

# Building a better system for survivors of trafficking in immigration detention

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**Who we are:** The Taskforce on Survivors of Trafficking in Immigration Detention is a group of 14 organisations working with, or for, victims of trafficking. The Taskforce works to ensure no victim of trafficking is detained under immigration powers.<sup>1</sup>

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**Immigration detention policies are punishing survivors of trafficking.** The number of survivors of trafficking being detained has increased dramatically in recent years. Referrals of potential victims to the National Referral Mechanism (NRM) from immigration detention tripled from 501 in 2017 to 1,611 in 2021. In 2022, at least 2,516 people were referred into the NRM from detention (25% increase from 2021).<sup>2</sup>

**Research has shown that detention has a significant negative impact on survivors' mental health and recovery.** Survivors of trafficking are frequently diagnosed with depression, post-traumatic stress disorder, anxiety, and suffer from self-harm and suicidal ideation. The appropriate treatment for these conditions, such as individual trauma-focused therapy, is rarely available in immigration detention. Even if such therapy was provided, it would not be effective in the harsh conditions of immigration detention as it requires the person to feel stable and safe to benefit from treatment (as per the NICE guidelines).<sup>3</sup> This means people's needs are not being met and their mental health is likely to deteriorate further.

**This situation is getting worse.** Successive harmful legislation like the Nationality and Border Act 2022, Illegal Migration Act 2023 and Safety of Rwanda Act 2024 has created a situation where tens of thousands of people will be stuck in legal limbo, with survivors of trafficking being frozen out of meaningful access to justice and support. We are also seeing the rapid expansion of the detention estate, with the use of quasi-detention facilities, such as Wethersfield airfield, causing profound and irreparable harm to residents. The numerous scandals around these sites have already highlighted the fact that they are unsafe and inappropriate for vulnerable people.

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1 **Detention Taskforce members:** Helen Bamber Foundation (Chair); Focus on Labour Exploitation (Coordinator); After Exploitation; Anti-Trafficking & Labour Exploitation Unit (ATLEU); Anti-Slavery International; Association of Visitors to Immigration Detainees (AVID); Bail for Immigration Detainees (BID), Detention Action; Duncan Lewis Solicitors; ECPAT UK; Jesuit Refugee Service; Medical Justice; Unseen, Latin American Women's Rights Service (LAWRS).

2 Freedom of Information Request reference: 78080.

3 NICE guideline – Post-traumatic stress disorder, December 2018.

**These policies have empowered traffickers to drive people into and continue exploitation.** Ultimately, they are preventing people escaping exploitation and reporting to the authorities and they increase the risks of re-trafficking.

**As recognised by numerous experts and parliamentary inquiries, the Home Office is still failing to identify vulnerable people.**<sup>4</sup> Even where they are identified, the current system allows for their detention. **We need to move beyond the controversial ‘Adults at Risk’ policy.** While previous Home Office policy stated that victims of trafficking (among other vulnerable groups) were only suitable for detention in exceptional circumstances, in 2021 survivors of trafficking were brought entirely under the scope of the controversial ‘Adults at Risk’ (AAR) policy, despite the government recognising that this would result in more survivors of trafficking being detained. **No potential or confirmed victim or survivor of trafficking should be kept in immigration detention or quasi-detention.**

**Building a better system.** The recommendations below outline the necessary measures for ensuring that victims and survivors of trafficking are able to access the support and protection that they need for them to recover and break the cycle of trafficking, and for the UK to meet its international obligations.

### **No victim or survivor of trafficking should ever be in immigration detention or quasi-detention.**

- 1.** No potential or confirmed victim or survivor of trafficking should be kept in immigration detention or quasi-detention. Detention under immigration powers must end.
- 2.** The government should abolish the three Adults At Risk policy levels of risk, and instead, it should revert to its previous policy focusing on risk of harm, with detention of survivors of trafficking permitted only “in very exceptional circumstances”. The Home Office should consult with a wide range of stakeholders, including people with lived experience. A self-declaration of vulnerability should trigger a duty of inquiry into the asserted vulnerability.
- 3.** A more effective screening process prior to the decision to detain must be introduced to ensure that potential victims of trafficking are identified at the earliest opportunity and are less likely to be detained.
- 4.** Everyone under consideration for detention should receive independent free legal advice and there should be independent judicial oversight of the decision to detain, including provision to challenge decisions that there are exceptional circumstances to detain victims of trafficking.
- 5.** Ensure secure reporting mechanisms and a separation of powers so that labour and law enforcement authorities do not share migration status with immigration enforcement, recognising that people with insecure and temporary immigration statuses are often reluctant to report abuse due to fear of facing immigration consequences.
- 6.** All ‘large scale’ accommodation centres on ex-military sites/barges must be closed and any plans to open further similar accommodation should be ceased. Reliance on other forms of emergency accommodation, such as hotels, should be significantly decreased and strict time limits on people’s stays there should be introduced. People seeking asylum should be housed in communities.
- 7.** Implement the recommendations contained in Stephen Shaw’s 2016 Review into the Welfare in Detention of Vulnerable Persons.

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<sup>4</sup> These include the 2016 Shaw Report, the 2018 progress report also undertaken by Stephen Shaw, and the 2019 reports by the Joint Committee on Human Rights and by the Home Affairs Select Committee, as well as the ICIBI’s inspections on the Adults at Risk policy among others.

## **Ensure compliance with our international obligations.**

- 8.** In order to ensure compliance with our international anti-trafficking obligations, the European Convention on Human Rights, the Council of Europe Convention on Action Against Trafficking and the Anti-Trafficking Directive must be enshrined in domestic legislation.

## **A 28 day statutory time limit on immigration detention.**

- 9.** As an interim protection, the government must introduce a strict time-limit of no more than 28 days in immigration detention, as recommended by the Brook House Inquiry.
- 10.** This should be accompanied by judicial oversight of the decision to detain and ongoing detention.

## **Long-term support and recovery so survivors of trafficking can rebuild their lives, access justice and to break the cycle of trafficking.**

- 11.** In order to help survivors of trafficking rebuild their lives, access justice and to break the cycle of trafficking, victims and survivors of trafficking who receive a positive conclusive grounds decision, should receive a residence permit lasting for a period of at least 30 months, together with access to specialist support services.

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