

Victims of Trafficking

Table of Contents

Scope of the document

Introduction

Definition of Trafficking

Children

Sexual Exploitation

Forced Labour

Indicators to assist staff to identify possible victims of trafficking

Guidance on handling potential victims of trafficking (PVoT)

Children

When an applicant might be identified as a potential victim of trafficking

Screening

Screening and referring children

Referral of adults to a UKBA Competent Authority

Asylum interviews

Accommodation

Gathering intelligence from victims of trafficking

Non-CRD cases

CRD cases

Making Asylum Decisions

Pentameter 2 Cases

Reporting

Applications to stay in the UK for victims who wish to assist with investigations or be a witness in a criminal prosecution

Assisted Voluntary Returns for potential victims of trafficking

Links to other documents

UK Border Agency Competent Authority

Process guidance for a CA

Receiving a referral

UKHTC role as a CA

Last minute claims to be a victim of trafficking

Acknowledging a referral

Acknowledging referrals from an Asylum Screening Unit (ASU)

Reasonable Grounds (RG) Consideration

Reasonable Grounds (RG) Decision

RG Outcome - person not accepted as a potential victim

RG Outcome - person accepted as a potential victim

Immigration Decision

Referral from UKHTC where UKBA CA must make the conclusive decision

Conclusive Decision

Conclusive Outcome - Not Trafficked

Conclusive Outcome - Trafficked: assisting with Police enquiries from UK

Conclusive Outcome - Trafficked: assisting with Police enquiries from abroad

Conclusive Outcome - Trafficked: not assisting with Police enquiries leave to be granted

Conclusive Outcome - Trafficked: not assisting with Police enquiries no leave to be granted

Guidance to CAs on considering cases involving victims of trafficking

Definition

Coercion

Deception

Children

Types of Trafficking

Sexual exploitation

Forced labour

Domestic Servitude

Individuals at Particular Risk

Smuggling or trafficking

Myths about human trafficking

Behaviour of potential victims of trafficking

Self-identification

FIRST RESPONDERS

Confidentiality and data protection

Indicators

Children

Pre-entry

Port of Entry

In country

COMPETENT AUTHORITY

Reasonable Grounds to Believe

Credibility

Factors to take into account

Level of detail
Inconsistencies
Mitigating circumstances
Potential prosecution of trafficker
Consideration Minutes
Notifying the Individual of decision outcome
Individuals charged with criminal/immigration offences
Returning home
Other Immigration claims
Improper claims
Requests for extensions of the 45 day reflection period
Conclusive decision
References

Scope of the document

This guidance serves to provide assistance to staff in asylum screening units, regional asylum teams and the Case Resolution Directorate:

- To help them identify potential victims of trafficking
- To help ensure that potential victims are dealt with sensitively and that their circumstances can be taken into account in decision making
- To help ensure that potential victims can be advised of services available to them

The second section of this chapter is directed towards staff acting in the role of a Competent Authority (CA) and will provide them with guidance

- On receiving referrals from UKBA of potential victims of trafficking (PVoT)
- On the trafficking referral process
- How to consider the reasonable grounds and make conclusive considerations

[Back to contents](#)

Introduction

Trafficking in human beings is an abhorrent crime where victims are coerced, deceived or forced into the control of others who crudely and inhumanely seek to profit from their suffering. Staff should be aware that the UK Border Agency may be the first point of contact a victim of trafficking has with an official agency in the UK.

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

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

The protocol sets forth three purposes:

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

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

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

On 23rd March 2007 the Home Office and Scottish Executive published the UK Action Plan on Tackling Human Trafficking and on the same day the United Kingdom signed the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention), the most recent international treaty on human trafficking which has as its focus the protection and support of victims. The UK ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 17th December 2008. The Convention aims to:

- prevent and combat trafficking in human beings;
- identify and protect the victims of trafficking and safeguard their rights; and
- promote international co-operation against trafficking.
- Key aspects of it include:
 - setting up a national referral mechanism, a process by which victims will be systematically identified by a competent authority and referred for support;
 - granting a recovery and reflection period of 45 days for identified victims, during which time action to remove them from the country is put on hold; and

- issuing one-year temporary residence permits in certain circumstance. This entitles victims to access work and public funds.

The Convention comes into force in the UK on 1st April 2009.

[Back to contents](#)

Definition of Trafficking

The essence of trafficking, broadly speaking, is that the person is coerced or deceived into a situation where they are exploited. Further to the UNHCR guidelines of April 2006 on international protection state:

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

It is important to note that the consent to the exploitation of an individual has no significance if the individual is under 18, or if the person has consented as a consequence of threats, violence, coercion, fraud, deceit, abuse of authority, or abuse of a vulnerable position.

[Back to contents](#)

Children

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

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

Traffickers specifically target impoverished communities in order to exploit their vulnerability. Poor and displaced families may entrust the care of their children to traffickers who promise to provide them with education or skills training, but ultimately exploit them for the purposes of prostitution, forced labour or irregular adoption.²

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

¹ MISSING OUT A Study of Child Trafficking in the North-West, North-East and West Midlands. ECPAT UK Jan 2007
http://www.ecpat.org.uk/downloads/ECPAT_UK_Missing_Out_2007.pdf

² ‘Human Trafficking’, Handbook for the Protection of Internally Displaced Persons

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

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

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

It should be noted that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means outlined in the Palermo definition.

[Back to contents](#)

Sexual Exploitation

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

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

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

[Back to contents](#)

Forced Labour

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

³ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

⁴ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF http://publications.dcsf.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf

⁵ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF http://publications.dcsf.gov.uk/eOrderingDownload/DCSF_Child%20Trafficking.pdf

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

⁷ UKHTC Background

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

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

The ILO is clear: forced labour cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives. Forced labour represents a severe violation of human rights and restriction of human freedom practices similar to slavery, debt bondage or serfdom.⁸

[Back to contents](#)

⁸ ILO A Global Alliance Against Forced Labour ILO Geneva 2005 (p5)

Indicators to assist staff to identify possible victims of trafficking

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

- General indicators to be considered include:
- Found in or connected to a type of location likely to be used for exploitation
- Distrust of authorities
- Expression of fear or anxiety
- Depression (lack of interest, hopelessness, suicidal)
- Hostility (annoyed and irritated easily, temper outbursts)
- The person acts as if instructed by another
- Passport or documents held by someone else
- Perception of being bonded by debt
- Being placed in a dependency situation
- Threat of being handed over to authorities
- Threats against the individual or their family members
- Injuries apparently a result of assault or controlling measures
- Evidence of control over movement, either as an individual or as a group
- Limited social contact
- Lack of access to medical care
- No or limited access to bathroom/hygiene facilities
- Claims to be older than their actual age - If Officers suspect that an individual may be a child i.e. less than 18 years of age they must contact Social Services immediately.

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

[Back to contents](#)

Guidance on handling potential victims of trafficking (PVoT)

Officers are advised to deal with a PVoT in a professional and sensitive manner and should be aware that they may be extremely vulnerable. Officers should expect them to display suspicion, fear and mistrust of authority figures. Officers need to be mindful of their gender, appearance and behaviour and how this may have an effect on the victims who could be in a distressed or in a traumatised state.

It is likely that a PVoT will have been isolated from their family circle/friends and living in an unfamiliar country/area. As a result, in addition to possible feelings of fear and intimidation they may feel dependent upon their controllers. A PVoT may on initial contact exhibit an unwillingness to cooperate with authorities, especially if they are in the presence of their controllers or around other victims. In addition they may not understand the concept or think that they are victims of trafficking. Officers need to look out for non-verbal communication and body language between victims and controllers/suspects.

A PVoT may suffer a wide range of health, mental health, psychological and physical problems. Officers must look out for signs of distress or physical injury and watch for signs of drug/alcohol misuse and associated unusual behaviours. A PVoT's participation in any future proceedings will often depend on their psychological, emotional, physical and mental health. It is important that the appropriate physical healthcare and psychological support is provided to these individuals.

Due to the type of exploitation a PVoT has been subjected to they may be suffering from post-traumatic stress and/or a range of other trauma induced mental or physical illnesses. Officers should be aware that PVoT may be vulnerable to sexually transmitted infections. Officers may encounter a woman who is pregnant or has been forced to have an abortion. It is therefore likely that some victims will require immediate medical attention and counselling.

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

[Back to contents](#)

Children

In December 2007 the Government published guidance entitled "Safeguarding Children Who May Have Been Trafficked". This can provide detailed guidance for practitioners including asylum staff who come in to contact with child victims of trafficking and is particularly valuable in assisting practitioners in the steps to take to ensure that child victims are identified as such and that they are properly safeguarded and cared for. Further details on safeguarding children can be found through the link <http://police.homeoffice.gov.uk/publications/operational-policing/safeguard-children-trafficking?view=Binary>

[Back to contents](#)

When an applicant might be identified as a potential victim of trafficking

Potential victims of trafficking may be identified by staff in the asylum screening units, regional asylum teams or the Case Resolution Directorate at any time during the asylum process.

Screening

Screening staff could be the first authority to have contact with a potential victim of trafficking in the UK. There are many barriers for victims to come forward such as fear of reprisals against them for their families, fear of removal and/or being treated as an immigration offender, or the situation of dependency in which they find themselves. As a result when deciding whether someone may be a potential victim of trafficking, staff should not rely on the applicant to explicitly identify themselves as a victim of trafficking.

If it appears during the screening interview that an individual is a potential victim of trafficking either because they have stated they have been trafficked or because there are other indicators (see Indicators to assist staff), the screening officer should if appropriate discuss this with their manager and then complete the NRM referral form. The form which includes guidance notes for its completion is available on Doc Gen but is also located in the section 'Referral of adults to a UKBA Competent Authority'

Screening and referring children

Screening officers must deal with children as a priority in view of their vulnerability. Where there is reason to believe a child may be a victim of trafficking either because the child explicitly states this or because there are other indicators which suggest this, careful handling of the child is essential so as to avoid alarming or causing concern to the child.

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

Children should be dealt with according to current policy for further details on this and the form to be used refer to Chapter 26 of the Enforcement Guidance refers.

[Back to contents](#)

Referral of adults to a UKBA Competent Authority

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

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

If there is any concern that a person may have been trafficked because of either their demeanour, the situation in which they are encountered or any information that they have given, then either further enquiries should be made if the person is able to co-operate, or the case should be referred to a CIO for their opinion. If there are any doubts, contact UKHTC for advice.

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

Process

- If the Officer/FR feels, after consideration and possible consultation with their SCW/CIO, that there are indicators to suggest that the person is a PVoT they should contact UKHTC to refer the matter to the police. It is important that the individual's safety is protected.
- The Officer/FR should give the PVoT the "Trafficking Leaflet" to explain the situation and what action can be taken. If the person consents to being treated as a PVoT, the FR will then need to complete the "Potential Victims of Trafficking Report to Competent Authority" hereafter referred to as the "referral form". The Trafficking Leaflet and the referral form are available on DocGen. For officers who encounter PVoT and who do not have access to CID the Trafficking Leaflet and the referral form are attached below.

Trafficking Leaflet

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

Referral Form

See Annex A (at the end of this document)

- The referral form is for use by all agencies when referring adults. Officers/FRs will need to capture as much information about the individual and their circumstances and record it on the referral form. The indicators on the referral form are a prompt for Officer/FRs to show whether those particular indicators apply, as a way of speeding up the process where the more common indicators are identified and can easily be noted. It is not a case of ticking boxes to decide whether a person is a PVoT, it is merely to save time by demonstrating that a frequently raised indicator is present. It may be that an Officer/FR identifies an indicator that does not appear on the form but gives a strong indication that the person may be a victim, in which case the Officer/FR should tick the “other” box and supply the details in section F. With any indicator that is identified, the Officer/FR will need to provide details in section F.
- **DFT Cases:** If the PVoT has claimed asylum and meets the requirements for Detained Fast Track (DFT) then the Officer/FR should follow existing asylum routing procedures for making referrals to the Asylum Intake Unit (AIU). If they are suitable for detention, the DFT CA will deal with the trafficking referral.
- **Non-DFT cases:** If the PVoT has claimed asylum but does not meet the requirements for detained fast track, then the Officer/FR should phone the Asylum Routing Team (ART) who will allocate the case to the relevant CA.
- The Officer/FR should contact ART through the existing asylum routing procedures highlighting that the case is a PVoT and provide them with the address where the PVoT has been accommodated so that ART can allocate the case to a CA in proximity to this address.
- The ART will complete routing paperwork which will indicate which team the case has been allocated to, which the Officer/FR should check.
- **TCU cases:** Where evidence comes to light of the individual’s presence in a Dublin Convention signatory Country and meets the criteria for referrals to Third Country Unit (TCU), the referral should be made direct to TCU for consideration of the trafficking claim along with the third country consideration.
- **Last minute further reps:** Where a claim to be trafficked is made and removal directions are due to take place, a referral should be made to Operational Support & Certification Unit (OSCU). OSCU will consider the information provided and advise on whether removal should be cancelled and the case referred to the relevant CA.
- Once the referral is received, the CA will send an acknowledgement letter (UKBA NRM 01) to the Officer/FR also copying it to the UKHTC.
- The CA has a target of 5 working days from the date of receipt of the referral within which to make a decision on whether the PVoT has reasonable grounds for being considered as a Victim of Trafficking. During this period the CA may contact the Officer/FR for further information (UKBA NRM 02).
- Once the CA has reached a decision they will notify the PVoT (using either UKBA NRM 03 Approval Letter or UKBA NRM 04 Refusal Letter) and send a notification letter (UKBA NRM 05) to the referring Officer/FR and will also copy to the UKHTC informing them of the outcome.
- Where the CA accepts the reasonable grounds the PVoT is allowed a 45 day Reflection period to recover and consider their options. The PVoT cannot be detained on immigration grounds or removed during this period but can be interviewed for asylum purposes and notified of their decision in line with existing asylum deadlines.

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

[Back to contents](#)

Asylum interviews

Most trafficking cases are highlighted prior to being interviewed. However in some instances a potential trafficking case may be identified for the first time during the interview stage, this will need to be referred to a Competent Authority (CA). Where the First Responder is trained to act as a CA they do not need to refer the case and should act as the CA for that case. In this instance, the CA should notify UKHTC of the trafficking claim.

Case owners and caseworkers should handle the asylum interviews of those that appear to be victims of trafficking in a sensitive manner. An active awareness of the vulnerability and mental, emotional and psychological state of an applicant who appears to be a victim of trafficking should be maintained. Interviewing officers should pay particular attention to victims of trafficking becoming distressed and/or whether they may need to take breaks.

It may be necessary to explore an applicant's account of trafficking at the asylum interview (see [Making Asylum Decisions](#) for information on the relevance of the account of trafficking).

Questions should be open and without assumptions. It may be necessary to establish through questioning:

- Whether they approached the agent?
- Whether they were recruited in their country of origin and if so how?
- Whether any control maintained - were any threats made to their family? Were any threats made to the applicant if she/he were to return to their country?
- Whether their family knows about their situation and what impact on the applicant would there be if they did know?
- Whether the applicant fears the trafficker and/or associates if returned to their country of origin?
- Whether the applicant would be able to seek the protection of the authorities from the trafficker and/or associates?
- Whether the applicant could move around freely in the country of origin?
- Whether the applicant would be able to resort to internal relocation?

This list is not exhaustive. Questions may need to be asked to establish whether the applicant is a member of a particular social group (PSG) - see Considering the Asylum Claim.

[Back to contents](#)

Victims of trafficking may be reluctant to go into much detail about the full facts of their case. This may be because of cultural barriers, or simply due to the traumatic or humiliating nature of the treatment they have suffered. If this appears to be the case, interviewing officers should phrase their questions carefully and sympathetically, but should keep in mind the need to get as full an account as they can, while at the same time taking care not to cause undue distress.

Female asylum applicants who appear to be victims may prefer to be interviewed by a female case owner or caseworker and interpreter. This should be accommodated where it is both practical and possible to do so. For further information see Gender Issues in the Asylum Claim.

Decisions on whether to postpone interviews should be made on a case by case basis, in accordance with existing asylum instructions taking into account the applicants' circumstances.

Trafficking victims may find many of their experiences difficult to disclose because of their sensitive nature and/or because some actions may have been illegal.

Women who have been sexually assaulted may suffer trauma. The symptoms of this include persistent fear, a loss of self-confidence and self-esteem, difficulty in concentration, an attitude of self-blame, shame, a pervasive loss of control and memory loss or distortion. Decision makers should be aware of this and how such factors may affect how a woman responds during interview and not automatically draw adverse inferences from a woman's inability to recount details of their experience when assessing credibility. (For further guidance see the AIs Gender Issues in the Asylum Claim and Conducting the Asylum Interview).

Children

If during the course of the interview the child or young person is perceived to be traumatised which could affect their ability to provide information in a coherent manner, the interview must be terminated and the situation re- assessed. If the child or young person is unable to continue the interview, arrangements should be made to reschedule the interview for another date.

For further information see Children's AI

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/>

[Back to contents](#)

Accommodation

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

Victims of trafficking may have specific health needs. For guidance on the health needs of asylum seekers and on what information may need to be passed to an accommodation provider see Policy Bulletin: Dispersing Asylum Seekers with health care needs.

[Back to contents](#)

Making Asylum Decisions

The first task is to assess the material facts of the asylum claim, giving appropriate weight to all the evidence, oral or documentary. Refer to Assessing Credibility in Asylum and Human Rights Claims before deciding, in the light of those facts, and according to the lower standard of proof, whether the applicant should be recognised as a refugee or merits Humanitarian Protection, or whether the applicant qualifies for Discretionary Leave. If the applicant does qualify for leave under one of those headings, a decision may be made in the usual way.

That a person has been trafficked is not, in itself, a ground for refugee status. However some trafficked women have been able to establish a 1951 Convention reason (such as a membership of a particular social group (PSG)) and may have valid claims to refugee status. Forced recruitment of women for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence and/or abuse and may amount to persecution.

Trafficked women may face serious repercussions upon their return to their home country, such as reprisals or retaliation from trafficking rings or individuals, or discrimination from their community and families and there may be a risk of being re-trafficked. **Each case should be considered on its individual merits and in the context of the country on which it is based.**

For more information on gender issues please refer to Gender Issues in the Asylum Claim.

[Back to contents](#)

In some cases it will be necessary to consider internal relocation. Further guidance can be found in the Asylum Instructions: Considering the Asylum Claim and Internal Relocation.

Operational Guidance Notes (OGNs) often contain useful guidance regarding claims based on being a victim of trafficking. OGNs also provide guidance on sufficiency of protection, feasibility of internal relocation and include relevant case law for example on PSG.

Where a victim of trafficking has agreed to give evidence as part of a criminal prosecution, consideration should be given to whether this is likely to affect the basis of the asylum claim (for example by increasing the risk of retribution), and therefore whether the decision should be postponed until the trial is concluded. The impact of the applicant's evidence at the trial on the likelihood of future risk can then be assessed. It may be necessary to liaise with the police in this situation.

The UNHCR's guidance on the application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked can be found via this link.

<http://www.unhcr.org.au/UNHCRguidelinesonInternationalProtection.shtml>

Children

In the case of children who may be potential victims of trafficking, it should be noted that children may not always be able to provide as much detail as adults in recalling abusive experiences. Therefore, where possible case owners and case workers should consider evidence from other agencies (for example local authorities) involved with the child, which may be relevant to the child's application.

Those children who or young people who qualify for DL under trafficking and the UASC policy must benefit from the more generous grant.

For further information see Children's AI

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/>

[Back to contents](#)

Pentameter 2 Cases

Operation Pentameter 2 was a multi agency police-led national operation tackling human trafficking for sexual exploitation by raising awareness of the issue among the public and key stakeholders and through a series of enforcement campaigns across the country. Pentameter 2 was used as an opportunity to test the process of victim identification required by the Council of Europe Convention prior to its implementation on 1 April 2009. If cases remain to be allocated, they will be in line with the routing process highlighted in earlier sections.

[Back to contents](#)

Reporting

As a general rule, for asylum seekers identified as potential victims of trafficking (particularly if they are supported by a recognised NGO like the POPPY project) a low reporting frequency will normally be appropriate provided that the time, day of the week and frequency is varied. The reporting should take place at a location that is considered to be appropriate and safe, particularly taking into consideration the risk that the individual may encounter traffickers or others involved in their exploitation. Decision makers should always take into account specific and credible intelligence about the safety of the individual when considering if the risk warrants the suspension of reporting.

[Back to contents](#)

Applications to stay in the UK for victims who wish to assist with investigations or be a witness in a criminal prosecution

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

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

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

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

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

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

Officers should also bear in mind that there may be some individuals who have expressed a willingness to assist the authorities with their enquiries who may still wish to return home. In such situations consideration should be given as to whether the individual could assist the authorities with their investigations and participate in any future legal proceedings from abroad through the use of video conferencing and web links.

Assisted Voluntary Returns for potential victims of trafficking

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

[Back to contents](#)

Links to other documents

The Convention

<http://conventions.coe.int/Treaty/EN/Treaties/Word/197.doc>

Link to Poppy website http://www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php

Chapter 9 of the Enforcement Guidance

UNHCR guidelines on International Protection

<http://www.unhcr.org.au/UNHCRguidelinesonInternationalProtection.shtml>

UK Human Trafficking Centre website

<http://www.ukhtc.org/>

HMG 'Safeguarding Children who may have been trafficked' Dec 2007

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

Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe

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

The UK Action Plan on human trafficking published on 23 March 2007

<http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>.

The NSPCC website

<http://www.nspcc.org.uk>

Online trafficking toolkit

<http://www.Crimereduction.gov.uk/toolkits/tp00.htm>

[Back to contents](#)

UK Border Agency Competent Authority

The remainder of this chapter is directed towards staff who will be acting in a Competent Authority (CA) role

Process guidance for a CA

This section is to be read in conjunction with the Trafficking Referral Process Map found at the end of the earlier section [Referral of adults to a UKBA Competent Authority](#)

Receiving a referral

When a first responder (FR) suspects that a person they have encountered may be a potential victim of trafficking (PVoT) they will contact the Asylum Routing Team (ART), or Asylum Intake Unit (AIU) if the case otherwise meets the criteria for the Fast Track process. They will identify the most appropriate Competent Authority (CA) to deal with the case. This will depend on whether the person is or is not suitable for detention (or Fast Track), a third country case or where they are accommodated. The CA in UK Border Agency (UKBA) will only deal with cases where the case is raised by UKBA or where there is a current immigration issue, otherwise the case should be directed to UK Human Trafficking Centre (UKHTC) for consideration.

UKHTC role as a CA

UKHTC will be the appropriate CA for referrals involving UK and EEA nationals thought to be a PVoT. External agencies must refer all their PVoTs to UKHTC. In these cases, UKHTC will make the reasonable grounds consideration, as this has no bearing on the immigration status. Where reasonable grounds are accepted, UKHTC will refer cases subject to immigration control to the relevant CA within UKBA. UKHTC will need to liaise with UKBA in order to ensure that any relevant immigration papers can be served and temporary admission granted whilst the case is under consideration. Further information is in the Section “Referral from UKHTC where UKBA CA must make conclusive decision”

Last minute claims to be a victim of trafficking

Should a claim to be a potential victim of trafficking be submitted when Removal Directions are set against that person, then that application will be carefully considered by the appropriate CA.

Where Removal Directions are set and imminent, officers should follow existing procedures for referring last minute claims to OSCU who will act as the appropriate CA and consider the case and respond in writing to the claimant or their legal representative. Depending on the timing of removal, it may not be possible to consult as fully with Police and Local Authorities. If OSCU CA considers that there are reasonable grounds to believe the claimant is a PVoT, then OSCU will defer removal directions, issue the reasonable grounds decision, (as detailed later in this document) and refer the case to ART for allocation to the most appropriate CA to make the conclusive decision.

Acknowledging a referral

On receipt of the referral form, the CA should check that the case has already been entered on UKBA database (CID) and that it is noted that there is a barrier to removal whilst the case is under consideration. The FR should have entered the case on CID already but if not, the CA should create one.

Acknowledging referrals from an Asylum Screening Unit (ASU)

The only instance where the FR would not require an acknowledgement of the referral would be where asylum had been claimed at an ASU, as the case would be directed to the CA to make the decision and ASU would have no further involvement. For ASU cases enter the date the CA received the case as date acknowledged.

Reasonable Grounds (RG) Consideration

The CA has 5 working days from the receipt of the referral to reach a decision. Where a case needs to be fast tracked, e.g. the person may be detained, the CA is expected to treat the case as a priority and reach the decision as soon as possible,

The CA must consider the RG in line with the CA guidance found later in this chapter and if appropriate consult with any relevant agencies, such as the Police, children's services, and the support provider, where required. For further information use UKBA NRM 02.

Reasonable Grounds (RG) Decision

RG Outcome - person not accepted as a potential victim

If the decision is that the person is not accepted as a potential victim of trafficking, the CA must confer with the police and with Local authorities (in the case of children) to ensure that all information has been gathered. If there is no subsequent information the CA must: update CID with RG outcome refused, complete the decision letter (UKBA NRM 04) and issue to the person concerned, notify the FR, the support provider, UKHTC, the Police (where appropriate) and any other interested parties that may be relevant using decision notification (UKBA NRM 05).

If the case has any outstanding immigration action that needs to be concluded, it is a local decision as to who should continue with the consideration of the case e.g. whether the CA would deal if there were an outstanding asylum application or if it should be sent to the relevant workflow manager to reallocate the case.

CA action is then complete.

RG Outcome - person accepted as a potential victim

If it is decided that there are reasonable grounds to accept the person as a potential victim of trafficking (PVoT), the CA must: update CID with RG outcome accepted, complete the decision letter (UKBA NRM 03) and issue to the person concerned, notify the FR (where appropriate), the support provider, UKHTC, the Police (where appropriate) and any other interested parties that may be relevant using the decision notification (UKBA NRM 05).

If the PVoT is in detention they will normally need to be released on temporary admission /temporary release (TA/TR), unless due to the particular circumstances of their claim, their detention can be justified under the overall detention policy. The decision letter advises the

person that they have been granted 45 days for reflection and recovery on TA/TR to remain in the UK whilst a conclusive decision is made on their case; it does not confer any leave to enter or remain. Along with the decision letter, the CA should issue a revised IS96 (or IS248 if an in-time in-country case) granting TA/TR for 45 calendar days from the date of the letter. This should cover where the person will need to report i.e. the Local Enforcement Office or Local Immigration Team/Reporting Centre in the area where they are accommodated, how often they will need to report and when. Each case should be considered on a case by case basis but it is expected that there will be a low frequency reporting regime for these cases, which should be staggered to avoid any traffickers identifying reporting patterns.

Where appropriate, in non-asylum cases the CA should use the UKBA NRM 06 series to notify the person that they may be eligible for alternative permissions for leave as a result of extant application.

DFT will pass the case on to a non-detained CA at this point for the conclusive grounds decision to be made, unless there are exceptional reasons why this is not possible.

The CA must consider the information available in line with the CA guidance found later in this chapter and if appropriate consult with any relevant agencies, such as the Police, children's services, and the support provider, to reach a conclusive decision on whether the person has been trafficked.

The CA should consider the need to interview the person. In cases where the person may be refused they must be interviewed. For those cases where it is likely that the person is to be granted an interview may not be necessary but the CA will need to make that decision on the merits of each case. Where an interview is required, the CA should either commission frontline agencies to ask questions on their behalf or the CA may be able to conduct an interview to clarify the trafficking issues as part of the asylum process.

If any of the parties consulted require feedback on the conclusive decision, it may be worth clarifying at this stage how they would prefer this e.g. copy of the letter or phone call and note the agreed means on file and CID. In order to ensure that the person has sufficient time for reflection and that a decision can be made by day 45, the CA should set a review date for day 30 to monitor progress on the case and check on the target for conclusion. It may be that the person requires a further period of recovery, in which case the CA should consider whether an extension of TA/TR is appropriate. If so, all the relevant parties should be notified, including any asylum case owners where they are not the CA.

During the 45 day reflection period the CA should carry out any evidence gathering and further enquiries required. Immigration action such as asylum interviews may be carried out if the person is able and willing to participate, taking into account any trauma they may be suffering; each case should be considered on its individual merits.

Immigration Decision

If an immigration decision concludes that the person should not remain in the UK, no detention or removal action should be taken against the subject before a conclusive decision has been made on the trafficking aspect.

Article 13 (3) of the Council of Europe Convention on Action against Trafficking in Human Beings allows us not to observe the period of reflection if grounds of public order prevent it or if it is found that victim status is claimed improperly. This provision aims to guarantee that victims' status will not be illegitimately used, as such where an improper claim has been made, a

conclusive decision should be completed on the trafficking aspect and the period of reflection curtailed for this reason; continue with normal immigration procedures.

The person may at any point decide that they do not wish to remain in the UK, in which case they should be advised of the assisted voluntary programmes available.

If a positive immigration decision is made prior to day 45 such as the grant of refugee status, Humanitarian Protection, or Discretionary Leave under normal DL policy, then this should be served immediately along with the trafficking decision and all the relevant parties notified of the outcome, including updating CID.

Referral from UKHTC where UKBA CA must make the conclusive decision

Where UKHTC received the original referral and made the reasonable grounds decision they will transfer the case to UKBA to make the conclusive consideration in cases where there is also an immigration issue that needs to be resolved.

In these cases, they will contact:

- The Third Country Unit (TCU) where the person meets the criteria for consideration on third country grounds
- Asylum Intake Unit (AIU) where the person still meets the criteria to be detained through for the Detained Fast Track (DFT) Process
- Asylum Routing Team (ART) for other asylum or non-asylum issues,

The CA will then be responsible for making the conclusive decision, if there are any handover issues they should contact UKHTC to discuss.

Conclusive Decision

Conclusive Outcome - Not Trafficked

Where the outcome is that the person is not considered to be a victim of trafficking, the CA must liaise with the police and with Local Authorities (in the case of children) to ensure that all information has been gathered. If there are no other circumstances that would lead to the grant of leave then the CA must issue the conclusive decision, UKBA NRM 08, to the person and notify all relevant parties, including UKHTC and update CID with the outcome. This letter will ask if there are any other reasons why the person should remain in the UK and if there are none, offer assistance in making a voluntary return. Normal immigration procedures will then apply as there will no longer be a barrier to removal on the grounds of trafficking but any other reasons that are raised will require consideration in line with existing procedures for handling further representations. The CA should then arrange for any outstanding immigration activities to be completed in line with normal procedures and the case can be allocated to an appropriate case owner to conclude any immigration action i.e. pass the case to the relevant area to deal with securing the person's immigration status, voluntary return, enforced removal etc.

Conclusive Outcome - Trafficked: assisting with Police enquiries from UK

Where the outcome is that the person is recognised as a victim of trafficking (VOT) and has agreed to assist with Police enquiries the Police need to apply for the person to be granted leave to remain on this basis. For example, this could be providing witness evidence against the trafficker.

Where DL is appropriate, it should be granted for exactly 12 months, which does not offer a right of appeal, on a UK Residence Permit (UKRP) in their passport or on an Immigration Status Document. To issue the UKRP refer to existing guidance found in Implementing Substantive Decision and UKRP vignette production from CID. In non-asylum cases UKBA NRM 09 should be used instead of ASL 2155. This should be reviewed a month before it is due to expire to consider whether any further applications have been lodged by the subject which might lead to an extension of stay or whether voluntary return assistance etc is required). The CA must issue the conclusive decision using UKBA NRM 07 along with the immigration decision, to the person and notify all relevant parties, including UKHTC and update CID with the outcome.

In cases where an UKBA NRM 06 series form has been used, the person should be asked whether they wish to continue with existing permissions granting Leave or to take up the option for DL resulting from the consideration of their Trafficking claim

Conclusive Outcome - Trafficked: assisting with Police enquiries from abroad

Where the outcome is that the person is considered a victim of trafficking and has agreed to assist with Police enquiries but does not wish to remain in the UK, the CA must issue the conclusive decision using UKBA NRM 07 to the person and notify all relevant parties, including UKHTC and update CID with the outcome. The CA should then arrange for any outstanding immigration activities to be completed in line with existing immigration procedures and the person should be given advice on assistance with voluntary returns.

Conclusive Outcome - Trafficked: not assisting with Police enquiries leave to be granted

Where the outcome is that the person is considered a victim of trafficking but has **not** agreed to assist with Police enquiries, the CA should consider whether the person qualifies for leave in view of their personal circumstances, taking account that victims of trafficking may have different personal circumstances such as family and health needs and grant in line with current Discretionary Leave (DL) policy. DL in trafficking cases should not be considered in a manner that would be more discriminatory than general cases where DL applies.

Where DL is appropriate it should be issued on a UK Residence Permit (UKRP) in their passport or on an Immigration Status Document. To issue the UKRP refer to existing guidance found in Implementing Substantive Decision and UKRP vignette production from CID. In non-asylum cases UKBA NRM 09 should be used instead of ASL 2155. This should be reviewed a month before it is due to expire to consider whether any further applications have been lodged by the subject which might lead to an extension of stay or whether voluntary return assistance etc is required). The CA must issue the conclusive decision using UKBA NRM 07 along with the immigration decision, to the person and notify all relevant parties, including UKHTC and update CID with the outcome.

In cases where an UKBA NRM 06 series form has been used, the person should be asked whether they wish to continue with existing permissions granting Leave or to take up the option for DL resulting from the consideration of their Trafficking claim

Conclusive Outcome - Trafficked: not assisting with Police enquiries no leave to be granted

If there are no circumstances that would lead to the grant of leave or the person expresses that they wish to return home, then the CA must issue the conclusive decision using UKBA NRM 07, to the person, explaining the reasons why they do not qualify for leave. The CA must notify UKHTC, the Police, support provider and update CID with the outcome. This letter will ask if

there are any other reasons why the person should remain in the UK and if there are none, offer assistance in making a voluntary return. Normal immigration procedures will then apply and the case can be allocated to an appropriate case owner to conclude any immigration action.

[Back to contents](#)

Guidance to CAs on considering cases involving victims of trafficking

Definition

The Council of Europe Convention⁹ on Action against Trafficking in Human Beings requires us to take a victim-centred approach to tackling all types of trafficking. As an international treaty it places binding obligations across statutory agencies. Human trafficking involves criminal offences and may be linked to organised crime. One of the primary principles of the UK's approach to tackle human trafficking (including ratifying the Convention) is to provide services to help victims access justice and address the impact of the crimes to assist in their recovery. The Convention is relevant to UKBA because human trafficking frequently overlaps with existing areas of responsibility such as asylum and human rights and their associated processes.

The definition of trafficking of adults is:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person, for the exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practises similar to slavery, servitude or the removal of organs.”¹⁰

So the essence of trafficking, broadly speaking, is that the person is coerced or deceived into a situation where they are exploited. It consists in a combination of 3 basic components – an **action** (eg recruitment); by a **means** (eg threat of force, or fraud); for the purpose of **exploitation** (a category of mistreatment with a high threshold, eg prostitution of others)

It should also be remembered that the Convention envisages that a person is a ‘victim’ even if the exploitation has not yet occurred (e.g. because of a police raid before this happens). However the level and type of support or services offered to an individual in these circumstances will need to be proportionate.

Further UNHCR guidelines of April 2006 on international protection state that “An important aspect of this definition is an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time. Once initial control is secured, victims are generally moved to a place where there is a market for their services, often where they lack language skills and other basic knowledge that would enable them to seek help. While these actions can all take place within one country’s borders, they can also take place across borders with the recruitment taking place in one country and the act of receiving the victim and the exploitation taking place in another. Whether or not an international border is crossed, the intention to exploit the individual concerned underpins the entire process.”¹¹

⁹ http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#TopOfPage

¹⁰ As provided in the Council of Europe Convention on Action against Trafficking in Human Beings which originates from Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and Children supplementing the UN Convention Against Transnational Organised Crime. The trafficking protocol otherwise known as the Palermo Protocol was signed by the United Kingdom on 14 December 2000 and ratified on 9 February 2006.

¹¹ ‘The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked’ UNHCR April 2006, p5

It is important to note that the consent to the exploitation of an individual has no significance if the individual is under 18, or if the person has consented as a consequence of threats, violence, coercion, fraud, deceit, abuse of authority, or abuse of a vulnerable position.

[Back to contents](#)

Coercion

Physical coercion refers to the threat of the use of force/the actual use of force against the victim, or their family members. Physical coercion could also take the form of more subtle measures of control (e.g withholding travel or immigration documents).

Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. An obvious example of psychological coercion is blackmail, but many other examples are possible, including threats of rejection from/disapproval by a peer group/family, or even just anger or displeasure by the person considered to be a partner by the victim. There does not necessarily have to be a direct personal relationship; psychological coercion could refer to wider issues such as social stigma (particularly relevant in cases involving sexual exploitation or other forms of sexual violence).

Psychological coercion could also take the form of 'grooming', where vulnerable individuals are enticed over time to participate in activity where they may not be entirely willing participants (for example the 'boyfriend' method is fairly common in sexual exploitation). Some victims may experience Stockholm syndrome where due to unequal power, victims create a false emotional or psychological attachment to their controller. In both of these situations the individuals can often be more malleable and may at first appear to be 'willing participants'.

There are also the more complex cases where victims have been trafficked and subjected to exploitation in their own countries and then 'sold' into similar industries or 'work' in the United Kingdom. An example of this may be where a child has been sexually exploited in a home country and then trafficked to the UK as an adult to work in the sex-industry. Again at first it may appear that the individual is a willing participant (especially if the situation is less harmful than their previous experience) but the continuum of control and coercion should be taken into consideration.

Economic coercion can occur when someone is forced to pay an excessive amount of money for substandard accommodation or when significant deductions are made from an individual's 'salary'. Anti Slavery International state that debt bondage is one of the primary means of coercion utilised in labour trafficking cases.¹²

Questions that may help first responders to uncover whether someone is being or has been coerced could include:

- Can you leave the residence/place of work whenever you want?
- Do you have to ask anyone's permission to visit the shops, a doctor...etc?
- Do you have your own key to the residence?
- Do you have control over post addressed to you, or does someone else read it?
- Does your employer pay salary into your own bank account to which only you have access?
- Did you buy the SIM card for your mobile yourself?
- Can you change the SIM card of phone number whenever you want?

¹² Trafficking for Forced Labour in the UK Anti Slavery International 2006

- Do you control your own passport/travel document?¹³

Other more subtle indicators may include: the victim has few (if any) social networks in their living environment; lack of knowledge of local environment (e.g. location of shops, travel mechanisms...etc); frequent change of residence; and limited contact with family/friends in home country.

[Back to contents](#)

Deception

An example of deception may be that false, inaccurate, or misleading information is provided by the recruiter/employer to the worker. An individual who ends up being exploited through prostitution may have been originally under the impression that there were legitimate education or employment opportunities (e.g. in the service industry, as a cultural dancer, childcare etc). However there are also cases where individuals have been aware that they will be working in the sex industry in the UK but the conditions of the environment, particularly the degree of control (over freedom and earnings) were not known prior to arrival.

[Back to contents](#)

Children

Any child moved into a situation of exploitation, or for the purposes of exploitation, is considered to be a trafficking victim, whether or not they have been forced or deceived. This is because it is not considered possible for a child to give informed consent. Even when a child understands what has happened, they may still appear to submit willingly to what they believe to be the will of their parents or accompanying adults. For further information on identifying trafficked children decision makers should refer to Department for Children, Schools and Family (DCSF) and Home Office Guidance 'Safeguarding Children who may have been trafficked'.¹⁴

If the individual is a child Children Services must be immediately informed (if they haven't been already).

Most children are trafficked for financial gain. This can include payment from or to the child's parents. In most cases, the trafficker also receives payment from those wanting to exploit the child once in the UK.

Children may be trafficked for a number of purposes, including sexual exploitation through prostitution, illegal adoption, under-age forced marriage, benefit fraud and child labour (eg, domestic servitude, work in sweatshops, criminal activities such as begging or producing and selling drugs). Child trafficking works through personal and family networks, as well as through highly organised international criminal networks.¹⁵

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

¹³ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaaneel, Norway, November 2008

¹⁴ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF <http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-Child%20Traffic-Complete.pdf>

¹⁵ MISSING OUT A Study of Child Trafficking in the North-West, North-East and West Midlands. ECPAT UK Jan 2007 http://www.ecpat.org.uk/downloads/ECPAT_UK_Missing_Out_2007.pdf

provide them with education or skills training, but ultimately exploit them for the purposes of prostitution, forced labour or irregular adoption.¹⁶

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

Children who are in a trafficking situation are often extremely reticent with information, and often relate their experiences in an inconsistent way or with obvious errors. More often than not this will be because their stories are composed by others and learnt.¹⁷

A number of children arrive in the UK accompanied by adults who are either not related to them or in circumstances which raise child protection concerns. For example, there may be little evidence of any pre-existing relationship or even an absence of any knowledge of the sponsor. There may be unsatisfactory accommodation arranged in the UK, or perhaps no evidence of parental permission for the child to travel to the UK or stay with the sponsor. These irregularities may be the only indication that the child could be a victim of trafficking. Joint Home Office and DCSF guidance to practitioners, issued in 2007, covers these issues, and those of identifying child victims, in greater detail.¹⁸ This guidance contains practical advice and indicators for assisting identification of potential child victims. Child-friendly procedures should be applied at all times.¹⁹

Some accompanied children may apply for asylum claiming to be unaccompanied, after being told by their trafficker that by doing so they will be granted permission to reside in the UK and be entitled to claim welfare benefits.²⁰

Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked. It has been identified as a particular concern in schools which are situated near ports of entry, but officers should be alert to this possibility in all schools. However, officers should always bear in mind that not all children who go missing from education have been victims of trafficking. For example, there may be instances of children from communities that move around – Gypsy, Roma, traveller or migrant families – who collectively go missing from school.²¹

Evidence suggests that there are two common reasons why children go missing from local authority care. The first is that, even after a child registers with social services, the trafficker still has control of the child and seeks to remove the child from the area as soon as possible. The second common scenario is that the child runs away from care out of fear of being found by the

¹⁶ 'Human Trafficking', Handbook for the Protection of Internally Displaced Persons, UNHCR, Dec 2007
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4790cbc02&page=search>

¹⁷ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

¹⁸ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF
<http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-Child%20Traffic-Complete.pdf>

¹⁹ The process of obtaining information and data from potential child victims of trafficking (the so-called forensic interview) should be undertaken in a child-sensitive manner, taking into consideration their age and maturity. For a detailed synopsis of this, please see pages 119-133 of the UNICEF guidelines at: http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf

²⁰ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF
<http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-Child%20Traffic-Complete.pdf>

²¹ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF
<http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-Child%20Traffic-Complete.pdf>

trafficker. Without financial resources or identity documents, the child is then at risk of further abuse and exploitation.²²

The Home Office, in partnership with National Society for the Prevention of Cruelty to Children (NSPCC), End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK), Child Exploitation and Online Protection Centre (CEOP) and Comic Relief, launched the NSPCC Child Trafficking Advice and Information Line for staff on 8 October 2007. It offers direct assistance to professionals in statutory and non-statutory services responsible for children who show signs of having been trafficked and will offer advice on how their needs can be addressed and the statutory duties that local authorities have in regard to safeguarding children from harm. It also offers guidance by telephone and a case consultancy service by appointment. The Advice Line number is 0800 107 7057.

[Back to contents](#)

Types of Trafficking

Inherent in trafficking are such forms of severe exploitation as abduction, incarceration, rape, sexual enslavement, enforced prostitution, forced labour, removal of organs, physical beatings, starvation, and the deprivation of medical treatment.²³

Sexual exploitation

There is no clear definition of what constitutes sexual exploitation. In general the term is used to cover forced or coerced activity in the sex industry (primarily prostitution). However sexual exploitation can also be present in other forms of trafficking (for example there have been cases where victims of trafficking for domestic servitude have been forced to engage in sexual activity by their employers). This is recognised as a form of gender related violence which disproportionately impacts on women and girls. Trafficked women have very different experiences while in the trafficking setting. Some are held captive, unremittingly assaulted and horribly violated. Others are less controlled physically, but are psychologically tormented, and live in fear of harm to themselves and their family members. Teenage girls may be seduced and groomed by older men, persuaded to take drugs, sexualised and then moved around for the profit and sexual exploitation once drug dependent and alienated from their families²⁴

Forced labour

The European Court of Human Rights has interpreted “forced labour” as comprising two elements – involuntariness and an unjustifiable or oppressive character. Subsequent case-law adopts as a starting point the ILO definition – “all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.” The ILO is clear: forced labour cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives. Forced labour represents a severe violation of human rights and restriction of human freedom practices similar to slavery, debt bondage or serfdom.²⁵

²² MISSING OUT A Study of Child Trafficking in the North-West, North-East and West Midlands. ECPAT UK Jan 2007 http://www.ecpat.org.uk/downloads/ECPAT_UK_Missing_Out_2007.pdf

²³ Guidelines on International Protection: The application of Article 1A (2) of the 1951 Convention and/or Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, UNHCR, 2006

²⁴ Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe <http://www.lshsm.ac.uk/hpu/docs/StolenSmiles.pdf>

²⁵ ILO A Global Alliance Against Forced Labour ILO Geneva 2005 (p5)

Domestic Servitude

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

[Back to contents](#)

Individuals at Particular Risk

Unaccompanied internally displaced children, child heads-of-households, single (especially female) heads-of-households, young girls, and former victims/survivors of trafficking are particularly vulnerable to the risks of trafficking.²⁶ It is not uncommon for victims of human trafficking to have experienced some prior form of crime particularly sexual abuse and physical violence prior to their trafficking situation.

A common aspect within the process of a person being trafficked is that the trafficker will present a situation of betterment to the potential victim. There will usually be some form of enhancement which is presented as being of benefit to the victim or their family. People of vulnerability are often targeted as being easier to coerce into a situation where they can be manipulated.

[Back to contents](#)

Smuggling or trafficking

The purpose of human smuggling is to move a person across a border illegally, and is regarded as a violation of state sovereignty. The purpose of human trafficking is to exploit a human being for gain or other benefits and is regarded as a violation of that person's freedom and integrity.

Persons being smuggled willingly enter into "contracts" with the smugglers to work off a smuggling debt. They may live in squalid conditions, but when the debt is paid, they are free to leave. It is often necessary to look at a person's final circumstances to determine if the person is willingly complicit in a smuggling endeavour, or the victim of traffickers.²⁷ Key components that will always distinguish trafficking from smuggling are the elements of fraud, force, or coercion and where those components are used the consent of the victim to the intended exploitation is irrelevant.²⁸

It should be appreciated that the distinction of smuggling and trafficking can be blurred. There are certainly 'pure' cases of trafficking and smuggling - of children kidnapped without their parents' consent, of migrant workers defrauded from the outset or, at the other end of the spectrum, of completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends. However at the

²⁶ 'Human Trafficking', Handbook for the Protection of Internally Displaced Persons, UNHCR, Dec 2007
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4790cbc02&page=search>

²⁷ US Department of Justice (2005) 'Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking' p3
http://www.usdoj.gov/crt/crim/smuggling_trafficking_facts.pdf

²⁸ Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and Children supplementing the UN Convention Against Transnational Organised Crime.

point of departure and at multiple stages of the journey, it may well be unclear which category – trafficking or smuggling – is at issue. Most transported undocumented migrants appear to consent in some way to an initial proposition to travel but frequently *en route* or on arrival in the destination country circumstances change.²⁹

[Back to contents](#)

Myths about human trafficking

It is important to be aware of a number of myths relating to human trafficking:

2.1 It is important to be aware of a number of myths and issues of incomplete understanding relating to human trafficking:

Myth: The person knew what was going to happen to him or her, so he/she cannot be considered a victim.

Reality: Prior knowledge may indicate complicity and does not in itself indicate trafficking. But equally individuals may not have been aware of the level of control over their freedom, movement or monetary arrangements so trafficking should not be ruled out simply because some prior knowledge of events can be established.

Myth: The person did not take opportunities to escape so is not being coerced.

Reality: Remaining in an exploitative situation could indicate a willingness to remain there and/or an absence of coercion. But there are many reasons why someone may choose not to escape an exploitative situation: e.g. fear of reprisal, vulnerability, Stockholm syndrome; lack of knowledge of environment.

Myth: British nationals cannot be victims of human trafficking.

Reality: British nationals can and have been victims of human trafficking.

Myth: Crossing a border is required in order to be trafficked.

Reality: Trafficking does not have to occur across borders, it can occur within a country.

Myth: Human trafficking is a necessary evil in some cultures and so must be accepted.

Reality: Irrespective of cultural practices, human trafficking is a crime in the United Kingdom.

Myth: It cannot be human trafficking when organiser and victim are related or married/cohabiting/lovers.

Reality: Close relationships are often used to exploit and control others. There are reported incidents where 'boyfriends' have groomed women into sexual exploitation or family members have colluded (intentionally or unintentionally) in the exploitation.

Myth: A person is not a victim of trafficking when he or she says that he or she has a better life than previously.

Reality: It is likely that victims may perceive their life as better, particularly when the money promised to them is delivered. It doesn't mean that they are not a victim of trafficking.

Myth: A person is not a victim of trafficking when he or she rejects offers of help.³⁰

²⁹ Smuggled or trafficked? by Jacqueline Bhabha and Monette Zard <http://www.fmreview.org/text/FMR/25/02.doc>

³⁰ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

Reality: It is not uncommon for victims to initially reject offers for assistance and help. This is not a situation that is unique to victims of these crimes but due to the nature of human trafficking victim self identification and early engagement with the authorities and other support organisations remains low.

[Back to contents](#)

Behaviour of potential victims of trafficking

It should be recognised in the assessment process that victims may not be willing to fully disclose the details of their experience on first contact due to fear of retribution from their traffickers or mistrust of those trying to help. It should also be recognised that there may be an inability and/or an unwillingness of exploited persons to perceive themselves as 'victims'. For many individuals they may perceive their situation as temporary and partly attributed to their lack of knowledge in understanding the country or labour market³¹.

It should be noted that some exploited persons may be viewed as 'colluding' with their 'employer' in their illegality, for instance accepting the 'cover' of the person exploiting them from the immigration authorities. Such 'relationships' can add to confusion when attempting to identify individuals as victims of trafficking³².

Agencies may also find that people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may also compare it more favourably to experiences at home³³. In this situation front-line responders and decision makers should consider objective indicators such as the seizure of identity documents or use of threats by the employer/exploiter. Such indicators will facilitate in the identification of a trafficking situation.

It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward an identifying front line statutory responder, particularly from the police or immigration services. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim felt safe and came to trust the identifying officer.³⁴

For some victims, the identification and referral process may mimic aspects of what had happened to them during trafficking — promises of help and a good life, movement by persons they did not know, being taken to unknown locations where "everything would be fine" and "they would be taken care of". As such, for many trafficked persons the identification process itself appears suspicious, particularly when viewed through the lens of someone who is already stressed, frightened and confused.³⁵

In most trafficking situations, agents know or can easily discover personal information about the victim, his/her home, family and friends. It is very common for agents and employers to use

³¹ OSCE (2007)Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p3

³² OSCE (2007)Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p3

³³ OSCE (2007)Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p4

³⁴ 'Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe' ICPMD, 2007 [http://www.icmpd.org/768.html?&tx_icmpd_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p57

³⁵ 'Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe' ICPMD, 2007 [http://www.icmpd.org/768.html?&tx_icmpd_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46) p60

threats against their family, especially children, in order to manipulate and control the person.³⁶ The fear of reprisal will have a huge impact on whether a potential victim of trafficking can be identified or not.

To side-step national laws, traffickers may become less physically aggressive or when the trafficked person is a woman, they may become romantically 'involved', or even marry them in order to legalise their status, or provide her with small sums of money.³⁷

Individuals who are in a trafficking situation may be extremely reticent with information, and may tell their stories with obvious errors. It is not uncommon for traffickers to provide 'stories' for victims to tell if approached by the authorities and the errors or 'lack of reality' may be because their initial stories are composed by others and learnt.³⁸ Victim's early accounts may also be affected by the impact of trauma. In particular victims may experience Post Traumatic Stress Disorder which can result in symptoms of hostility; aggression; difficulty in recalling details or entire episodes of the worst events; and difficulty concentrating. Further information on how trauma can affect victims can be obtained via the 'Stolen Smiles' link in the Reference section.³⁹

[Back to contents](#)

Self-identification

Self-identification might be difficult, especially in cases where a position of social vulnerability has been abused by traffickers. For many people even a forced labour situation is seen as temporary and partly attributed to their lack of knowledge in navigating the labour market⁴⁰. In addition, there are many barriers for victims to come forward such as fear for reprisals against them or their children or families, fear for deportation, or the situation of dependency in which they find themselves.

Stigma is recognised as an obstacle to self-identification. Knowledge and understanding of trafficking is limited and most individuals will associate the term "trafficking" with prostitution. It is important to recognise that most victims of labour trafficking do not perceive themselves as "victims" but rather as migrants who happen to be in a "difficult" situation. Anti-Slavery International stated in 2002 that "Wrong expectations of how a 'victim' should behave often leads to misinterpretations by both the authorities and service providers, which may often shift blame on to the trafficked person".⁴¹

Officers should understand that many exploited persons do not trust or are afraid of the police or other organisations purporting to assist them. They may therefore not be willing to provide statements to the police. In such circumstances NGOs may be able to provide more information on the individual's situation and due weight should be given to this supporting evidence.

'Victim of human trafficking' within the identification context is a legal concept that triggers certain rights and measures under the Council of Europe Convention. It is not a quality, condition or attribute of a person. It is the authorities who have the responsibility of verifying a person as a 'victim of human trafficking' and it should not be expected that the person himself or herself must

³⁶ Anti-Slavery International (2005) 'Protocol for identification and assistance to Trafficked Victims and Training Kit' p20

³⁷ Anti-Slavery International (2005) 'Protocol for identification and assistance to Trafficked Victims and Training Kit' p20

³⁸ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

³⁹ Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

⁴⁰ OSCE (2007) Report on Civil Society Meeting, Warsaw, 'The NRM Approach to Trafficking and its Application to Trafficking for Labour Exploitation', p3

⁴¹ Anti-Slavery International (2002): Human traffic, human rights: redefining victim protection, London, p33

feel or behave as a 'victim' (in the sense of being totally dependent on help and protection from someone else).⁴²

Officers should not be wholly reliant on someone who is adamant they are not a victim of trafficking. Self-identification or otherwise should be considered with the factual evidence within which that individual was found.

[Back to contents](#)

FIRST RESPONDERS

No single Government agency, organisation or commission has a monopoly on identification of possible victims of human trafficking. In principle all agencies, organisations or individuals who find themselves with grounds for concern that a person may be in a human trafficking situation have responsibility for identifying the person as a possible victim and putting him or her in touch with the responsible authorities and support providers. Potential identification will be through the various agencies performance of their regular duties such as criminal investigations (police), consideration of the protection of children (Local Authorities), processing the immigration status of individuals (UKBA).

First responders could be statutory agents like the police or immigration or third-sector NGOs like Poppy or Migrant Helpline. Community groups and voluntary organisations play an important role in identifying potential victims. Through their reach into local communities, and their extensive knowledge and experience in working in different ways with the most vulnerable people, these organisations may well be best placed to reach individuals who may have been trafficked.

Most reports to the Competent Authority on cases where the potential victim is under 18 will come from a local authority which has accepted responsibility for their care. This is because the first duty on all organisations where a child is at risk of harm is to refer them to a local authority which then has a statutory responsibility to "safeguard and promote their welfare". The first responder will, in these cases, be a local authority social worker acting on behalf of their local authority and on behalf of the Local Children Safeguarding Board or their equivalent.

Trafficking referrals to the competent authority do not alter in any way the existing statutory obligations around child protection. Referrals may be made in parallel with the local authority's consideration of the urgent protection needs of the child.

It is important that decision makers collaborate with all relevant agencies who have dealings with the potential victim in order to gather all the relevant information.

The first responder will refer each case of a potential victim to a Competent Authority at an early stage. The speed with which the first responder is able to gather information on a particular case is likely to be determined by the willingness or capacity of a potential victim to co-operate and by operational constraints such as volume of cases and availability of interpreters. As soon as there is sufficient information for a Competent Authority to make a decision that reasonable grounds exist for treating a person as a trafficking victim then a decision should be made even if it is likely further information will be available at a later stage.

⁴² Guide to identification of possible victims of trafficking Koordineringsenheten for Ofre for Menneskehaneel, Norway, November 2008

In other cases an initial referral may contain insufficient evidence. The Competent Authority should proactively seek out information that could prove useful in establishing if there are reasonable grounds. The Competent Authority should discuss the case with the relevant agencies and establish what plans there are to gather more information, including via interview.

[Back to contents](#)

Confidentiality and data protection

Victims will have been in situations where contact with outsiders is handled with suspicion and in some circumstances endanger the health and safety of themselves or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected.

Anonymity and confidentiality are important conditions in work with victims of trafficking. Victims have information about criminals who have trafficked and exploited them and this makes the individual vulnerable. However, confidentiality cannot be guaranteed in advance by officers and outside of stressing to the victims that the information will be protected, officers should ensure that they record any information that may affect the case.

Evidence from witnesses must be given independently and therefore officers must take care not to offer, or appear to offer, potential inducements to the victim. Any form of inducement might undermine the credibility of evidence obtained and adversely affect the prosecution's ability to bring cases to court.

[Back to contents](#)

Indicators

Indicators are symptoms of a situation. They should be regarded as a flexible instrument, to be used for case by case assessments. It is not required that all or only one of the indicators are satisfied. What is important is that the indicators highlight a potential situation to the officer who can then dig deeper to investigate what has happened. Indicator lists should be reactive to changing crime behaviour patterns, and officers should be alert to the limitations of lists.

Characteristics of the situation of trafficking may include:

- Deception
- Limitation of human rights
- Severe working conditions
- Threat or actual physical assault
- Structural and intentional exploitation
- Multi dependencies (control mechanisms)⁴³

These key characteristics may expose themselves in the following statements:

Multi dependence:

- The 'employer' or a third party also arranges housing, clothing and transportation
- A third party arranged the travel, visa, etc.
- Disposal of a forged passport
- Irregular immigration status

⁴³ Based on Dutch Barrier model for labour trafficking, 2005

- No living space
- Workplace is also place of residence
- Lack of knowledge of place of residence
- Social isolation
- Debts (liable to a third party)
- Movement from one place to another (in terms of residence and or work environment)

A curtailment of basic freedom:

- Limited and controlled contact with the outside world
- No access to medical help (although in terms of sexual exploitation individuals may have access to sexual health care)
- Limited freedom of movement
- No control and/or unable to provide identity-papers
- Limited/ no control over salary
- Transfer of a disproportionate part income

Poor working conditions:

- Unusually low income (below minimum wage)
- Working under dangerous circumstances
- Extremely long working days
- Blackmailing or intimidation of the 'victim's' family

Harm caused:

- Confronted with violence or threat
- Carries visible marks of physical abuse
- Psychological and emotional trauma
- A range of health implications, including sexual health issues

General:

- Is related to persons with previous connections to human trafficking
- Is from a so called 'risk-country'
- Is passive around his/her exploiter

[Back to contents](#)

Children

Indicators associated with child trafficking may include:

- does not appear to have money but does have a mobile phone;
- receives unexplained/unidentified phone calls whilst in placement/temporary accommodation;
- possesses money and goods not accounted for;
- exhibits self assurance, maturity and self-confidence not expected to be seen in a child of such age;
- has a prepared story very similar to what other children have given;
- shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted infection or has an unwanted pregnancy;
- has a history with missing links and unexplained moves;
- has gone missing from local authority care or appears to be missing for periods;
- is required to earn a minimum amount of money every day

This is not an exhaustive list of indicators. For more information on identifying potential child victims and what action practitioners should take to safeguard and promote their welfare, including a more extensive list of indicators, please refer to the joint Department for Children, Schools and Families (DCSF) and Home Office guidance 'Safeguarding Children Who May Have Been Trafficked' (2007)⁴⁴. [Back to contents](#)

Pre-entry

Many trafficking cases involve a process of recruitment through registered or illegal agencies that organise and 'facilitate' the process of travel from one country to another. A community member, family member, or any other intermediary however, can arrange the recruitment as well⁴⁵.

Indicators may be:

- Charging exorbitant fees for visas and other travel documents
- Processing and providing fake travel documents without informing the migrant who is to use them
- Recruitment for non-existent jobs as well as misrepresenting the job and work conditions (e.g. women going abroad and believing they will work as domestic workers but end up in prostitution).
- Provision of a loan that is hard to pay back (particularly since the interest on the loan and the amount of the loan itself tend to be falsely inflated).

Port of Entry

All ports of entry in the UK are potential channels for trafficking victims. Identifying victims at these ports of entry is likely to be difficult as they may not be showing obvious signs of distress. At this stage the victims may not see themselves as being at risk of harm from the trafficker, or may not consider themselves to be in any danger. However in both scenarios the victim is likely to have been coached with a story to tell the authorities at the border. Children may present themselves with no documentation at border control, having surrendered passports to the trafficker before presenting themselves to claim asylum.

Indicators may be:

- possesses money and goods not accounted for;
- is unable to confirm the name and address of the person meeting them on arrival;
- has had their journey or visa arranged by someone other than themselves or their family;
- is accompanied by someone who insists on remaining with the individual at all times;
- is withdrawn and refuses to talk or appears afraid to talk to a person in authority;
- has a prepared story very similar to those that other victims have given;
- does not appear to have money but does have a mobile phone;
- is unable, or reluctant to give details of accommodation or other personal details;
- Has details of a contact they have never met before/ has details of contacts sewn into (or attached by another means) clothing

In country

Indicators may be:

- Threats or actual physical harm to the worker

⁴⁴ Working together to safeguard children - Safeguarding children who may have been trafficked DCSF <http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-Child%20Traffic-Complete.pdf>

⁴⁵ Anti-Slavery International (2005) 'Protocol for identification and assistance to Trafficked Victims and Training Kit' p7

- Fear of employer
- Restriction of movement and confinement to the workplace or to a limited area
- Debt bondage: where the person works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt
- Withholding of wages or excessive wage reductions that violate previously made agreements
- Retention of passports and identity documents, so that the worker cannot leave or prove his/her identity and/or status
- Threat of denunciation to the authorities where the worker has an irregular immigration status

The relationship between trafficked persons and the trafficker may be very complex. Sometimes victims believe that after a period of abuse, they will eventually be able to pay off a debt and earn money for themselves. Some think that their trafficker is the only person who can help them; this is particularly applicable to children. Others blame themselves for being naïve, for making a bad decision in the first place or think that their situation could be worse. They may be afraid that they will be stigmatised or seen as ‘failures’ if they return home empty-handed, or that they will be rejected by their families if they have been exploited through prostitution.

Traffickers can also be quick to adapt their behaviour. This includes such methods as : becoming less physically aggressive; becoming romantically ‘involved’ with the victim; arranging a marriage to legalise a victim’s status; providing small sums of money; or gradually allowing more freedom of movement. ⁴⁶.

First responders will need to capture as much information about the individual and their circumstances and record it on the trafficking referral form. This form then needs to be sent to the competent authority through agreed processes. The first responder will be advised of the trafficking decision, and whether any further action needs to be taken.

[Back to contents](#)

COMPETENT AUTHORITY

Reasonable Grounds to Believe

The Council of Europe Convention on trafficking has a two stage process for identifying victims of trafficking in which the ‘reasonable grounds’ test acts as an initial filter to a fuller more conclusive decision. Once a positive ‘reasonable grounds’ decision is made; the individual is granted a 45 day reflection/recovery period. This temporary status provides the conditions for the fuller evaluation to be made, and allows the individual to escape the influence and control of the traffickers. The officer will have the discretion to extend the validity of the temporary admission beyond 45 days where circumstances warrant. Similarly the decision maker can curtail the reflection period and immigration status where the trafficking claim is found to be fraudulent.

Upon receipt of a referral, a Competent Authority shall apply a ‘reasonable grounds’ test to decide whether a person has been a victim of trafficking. The ‘reasonable grounds’ test has a low threshold and is lower than the threshold required for prima facie evidence (which is legally sufficient evidence, that if uncontested, would establish a fact or raise a presumption of a fact).

The test that should be applied is whether the statement “I suspect but cannot prove” would be true and whether a reasonable person would be of the opinion that, having regard to the

⁴⁶ Anti-Slavery International (2005) ‘Protocol for identification and assistance to Trafficked Victims and Training Kit’ p20

information in the mind of the decision maker, there were reasonable grounds to suspect the individual concerned had been trafficked. Legally sufficient proof may or may not be present at this stage. Reasonable suspicion can never be supported on the basis of personal factors alone (e.g. the appearance of the suspected victim) without reliable supporting intelligence or information or some specific behaviour by the person concerned. It should normally be connected to precise and up to date intelligence/information.

However the Competent Authority must take account of the limited information that the first responder may be able to acquire. Other bodies particularly any support agencies are likely to be able to assist in determining whether reasonable grounds to believe are met. A first responder may also be in a position to be able to provide a huge amount of information that goes beyond the required proof. In these circumstances it is the responsibility of the Competent Authority to advise the first responder that reasonable grounds is met and that any further information will go towards the subsequent 'conclusive decision'.

Some of the indicators on the form may not be apparent on the initial encounter but will become clear during subsequent interviews at a safe location (such as a Police Station) with an interpreter. Competent authorities should be mindful of any ongoing process which may be able to provide additional information.

The 'reasonable grounds' decision has consequences for the person in terms of protection and potential further stay in the UK. It will be subject to external scrutiny and judicial review. The decision should be of the highest possible standard, taking into account the expert views of those surrounding the individual. Where the decision maker is not sure they should seek guidance and assistance from others and commission more information from first responders or support providers.

[Back to contents](#)

Credibility

Before making any assessment of credibility decision makers may find it helpful to apply the definition at the start of the guidance to the set of facts as presented by the first responder and make a decision as to whether the individual situation matches the definition. Competent Authorities should utilise published and recognised reports which address the propensity of trafficking in the home country. The decision maker should then move on to assessing whether those facts are credible. If they fit the definition and the account is credible to the required standard of proof (reasonable grounds), the individual should be recognised as being a victim of trafficking.

The nature of trafficking and the trauma it can cause should lead decision makers to be cautious in discounting potential victims due to lack of co-operation or initial reluctance to disclose the full facts of their case. Moreover as a result of trauma, victims in some cases might not be able to recall concrete dates, facts and in some cases their initial account might contradict their later statement. This is often connected to their traumatic experience as well as to the psychological coercion that may persist. However, the need to be sensitive does not remove the need to assess all information critically and objectively. This includes considering the credibility of a case.

In assessing the credibility of the case of a potential victim of trafficking decision makers must assess the credibility of material facts about past and present events that go to the core of the decision that an individual is a victim of trafficking. Credibility findings should be focused upon material facts that are serious and significant in nature. It is generally unnecessary, and

sometimes counter-productive, for the decision maker to focus upon minor or peripheral facts that are not material to the claim.

Assessing a claim's credibility inevitably involves an element of subjectivity on the decision maker's part. The danger is that a decision maker's subjective interpretation of a claim can lead to unfounded assumptions based not on objective information but on the individual's own experiences and beliefs, undermining the balance and fairness of an assessment.

The decision maker should assess whether the material factual claim is coherent and consistent with any past written or verbal statements, and consistent with claims made by witnesses and/or dependants and with any documentary evidence submitted in support of the claim. It is for the decision maker to assess how well the evidence submitted fits together and whether or not it contradicts itself.

Where the potential victim is a child, the decision maker will need to decide to what extent it is reasonable to expect the child to explain any discrepancies.

In such cases, consideration must be given as to whether we should be more willing to accept what is said where the applicant is a child, than we would be were the applicant an adult. It may be that the severity of the child's trafficking experience has hindered or prevented their ability to recall details. If there are gaps in the account, this could be due to a number of reasons including fear of imminent risk from the trafficker, fear of future reprisals against family members, coerced scripted stories, or developmental and cultural reasons.

A decision maker should not draw an adverse credibility inference from omissions in the child's knowledge or account if there are justifiable reasons for those omissions. Decision makers must take into account the particular circumstances of each case and the fact that being a victim of trafficking can be a contributory factor in selective or inaccurate disclosure of an individual's experience. But where an assessment of credibility undermines an individual's account to the point that the reasonable grounds threshold can no longer be met the decision maker should conclude that the subject is not a victim of trafficking according to the Convention.

[Back to contents](#)

Factors to take into account

Level of detail

The level of detail with which a potential victim of trafficking presents their claim about the past and present is a factor which may influence a decision maker when assessing credibility. It is reasonable to assume, subject to mitigating circumstances (see below), that a Potential Victim of Trafficking relating an experience that occurred to them will be more expressive and include sensory details such as what they saw, heard, felt or thought about an event, than someone who has not had this experience.

Inconsistencies

It is reasonable to assume, subject to mitigating circumstances (see below), that a potential victim who has experienced an event will be able to recount the central elements in a broadly consistent manner. A potential victim's inability to remain consistent throughout their written and oral accounts of past and current events may lead the decision maker not to believe the claim.

The decision maker may refer back to the police or other expert witnesses for clarification if there are any inconsistencies in the claim.

Mitigating circumstances

In assessing the credibility of a claim, decision makers should be aware that there may be mitigating reasons why a potential victim of trafficking is incoherent, inconsistent or delays providing details of material claimed facts. These reasons should be taken into account when considering the credibility of a claim. Such factors may include the following (the list is not exhaustive): mental, psychological, or emotional trauma, inability to articulate, mistrust of authorities, feelings of shame, painful memories particularly those of a sexual nature.

[Back to contents](#)

Potential prosecution of trafficker

Whether an alleged trafficker is being prosecuted may be of relevance but the decision to identify a victim (either preliminary or conclusively) is not dependent on a conviction of the perpetrators, or on whether or not the victim cooperates in the criminal proceedings.

Decision makers need to be aware that any deliberations that are made will be subject to rules of disclosure in any subsequent prosecution for trafficking. Where an individual is being treated by the police as a potential victim and/or witness, decision makers should ensure lines of communication with the Senior Investigating Officer (police) are kept open. The decision as to whether there is enough evidence to prove that an individual is a victim rests with the Competent Authority but officers must be alert to the impact that the decision may have not only on the victim but on a criminal investigation and the criminal justice process.

Consideration Minutes

The decision maker should minute their decision and what led them to have a reasonable belief that the individual was or wasn't a victim of trafficking.

Within this minute there should be references to documents considered including any NGO submitted papers and a comprehensive assessment of how the individual's situation meets the definition of a trafficked victim.

The decision maker should indicate the weight given to the information provided.

Decision makers should also ensure relevant databases such as UKBA's CID system, UKHTC systems and the local spreadsheet are updated at each stage of the case.

[Back to contents](#)

Notifying the Individual of decision outcome

The individual should be advised of the decision using template letters provided (refer to section 'Competent Authority - Process Guidance'). The police, interested departments of UKBA, Support Providers and first responder (where different) will need to be made aware of the decision. In particular the Competent Authority will need to be mindful that victim services providers will need to prepare the individual for any outcome and that the decision may also directly impact on a criminal investigation. Where appropriate the Competent Authority should also ensure that the victim's reflection period is granted and respected by all relevant agencies.

The 45 day reflection period is initiated from the time the individual has been made aware that the competent authorities have reasonable grounds to believe that they are a victim. In conjunction with written notification the individual, where appropriate, should be granted Temporary Release/Admission for 45 days and the decision maker should set in motion this process. Decision makers should take in to account any temporary admission/release that may already have been granted and advise the local immigration office of the status of the case and instruct them to amend the status as appropriate.

There will be cases which will not need an amendment to their immigration status as their right to reside in the UK is already secure. For these cases, the individual should still be advised that they have been recognised as a victim of trafficking and that they are entitled to a reflection/recovery period of 45 days. This allows them access to support provisions.

Where the Competent Authority considers that the reasonable grounds test has not been satisfied, it should in the first instance consider if additional evidence is required for consideration prior to notifying the individual. In these cases the Competent Authority should contact the 'first responder' or other interested parties including support providers (where not the first responder) to explore if further evidence is available alerting them that their referral has failed to provide sufficient evidence at this stage for a positive decision. Information that could be taken into consideration where legally available includes; police statements, support providers needs assessment, and health information. If the individual is found not to be a victim of trafficking the decision maker should ensure that the individual is notified. The decision maker should ensure all relevant parties are made aware of the decision. Following this decision, where appropriate normal immigration procedures would continue.

[Back to contents](#)

Individuals charged with criminal/immigration offences

The situation of a victim of trafficking may implicate them in a criminal/immigration offence, however it is important to recognise that they have been under the control of the trafficker. Victims may have been coerced to lie to the authorities if encountered, and/or they may not disclose their circumstances through fear of retribution.

Where the Competent Authority has identified someone as a victim of trafficking they should ensure that those pursuing any action for offences committed (UKBA, police, CPS) are aware of the identification decision.

[Back to contents](#)

Returning home

Decision makers should be mindful that individuals may at any point wish to return home. Every effort should be made to consistently advise the individual of the Assisted Voluntary Return of Irregular Migrants (AVRIM) process.

Victims being returned home should receive information prior to return on opportunities for assistance, protection and reintegration in their country of origin. It is important that victims are

as engaged in the process of return as possible as this will facilitate their return and empower them to take control once returned.⁴⁷

[Back to contents](#)

Other Immigration claims

The individual may apply for asylum before, during, or at the close of their 45 day reflection period.

Similarly the individual may have outstanding leave due to another immigration application. Consideration of whether it is still appropriate for the individual to retain the leave will be for the UKBA case owner originally handling the case. Competent Authority decision makers should ensure early contact with all relevant parties to ensure they are aware of the person's immigration status

[Back to contents](#)

Improper claims

If it is subsequently found that the individual has claimed to be a victim of trafficking fraudulently or that the individual's stay is not conducive to the public good the officer should initiate immediate withdrawal of the temporary release/admission and start appropriate action. However any outstanding leave due to another immigration application may continue to run.

It is also possible that individuals that have initially claimed to be a victim of trafficking could be involved in the trafficking of others. These cases should immediately be referred to the police for appropriate action.

[Back to contents](#)

Requests for extensions of the 45 day reflection period

Decision makers should be aware that the specific circumstances of the individual may necessitate more than the 45 day period. Decision makers should take any further representations on extensions and consider whether an extension is appropriate. Likely reasons for the extension include: health issues; mental health/psychological issues (including post traumatic stress disorder); and high levels of victim intimidation.

By day 30 the Competent Authority should be gathering information to make the conclusive grounds. As part of that decision makers should contact the NGO service provider, the first responder, and the investigating police force to consider whether an extension of the reflection period is warranted. The victims themselves are unlikely to be in position to make an informed judgement on their own.

If an extension is to be granted the decision maker should minute the file explaining the reason for the extension, update any relevant databases or spreadsheets, and then advise the individual.

⁴⁷ 'Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe' ICPMD, 2007 [http://www.icmpd.org/768.html?&tx_icmpd_pi2\[document\]=593&cHash=6688569e46](http://www.icmpd.org/768.html?&tx_icmpd_pi2[document]=593&cHash=6688569e46)

If an extension is not to be granted then the file should be minuted. Spreadsheets and databases should be updated and a further letter should be sent to the individual explaining the reasons for refusal.

Following the 45 day period and where the decision maker has not been advised of any further reason why the individual should remain, the decision maker should consider whether there are conclusive grounds to believe someone is a victim of trafficking.

[Back to contents](#)

Conclusive decision

When considering whether the victim of trafficking meets the second test of identification decision makers should consider whether on the balance of probability there is sufficient information to conclude the individual is a victim of trafficking.

Balance of probabilities essentially means [an offence under the definition of trafficking as set out in section 1 will be established if it is more likely than not to have happened. Decision makers should be satisfied that the trafficking conduct occurred if they consider that, on the evidence, the occurrence of the event is more likely to have happened than not. This standard of proof does not require the decision maker to be certain that the event did occur

Decision makers should weigh up whether the probability of a trafficking offence has taken place. They will need to consider the entire trafficking process which comprises a number of interrelated actions rather than whether a single act has taken place at a given time. The more improbable the process, the stronger must be the evidence that it did occur before, on the balance of probability, its occurrence will be established.

There are no rules regarding weighing the strength of indicators or evidence presented, as it is a matter of common sense and logic based on the particular circumstances of each case.

[Back to contents](#)

References

Anti-Slavery international <http://www.antislavery.org/>

Department for Business, Enterprise and Regulatory Reform <http://www.berr.gov.uk/>

Gangmasters Licensing Authority (GLA) <http://www.gla.gov.uk/index.asp?id=42>

Kalayaan <http://www.kalayaan.org.uk/>

Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe

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

UK Border Agency website <http://www.ukba.homeoffice.gov.uk/>

UNHCR guidelines on International Protection

<http://www.unhcr.org.au/UNHCRguidelinesonInternationalProtection.shtml>

UK Human Trafficking Centre website

<http://www.ukhtc.org/>

Useful Contacts

For initial advice on trafficking matters contact: **UKHTC**: 0114 252 3891

For initial advice on immigration matters contact: **UKBA**: 0161 261 1640

For advice on trafficking accommodation providers contact: **UKHTC**: 0114 252 3891

Annex A

RESTRICTED (when completed)

NATIONAL REFERRAL MECHANISM FOR POTENTIAL (ADULT) VICTIMS OF TRAFFICKING REPORT TO COMPETENT AUTHORITY FOR DECISION

| |
|--|
| <p>Section A - Personal Details</p> <p>Last name: First name(s):</p> <p>Also known as:</p> <p>D.O.B:/...../..... Age: Sex: Place of birth:</p> <p>Nationality: Language:</p> <p>Any English spoken: Y/N or interpreter needed: Y/N Immigration status:</p> <p>Other communication aids required (e.g. Sign language): Y/N Details:</p> <p>Competent Authority referred to: UK Border Agency <input type="checkbox"/> UK Human Trafficking Centre <input type="checkbox"/></p> <p>Home Office ref: Work Permit ref:</p> <p>Any other reference numbers:</p> <p>UK Home address/Contact Details:</p> <p>.....</p> |
| <p>Contact details of person making referral (First Responder)</p> <p>Name:</p> <p>Job title:</p> <p>Organisation:</p> <p>Tel: Mobile:</p> <p>Email:</p> <p>Signature and date of referral:</p> |
| <p>Details of encounter</p> <p>Date:/...../..... Address (if different from above):</p> <p>.....</p> <p>With access to interpreter (if applicable): Y/N</p> <p>With access to legal advice: Y/N Details:</p> |
| <p>Consent of individual</p> <p>I consent to my details including name and date of birth being submitted to the Competent Authority to assist in the identification process.</p> <p>Signed:</p> |

RESTRICTED (when completed)

Section B - General indicators

Please tick all relevant boxes

1. Distrustful of authorities
2. Expression of fear or anxiety
3. Signs of psychological trauma (including Post Traumatic Stress Disorder)
4. The person acts as if instructed by another
5. Injuries apparently a result of assault or controlling measures
6. Evidence of control over movement, either as an individual or as a group
7. Found in or connected to a type of location likely to be used for exploitation
8. Restriction of movement and confinement to the workplace or to a limited area
9. Passport or documents held by someone else
10. Lack of access medical care
11. Limited social contact
12. Limited contact with family
13. Perception of being bonded by debt
14. Money is deducted from salary for food
15. Threat of being handed over to authorities
16. Threats against the individual or their family members
17. Being placed in a dependency situation
18. No or limited access to bathroom/hygiene facilities
19. Any other, please provide details in Section F

Where indicators are identified record full details in Section F

Section C - Indicators of forced labour

Are any of these indicators present? (Tick as applicable)

Yes please tick all relevant boxes in Section C

No continue to Section D

1. Employer or manager unable to produce documents required when employing migrant labour
2. Employer or manager unable to provide record of wages paid to workers
3. Poor or non existent health and safety equipment or no health and safety notices
4. Any other evidence of labour laws being breached
5. No or limited access to earnings or labour contract
6. Excessive wage reduction
7. Dependence on employer for a number of services i.e. work, transport, accommodation
8. Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay
9. Imposed place of accommodation
10. Any other, please provide details in Section F

Where indicators are identified record full details in Section F

Section D - Indicators of domestic servitude

Are any of these indicators present? (Tick as applicable)

Yes please tick all relevant boxes in Section D

No continue to Section E

1. Living with and working for a family in a private home
2. Not eating with the rest of the family
3. No proper sleeping place or sleeping in shared space e.g. living room
4. No private space
5. Forced to work in excess of normal working hours or being "on-call" 24 hours per day
6. Employer reports them as a missing person
7. Employer accuses person of theft, kidnapping or other crime related to his/her escape
8. Never leaving the house without employer
9. Any other, please provide details in Section F

Where indicators are identified record full details in Section F

Section E - Indicators of sexual exploitation

Are any of these indicators present? (Tick as applicable)

Yes please tick all relevant boxes in Section E

No continue to Section F

1. Advertises for brothels etc offering women from particular ethnic/national groups
2. Sleeping on work premises
3. Movement of women between brothels or working in alternate locations
4. Women with very limited amounts of clothing and/or a large proportion of the clothing is 'sexual'
5. Only being able to speak sexual words in local language or language of client group
6. Person forced, intimidated or coerced into providing services of a sexual nature
7. Person subjected to crimes such as abduction, assault or rape
8. Does someone other than the victim receive the money from the client
9. Health symptoms (including sexual health issues)
10. Signs of ritual abuse and witchcraft
11. Substance misuse
12. Any other, please provide details in Section F

Where indicators are identified record full details in Section F

Section F - Evidence to support reasons for referral (2 pages available)

Please use this section to:

- Expand on the circumstances/details of the encounter or contact, providing background to how the information was provided (e.g. On first encounter during police operation)
- Provide evidence of the indicators that you have identified in Sections B to E
- Note whether it is likely that further information will be required
- Provide any other relevant information that you consider may be important and wish to include e.g. living/working conditions, behaviour, appearance, demeanour etc
- Movements in or to the UK, including dates (if known)
- Name of agent, exploiter or trafficker (if known) and
- Any action you have taken including referral to other agencies e.g. POPPY, local authorities, children's services etc where appropriate

(If a separate sheet is required, please indicate that section F is continued and provide with referral)

Continued on next page

| Section | Indicator |
|----------------|------------------|
| | |

| Section | Indicator |
|---------|-----------|
| | |

POTENTIAL VICTIMS OF TRAFFICKING FORM GUIDANCE NOTES

This form should only be completed for adults where trafficking is suspected or claimed. It is for use by all agencies to record their encounters with potential victims of trafficking (PVoT). It is not to be used as an interview record but as a means for a First Responder (FR) to provide as much information as possible to the Competent Authority (CA) to enable a decision to be reached on whether the subject has reasonable grounds for being treated as a victim of trafficking. Although this is not an interview record this does not prevent an approach being made to obtain further details where appropriate. The tick box Sections (B - E) have been designed to save the FR time in completing the form by providing recognised indicators which can be marked quickly and expanded upon in Section F.

If a PVoT is to be treated as a child, the FR must use the Local Authority (LA) referral form highlighting that the child is a PVoT and submit a copy to the CA for consideration.

Section A

Complete as many of these details as possible, as more information will help the CA with their investigations, obviously the level of detail will depend on the environment in which a PVoT is encountered.

Any other reference numbers: Include any other reference numbers that are thought to be relevant here, for example: National Insurance Number, Local Authority Reference Numbers, Police Reference Numbers, your organisation's reference number. This will help where the Competent Authority needs to make further enquiries regarding the PVoT.

UK Home address/Contact details: The home address may differ from the address at which the PVoT is encountered. If provided, also include any contact numbers (landline or mobile) for them.

Contact details of person making referral: The FR should provide their work-related details here so that results of their referral can be fed back.

Details of encounter: State whether an interpreter was present during the encounter with the PVoT also note if any legal advice was provided and by whom.

Consent of individual: The PVoT **must** give their consent to this form being submitted to the CA, if they do not sign here then the form should not be referred to the CA for consideration.

Section B

To assist the FR in making a primary assessment of whether the individual they encountered is or may be a PVoT, there are 18 general indicators. These indicators are not a definitive list and there are many other indicators that may raise concerns, therefore the option to highlight "other" indicators has been included. These indicators will work in combination with those in Sections C, D and E to provide a fuller picture of the person's circumstances. It is not the case that by selecting a set number of indicators this will equate to a person being a victim; it could be just one or a combination of factors that demonstrates that the person may be a victim, each case should be considered on its own merits. Tick all relevant boxes and provide supporting evidence in Section F. After completing this section, proceed to Section C.

Sections C, D & E

To assist the FR in assessing the individual they have encountered, there are indicators of forced labour, domestic servitude and sexual exploitation; these will work in conjunction with the indicators already highlighted in section B. In each section tick any relevant boxes and provide supporting evidence in Section F.

You may also wish to consider whether the individual:

- Mentions that s/he was deceived by an agent/trafficker, i.e. false promises given such as well paid work, marriage or access to the education system
- Mentions that s/he was recruited through agents, family sold her/him etc

Tick all relevant boxes and provide supporting evidence in Section F.

Section F

The FR should begin by providing full details of the encounter, particularly when the trafficking issue was identified e.g. during a police operation, a formal interview, during a risk assessment, from a reported crime etc. This section also allows the FR to expand upon any indicators that have been highlighted in Sections B - E along with the particular circumstances that the PVoT was encountered, such as their appearance, demeanour or the condition of their surrounding environment. Where a tick box has been checked in Sections B - E, the comment in Section F should show which section and indicator it relates to. If the person has claimed to have been trafficked rather than identified by the FR, the FR should note this in Section F and whether the evidence of the indicators is being provided solely by the referred person or a person acting on their behalf or from independent sources. Note that if any other documentation has been completed separately which the FR believes to have relevance to the trafficking issue, the FR should make sure it is attached as this may assist the CA in reaching a decision.

1. TRAFFICKING - REFERRAL PROCESS

| | |
|----------------------|-------------------|
| TIME LINE | DECISION STAGES |
| DAY 1 (WORKING DAYS) | INITIAL ENCOUNTER |
| | REGISTER |





