

Road to Nowhere:

The impact of insecure immigration
status of survivors of trafficking



Every Child Protected
Against Trafficking

HELEN
BAMBER
FOUNDATION
strength to fly



ATLEU

ANTI TRAFFICKING AND
LABOUR EXPLOITATION UNIT

ACKNOWLEDGEMENTS

This report was written by Beth Mullan-Feroze and Kamena Dorling, with invaluable additions and comments from Laura Durán, Dragana Wright, Rhona French, Kate Elsayed-Ali, Carita Thomas and Lindsay Cundall.

July 2025

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ABOUT THE HELEN BAMBER FOUNDATION

The Helen Bamber Foundation (HBF) is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty. Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

ABOUT ATLEU

ATLEU is the only UK charity providing dedicated holistic legal advice and representation to survivors of trafficking and modern slavery. Based in London and Sheffield, our specialist multidisciplinary legal team assists survivors to escape, recover and rebuild their lives: securing safe and appropriate housing, regularising immigration status, obtaining trafficking identification, subsistence and support, and recovering compensation from their traffickers or the state. ATLEU also provides training and runs a weekly advice line for professionals working with survivors of trafficking and modern slavery nationally.

ABOUT ECPAT UK

ECPAT UK (Every Child Protected Against Trafficking) is a leading children's rights organisation working to protect children from trafficking. We support children everywhere to uphold their rights and to live a life free from abuse and exploitation. Our mission is to improve legislation, policy to end child trafficking and transnational child exploitation. To improve the child protection response of professionals in the UK and overseas. To ensure that children affected by exploitation are agents of change and part of the solution. We take a rights-based approach, centring every child's fundamental human right to be protected from trafficking and exploitation as outlined in national legislation and the international legal framework.

EXECUTIVE SUMMARY

Without permission to be in the UK ('leave to remain'), non-British survivors of trafficking constantly experience 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 face significant struggles to obtain the secure immigration status that they need. 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 increases their vulnerability to abuse, exploitation and re-trafficking. For children, this instability can be particularly damaging, affecting their ability to engage in education, feel safe in care placements, or plan for their future. The absence of secure status also increases their risk of going missing or being re-trafficked.¹

Those who are confirmed as 'victims of trafficking'² by the National Referral Mechanism (NRM) - the UK framework designed for identifying and protecting victims of trafficking and modern slavery - will be considered for a grant of 'temporary permission to stay in the UK' ('leave to remain' or 'VTS Leave'). **Yet, new figures show that in 2024, while 4,240 individuals confirmed as victims of trafficking were considered for a grant of leave to remain, just 4% - 176 - received a grant of 'temporary permission to stay'.³ 4,064 adults were refused a grant of leave. In the same year, there were 699 confirmed child victims who needed immigration leave, but less than five received temporary permission to stay.⁴**

For many survivors of trafficking, VTS leave is often only granted after strong legal representations have been submitted, often accompanied by clinical evidence. The few survivors who *are* granted leave are usually only given a very short period of time, which is wholly insufficient for their long-term needs and does not provide the necessary feeling of security for them to begin their recovery process. **In 2024, over 40% of the grants of leave to adults made were for less than 12 months.⁵** This is despite the wealth of evidence emphasising the need to give recognised victims of trafficking stability, security, and support. For children, short-term grants of leave can be particularly harmful and are not in line with international obligations, as they do not offer the stability required to prepare for independence, continue education or access further support to recover.

Survivors of trafficking who are not granted leave are left in limbo and many are reliant on the asylum system as the only way of ensuring they get secure status. This is despite the high risk of re-trafficking that many would face if returned to their country of origin or if they were left living precariously in the UK. But with the government committed to swiftly returning people from countries such as Albania and Vietnam without fully considering their asylum claims, fewer survivors are being granted refugee status.⁶

1 ECPAT UK and Missing People, [When Harm Remains: An update report on trafficked and unaccompanied children going missing from care in the UK](#), 2022

2 Someone who has received a final decision (known as a Conclusive Grounds decision) that they are a victim of modern slavery or human trafficking according to the balance of probabilities.

3 Freedom of Information Request reference: FOI2025/00265, answered by the Home Office on 13th June 2025

4 Freedom of Information Request reference: FOI2025/00645, answered by the Home Office on 13th June 2025

5 The length of leave given to child victims was not provided and deemed exempt as a result of the small number being potentially identifying.

6 Helen Bamber Foundation, [Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as 'safe'](#), April 2025

In response to litigation,⁷ the Home Office amended part of the policy on 'Temporary permission to stay for victims of human trafficking and slavery' in October 2024. However, it remains overly restrictive and does not take into account the international obligations to children nor the many factors that may impact a survivor's ability to access and engage with treatment, particularly any psychological barriers. The policy also places an overly high evidential burden on survivors. HBF, ATLEU and ECPAT UK continue to see refusals on the basis that treatment would be accessible in the person's home country, despite the fact that the individuals have pending asylum claims so cannot be removed or practically access treatment in their country of origin, and have a subjective fear of return to those countries.

Article 14 (1) of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) states that renewable residence permits should be issued to victims where it *"is necessary owing to their personal situation"* and/or *"is necessary for the purpose of their cooperation with the competent authorities in investigation or criminal proceedings."* The Explanatory Report to ECAT states that consideration of a victim's 'personal situation' could include looking at, for example, *"the victim's safety, state of health, family situation or some other factor which has to be taken into account"*.⁸ However, in the UK survivors not seeking compensation or assisting with criminal proceedings will only be granted permission to stay if necessary *"to assist in their recovery from physical or psychological harm arising from their exploitation"*.⁹ Furthermore, if recovery, seeking compensation or assisting with criminal proceedings could be achieved in the survivor's country of origin they could still be refused leave.

Additionally, ECAT specifically recognises the unique circumstances of child victims, stating that a residence permit *"shall be issued in accordance with the best interests of the child"*. Yet, the current UK framework fails to reflect this distinction, offering no tailored route to leave for children despite these clear obligations.

Our view is that Home Office policy narrows the circumstances where leave can be granted to the extent that it is not in accordance with international law. This is the wrong approach to take if the government is serious in its commitment to protect survivors of trafficking and reduce the risk of re-trafficking.

In order to tackle human trafficking, 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. This is particularly critical for children, who are at heightened risk of harm if left without status. Ensuring a secure immigration pathway for confirmed victims of trafficking is essential to prevent further exploitation, promote long-term recovery, and ensure survivors are in a position to help in the prosecution of their traffickers. Leave to remain should be automatically granted to all victims after they have been confirmed as a victim of trafficking. The shockingly low grant rate, and the limited durations of leave granted, reflect a system that is not functioning and which is not compatible with the spirit of the UK's international obligations.

7 [Duncan Lewis Challenges Unlawful Trafficking Policy on Behalf of Multiple Clients, 3 June 2024.](#)

8 Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report, 2005, para 184.

9 Home Office, [Temporary permission to stay for victims of human trafficking or slavery: caseworker guidance](#), 06 February 2025

INTRODUCTION

Human trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through means such as force, fraud or deception, with the aim of exploiting them for profit.¹⁰ For children, the 'means' are not a required element yet may be present in some cases. In the UK, trafficking also falls under the wider term, 'modern slavery'.¹¹ The survivors¹² supported by the Helen Bamber Foundation (HBF) and by ATLEU (in relation to immigration advice) are non-British nationals who have had a wide variety of experiences of trafficking and their immigration status is a key concern.

Those who are confirmed as 'victims of trafficking'¹³ by the National Referral Mechanism (NRM) - the UK framework designed for identifying and protecting victims of trafficking and modern slavery - will be considered for a grant of permission to stay in the UK ('leave to remain' or 'VTS Leave').¹⁴ Without leave to remain survivors 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 and even those who are formally identified as survivors of trafficking can face an ongoing struggle to obtain the secure immigration status that they need to start rebuilding their lives. There is a wealth of research showing how vital long-term stability is to recovery¹⁵ and the lack of a secure immigration status can result in poverty, destitution and isolation as it prevents survivors from working and accessing services. This, in turn, increases their vulnerability to abuse, exploitation and re-trafficking.

Despite that, shockingly few non-UK nationals recognised as survivors of trafficking by the NRM are granted leave to remain in this country. New policy, introduced in 2023 and amended in late 2024, and further in 2025,¹⁶ narrowed the already restrictive process for deciding whether a conclusively recognised victim of trafficking¹⁷ should be granted leave.¹⁸ Many non-UK national survivors, therefore, rely on the asylum system as a way of being granted a secure form of immigration status. Despite its flaws, the asylum system has a clear route to settlement, unlike a grant of leave to remain through the NRM. However, various factors including previous immigration legislation and a lack of sufficient resourcing for decision makers, lawyers and Tribunal staff, have created significant backlogs that are still being worked through. Furthermore, the current government has

10 See [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](#) (Palermo Protocol), November 2000, for full definition.

11 The term 'modern slavery' includes human trafficking, slavery, servitude and forced and compulsory labour.

12 The terms 'victim' and 'survivor' are both used in relation to modern slavery and human trafficking. Throughout this report, we aim to use 'survivor', as this better reflects the dignity and agency and of each individual, rather than 'victim' which can perpetuate negative stereotypes and a sense of powerlessness. However, where law or policy refers to 'victim' we use the same language for clarity.

13 Someone who has received a final decision (known as a Conclusive Grounds decision) that they are a victim of modern slavery or human trafficking according to the balance of probabilities.

14 Home Office, [Temporary permission to stay for victims of human trafficking and slavery: caseworker guidance](#), last updated February 2025. Amendments in January 2025 were mainly procedural. On 6 February 2025, the guidance was amended in a more substantial way to say: "This update clarifies that we are pausing decisions that consider possible grants of Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS) for individuals that are subject to deportation orders, until further notice."

15 See for example Hajak VL, Sardana S, Verdelli H and Grimm S (2021) [A Systematic Review of Factors Affecting Mental Health and Well-Being of Asylum Seekers and Refugees in Germany](#). Front. Psychiatry 12:643704; Jannesari S, Hatch S, Prina M, Oram S. [Post-migration Social-Environmental Factors Associated with Mental Health Problems Among Asylum Seekers: A Systematic Review](#). J Immigr Minor Health. 2020 Oct;22(5):1055-1064; British Red Cross, [Hope for the future: Support for survivors of trafficking after the National Referral Mechanism, UK integration pilot – evaluation and policy report](#), July 2019

16 Amendments in January 2025 were mainly procedural. On 6 February 2025, the guidance was amended in a more substantial way to say: "This update clarifies that we are pausing decisions that consider possible grants of Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS) for individuals that are subject to deportation orders, until further notice."

17 Someone who has received a final decision (known as a Conclusive Grounds decision) that they are a victim of modern slavery or human trafficking according to the balance of probabilities.

18 Home Office, [Temporary permission to stay for victims of human trafficking and slavery: caseworker guidance](#), last updated February 2025

expressed its commitment to swiftly return people seeking asylum to countries it deems 'safe', including Albania and Vietnam, the top two origin countries of survivors of trafficking.¹⁹ The Border Security, Asylum and Immigration Bill²⁰ retains section 59 of the Illegal Migration Act 2023²¹ which, if brought into force, would mean that asylum and human rights claims by Albanian nationals must be declared inadmissible, unless there are exceptional circumstances.

In December 2023, the previous government abandoned its commitment that all those recognised as victims of trafficking by the NRM and in need of assistance would receive appropriate individualised support, including leave to remain, for a minimum of 12 months²² because *"the existing needs-based approach already ensures that necessary assistance to victims...is available"*.²³ This was not the case then and is still not the case. If the UK is genuinely to uphold its legal obligations to protecting survivors of trafficking, then change is urgently needed.

This report examines why secure immigration status is so vital to the recovery of adult and child survivors,²⁴ and how the current system is failing to provide the support that they need. It provides recommendations on what needs to change in the UK if we are to ensure that survivors are adequately supported and their risks, including risks of further exploitation, are reduced.

19 Helen Bamber Foundation, [Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as 'safe'](#), April 2025

20 [Border Security, Asylum and Immigration Bill](#)

21 [Illegal Migration Act 2023](#), section 59

22 [Home Office Stakeholder Update, 1 December 2023](#)

23 Anti-Trafficking Monitoring Group, [One day at a time: shedding light on the Recovery Needs Assessment](#), April 2022

24 The report focuses on adults as HBF's clients are over 18, although we recognise there is a significant problem regarding child victims of trafficking not being granted long-term leave to remain and this has a detrimental impact on their mental health and ability to plan their futures.

CASE STUDY - MUHAMET

Muhamet is a recognised victim of trafficking with a pending asylum claim (currently at appeal stage)

Muhamet was trafficked in his country of origin and subsequently to Europe. He managed to escape his traffickers and travel to the UK where he claimed asylum on arrival. However shortly after arriving in the UK, he was exploited yet again by someone claiming to know his family back home. After escaping, Muhamet experienced a period of homelessness, which further damaged his health.

Muhamet's mental health has been greatly affected by his experiences. He has been diagnosed with Post-Traumatic Stress Disorder (PTSD), anxiety and depression. He completed a course of therapy sessions, after which he was advised to take a short break or ask to be re-referred if needed. Muhamet decided to take a break as the sessions had taken an emotional toll. However, he continues to need and receive extensive emotional and practical support from anti-trafficking charities.

Muhamet received his positive Conclusive Grounds decision as a victim of trafficking in the first half of 2024. Following this, his solicitor submitted a detailed request for VTS leave, explaining how his case met the necessary criteria, along with medical evidence and two supporting expert reports. Despite this, Muhamet was refused VTS leave. The reasons for refusal included the fact that he was no longer attending therapy, as well as his supposed ability to access medical care in his country of origin even though expert evidence to the contrary had been submitted.

Muhamet's solicitor requested that the decision be reconsidered. The request was accepted and Muhamet was told that a new decision would be made in due course. Following this, VTS decision making was paused, so the policy guidance could be updated. In January 2025 Muhamet received another VTS refusal with reasons largely similar to the above, insisting that medical treatment is available in Muhamet's country of origin, despite evidence to the contrary. In the meantime, Muhamet's asylum claim was refused, which he is currently appealing.

The delays, refusals, and precarity due to a lack of secure status have taken their toll on Muhamet. His mental health has deteriorated so much that his housing solicitor says he is more distressed now than during his previous period of homelessness. His meagre NRM support is so limited that he cannot even afford transportation to English classes. Had Muhamet been granted VTS leave eight months ago, he would have felt more secure and could have started on his road to recovery. Instead, an already vulnerable individual remains in a constant state of fear, with recovery remaining a distant prospect, potentially unattainable.

SURVIVORS OF TRAFFICKING IN THE UK

Trafficking often involves a process of movement of an adult or child to a site of exploitation, for example a bedroom, factory, brothel, hotel, cannabis farm, nail salon, or a shop. The victim is then trapped in modern slavery, most commonly in forms of sexual exploitation, labour exploitation, criminal exploitation or a combination of these. The survivors with whom HBF and ATLEU works have been trafficked in their countries of origin, in other countries overseas, and/or to the UK from abroad. They have experienced trafficking while en route to the UK and/or following their arrival in the country. The top five countries of origin of HBF's clients who are survivors of trafficking are Albania, Nigeria, Vietnam, Eritrea and China, and 58% are female, 40% are male. They predominantly experience labour and sexual exploitation as well as often being held in domestic servitude.

HBF and ATLEU's clients will generally be referred into the NRM, either before receiving support or once taken on as clients. Many will also claim asylum. The trafficking-related traumatic experiences of survivors, and their risk of being re-trafficked should they be forcibly returned to their country of origin, often form part, or all, of the grounds for their asylum claim. It is only through a functioning and effective NRM and asylum system that the survivors we work with will be able to access support, assistance and long-term protection.

In 2024, 25,860 NRM decisions were made for non-UK and Irish nationals (21,482 adults and 4,378 children)²⁵ who are potential and confirmed survivors of trafficking.²⁶ The most common nationalities were Albanian, Vietnamese, Eritrean, and Sudanese. Of these, 14,777 (12,276 adult and 2,501 child) were first stage ('Reasonable Grounds') decisions, with 6,163 being positive. 11,083 (9,206 adult and 1,877 child) final stage ('Conclusive Grounds') decisions were made with 4,854 being positive – 44% of Conclusive Grounds (CG) decisions were positive, confirming that the individuals were victims of trafficking.²⁷

There is no published data on how many people seeking protection are survivors of trafficking nor how many are in both the asylum system and NRM, but 81% of HBF clients who are survivors of trafficking are in both systems. This is also the case for many ATLEU clients and individuals approaching ATLEU for legal representation and is seen in the queries received via ATLEU's advice line (although many survivors may not wish to claim protection status or feel another immigration option is more appropriate). All children supported by ECPAT UK are also navigating both procedures. A Freedom of Information request response from the Home Office showed that in 2023, a total of 2,540 potential victims of trafficking that were referred into the National Referral Mechanism had also claimed asylum. 1,141 of these were Albanian and 149 were Vietnamese.²⁸

25 Age at referral.

26 National Referral Mechanism Annual Data for the UK Data Service 2024

27 [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024](#)

28 Freedom of Information request FOI2024/06253, answered by the Home Office on 20th September 2024

Some survivors do not want to be referred to the NRM due to lack of understanding/awareness; fear of approaching the authorities (particularly the Home Office), lack of access to specialist legal advice; and/or having heard negative things about the process and the support available. There is no free-standing right to legally aided pre-NRM advice which would assist people to decide on whether they would like to enter the NRM.²⁹ In 2024, 5,598 suspected adult victims who did not consent to enter the NRM were reported to the Home Office via the Duty to Notify process.³⁰

It is important to note also that these figures do not fully reflect the scale of the problem because many survivors are not able to escape their exploitation or are too scared to bring themselves to the attention of authorities.³¹ This is especially the case for those who have been trafficked to the UK from abroad. In our joint experience, survivors with insecure immigration status frequently believe that they cannot report their abuse and exploitation to authorities, for fear of serious personal consequences where their information is shared with immigration enforcement, including arrest, detention and removal from the UK.³² This is something that traffickers will often threaten with and reinforce, thus increasing the hold and power they have over victims. A key risk factor for exploitation for children is unstable immigration status.³³

29 Provisions that were put in place within the [Nationality and Borders Act 2022](#) that would allow for some pre NRM advice provision have not been brought into force – see sections 66 and 67.

30 [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024](#). Children do not need to consent to enter the NRM so all identified as potential victims by statutory first responders should be referred.

31 The Global Slavery Index estimates that there are currently over 122,000 people living in modern slavery in the UK, or 1.8 people in slavery per 1,000 people. Walk Free, [Global Slavery Index – United Kingdom](#)

32 Taskforce on Victims of Trafficking in Immigration Detention, [Justice Committee - Pre-legislative scrutiny of the draft Victims Bill - Inquiry Response](#), 10 June 2022

33 Celiksoy, E. et al. [Prevention and Identification of children and young adults experiencing, or at risk of, modern slavery in the UK](#), 2024.

INTERNATIONAL STANDARDS

There are a number of relevant international and European provisions on the right to residence and protection for survivors of trafficking.³⁴

Article 7 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children ('Trafficking Protocol')³⁵ states that *"each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases"* and, when doing so, they should *"give appropriate consideration to humanitarian and compassionate factors"*.

The Human Rights Committee - a body of experts that monitors the implementation of the International Covenant on Civil and Political Rights - has outlined that comprehensive support for trafficking survivors should include *"interpretation, medical care, counselling, legal support for claiming unpaid wages and compensation, **long-term support for rehabilitation as well as stability of legal status to all victims of trafficking**"* (emphasis added).³⁶ UN Special Rapporteurs have made clear that protection for survivors of trafficking requires states to *"take robust and effective measures that can allow trafficked persons to rebuild their lives... beyond the recovery and rehabilitation phase"*³⁷ and that this includes *"providing them with access to asylum or residence status."*³⁸ Trafficked persons should be provided with a temporary or permanent residence permit *"where a safe return to the country of origin cannot be guaranteed, may place them at the risk of persecution or further human rights violations, or is otherwise not in their best interest."*³⁹

Victims of trafficking also have a right to effective and appropriate legal remedies ('reparations'), including restitution, compensation, and rehabilitation, satisfaction and guarantees of non-repetition. But without a right to remain, victims of trafficking may be denied their right to effective remedies.⁴⁰

Under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)⁴¹, once there are reasonable grounds to believe that the person has been trafficked, States should provide victims with a 'recovery and reflection period',⁴² the time and space to recover and escape the influence of their traffickers, and to decide on their options, including whether they will cooperate with the authorities.⁴³ During that period, they may not be removed from the territory,

34 REST Project, [Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law](#).
35 The [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#) (also referred to as the Trafficking Protocol or UN TIP Protocol)

36 Human Rights Committee, [Concluding Observations Japan \(UN Doc. CCPR/C/JPN/CO/5\)](#), 30 October 2008

37 UN General Assembly, Human Rights Council, Forty-first session 24 June–12 July 2019, [Report of the Special Rapporteur on trafficking in persons](#), para 4

38 UN General Assembly, Human Rights Council, Forty-fourth session, 15 June–3 July 2020, [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), para 45

39 UN General Assembly, Human Rights Council, Seventeenth session, 13 April 2011, 13 April 2011, [Report of the Special Rapporteur on trafficking in persons, especially women and children](#), Joy Ngozi Ezeilo, A / HRC/17/35, Annex 1, Draft basic principles on the right to an effective remedy for trafficked persons, para 7(b).

40 See UN General Assembly, [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), A/RES/60/147, 2005; and Office of the High Commissioner for Human Rights, [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)

41 Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)

42 Art 13 ECAT. See Council of Europe, [Explanatory Report to the Convention on Action against Trafficking in Human Beings](#), ETS 197, 2005, para 172-179.

43 Council of Europe, [Explanatory Report to the Convention on Action against Trafficking in Human Beings](#), (ECAT Explanatory report), para 173-174

and unconditional access to services and support should be given - the minimum duration of this period is 30 days.⁴⁴

After this period, Article 14 (1) of ECAT 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 cooperation with the competent authorities in investigation or criminal proceedings.”

It is important to note that under Article 14 of ECAT, victims of trafficking should be provided with residence permits *not only* in exchange for cooperation with authorities, but also on account of their ‘personal situation’. The Convention does not give any further guidance on how to assess personal circumstances, but its Explanatory Report lists examples such as “the victim’s safety, state of health, family situation or some other factor which has to be taken into account”.⁴⁵ The victim’s personal situation must be such that it would be unreasonable to compel them to leave the country.⁴⁶ With regards duration, the Explanatory Report notes that ECAT “leaves the length of the residence permit to the Parties’ discretion, though the Parties **must set a length compatible with the provision’s purpose**” [emphasis added].⁴⁷

Additionally, the Convention specifically recognises the unique circumstances of child victims. Article 14(2) requires that:

“the residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.”

The explanatory report to ECAT goes on to state at paragraph 186: “In the case of children, the child’s best interests take precedence over the above two requirements (personal situation and cooperation with authorities)”. The words ‘when legally necessary’ have been introduced in order to take into account the fact that certain states do not require a residence permit for children.

There are varying standards in different countries, many of whom only grant residence permits to those victims who cooperate with the authorities. GRETA⁴⁸ (the Group of Experts on Action against Trafficking in Human Beings responsible for monitoring the implementation of ECAT) has repeatedly urged countries to either adopt legislation to enable, or otherwise ensure, that victims of trafficking can fully benefit from their right to obtain a renewable permit on account of their personal situation, including those who do not cooperate with the authorities.⁴⁹ A key concern is that linking residence

44 ECAT contains some caveats - as per Art 13.3, the reflection and recovery period can be refused or terminated on grounds of public order or if the competent authorities establish that victim status is being claimed improperly. See CoE, 2005, Explanatory Report to the Convention, para 176.

45 ECAT [Explanatory Report](#), para 184.

46 ECAT [Explanatory Report](#), para 183. The interpretation of Article 14 and of ‘compelling circumstances’ was examined further in the case of *R (On the Application Of PK (Ghana)) v The Secretary of State for the Home Department* [2018] EWCA Civ 98 - see paras 56 and 60.

47 ECAT [Explanatory Report](#)

48 Council of Europe, [Group of Experts on Action against Trafficking in Human Beings](#)

49 For summaries of these recommendations, see the [annual general reports on GRETA’s activities](#). In its [2021 Evaluation Report of the UK](#), GRETA urged UK authorities to “ensure that all victims of human trafficking who have received a positive Conclusive Grounds decision and whose immigration status requires it are issued a renewable residence permit when their personal situation warrants it or when they are cooperating with the authorities in criminal investigations or proceedings and their presence in the UK is required for this purpose, in accordance with Article 14(1) of the Convention.”

permits to victims' cooperation places pressure on victims to make a statement against the traffickers at an early stage in the process and potentially leaves them at risk if for various reasons they cannot, or do not wish to, cooperate with the authorities.

Where a victim of trafficking qualifies as a refugee under the 1951 Refugee Convention, or they would be at risk of ill-treatment if returned, this can provide them with a means of obtaining secure status. ECAT explicitly requires states to ensure that victims have appropriate access to fair and efficient asylum procedures⁵⁰ and outlines that granting a residence permit to a victim *"shall be without prejudice to their right to seek and enjoy asylum"*.⁵¹

The return of a trafficked person to their country of origin should preferably be voluntary, and the rights, safety and dignity of victims of trafficking have to be taken into account, including the right not to be subjected to inhuman or degrading treatment, the right to the protection of private and family life and the protection of identity.⁵² Where return would pose a serious risk for the safety of victims of trafficking or their families, States are required to provide legal alternatives.⁵³

A human rights approach to supporting survivors of trafficking needs to move away from a focus on migration and crime and towards putting the needs of victims at the centre. A key tenet of this is granting recognised victims of trafficking long-term residence, irrespective of criminal proceedings against traffickers, so they can recover and rebuild their lives.

50 ECAT [Explanatory Report](#), para 377

51 Art 14.5 ECAT

52 Art 16.2 ECAT. See also Art 8.2 UN Trafficking Protocol, which states that the safety of the person has to be taken into account, and CoE, 2005, Explanatory Report to the CoE Anti-Trafficking Convention, para 202.

53 See OHCHR (2010), Recommended Principles and Guidelines on Human Rights and Human Trafficking, Commentary, HR/PUB/10/2, Principle 11

UK POLICY AND PRACTICE

Survivors of trafficking can be granted leave in various ways, including by:

- Being referred into the **National Referral Mechanism (NRM)** and, once finally recognised as a confirmed victim of trafficking being granted **leave to remain**.
- **Making a protection claim through the asylum system** with their experience of trafficking forming part or all of the grounds for their protection claim.
- Leave to remain as an overseas domestic worker who has been trafficked.⁵⁴
- Another route that they may be eligible for, for example, if they have a British child or spouse or it is accepted that their removal would be a breach of their rights under Article 3 or 8 of the European Convention on Human Rights.

In this report, we examine leave granted through the asylum system and leave granted via the NRM.

Leave granted through the asylum system

In order to make a successful asylum claim, a person will need to show that they would have a “well-founded fear” of persecution if they were returned to their home country. This needs to be based on the following grounds: race; religion; nationality; political opinion; or membership of a particular social group.⁵⁵ An asylum claim that is entirely or partly made on the grounds that a person has been a victim of trafficking would usually be made on the basis that they would be at risk of being re-trafficked, by specific individuals or more generally, if returned to their country of origin or that they would be at risk of serious harm because they had been trafficked (for example because of the stigma around their sexual exploitation). It would then be determined whether being a victim of trafficking made them a member of a particular social group. It would also need to be proven that they are unable to receive sufficient protection in their country of origin, and there is no other part of their home country that they could safely relocate to.

If an individual's protection claim is successful, they will be granted refugee status with leave to remain in the UK for five years.⁵⁶ They will be on a pathway to settlement, and many people have a good chance that settlement will be granted, through a free, quick and relatively straightforward process. No extensions are required within that five-year period so survivors have the peace of mind that there is only the indefinite leave application ahead and a number of years where they can focus on living and their recovery. However, it is important to note that not all survivors make protection claims and not all that do are successful in their claims, leaving them reliant on being granted leave through the NRM.

⁵⁴ Under [Appendix Domestic Worker who is a Victim of Modern Slavery](#), pursuant to [s.53 of the Modern Slavery Act 2015](#)

⁵⁵ [1951 Convention and Protocol Relating to the Status of Refugees](#)

⁵⁶ In June 2023, the government [paused its group 1/group 2 system](#) of giving people granted protection status reduced length of leave depending on how they reached the UK so all refugees and people with humanitarian protection should be granted five year's leave. See Home Office, [Assessing credibility and refugee status post 28 June 2022](#)

Shortly after the Labour government came into power in July 2024 it was reported that officials would prioritise the 30% of asylum seekers from “safe” countries such as Vietnam, Albania, Egypt and India, with their applications being “most likely to be rejected”.⁵⁷ This is extremely concerning given the reliance (discussed below) many survivors of trafficking have on the asylum system as a means of being granted leave to remain. The Border Security, Asylum and Immigration Bill would also retain section 59 of the Illegal Migration Act⁵⁸ which once commenced in full would mean that most notably (in the context of trafficking survivors) asylum and human rights claims by Albanian and Indian nationals must be declared inadmissible, unless there are exceptional circumstances.

Leave granted through the NRM

The NRM is a two-stage decision process. If a person has been referred to the NRM, they should receive a decision from the ‘Competent Authority’ (the decision-making body that sits within the Home Office) within five working days, stating whether or not there are ‘reasonable grounds’ to believe they are a victim of trafficking. If this ‘Reasonable Grounds’ (preliminary identification) decision is positive, the person is entitled to a recovery and reflection period for a minimum of 30⁵⁹ days.⁶⁰ During that period, the Competent Authority must decide whether there are ‘conclusive grounds’ to accept that the individual is a victim of trafficking (this is a final identification decision), although it is taking significantly longer than 30 days for this decision to be made in practice. In 2024 it took an average of over 20 months⁶¹ for a Conclusive Grounds (CG) decision to be made. At the time of writing, a person *cannot be removed* from the UK until a CG decision has been made,⁶² unless they are subject to a Public Order Disqualification decision, meaning that they considered to be a threat to public order or the claim is considered to have been made in bad faith.⁶³

Once they are conclusively recognised as a victim of trafficking in the NRM, a person without leave to remain must automatically be considered for permission to stay in the UK but as there is no timeframe for when this decision should be made, survivors must wait for an undetermined amount of time for this further decision.

57 Helen Bamber Foundation, [Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as ‘safe’](#), April 2025

58 [Illegal Migration Act 2023](#), section 59

59 Recently reduced from 45 days by the Nationality and Borders Act 2022.

60 Unless there are “public order grounds” to prevent it or alternatively because there is firm, objective evidence that an improper claim has been made. See paras 14.167-14.188, [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland](#) Version 3.3. Under s63 of the Nationality and Borders Act potential victims who have criminal sentences of over one year, amongst other categories are both excluded from support under Article 12 of the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) support and at risk of immediate removal from the UK. Also see Article 13(3) ECAT

61 [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024](#)

62 Article 10, [Council of Europe Convention on Action against Trafficking in Human Beings: Treaty Series No. 37](#) (2012)

63 Under section 63 of the [Nationality and Borders Act 2022](#)

From 30 January 2023, section 65 of the Nationality and Borders Act 2022⁶⁴ came into force, and with it, the Immigration Rules were changed.⁶⁵ 'Temporary Permission to Stay' (known as 'VTS leave') will now be only granted to confirmed victims of trafficking in order to:

- Assist the person in their recovery from any physical or psychological harm arising from their exploitation. However, if the person's need for assistance is "capable of being met"⁶⁶ in a country of which they are a national or citizen or to which they can be removed, then permission to stay will not be granted.
- Enable the person to seek compensation if they are unable to pursue this remotely. If the person is capable of seeking compensation from outside the UK and it would be reasonable for them to do this in all the circumstances, leave to remain will not be granted.
- Enable the person to co-operate with authorities in connection with an investigation or criminal proceedings.⁶⁷ It must be confirmed that it is necessary for the person to be physically present in the UK to cooperate with the investigation or prosecution.

The first of these three reasons to grant leave became much narrower than in the pre-2023 guidance, which in its last incarnation stated that decision makers should primarily "assess whether a grant of leave to a recognised victim is necessary for the UK to meet its objective under the Trafficking Convention - to provide protection and assistance to that victim, owing to their personal situation".⁶⁸ In practice this change has led to many more refusals, as the current provision makes this form of leave inaccessible to most.

In response to litigation,⁶⁹ the Home Office amended part of the guidance in October 2024, regarding the assessment of whether assistance from psychological harm is likely or not likely to be accessible on return. However, the guidance remains overly restrictive and does not take into account the many nuances that may impact a survivor's ability to access and engage with treatment, particularly any psychological barriers. The policy also places an overly high evidential burden on survivors. The current method of information gathering prior to a decision on VTS focuses on the "current circumstances questionnaire" and this requires prescriptive and stringently detailed written evidence about the support and treatment they are receiving.

64 Section 65 of the [Nationality and Borders Act 2022](#)

65 To introduce "[Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery](#)"

66 Section 65 (4)(a) of the [Nationality and Borders Act 2022](#)

67 [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland](#)

68 Home Office, Discretionary leave considerations for victims of modern slavery version 5.0 p6

69 [Duncan Lewis Challenges Unlawful Trafficking Policy on Behalf of Multiple Clients](#), 3 June 2024.

THE IMPACT OF INSECURE STATUS

For non-UK national survivors of trafficking, the lack of secure and long-term immigration status is an ongoing burden. Without leave to remain in the UK, survivors continue to experience instability, stress and anxiety about the possibility of being removed from the UK or held in immigration detention. This has a detrimental impact on their mental health. The uncertainty of not knowing what will happen, living for extended periods with the possibility that the removal or detention decision could arrive 'any day now' is extremely harmful for survivors' mental health, slowing recovery and causing additional anxiety. It can also result in survivors losing trust in the authorities, including even support providers, further impeding their recovery.

Children with insecure immigration status face heightened risks of going missing and being re-trafficked,⁷⁰ amplified trauma, limited access to education and employment, and enduring conditions of powerlessness that mirror the dynamics of their original exploitation.⁷¹ These circumstances contribute to deteriorating mental and physical health, hinder recovery and engagement with professionals, and ultimately lead to profoundly negative outcomes for children and young people.⁷² Children supported by ECPAT UK will often transition into adulthood in immigration precarity unable to access or finish their education significantly impacting their overall positive outcomes as they remain in limbo for years.⁷³

HBF's long term multi-disciplinary work and ATLEU's extensive legal casework with survivors of trafficking has shown that it is only once granted long-term leave to remain in the UK that they are truly able to benefit from an evidence-based program of therapeutic care⁷⁴ and begin to recover from the trauma they have experienced. Many survivors of trafficking struggle to meaningfully engage in trauma-focused therapy if they remain preoccupied with their lack of immigration status. Individuals may feel too unsafe to disclose the full details of the events they have experienced, which can, in turn, lead to them not receiving the optimal benefit from therapy. Moreover, trauma-focused therapy can be temporarily de-stabilising: symptoms may get worse before they get better. It is therefore recommended that trauma-focused therapy is offered when the person is in a position of relative stability and perceived safety.⁷⁵ While this is not always possible due to the significant delays in the NRM and asylum system, it remains HBF's position that a person should ideally be on the trajectory towards secure long-term protection to meaningfully engage with therapeutic support.

The inability to access therapeutic support can hinder a person's ability to recover from their experiences. Without treatment, there is a low recovery rate for Post-Traumatic Stress Disorder (PTSD); where PTSD is first assessed five months after the trauma, approximately 36.9% of people

70 ECPAT UK and Missing People, [Heading Back to Harm, 2016; Still in Harms Way, 2018; When Harm Remains, 2022](#)

71 Hynes, P. et al. [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children, 2022](#)

72 Ibid. Celiksoy, E. et al. [Prevention and identification of children and young adults experiencing, or at risk of, modern slavery in the UK, 2024](#); Gearon, A, [Child Trafficking: Young People's Experiences of Front-Line Services in England](#),

73 Hynes, P. Connolly, H and Durán, L, [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children, 2022](#)

74 This is recognised by the National Institute for Health and Care Excellence (NICE) in its Guidelines on Post-Traumatic Stress Disorder, 2018. In these guidelines NICE states that 'For people with additional needs...' the clinician should 'take into account the safety and stability of the person's personal circumstances (for example their housing situation) and how this might affect engagement with and success of treatment'. The 3-phase model of therapeutic care for survivors of trafficking is also recommended within the NRM handbook - OSCE Office for Democratic Institutions and Human Rights (ODIHR), [National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons. A practical Handbook - 2nd edition](#) see pg 254-257

75 National Institute for Health and Care Excellence (NICE), [Guidelines on Post-Traumatic Stress Disorder](#), 2018

recover without treatment.⁷⁶ Where PTSD persists beyond six months post-trauma it is unlikely that a person will recover from PTSD without intervention.⁷⁷

Leave to remain is also vital for people who may wish to assist public authorities but, in our experience, they often cannot think about that while they remain in an uncertain position themselves. They may have other priorities such as debts related to their trafficking hanging over their heads that put their families' safety at risk and have no legal means to support themselves to pay back those debts.

In addition, it is ATLEU's experience that survivors very often are not in a position to seek advice about compensation until they feel more stable in their own lives, while they are preoccupied with seeking safety for themselves and safe accommodation and support, have unresolved trauma, are waiting for appropriate therapy, or navigating practical difficulties in this country or connected to family.⁷⁸

CASE STUDY - KEJSI

Kejsi was born in Albania. He grew up in a household of domestic abuse perpetrated by his father. At the age of 14 Kejsi left home to work in the UK on a job arranged by friends of his father to repay his dad's gambling debt. He arrived as an unaccompanied child, was referred to children's services in a London Borough and was told to claim asylum.

His social workers were concerned about Kejsi, as he would often go missing from his placement for full days. They suspected he was being exploited but Kejsi did not disclose to them the abuse he had faced growing up nor about the job that had been arranged for him. He was referred to the NRM and his social workers arranged strategy meetings with the other safeguarding partners to protect Kejsi from harm. Kejsi disclosed to an NGO who were supporting him that he was scared because the 'job' was to transport and distribute class A drugs. The NGO staff worked with Kejsi and his social workers to safeguard him and he became very settled into school and other extracurricular activities organised by the charity.

Kejsi was happy but he felt unsettled as the years passed and he did not receive a decision for his asylum claim or the NRM. He had turned 17 and was attending college when he received a positive NRM conclusive grounds decision but also an asylum refusal. He was devastated and terrified about what this meant. The men who were exploiting Kejsi to sell drugs had warned him that this would happen and he would be detained and removed back to Albania. To Kejsi they appeared to be right, so he got back in touch with them to go underground and 'work' to pay off his father's debts rather than face being returned to the violence he faced at home. Kejsi went missing shortly after. His social workers are convinced he has been re-trafficked and regret he was not granted leave to remain as a victim of modern slavery despite his asylum claim, as it would have been in his best interest to remain settled in his foster placement and continue thriving at college.

76 Morina N, Wicherts JM, Lobbrecht J, Priebe S, [Remission from post-traumatic stress disorder in adults: a systematic review and meta-analysis of long term outcome studies](#). Clin Psychol Rev. 2014 Apr;34(3):249-55.

77 Hiller RM, Meiser-Stedman R, Fearon P, Lobo S, McKinnon A, Fraser A, Halligan SL. [Research Review: Changes in the prevalence and symptom severity of child post-traumatic stress disorder in the year following trauma - a meta-analytic study](#). J Child Psychol Psychiatry. 2016 Aug;57(8):884-98.

78 See, for example, ATLEU, [Survivors of trafficking and the Criminal Injuries Compensation Scheme](#), November 2020, p 11

LOW NUMBERS GRANTED LEAVE TO REMAIN

Leave to remain is rarely granted to survivors of trafficking who have been through the NRM. In 2024, 4,240 individuals confirmed as victims of trafficking were considered for a grant of a leave to remain, but **just 4% received a grant of 'temporary permission to stay' (TPS) – 169 people received it to assist with their recovery and 7 received a grant to assist the authorities. 4,064 were refused a grant of TPS.** 76 individuals were granted TPS after a request for reconsideration was submitted.⁷⁹

4%

of confirmed adult victims of trafficking received a grant of 'temporary permission to stay'



<5

child victims received a grant of 'temporary permission to stay'



In the same year **699 children were considered for a grant of leave to remain as victims, yet less than five received a grant of 'temporary permission to stay' (TPS) for 'recovery'.**⁸⁰ It is unclear if any were granted leave solely due to consideration of what is in their best interests.

In 2023, despite 3,830 adults being confirmed as victims of trafficking,⁸¹ only 113 received a grant of 'temporary permission to stay' to assist with their recovery and fewer than 10 received a grant to assist the authorities.⁸² This is around half of the grants of leave made in 2022 under the previous policy.⁸³ In the same year 830 children were considered for leave with less than five being granted.⁸⁴

At HBF we have seen a stark decrease in the number of grants that HBF clients have received to assist their recovery and a rise in the number of refusals. From January 2023 until the end of December 2024, of the 40 survivors supported by HBF who received a positive Conclusive Grounds decision during that time:

- **Only four (10%) were granted VTS leave** and **12 were refused VTS leave.**
- Of the 37 who were either refused permission to remain or did not receive a decision, **13 (33%) were granted refugee status and two received another type of leave.**
- **Over half (21) were still waiting for a decision** on their stay in the UK.

79 Freedom of Information Request reference: 2025/00266, answered by the Home Office on 13th June 2025.

80 Freedom of Information Request reference: 00645, answered by the Home Office on June 2025;

81 Table 28 of [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023: data tables](#). Unfortunately, nationality is only broken down for referrals but not RG/CG decisions. For referrals, 69% were foreign nationals in 2021, and 66% in 2020.

82 Freedom of Information Request reference: FOI2024/00252, answered by the Home Office on 10th April 2024

83 Freedom of Information Request reference: 71848, answered by the Home Office on 5th December 2022; and Freedom of Information Request reference: 73773, answered by the Home Office on 12th May 2023.

84 Freedom of Information Request reference: 00645, answered by the Home Office on June 2025;

ADVOCACY AND EVIDENCE REQUIREMENTS

Where leave is granted, HBF's experience is that the decision is regularly not made until several months after the positive Conclusive Grounds (CG) decision is made and only with significant legal support and advocacy.

For almost every client who has received a grant of leave, HBF has been asked to provide at least one, and, in several cases, multiple letters to give an overview of the support they are receiving and why leave is required. In cases where a person may not be 'actively' receiving therapy much more detailed evidence is required to outline the reasons why this may be case. Ironically, as noted above, the reason that people are often unable to engage with trauma-focussed therapy is because of their uncertain immigration status and the distress this is causing them. A person's inability to engage is only one of many reasons that a person may not be in therapy; in all services that provide therapeutic care, including HBF but particularly statutory services, there are long waiting lists for referrals and for treatment to begin. It can be several months, and sometimes longer, before a person can commence HBF's three-stage model of therapeutic care, for a myriad of reasons including capacity, resources and a person's readiness.

The requirement to consider whether a person can pursue treatment, compensation or engage with an investigation whilst not living in the UK is also creating another hurdle for survivors of trafficking, because they now have to provide evidence on this. In addition to contributing to fear of return, it has the effect of making the process even more burdensome and complex, potentially creating further delays.

Several HBF clients have been refused leave to remain, despite receiving therapeutic and other support from HBF, because it was determined that they could receive this treatment in their home country. This was despite the clients having an outstanding asylum claim, and so needing to remain in the country while that is being determined. Apart from a (presumably well-founded) fear of return to persecution and ill-treatment, these decisions fail entirely to take into account the obstacles and difficulties survivors may face engaging in therapy in their home country, including but not limited to fear of authorities/any association medical professionals may have with authorities; deterioration in mental health following removal; lack of availability of mental health services and associated stigma in approaching them, and lack of specialised professional trauma support in engagement and treatment.⁸⁵ Whilst it is possible to undergo therapy in situations of ongoing threat,⁸⁶ this is only advisable when there is no current possibility of escape from such situations. It is ethically unconscionable to deliberately put traumatised individuals in situations of ongoing threat that would at worst create renewed risk of persecution and/or re-trafficking and at best either maintain their traumatized state or cause it to deteriorate.

Survivors should not be required to produce documents from medical professionals to secure leave, especially if they are not represented under legal aid, and are unable to pay for a professional to write a detailed opinion. They should also not be required to provide medical records, as the entirety of those records may not be relevant to the consideration of leave, and this is disproportionate and does not respect their privacy.

85 See Helen Bamber Foundation, [Albanians seeking protection and mental health](#), January 2025

86 Yim, S. H., Lorenz, H., & Salkovskis, P. (2023). The Effectiveness and Feasibility of Psychological Interventions for Populations Under Ongoing Threat: A Systematic Review. *Trauma, Violence, & Abuse*, 15248380231156198.

ATLEU's experiences mirrors that of HBF. Decisions on leave are never made at the same time the positive Conclusions Grounds decision is made, despite us making sure that all information, representations and supporting evidence related to a client's need for leave are provided before the Conclusive Grounds decision is made. There is usually a long delay between the Conclusive Grounds decision and a decision on granting leave.

The 'Recovery Needs Assessment' which follows a Conclusive Grounds decision (used to assess a survivor's ongoing needs and what type of Modern Slavery Victim Care Contract – MSVCC - support they can receive) is stressful for survivors and gives them no guarantee of how long they can remain in accommodation or what is coming next. Although an initial extension of support may be approved, it is difficult to obtain further extensions of support, particularly in relation to having continued support worker involvement. When a survivor no longer has a support worker it can negatively impact upon the quality of evidence available to support a leave application. Furthermore, not all support workers will agree to provide a letter of support that can add material value to the request for leave to remain. ATLEU was told by one support provider that they were only permitted to provide a generic letter (which was a few paragraphs) about the support given to the survivor in line with a policy from the Salvation Army.

For the survivors that ATLEU represents, lawyers can source supporting evidence as needed, and pay for this under legal aid if required. However, as the government is well aware, the legal aid crisis in immigration is severe and many survivors are unable to find a legal aid solicitor despite the fact that they are unable to afford legal advice otherwise.

Survivors without legal representation may have professionals working with them who would like to assist with supporting evidence, however they are likely not to know how to present the information required in a way that will address relevant parts of the Home Office guidance. The detailed nature of the pro forma questionnaire, the increased need for certain forms of documentary evidence, and the complexity of the rules and guidance in general, require a representative who is regulated to give immigration advice and has expertise in working with survivors in this area. As a result, an unrepresented survivor is far less likely to obtain leave to remain under the current system than those represented by good legal aid advisers.

Since the October 2024 changes to the guidance, none of ATLEU's clients have received a positive decision on an initial application for VTS, and have only received refusals. These refusals have all been on the basis that treatment would be accessible in the person's home country, despite the fact that the individuals have pending asylum claims so cannot be removed or practically access treatment in their country of origin, and have a subjective fear of return to those countries.

We are concerned that there has been no improvement in the quality of decision making since the policy was reworded in 2024. For example, two of ATLEU's clients have not only been refused VTS on the basis of treatment being available in their home countries but the decisions also framed their previous experiences of slavery/exploitation as being beneficial to their future employment prospects. This was extremely confusing and upsetting for the clients. This seems to show at least a tone deaf and inappropriate way to apply the decision-making framework introduced in October 2024, and not in accordance with the 'victim-centred approach' which the guidance states it intends to provide.

Under the Home Office Guidance,⁸⁷ survivors may apply for one reconsideration of their VTS leave decision if they think the relevant rules or policies were not followed correctly, they believe that the expiry date or purpose of the grant was wrong (if the application has been successful) and the individual has new relevant evidence to their application which was not available when the original application was considered. This request needs to be made within 30 days from the decision date,⁸⁸ an extremely short period despite the likely extensive further evidence required in support of the request. From HBF experience, sometimes reconsideration can require further evidence from clinicians or experienced staff, answering directly to Home Office questions or findings relating their previous letters – this can often be highly labour intensive for staff. The timescales for evidence can only be extended where reasons (with evidence supporting them) are given with a timeframe and can only be granted in exceptional circumstances.⁸⁹ Conversely, no timeframes are given for when a survivor might receive a decision on their reconsideration. In 2024, 76 individuals were granted leave after a request for reconsideration was submitted.⁹⁰

CASE STUDY - MARIA

Maria is an Albanian survivor of sexual exploitation. As a result of her experiences, she suffers from symptoms of Post-Traumatic Stress Disorder (PTSD), severe depression and experiences suicidal ideation. Maria has claimed asylum on the basis that she fears her original traffickers and is at risk of being re-trafficked if she were returned to Albania.

Maria received a positive Conclusive Grounds decision at the end of 2023 after waiting around 18 months for a decision. Due to Maria's mental health symptoms and her fear of authorities, she has had to be accompanied to her interviews with the Home Office.

Maria was assessed by HBF's therapy team to see whether she might start our first phase of therapy, Stabilisation, followed by further Trauma-Focused therapy. However, it was decided that she was not ready to engage in this because of her previously high levels of distress and suicidality which were both linked with her trafficking experience as well as her insecure immigration status.

HBF's Therapy team provided a letter of support confirming that at this stage Maria would not be able to avail herself of the full benefits of therapy until she feels more secure with her immigration status. The letter outlined that Maria frequently expressed concerns for her safety if she were returned to Albania. Despite this, almost six months after she received her positive Conclusive Grounds decision, Maria was refused permission to remain. This was on the basis that the decision maker considered that treatment would be available in Albania. This decision did not take into account Maria's fear of return to Albania and the impact this would have on her ability to engage in treatment there.

Through her solicitor, Maria has requested that this decision be reconsidered. The Single Competent Authority has confirmed that they will reconsider the decision but have not provided a timeframe for when the new decision will be made.

87 Home Office, [Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery](#), Version 7, June 2025

88 Home Office, [Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery](#), Version 7, June 2025

89 Relevant guidance sets out that "Circumstances are only likely to be deemed exceptional if an individual is unable to obtain or provide information to the Competent Authority for reasons beyond their control" Home Office, [Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery](#), Version 7, June 2025

90 Freedom of Information Request reference: FOI2025/00265, answered by the Home Office on 13th June 2025

SHORT GRANTS OF LEAVE TO REMAIN

In 2024

- 35 people received less than 6 months' leave
- 42 people received 6-12 months' leave
- 28 people received 12-18 months' leave
- 39 people received 18-24 months' leave
- 38 people received 24-30 months' leave
- 4 people received 30-36 months' leave.⁹¹

1/5

of confirmed adult survivors
received less than 6 months'
leave in 2023
and 2024



In 2023

- 24 people received less than 6 months' leave
- 36 people received 6-12 months' leave
- 39 people received 13-24 months' leave
- 14 people received leave for a period over 24 months⁹²

Even where granted leave, if it is for a short period then many of the issues above cannot be resolved. In addition, short grants of leave can often cause a great deal of practical problems because once it is granted, survivors are usually required to leave the accommodation provided through the asylum system or under the Modern Slavery Victim Care contract and find alternative housing, as well as apply for welfare benefits or seek appropriate employment. These practical steps can be long and arduous, especially if survivors are not receiving practical support from appropriate and specialist organisations, and there is a risk that they will only just have been resolved before a person has to once more think about applying for further leave. If they are unable to get support or take action themselves, there is a real risk of survivors falling into serious difficulties including destitution, which in turn increases their risks of re-trafficking or further harm. It is our experience that short periods of leave do not allow sufficient time for a person to concentrate on their recovery and the practical issues they are dealing with can take away someone's attention from any therapeutic support they are receiving. In the experience of HBF's therapy team, therapy often has to be placed on hold if a person is too preoccupied with issues such as securing safe accommodation.

In one very concerning example, an individual received such a short period of leave that their leave expired before they even received their biometric residence permit (the physical document formerly used by most as evidence of UK immigration status – now replaced with the eVisa), rendering the grant less than worthless and instead causing unnecessary distress to the individual.

Short term grants of leave can also cause immense difficulty for a survivor who has committed to help public authorities. In some cases, leave has been granted for a period shorter than the duration of a criminal investigation and prosecution so that an extension must be sought to ensure entitlement to benefits and housing could continue while someone was giving evidence. ATLEU has

91 Freedom of Information Request reference: FOI2024/00265, answered by the Home Office on 13th June 2025

92 Freedom of Information Request reference: FOI2024/00252, answered by the Home Office on 10th April 2024

also heard of leave to remain being granted to terminate just after a trial ended, which can create a cliff edge for a survivor who has been made vulnerable in the criminal justice process, seen their trafficker and relived their exploitation.

Helping with a prosecution and recovering compensation from a trafficker is a powerful mechanism of restorative justice for survivors and helps the state to punish and deter perpetrators but short-term grants of leave are also detrimental to the pursuit of compensation. Compensation claims are complex, lengthy, and can be fraught with difficulty even just to get legal aid in place. It is emotionally draining for survivors to revisit a traumatic history in order to prepare evidence. When a grant of leave is set to expire before a compensation claim concludes, the uncertainty and instability makes it even harder for a survivor to focus on and engage with compensation proceedings. In ATLEU's experience, having to cope with repeated requests for extensions of leave at the same time as dealing with another set of legal processes and legal aid requirements related to the compensation case is very difficult for survivors.

CASE STUDY - SARAH

Sarah was granted temporary permission to stay as a victim of trafficking ('VTS leave') in the UK for just 13 months, despite being in mental health treatment that the Home Office acknowledged was "ongoing, long-term work with no fixed number of sessions". The Home Office said they deemed the length of leave to be "an appropriate long-term period of leave in line with the evidence submitted".

This decision came after years of waiting for a conclusive grounds decision, during which Sarah was left in limbo. Sarah feels scared about the future and sometimes is not able to cope with life. She is anxious about what will happen when her status comes to an end. She wanted enough time to feel stable and get things going in her life. She thought by opening up to the Home Office she would be in a better place to get help, but this was not the case. She did not feel she was given enough time for her healing.

Sarah challenged the duration of her leave through a judicial review and the government settled the case, agreeing to reconsider it. They came back with a new decision, repeating the same approach to decision making. Although she was still in open ended treatment, and this time had been assessed to enter a specialist treatment service and was on a waiting list that would take about a year, and then the treatment itself would take about a year, she was granted just over 11 months of leave to remain. Her interpretation of the decision was that it meant she would not be able to access the new treatment she had been waiting for. Sarah was so distressed by the outcome that her support worker referred her to the Samaritans, the crisis team and suggested she call 999 if needed. She expressed suicidal ideation and utter despair at the decision, feeling as though the Home Office were not considering her trauma and her experiences within the UK.

ATLEU is seeking reconsideration of the duration of leave granted.

Sarah says her life has been a rollercoaster. She has had to deal with a lot of instability after being granted leave, being exited from her safe house and moved between different temporary accommodation places.

CASE STUDY - OLGA

Olga is an Albanian survivor of sexual exploitation. As a result of her experiences, she suffers from symptoms of complex Post-Traumatic Stress Disorder (PTSD) symptoms including severe dissociative symptoms with Major Depressive Disorder. Olga claimed asylum on the basis that she fears her husband, her family and her traffickers and is at risk of being re-trafficked if she were returned to Albania.

Olga received a positive conclusive grounds decision in September 2023. ATLEU started representing her in January 2024 and requested that the Single Competent Authority (SCA) make a decision on granting her VTS before her baby was born in May that year. She had been allocated 20 sessions of NET (narrative exposure therapy). She started with psycho-education about PTSD and grounding techniques to manage the symptoms of flashbacks and nightmares. However, when moving on to the narrative part of NET Olga found out she was pregnant. She was discharged from the therapy ahead of the birth of her baby in May 2024.

ATLEU continued to chase a decision from the SCA but by July one still hadn't been made. Then VTS decision making was paused.

In November 2024, after the Home Office issued revised VTS guidance, the SCA requested updated documents from Olga. She was no longer in therapy by this point. ATLEU provided a medico legal report from a psychologist, a letter from the therapist confirming that she was on a waiting list for an assessment and a statement from her outlining her background, her fear of her own family, her husband, the trafficker and her fear of re-trafficking. In December 2024, the SCA made a negative decision on the basis that treatment would be available in Albania. This decision did not take into account Olga's fear of returning to Albania and the impact this would have on her ability to engage in treatment there, or the fact that she has an outstanding asylum claim so she cannot be removed from the country at present. The decision maker did not consider what she needed in order for her stay and recover in the UK, right now. Through her solicitor, Olga has requested that this decision be reconsidered. The SCA has confirmed that they will make a new decision within three months.

Olga has been living with friends, sleeping with her baby (now eight months old) in their living room for months. Her only money is asylum support subsistence. Being refused VTS leave made her feel like she is stuck in limbo. She says:

"I hoped for a positive decision and I feel like the negative decision affected my mental health because I kept thinking about everything that happened to me and whether there is a happy ending for me and my baby. When I was in therapy I made some progress but the negative decision made me think about everything that happened to me and I feel like that instead of going forward, I was stepping back. I couldn't stop thinking about what happened to me".

EXTENDING GRANTS OF LEAVE TO REMAIN

As explained above, even when granted temporary permission to stay around half of survivors only receive leave for 12 months or less. Short grants of leave fail to recognise the long-term nature of recovery and the need for stability to enable survivors to meaningfully engage in therapeutic support and other processes.

Prior to the expiry of a person's permission to stay, if they have not received any other preferential form of leave such as refugee status, they will be required to apply for an extension. This is done using the application form FLR(HRO) and there is an exemption from paying a fee up to having 30 months of leave and thereafter a fee is charged (which increased to £1,321 from 9 April 2025).⁹³ If a person is unable to afford the fee they will have to make an application for a fee waiver, which is an arduous process and requires that they demonstrate they are "destitute or at imminent risk of destitution".⁹⁴

A fee waiver request also delays the decision-making process as the application will not be considered until a decision has been made on the fee waiver. There is no timeframe for when a decision should be made, which can lead to the person again being placed in limbo.

During this extension process a person's leave will continue when they have made a valid, in time application, with the same rights attached to it,⁹⁵ but they will have to explain to employers/ landlords etc why their ID says that their leave has expired. This can cause difficulties and in our experience employers and landlords have threatened to and, in some instances, actually terminated contracts due to a lack of understanding and fear that they will receive considerable fines and/or be convicted of a criminal offence. This understandably causes a great deal of distress and can lead to a significant deterioration in a person's mental health and in turn the progress they have made in their recovery.⁹⁶

From HBF's experience, the process of extending leave can be highly labour-intensive for survivors who often barely have the time to make use of the grant to aid their recovery before they need to formulate plans on how to extend it further. This might involve exploring whether they have the means (in a relatively short period of time) to save for the substantive application fee, begin the laborious process of gathering evidence again (often in the form of further updating letters from supporting organisations) or sometimes to seek legal advisors to assist with the extension. HBF recently assisted a client in therapy, who had previously paid for a private representative, in seeking legal aid funded representation for his extension application. After multiple referrals over many months, HBF was eventually able to secure a legal aid representative with capacity to work with the client only a month before his leave was set to expire. At that point, this client had, due to overwhelming stress and despite extensive advice to the contrary, opted to borrow a large amount of money and instruct a private solicitor who he had already paid. HBF are continuing to work with this client in providing supporting evidence in his case and, through our Counter-Trafficking

93 [Home Office immigration and nationality fees: 11 December 2024](#), May 2025 and [Home Office immigration and nationality fees: 9 April 2025](#), May 2025

94 Home Office, [Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery](#): Version 7, June 2025, p36

95 Under section 3C of the Immigration Act 1971

96 It was recognised in *R (Refugee and Migrant Forum of Essex and London (RAMFEL) & Anor) v Secretary of State for the Home Department* [2024] EWHC 1374 (Admin), that the Home Secretary not providing people in this position with digital evidence of their status was unlawful but, to date, the Home Office still does not automatically provide this evidence of it and there is no proper process set up by the Home Office to prove this status. See RAMFEL, [Update: Section 3c leave and how to prove it](#), January 2025

Programme, manage any future risk to him as a result of him borrowing such a substantial amount of money but we remain highly concerned about his position.

Survivors who seek to extend leave because they are assisting public authorities face contradictory provisions in the guidance, which are not in line with the Immigration Rules which require an application to be made on form FLR(HRO). The guidance says both that online applications for permission may and must be rejected. This can leave a survivor who uses the form (because they have not had the benefit of a public authority to make an application for them despite their cooperation) facing termination of their rights and entitlements, especially without confirmation that the application is being treated as valid by a competent authority.

CONCLUSION

In order to tackle the crime of human trafficking, 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. Ensuring a secure immigration pathway for confirmed victims of trafficking so that they have safety and stability is essential to prevent further exploitation and promote long-term recovery. It also increases the chance of traffickers actually being prosecuted.

However, the government's current approach fails to address the wider needs of survivors when assessing whether to grant them permission to remain in the UK. Leave to remain is seen by the government only as a way to temporarily assist a small minority in their recovery and/or engagement with the criminal justice system.

Repeated calls have been made for ongoing financial and practical support and for a period of leave to remain to be made automatically available to all victims after they have been confirmed as a victim of trafficking. The need is as great as ever, and has only been worsened by new changes to law and policy. The shockingly low grant rate, and the limited durations of leave granted, reflect a system that is not functioning and which is not compatible with the spirit of the UK's international obligations. We urgently need changes to the support system for survivors and a demonstration of true commitment to addressing trafficking in the UK.



RECOMMENDATIONS

- All survivors of trafficking with a positive final ('Conclusive Grounds') decision from the NRM should be automatically granted support, including leave to remain and recourse to public funds, for five years with a route to settlement. This would be in line with leave granted for protection (asylum or humanitarian protection).
- If grants are not made automatically, then the Temporary Permission to Stay policy should allow for grants of leave based on both Article 14(1)(a) and 14(1)(b) of ECAT and should mirror the wording in the Convention.
- Section 65 of the Nationality and Borders Act 2022 should be repealed.
- The government should publish statistics on grants and refusals of leave to survivors of trafficking, disaggregated by age, gender, nationality and competent authority
- While well-founded protection claims may be subject to accelerated grant processes, for all other claims, an individualised and flexible process must be followed that is fair and lawful. All asylum decision making should be carried out on a case-by-case basis rather than via a 'blanket' approach based on nationality, and every person seeking protection who is refused should have the right to appeal within the UK.
- The government should recruit, resource and train decision makers adequately to ensure that NRM and asylum decisions are made well and in a timely manner.
- The government should resource and administer the legally aided advice sector in a way to encourage quality advice from a sustainable pool of providers spread across the country, to enable survivors to receive good advice at an early stage and allow legal cases to be properly presented.
- For those already granted leave under the NRM, there should be no application fee attached to any application to extend leave to remain and leave granted under the 'Temporary Permission to Stay' policy should count towards settlement.