.lshtm.ac.uk/hpu/docs/StolenSmiles.pdf>

Further information on dealing with victims of trafficking can be found in the **online trafficking toolkit** at: <http://www.Crimereduction.gov.uk/toolkits/tp00.htm>

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### 9.7.1. Children

In December 2007 the Government published guidance entitled "Safeguarding Children Who May Have Been Trafficked". This can provide detailed guidance for practitioners including asylum staff who come in to contact with child victims of trafficking and is particularly valuable in assisting practitioners in the steps to take to ensure that child victims are identified as such and that they are properly safeguarded and cared for.

Further details on safeguarding children can be found at:

<http://police.homeoffice.gov.uk/publications/operational-policing/safeguard-children-trafficking?view=Binary>

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## 9.8. Conducting interviews in suspected trafficking cases

When conducting interviews with potential victims, Officers must consider the gender of the Interviewer, for example, given the level of trauma experienced female victims may prefer to be interviewed by a female Officer/FR. This should be accommodated where it is both practical and possible to do so. Officers will need to identify the first language of the victim and consider whether an interpreter will be required to facilitate communication. Interpreters should be chosen from the Home Office's own database of Interpreters and again, where possible, the appropriate gender should be provided.

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<sup>16</sup> Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehandel, Norway, November 2008

It should be recognised in the assessment process that victims may not be willing to make statements at first interview due to fear of retribution from their traffickers. It should also be recognised that there may be an inability and/or an unwillingness of exploited persons to perceive themselves as ‘victims’.<sup>17</sup>

Knowledge and understanding of trafficking is limited and a Potential Victim of Trafficking (PVoT) will associate the term “trafficking” with prostitution. It is important to recognise that most victims of labour trafficking do not perceive themselves as “victims” but rather as migrants who happen to be in a “difficult” situation.

Anti-Slavery International stated in 2002 that:

**“Wrong expectations of how a ‘victim’ should behave often leads to misinterpretations by both the authorities and service providers, which may often shift blame on to the trafficked person”.**<sup>18</sup>

It is the authorities who have the responsibility of verifying a person as a ‘victim of human trafficking’ and it should not be expected that the person himself or herself must feel or behave as a ‘victim’ (in the sense of being totally dependent on help and protection from someone else).<sup>19</sup>

Officers need to maintain an active awareness of the vulnerability of the PVoT and their mental, emotional and psychological state during an interview and endeavour to use non-threatening body language. Officers should work hard to establish a rapport with victims, making them feel comfortable and at ease. It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward an identifying Officer. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim feels safe and has come to trust the identifying Officer.<sup>20</sup>

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<sup>17</sup> OSCE (2007) Report on Civil Society Meeting, Warsaw, ‘The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation’, p3

<sup>18</sup> Anti-Slavery International (2002): Human traffic, human rights: redefining victim protection, London, p33

<sup>19</sup> Guide to identification of possible victims of trafficking Koordineringsenheter for Ofre for Menneskehandel, Norway, November 2008

<sup>20</sup> ‘Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe’ ICPMD, 2007 [http://www.icmpd.org/768.html?&tx\\_icmpd\\_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p57

### 9.8.1 Conducting Immigration status interviews post referral

UKBA officers may be required to conduct Immigration status interviews with individuals already accepted in to the 'trafficking process', having being referred by another organisation/agency.

Such interviews may be conducted in a Q & A format, with the individual being asked to sign the notes to confirm that they represent an accurate record. The tone of the interview should be relaxed and conversational taking into account the fact that often individuals have mental health issues to contend with. Questions should be limited to those necessary to establish the individual's method of entry. The issue surrounding the subject of trafficking may arise at this time but this is not the purpose of the interview and no specific questions should be asked regarding the level of exploitation suffered within the UK as this information should already have been collated through the referral process.

Where it is appropriate to serve illegal entry papers, it should be emphasised to the individual that they are NOT about to be removed from the UK, they are being considered within the trafficking process and until that process is complete no removal action will take place.

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## 9.9. Post Visit

### Council of Europe Convention on Trafficking

[The Council of Europe Convention](#) on Action against Trafficking in Human Beings requires us to take a victim-centred approach to tackling all types of trafficking. As an international treaty it places binding obligations across statutory agencies. Human trafficking involves criminal offences and may be linked to organised crime. One of the primary principles of the UK's approach to tackle human trafficking (including ratifying the Convention) is to provide services to help victims' access justice and address the impact of the crimes to assist in their recovery.

Key changes that will come into force with the Convention are centred on victim identification and support.

From 1st April 2009 there will be a single National Referral Mechanism framework containing:

- a multi-agency Competent Authority based in the UK Human Trafficking Centre (UKHTC) to act as a central point of contact for all partners likely to encounter victims (e.g. police, local authorities); and
- linked but separate Competent Authorities in UKBA for situations where trafficking is raised as part of an asylum claim or in the context of another immigration process.
- Competent Authorities will aim to complete an assessment of whether there are 'reasonable grounds to believe' someone is a victim within 5 days of referral. A positive decision will trigger a 45 day 'recovery and reflection' period during which time individuals will not be detained (unless their detention can be justified on grounds of public order) and removal action will be suspended. Victims will have access to certain rights, including accommodation and advice.

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## 9.10. Making referrals to a Competent Authority (CA)

Competent Authorities should not accept direct referrals from solicitors. Only public bodies or government sponsored service providers may refer cases directly to a Competent Authority. Others, including solicitors should refer via a public body, e.g. police or through one of the service providers. If trafficking is raised for the first time as part of an appeal, the case will need to be referred to a Competent Authority for consideration. The Presenting Officer at the appeal should enter that consent was given at the hearing when submitting the referral (as the appeal determination should have a record of this being raised). The referral should be considered within 5 days of receipt by the Competent Authority.

Each case is to be considered on its own merits and it should be recognised that some individuals who have experienced exploitation at the hands of traffickers, will need time to recover and reflect on their position. The welfare of the PVoT is the priority. There is **no minimum number of indicators** required in order to justify a referral; the threshold for referring a case is low.

If there is any concern that a person may have been trafficked because of either their demeanour, the situation in which they are encountered or any information that they have given, then either

further enquiries should be made if the person is able to co-operate, or the case should be referred to a CIO for their opinion. If there are any doubts, contact UKHTC for advice.

The FR should refer the case to the CA using the approved referral form. The CA has a target of 5 working days from the receipt of the referral to reach a decision. Where a case needs to be fast tracked, e.g. the person may be detained, the CA is expected to treat the case as a priority and reach the decision as soon as possible. Once the decision has been reached as to whether there are reasonable grounds to believe that the person may have been trafficked the CA will notify the decision to the FR and the PVoT. If they meet the reasonable grounds threshold they will be given a period of 45 calendar days for reflection and recovery, whilst the CA makes a conclusive decision on the case.

### **The Referral Process - Adults:**

- If the Officer/FR feels, after consideration and possible consultation with their CIO, that there are indicators to suggest that the person is a PVoT they should contact UKHTC to refer the matter to the police.
- It is important that the individual's safety is protected. At this point UKHTC can also advise about accommodation, where the individual has not or is not claiming asylum. Section [9.11](#) provides more details on accommodation.
- The Officer/FR should give the PVoT the "Trafficking leaflet" to explain the situation and what action can be taken. If the person consents to being treated as a PVoT, the FR will then need to complete the "Potential Victims of Trafficking Report to Competent Authority" hereby referred to as the "referral form".

### **Trafficking Leaflet**

This is currently subject to amendment and will be included as soon as possible.

### **Referral Form**

See Annex A (at the end of this document)

- The referral form is for use by all agencies when referring adults. Officers /FRs will need to capture as much information about the individual and their circumstances and record it on the referral form. The indicators on the referral form are a prompt for Officer/FRs to show whether

those particular indicators apply, as a way of speeding up the process where the more common indicators are identified and can easily be noted. It is not a case of ticking boxes to decide whether a person is a PVoT, it is merely to save time by demonstrating that a frequently raised indicator is present. It may be that an Officer/FR identifies an indicator that does not appear on the form but gives a strong indication that the person may be a victim, in which case the Officer/FR should tick the “other” box and supply the details in section F.

- **Detained Fast Track (DFT) & Detained Non-Suspensive Appeal (DNSA) cases:** If the PVoT has claimed asylum and meets the requirements for either Detained Fast Track (DFT) or the Detained Non-Suspensive Appeals process (DSNA), then the officer/FR should follow existing referral procedures. If they are suitable and accepted to DFT or DNSA, the DFT CA will deal with the trafficking referral.
- **Non-DFT cases or non-asylum cases:** If the PVoT has not claimed asylum or has claimed asylum but does not meet the requirements for detained fast track, then the Officer/FR should phone the Asylum Routing Team (ART) who will allocate the case to the relevant CA.
- The Officer/FR should contact ART through the existing asylum routing procedures highlighting that the case is a PVoT and provide them with the address where the PVoT has been accommodated so that ART can allocate the case to a CA in proximity to this address.
- The ART will complete routing paperwork which will indicate which team the case has been allocated to, which the Officer/FR should check.
- **TCU cases:** Where evidence comes to light of the individual's presence in a Dublin Convention signatory Country and meets the criteria for referrals to Third Country Unit (TCU), the referral should be made direct to TCU for consideration of the trafficking claim along with the third country consideration.
- **Last minute further reps:** Where a claim to be trafficked is made and removal directions are due to take place, a referral should be made to Operational Support & Certification Unit (OSCU). OSCU will consider the information provided and advise on whether removal should be cancelled and the case referred to the relevant CA.
- Once the referral is received, the CA will send an acknowledgement letter (UKBA NRM 01) to the Officer/FR also copying it to the UKHTC.
- The CA has a target of 5 working days from the date of receipt of the referral within which to make a decision on whether the PVoT has reasonable grounds for being considered as a Victim of Trafficking. During this period the CA may contact the Officer/FR for further information (UKBA NRM 02).
- Once the CA has reached a decision they will notify the PVoT (using either UKBA NRM 03 Approval Letter or UKBA NRM 04 Refusal Letter) and send a notification letter (UKBA NRM



05) to the referring Officer/FR and will also copy to the UKHTC informing them of the outcome.

- Where the CA accepts the reasonable grounds the PVoT is allowed a 45 day Reflection period to recover and consider their options. The PVoT cannot be removed during this period or detained on immigration grounds unless, in the particular circumstances, their detention can be justified on grounds of public order. They can continue to be interviewed for asylum purposes and notified of their decision in line with existing asylum deadlines.

A process map highlighting the key steps is attached at the end of this document. For ease of reference, the process is broken down onto into three separate pages covering: Referral, RG Decision and the Conclusive Decision.

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## Referring Children

Where there are any child protection concerns the circumstances **must** be referred to the police and local social services immediately. Where trafficking is also suspected the FR should complete the Local Authorities referral form and provide details of the circumstances of the encounter and reasons for suspecting that the child is a PVoT. The form should be forwarded to the Local Authority highlighting that as a potential trafficking case it has also been referred to the CA. This form will also act as the child trafficking referral form and should be copied and routed to the CA.

**Children should be dealt with according to current policy, for further details and the form refer to Chapter 26 of the Enforcement Guidance.**

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## 9.11. Accommodation and Support

Where asylum is claimed officers are reminded to follow existing procedures for housing asylum applicants

In instances where no asylum is claimed, UKHTC will coordinate support for potential victims. UKHTC will ensure accommodation is provided by appropriate support providers. Providers such as Poppy (Eaves for Women) and Migrant Helpline, both of which have provided appropriate accommodation for a range of victims of trafficking in the past.

Where no accommodation is available through UKHTC, officers are to follow existing asylum accommodation procedures to make arrangements for overnight or initial accommodation.

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## 9.12. Victim's participation in future legal proceedings

Requests for the victim to stay in the UK to assist with legal proceedings will usually come from the Police and/or Crown Prosecution Service (CPS).

Due to our obligations under the Council of Europe Convention on Action against Trafficking in Human Beings, we have agreed that in those instances where a victim has agreed to co-operate with the police, we will grant them a period of 1 year's discretionary leave specifically to assist with police enquiries. This may be extended where it is felt necessary, e.g. where a criminal prosecution takes longer than expected and the police or CPS have confirmed/requested that an extension is required. The Police will need to make a formal request for the person to be granted leave if they are to cooperate with police enquiries in relation to trafficking; there will be no charge for this service for trafficked cases only.

Article 14 of the Council of Europe Convention on Action against Trafficking in Human Beings states that:

**“Each party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:**

- a) The competent authority considers that their stay is necessary owing to their personal situation;**
- b) The competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.”**

Should Officers require further clarification regarding entry to, extensions of stay in, or deferral of removal from the UK for witnesses they should contact the CA dealing with the case.

Officers should also bear in mind that there may be some individuals who have expressed a willingness to assist the authorities with their enquiries who may still wish to return home. In such situations consideration should be given as to whether the individual could assist the authorities

with their investigations and participate in any future legal proceedings from abroad through the use of video conferencing and web links.

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### **9.13. Assisted Voluntary Returns for potential victims of trafficking**

All potential victims of trafficking should be informed of the opportunity to make a voluntary return under the Assisted Voluntary Returns for Irregular Migrants (AVRIM) programme which is particularly aimed at those who have been smuggled or trafficked into the UK. This programme is run in partnership with the International Organization of Migration (IOM) who liaises with the applicant. The AVRIM scheme provides IOM assistance at the port of departure in the UK and assistance with immigration upon arrival in the country of origin if requested. It also meets the cost of a flight to the applicant's country of origin and onward domestic transportation. In some cases IOM will arrange referral to appropriate NGOs in the country of origin for victims of trafficking. Certain cases may also be eligible for some reintegration assistance to help with small business start up, vocational training or further education courses. Further information can be obtained from the IOM website at [www.iomlondon.org](http://www.iomlondon.org)

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