



Home Office

Victims of modern slavery – frontline staff guidance

Version 3.0

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About this guidance

This guidance gives information for frontline staff in the Home Office to help them identify and help potential victims of modern slavery (including human trafficking) in England and Wales or is a potential victim of trafficking in Scotland and Northern Ireland. It reflects relevant provisions of the Modern Slavery Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

If you think the signs show a person is a potential victim of modern slavery due to human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour in cases identified in England or Wales) you must consider a referral into the national referral mechanism (NRM). Under the NRM, a trained specialist in a designated competent authority will investigate the matter further. You must also consider the potential victims' safety and any health considerations.

This guidance tells you how to:

- identify potential victims of modern slavery in England and Wales because they are a potential victim of human trafficking or because they are a potential victim of slavery, servitude, or forced or compulsory labour (identified in England and Wales)
- identify potential victims of human trafficking in Scotland and Northern Ireland
- refer potential victims to the NRM
- make sure victims have access to the services they are entitled to

This guidance in respect of trafficking references is based on the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) which focuses on:

- protecting victims of trafficking and safeguarding their rights
- preventing trafficking
- promoting international co-operation on trafficking
- prosecuting traffickers

The [Council of Europe Convention on Action against Trafficking in Human Beings](#) requires the UK to take a victim centred approach to tackling all types of trafficking. Human trafficking is a criminal offence and may be linked to organised crime. One of the primary principles of the UK's approach to tackling human trafficking is to provide services to help victims recover and access justice.

As part of implementing the Convention, the Government created the National Referral Mechanism (NRM) in 2009.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Asylum strategy and trafficking team at Asylum Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email Guidance – making changes.

Clearance

Below is information on when this version of the guidance was cleared:

- version 3.0
- published for Home Office staff and other frontline staff on 18 March 2016

Official – sensitive: start of section

- the information on this page has been removed as it is restricted for internal Home Office use only.

Official – sensitive: end of section

Changes from last version of this guidance

- to update references on Scottish legislation
- added references to three additional first responders
- added a link to guidance on keeping records for criminal investigations
- added guidance on illegal adoption
- updated guidance on police referrals
- added references to the duty to notify
- updated references to the NRM pilot
- added references to the Human Tissue (Scotland) Act 2006
- added guidance on unaccompanied children
- added guidance on capacity to consent to an NRM referral
- updated references to NHS regulations

This version of the guidance comes into effect on 18 March 2016 and will apply to all decisions made on or after that date.

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Introduction to modern slavery

Modern slavery is a serious and brutal crime in which people are treated as commodities and exploited for criminal gain. The true extent of modern slavery in the UK, and indeed globally, is unknown. Modern slavery, in particular human trafficking, is an international problem and victims (who may be European Economic Area (EEA) or non EEA nationals) may have entered the UK legally, on forged documentation or clandestinely, or they may be British citizens living in the UK.

Modern slavery includes human trafficking, slavery, servitude and forced and compulsory labour. Exploitation takes a number of forms, including sexual exploitation, forced manual labour and domestic servitude, and victims come from all walks of life. See [What is modern slavery?](#) for further information.

Victims may be unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their abusers. Victims may also not always be recognised as such by those who come into contact with them.

The scale of modern slavery in the UK is significant. Modern slavery crimes are being committed across the country and there have been year on year increases in the number of victims identified. Work by the Home Office Chief Scientific Adviser, Professor Bernard Silverman, has estimated that in 2013 there were between 10,000 and 13,000 potential victims of modern slavery in the UK.

In few other crimes are human beings used as commodities over and over again for the profit of others. Victims endure experiences that are horrifying in their inhumanity. The UK is determined to protect vulnerable people from exploitation and provide enhanced support to victims.

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The legal framework on modern slavery, including human trafficking

International framework

The UK Government signed the Council of Europe Convention on Action against Trafficking in Human Beings on 23 March 2007. The Convention was ratified by the UK on 17 December 2008, and came into force on 1 April 2009. This led to the creation of the UK's national referral mechanism (NRM) in 2009.

The NRM is a victim identification and support process. It is designed to make it easier for all the different agencies that could be involved in a trafficking case (for example, the police, Home Office - including Border Force, UK Visas and Immigration and Immigration Enforcement - the National Crime Agency, local authorities, and non-governmental organisations) to co-operate, share information about potential victims and facilitate their access to advice, accommodation and support.

The Convention requires that potential victims of trafficking are provided with a period of a minimum of 30 days recovery and reflection, during which they will receive support, including accommodation, subsistence and access to relevant medical and legal services, and potential eligibility for discretionary leave if they are recognised as a victim. The UK provides this support to potential victims referred to the NRM for a longer period of 45 days.

Domestic framework and the devolved administrations

The Modern Slavery Act received royal assent on 26 March 2015 since which time the majority of provisions in that act have come into force in England and Wales. This includes a number of provisions extending existing support for victims of human trafficking to victims of slavery, servitude and forced and compulsory labour.

In 2014, the Home Secretary committed to extending the support offered through the NRM, including accommodation and subsistence, to victims of all forms of modern slavery. This change in the NRM for supporting cases identified in England and Wales came into force on 31 July 2015. In Scotland and Northern Ireland, however, only trafficking cases (rather than all modern slavery cases) are processed through the NRM.

The Human Trafficking and Exploitation (Scotland) Act was passed by the Scottish Parliament on 1 October 2015.

Victims of slavery, servitude and forced and compulsory labour who are conclusively recognised as such by the NRM will be eligible for discretionary leave based on the same criteria as victims of human trafficking, and this provision applies across the UK.

The Modern Slavery Act 2015

The Modern Slavery Act received royal assent on 26 March 2015 since which time the majority of provisions in that act have come into force in England and Wales. This includes a number of provisions extending existing support for victims of human trafficking to victims of slavery, servitude and forced and compulsory labour.

These provisions apply to England and Wales only. Further details can be found in this [circular on the Modern Slavery Act 2015](#).

A number of similar measures were introduced in Northern Ireland through the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#).

The Human Trafficking and Exploitation (Scotland) Act was passed by the Scottish Parliament on 1 October 2015.

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National referral mechanism (NRM) review and pilots

This section tells you about the NRM review and pilots.

The [interim review of the national referral mechanism for victims of human trafficking](#) was published on 11 November 2014 and recommended that the support system for identifying and supporting victims of people trafficking should be overhauled.

The key recommendations of the report include:

- extending the NRM to cover all adult victims of modern slavery
- strengthening the first responder role – the point when potential victims are first identified and referred by creating new anti-slavery safeguarding leads, supported by increased training and feedback
- streamlining the referral process by removing the ‘reasonable grounds’ decision once the successful implementation of accredited slavery safeguarding leads has occurred – allowing direct referral to specialist support for potential victims
- establishing new multi-disciplinary panels, headed by an independent chair, with a view to ceasing the sole decision making roles of UKVI and the UK human trafficking centre (UKHTC)
- creating a single case working unit within the Home Office to replace the current caseworking units in the National Crime Agency and UK Visas and Immigration

The Home Secretary welcomed the findings of this report, which acknowledges that there is no simple, one size fits all approach. She stated that she would carefully consider all of the recommendations and set out the government’s response in the Home Office’s Strategy on modern slavery, which was published on 28 November 2014.

Future changes to the NRM

Changes to the NRM (in light of the review report above) are being piloted in West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Wiltshire and Gloucestershire police force areas) from 31 July 2015. If you are dealing with a case from these areas you must refer to the relevant guidance for the pilot.

What do frontline staff need to know about the pilot? (Cases identified in West Yorkshire and South West England only)

Frontline staff will need to continue to identify potential victims of modern slavery in the 2 pilot areas of West Yorkshire and the South West of England. The non-pilot process will continue to operate in the rest of the UK.

In pilot regions Slavery Safeguarding Leads (SSLs) will be responsible for the reasonable grounds decision in pilot cases. From November 2015, instead of sending the referral form to the UKHTC, frontline staff need to send it to a SSL in pilot cases.

The SSL will make the reasonable grounds decision and refer the potential victim in pilot cases for support if appropriate, including accommodation, but frontline staff should still arrange emergency medical treatment and/or emergency police assistance where appropriate.

In pilot cases involving potential child victims, the local authority will be notified by frontline staff. The SSL should confirm that this has been done.

New multi-disciplinary panels have replaced the UKHTC and UKVI Competent Authority in pilot areas and make the conclusive grounds decision on whether the person is a victim of modern slavery. They are supported by a new Case Management Unit who might contact frontline staff for further information.

The Home Office will continue to take any relevant immigration and asylum decisions in pilot and non pilot cases.

Contact details of SSLs in each location are being collated.

If you are unsure whether a location is within the pilot locations, you can check the postcode or place name of a police force area on the [police website](#).

Which cases fall into the NRM pilot?

Cases will be referred to the NRM pilot via SSLs where either the frontline worker or the potential victims is located in one of the 2 pilot regions at the point of referral.

Scenario	Pilot case?
Potential victim has been physically encountered by a frontline worker within one of the pilot regions.	Yes.
Potential victim has had case referred to a frontline worker within the pilot region. The frontline worker has not physically encountered the potential victim, who is located outside of the pilot region (eg Leeds asylum hub), but is the first frontline worker to identify the person as a potential victim.	Yes.

Scenario	Pilot case?
Potential victim is physically located in one of the pilot regions. They are identified by a frontline worker with responsibilities for the pilot area, who is physically located outside of the pilot area (eg the Salvation Army helpline based in Birmingham, the Cardiff asylum hub which is responsible for the South West).	Yes - in these cases referral must still be made via an SSL within the pilot regions, not UKHTC.
Individual encounters frontline worker in the pilot region, but then leaves the area and is identified as a potential victim by another frontline worker, also not in the pilot area (eg potential victim encounters the police in pilot area but NRM referral is not made, they leave the area and then claim asylum outside of the pilot areas when the NRM referral is made).	No – the referral is made to UKHTC using non pilot process. The SSL is not involved.

Exclusions from the pilot process

Cases that are within immigration detention, the prison estate, or that are being managed by Home Office Criminal Caseworking Directorate will be excluded from the pilots. They should be referred to UKHTC and will continue to be managed by existing Competent Authorities within the Home Office.

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Summary of key steps for frontline staff in the national referral mechanism (NRM) process (non pilot cases)

Many cases referred into the NRM by frontline staff continue to fall under the non pilot process. Frontline staff need to understand the key steps they need to take when they identify a victim of modern slavery in non pilot areas.

Step 1: identify a potential victim of modern slavery

Frontline staff (also called first responders) may identify a person as a potential victim modern slavery. These are victims of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales).

Identification might happen for example when Border Force are processing a passenger, during an asylum interview, or during an Immigration Enforcement visit to a premises. Other specified statutory authorities and non governmental organisations can also identify potential victims.

For more information, see [indicators of modern slavery](#) – how to spot a potential victim, [what is modern slavery?](#) and [child victims](#) and [people at high risk of modern slavery](#).

Step 2: arrange emergency medical treatment

Once frontline staff have identified a potential victim of modern slavery they must meet any urgent health needs if appropriate.

For more information see [Arrange emergency medical treatment](#).

Step 3: refer a potential victim of modern slavery to NRM

Frontline staff should refer a potential victim of modern slavery to the competent authority of the NRM if the adult victim consents to enter the NRM. Potential victims who are children should always be referred the NRM. Child victims should also be referred to the local authority.

Frontline Staff make the referral by completing the NRM referral form. There are separate referral forms for adults and children. See [NRM referral forms](#).

For more information, see [referring a potential victim of modern slavery to NRM](#).

For more information on the duty to notify see [duty to notify](#).

Cases where there are no indicators present should not be referred.

A competent authority (Home Office or UK Human Trafficking Centre (UKHTC)) will take decisions on whether a person is a victim of modern slavery in non pilot cases.

But for the purposes of referral frontline staff must refer all cases in the non pilot process to the UKHTC. UKHTC will decide which competent authority is the most appropriate to deal with the case.

The competent authority will send the first responder who referred the case an acknowledgement letter.

Step 4: arrange accommodation

Frontline staff must arrange safe accommodation for the potential victim.

For more information, see [arranging accommodation](#).

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Step 1: identify a potential victim of modern slavery

The key role that frontline staff (often called first responders) play in the national referral mechanism (NRM) process is to identify a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales) and refer to the NRM.

In order to identify a potential victim of modern slavery, frontline staff should be familiar with the following guidance:

- [indicators of modern slavery](#) – how to spot a potential victim
- [what is modern slavery?](#)
- [child victims](#)
- [people at high risk of modern slavery](#)

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Indicators of modern slavery – how to spot a potential victim

Frontline staff members need to know and understand the signs which may indicate a person is a victim of modern slavery in order to decide whether to refer a case to the national referral mechanism (NRM).

This includes human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour in England or Wales).

Potential victims of modern slavery may:

- be reluctant to come forward with information
- not recognise themselves as having been trafficked or enslaved
- tell their stories with obvious errors

It is not uncommon for traffickers or modern slavery facilitators to provide stories for victims to tell if approached by the authorities. Errors or lack of reality **may** be because their initial stories are composed by others and learnt.

If the victim's trafficker or modern slavery facilitator is present when the victim is questioned initially, frontline staff must look out for non verbal communication and body language between the victim and trafficker or modern slavery facilitator.

For more information on identifying potential victims who are reluctant to identify themselves, see [victims who are reluctant to self-identify](#).

Victims' early accounts may also be affected by the impact of trauma. In particular, victims may experience post traumatic stress disorder, which can result in the following symptoms:

- hostility
- aggression
- difficulty in recalling details or entire episodes
- difficulty concentrating

Child victims may find it additionally hard to disclose as the traffickers may have given them inaccurate information about the role of authorities, they may have had bad experiences with corrupt authorities in their home country or during their journey.

Physical indicators of modern slavery or trafficking

Frontline staff need to know about the physical and sexual health signs that can indicate a person is a victim of modern slavery.

Physical indicators of modern slavery may include:

- injuries apparently as a result of assault or controlling measures
- neurological symptoms, headaches, dizzy spells, memory loss
- gastrointestinal symptoms (symptoms relating to the stomach or intestines)
- cardiovascular symptoms (symptoms relating to the heart)
- musculoskeletal symptoms (symptoms relating to the bones or muscles)
- tattoos or other marks indicating ownership by exploiters
- work related injuries often through inadequate personal protective equipment or poor health and safety measures

Sexual health indicators

Sexual health signs of modern slavery may include:

- pregnancy as a result of their modern slavery situation or they may have recently been forced to terminate a pregnancy
- sexually transmitted diseases
- injuries of a sexual nature
- gynaecological symptoms such as urinary or vaginal infections, pelvic inflammation or pain or irregular bleeding

For more information on victims who are trafficked for sexual exploitation, see [exploitation](#) below.

Psychological indicators of modern slavery

Frontline staff need to know about the psychological signs that can indicate a person is a victim of modern slavery.

Psychological indicators of modern slavery may include:

- expression of fear or anxiety
- depression (lack of interest in engaging in activities, lack of interest in engaging with other individuals, hopelessness)
- isolation
- suffering from post-traumatic stress and/or a range of other trauma induced mental or physical illnesses, symptoms of post-traumatic stress may include:
 - hostility
 - aggression
 - difficulty in recalling details or entire episodes
 - difficulty concentrating
- drug use
- alcohol use
- self harm
- suicidal feelings
- an attitude of self blame, shame and an extensive loss of control

Situational and environmental indicators of modern slavery

Frontline staff need to know about the situational and environmental signs that can indicate a person is being exploited and is a victim of modern slavery.

The International Labour Organisation (ILO) has produced a report listing specific signs of forced labour and sexual exploitation. These are categorised into strong, medium and weak signs, broken down for adult and child cases. Indicators include:

- distrust of authorities
- acting as if instructed by another
- lack of knowledge about the area they live in the UK
- fear of saying what their immigration status is
- fearful and emotional about their family or dependents
- limited English, for example only having vocabulary relating to their exploitative situation
- passport or travel document has been confiscated
- someone has taken advantage of their illegal status in the UK

See [Operational indicators of trafficking in human beings](#) report on ILO operational indicators of human trafficking.

Indicators of forced labour and domestic servitude

The following indicators are particularly relevant to those victims of modern slavery or trafficking exploited as domestic workers or for forced labour, withholding:

- passports
- payments
- information about rights as workers in the UK
- information about a person's rights as visitors in the UK

For more information on domestic servitude and forced labour, see [exploitation and slavery, servitude and forced or compulsory labour \(cases identified in England or Wales\)](#).

Victims who are reluctant to self-identify

Frontline staff need to know why people may not recognise themselves as a victim of modern slavery or trafficking or be reluctant to be identified as such.

Obstacles to victims coming forward

Victims of modern slavery may initially be unwilling to disclose details of their experience or identify themselves as a victim, for a variety of reasons. They may fear:

- punishment at the hands of their traffickers
- punishment at the hands of the authorities
- deportation
- juju or witchcraft rituals
- discrimination from their community and families

They may also fear being accused of being complicit in their modern slavery situation; some exploited people may be viewed as 'colluding' with their 'employer' in their illegality, for example, accepting the 'cover' of the person exploiting them from the immigration authorities.

To side-step national laws, traffickers or modern slavery facilitators may become less physically aggressive or, when the trafficked person is a woman, they may become romantically 'involved' or provide small sums of money. Such 'relationships' can add to the confusion when you attempt to identify victims of modern slavery.

Reprisals against them or their children or families may prevent victims coming forward. In most trafficking situations, agents know, or will attempt to find, personal information about the victim, their home, family and friends. It is very common for agents and traffickers to use threats against the victim's family, especially children, in order to manipulate and control the victim. The fear of reprisal on themselves or their family will have a huge impact on whether a potential victim of trafficking is willing to cooperate.

The victims may be unwilling to disclose details of their experience for the following other reasons:

- they may be in a situation of dependency, perhaps due to their age
- there is stigma attached to trafficking - knowledge and understanding of the concept is limited and most individuals will associate the term with prostitution
- they may suffer from Stockholm syndrome, where due to unequal power, victims create a false emotional or psychological attachment to their controller – see above for more information on the [psychological indicators of modern slavery](#)

- exploited people may be unable and/or unwilling to think of themselves as 'victims'
- they may see their current situation as temporary and blame it on their lack of understanding of the culture and labour market in the UK
- they may tolerate their situation because they see it as a 'stepping stone' to a better future and compare it favourably to experiences at home - in this situation you must consider objective indicators such as the seizure of identity documents or use of threats by the employer or exploiter; such indicators will help frontline staff identify if the person could be in a modern slavery situation
- children may not understand what modern slavery means
- they may have been groomed into believing that they are complicit in the process
- children may not have the same cultural understanding of childhood as is held in the UK and feel they are young adults responsible for earning money for their family - they may see an exploitative situation as a sacrifice to be made for their family
- they may not be aware of support structures and their entitlements and feel that they are dependent on traffickers

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Related external links

Identification by the Home Office

It is the responsibility of frontline staff in the Home Office to identify if a person is a potential victim of modern slavery.

This includes human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour in England or Wales).

In the context of the Council of Europe Convention on Action against Trafficking in Human Beings, 'Victim of human trafficking' is a legal concept which triggers certain rights and measures. As described in this guidance, some of these measures have been extended to other victims of modern slavery in England and Wales.

You must not expect a person to feel or behave as a 'victim' (in the sense of being totally dependent on help and protection from someone else). Many victims do not recognise themselves as such, but as migrants who happen to be in a 'difficult' situation.

If they will not identify themselves as a victim, you must consider if there are any objective signs. Such indicators help you identify potential victims of modern slavery. It is important you do not rely on victims to identify themselves, but instead know how to recognise and identify the signs of modern slavery. For more information on what to look for, see [indicators of modern slavery](#) above.

Victims often feel both relief when identified and fear and suspicion toward the identifying officer, particularly those from the police or immigration services. This is because their traffickers tell them the authorities will return them to their home country if they try to escape. It is also not uncommon for the victims' feelings of fear and suspicion to give way to relief once they feel safe and come to trust the identifying officer.

For information on identifying children and the consent of child victims, see [identifying potential child victims of trafficking](#) and [consent of child victims](#).

For more information on how victim's can react to being identified, see page 57 of [ICMPD Experiences of identification, return and assistance in South-Eastern Europe](#).

Related content

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Related external links

What is modern slavery?

This section provides you with definitions of modern slavery, including human trafficking, slavery, servitude and forced or compulsory labour.

To determine whether a person is a potential victim of modern slavery frontline staff need knowledge and understanding about the defining characteristics of modern slavery.

Modern slavery encompasses:

- human trafficking
- slavery, servitude and forced or compulsory labour

In all UK referrals from frontline staff, the competent authority must consider whether the person is a victim of human trafficking. In England and Wales, if someone is found not to be a victim of trafficking, the competent authority must go on to consider whether they are the victim of another form of modern slavery, which includes slavery, servitude and forced or compulsory labour.

Human trafficking (to be considered in all cases identified in the UK)

The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) defines 'human trafficking' as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose 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.

Human trafficking consists of 3 basic components:

- action
- means
- exploitation

As noted in the [Office of the United Nations High Commissioner for Refugees \(UNHCR\) guidelines](#) on international protection:

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.

Components of adult trafficking	What it means
Action	recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border; which is achieved by a...
Means	threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability; for the purpose of...
Exploitation	eg sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs)

All 3 components must be present in an adult trafficking case. However, in a child trafficking case the 'means' component is not required as they are not able to give informed consent.

Child human trafficking will therefore consist of 2 basic components:

- action
- exploitation

Components of child trafficking	What it means
Action	recruitment, transportation, transfer, harbouring or receipt, of child which includes an element of movement whether national or cross-border;
Exploitation	eg sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs of child

The definition of trafficking is not met unless all the constituent components are there, even if one or more is present.

The components of human trafficking (cases identified in the UK)

As explained above, human trafficking consists of 3 basic components:

- action
- means
- exploitation

Action

To be a victim of human trafficking, the person must be subjected to the act of:

- recruitment
- transportation
- transfer
- harbouring
- receipt

As noted in the Office of the United Nations High Commissioner for Refugees (UNHCR) guidelines on international protection:

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.

Means

An **adult** victim of human trafficking must have been subject to a 'means' – the threat or use of force or other form of coercion to achieve the consent of a person having control over another person.

The **apparent** consent of a victim to be controlled and exploited is **irrelevant** when one or more of the following has been used to get that consent:

- the threat or use of force
- abduction
- fraud
- deception
- the abuse of power or of a position of vulnerability
- the giving or receiving of payments or benefits

It is not necessary for there to have been means for a child to be a victim, because children cannot give informed consent. Any child who is recruited, transported, or transferred for the purposes of human trafficking is considered to be a potential victim, whether or not they have been forced or deceived. See [child victims](#) for further guidance on handling a child's case.

A potential victim of trafficking who may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood, is treated under child criteria to assess whether they were trafficked. The practical effect of this is that they do not have to meet the means test.

Different types of **means** that may be present in human trafficking cases are explained below.

Trafficking: means - deception

An example of deception may be that the recruiter or employer has provided the worker with maliciously false, inaccurate, or misleading information. For example, a person who ends up being exploited through prostitution may originally have been under the impression there were legitimate education or employment opportunities (for example in the service industry, as a dancer, or for childcare).

There are also less straightforward cases, for example where people have been aware they would be working consensually in the sex industry in the UK but they were misled as to the conditions of the environment, particularly the degree of control (over freedom and earnings) before they arrived. Where the situation such individuals find themselves in amounts to exploitation, this could be a modern slavery case.

Trafficking: means - physical coercion

Physical coercion refers to the threat of the use of force or the actual use of force against the victim of trafficking or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Trafficking: means - psychological coercion

Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include:

- blackmail
- ritual oaths - there is evidence to suggest witchcraft or ritual oaths can also be used to make children fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group or family

There does not necessarily have to be a direct personal relationship in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence.

Other examples include:

- grooming - where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a trafficker may present themselves as a 'boyfriend' in a sexual exploitation case)
- 'Stockholm syndrome' – where, due to unequal power, victims create a false emotional or psychological attachment to their controller

In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially vulnerable to physical and psychological coercion.

Trafficking: means - complex cases

There are also more complex cases where victims have been trafficked and subjected to exploitation in their own countries, and, after escaping their situation, travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

An example of this may be where a child has been sexually exploited in their home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant, but you must consider any progression of control and coercion when you make your decision.

Exploitation

To be a victim, someone must have been trafficked for the **purpose of** 'exploitation' which may take the form of:

- sexual exploitation
- forced labour or services
- slavery or practices similar to slavery
- servitude
- forced criminality
- removal of organs (also known as organ harvesting)

Trafficked for the 'purpose of exploitation' – what if someone hasn't yet been exploited?

Under the Convention, a person is a 'victim' even if they haven't been exploited yet, for example because a police raid takes place before the exploitation happens.

This is because, under the definition of trafficking, trafficking occurs once certain acts are carried out for the purpose of exploitation. So, it is the **purpose** which is key, rather than whether or not exploitation has actually occurred. Even if the UK

authorities intervene and prevent exploitation taking place in the UK, victims may have experienced serious trauma in their home country or on the way to the UK and may still be in need of support.

Trafficking: exploitation - sexual exploitation

In most cases involving human trafficking for the purpose of sexual exploitation, the victim is female; however, it is important to be aware that there are also male victims.

Female victims of sexual exploitation

The majority of female victims of trafficking identified in the UK are exploited through prostitution. Many are beaten, raped and abused. They may go abroad based on false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family.

The forcible or deceptive recruitment of women and girls for forced prostitution or sexual exploitation is a form of gender-related violence. For more information on gender related violence, see:

- [Violence against women and girls](#)
- [Stolen Smiles: a summary report](#)

There is no typical experience of people who have been trafficked for sexual exploitation. Some are held captive, assaulted and violated. Others are less abused physically, but are psychologically tormented, and live in fear of harm to themselves and their family members. The way in which different people describe their experiences means you must not rely on victims to self-identify in explicit or obvious ways.

Male victims of sexual exploitation

Male victims of sexual exploitation may have additional barriers to disclosure. There is currently a limited research base to assess the exact extent of adult male sexual exploitation.

Child victims of sexual exploitation

Please refer to the detailed guidance regarding children who are being sexually exploited ([safeguarding children from sexual exploitation](#)).

Trafficking: exploitation - forced labour

Forced labour is not restricted to a particular sector of the labour market but cases have been identified in these sectors:

- manufacturing
- food processing

- agriculture
- hospitality

For forced labour within the home see the [Trafficking: exploitation - domestic servitude](#).

As with other forms of trafficking related exploitation, a high level of harm and control or coercion is needed to trigger the UK's obligation under the Council of Europe Convention on Action against Trafficking in Human Beings.

Forced labour represents a severe violation of human rights and is a restriction of human freedom.

The International Labour Organisation (ILO) defines forced work as:

'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'.

This definition is a useful indication of the scope of forced labour for the purposes of human trafficking. *Siliadan v France* 2005 (Application no. 73316/01) European Court of Human Rights took this as the starting point for considering forced labour threshold. It held that, for forced labour, there must be work 'exacted under the menace of any penalty, which is performed against the will of the person concerned, that is, for which the person has not offered themselves voluntarily'.

Forced labour cannot be equated (considered) simply with either:

- working for low wages and/or in poor working conditions
- 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

For more information, see [indicators of trafficking](#).

Trafficking: exploitation - forced criminality

Forced criminality is understood as the exploitation of a person to commit:

- pick-pocketing
- shop-lifting
- drug cultivation
- other similar activities which are subject to penalties and imply financial gain

As noted in [European Directive 011/36/EU](#), these must be understood as a form of forced labour or services as defined in the [1930 ILO Convention \(number 29\)](#) concerning forced or compulsory labour.

Therefore, the exploitation of a person for criminal activity only falls within the scope of the definition of trafficking in human beings when all the elements of forced labour or services occur.

Trafficking: exploitation - removal of organs (organ harvesting)

This type of trafficking involves exploiting people by their internal organs, which are used for transplant. Traffickers can force or deceive their victims into giving up an organ. Organs commonly traded are kidneys and liver, but any organ that cannot regenerate and can be removed and reused could be the subject of this illegal trade.

The [World Health Organization \(WHO\)'s guiding principles on Human Organ Transplantation \(1991\)](#) states the commercialisation of human organs is 'a violation of human rights and human dignity'.

[Section 3 of the Human Tissue Act 2004](#) requires 'appropriate consent' for organ donation. Section 33 of this act outlines the restriction on transplants involving a live donor. Section 3 of the Human Tissue (Scotland) Act 2006 provides that a part of a deceased person's body can be removed after that person's death and used for all or any of the purposes of transplantation, research, education, training or audit.

The EU Organ Directive (2010/53/EU) requires organ donation to be voluntary and unpaid. However, compensation may be granted to make good the expenses and loss of income related to the donation, but avoids any financial incentive.

The Council of Europe Convention against trafficking in human organs, once it has been adopted by the committee of ministers, will be the first legally binding international instrument devoted solely to organ trafficking.

Trafficking: exploitation - domestic servitude

Domestic servitude often involves people working in a household where they are:

- ill treated
- humiliated
- subjected to exhausting working hours
- forced to live and work under unbearable conditions
- forced to work for little or no pay

The problems of domestic workers held in servitude are made worse by the fact it is often very difficult for them to leave their employers and seek help. Abusive employers create physical and psychological obstacles by, for example, instilling fear in the domestic slave by threatening them, or their relatives, with further abuse or deportation, or by withholding their passport.

Children living in domestic servitude may not see it as exploitation because they may have been used for domestic servitude in their home countries and it may appear like an extension of the same arrangement. Some children may have been groomed and see the domestic servitude as normal work they have to do in return for food and lodgings. There is evidence to suggest if children are kept in domestic servitude by

powerful members of their community or family members they are unable to report the abuse due to the psychological control. For more information, see [psychological coercion](#).

For more information on domestic servitude, see [United Nations Office on Drugs and Crime - Domestic 'service' or domestic slavery?](#).

Human smuggling is not human trafficking

Frontline staff and the competent authority must not confuse human trafficking with human smuggling. Human smuggling is also called people smuggling.

Human smuggling occurs when an individual seeks the help of a facilitator to enter the UK illegally, and the relationship between both parties ends once the transaction ends. Many of those who enter the UK illegally do so by this route. **Human smuggling is not a form of modern slavery.**

The purpose of **human smuggling** is to move a person across a border illegally, and it is regarded as a violation of state sovereignty. The purpose of **modern slavery** is to exploit the victim for gain or other benefit and is regarded as a violation of that person's freedom and integrity.

There are several factors which help distinguish smuggling and modern slavery (trafficking):

- with trafficking, a victim's entry into a state can be legal or illegal but smuggling is characterised by illegal entry
- trafficking can take place both within and across national borders but international travel is required for smuggling
- in the case of adults, trafficking is carried out with the use of force and/or deception - smuggling is not, which indicates it is a voluntary act on the part of those being smuggled
- trafficking involves the intended exploitation of people on arrival while the services of smugglers usually end when people reach their destination and the transaction ends

Unclear cases

Trafficking victims may indeed start out believing that they are being smuggled, will have control over how their debt is repaid and will be free to go about their business once the agreed fee has been settled. Some may well end up in a potentially exploitative situation, where they are debt bonded and forced to work to pay off their 'debts', which in many cases are increased by their trafficker over time to retain control over them.

As noted in '[Smuggled or Trafficked?](#)' by [Jacqueline Bhabha and Monette Zard](#), staff in the competent authority and frontline staff must appreciate that in some cases the distinction of smuggling and trafficking can be blurred. There are certainly 'pure' cases of trafficking and smuggling. For example, there may be trafficking cases where children are kidnapped without their parents' consent, or in which migrant workers are defrauded and forced from the outset.

At the other end of the spectrum, there are completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends upon arrival. However at the point of departure and at multiple stages of the journey, it may well be unclear which category, trafficking or smuggling, is at issue.

In less clear cases, the competent authority must consider the information in this section of the guidance and use their judgment in order to reach a decision.

Illegal adoption

Not every illegal adoption would be considered exploitation. A child might, for example, be sold or adopted illegally but not exploited. The purposes of baby selling and human trafficking/modern slavery are not necessarily the same.

Some people assume that baby selling for adoption is a form of human trafficking because it results in a profit by selling another person. However, illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited. Baby selling generally results in a situation that is non-exploitative with respect to the child. Where the 'parents' are looking to adopt the child and give it a loving home, it should be considered as an illegal adoption case but not a case of trafficking or modern slavery.

Trafficking or modern slavery, on the other hand, implies exploitation of the victims. If an adopted child is subjected to coerced labour or sexual exploitation, then this can meet the exploitation element of human trafficking or modern slavery. Where the child is given to 'parents' via illegal adoption who intend to exploit the child, this may fall under an exploitation purpose that would be considered as an element of trafficking or modern slavery.

In some cases where the baby is forcibly removed from the mother or the mother is forced or exploited to give birth, the mother may be a victim of trafficking or modern slavery.

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Slavery, servitude and forced or compulsory labour (cases identified in England or Wales)

Modern slavery includes trafficking, but also encompasses cases of slavery, servitude and compulsory labour. Some people may not be victims of human trafficking, but are still victims of modern slavery. In England and Wales, competent authority decision makers must decide whether, if someone is not a victim of trafficking, they are nonetheless a victim of another form of modern slavery.

Frontline staff in England and Wales must be aware of these cases in order to consider whether to refer a potential victim into the NRM.

In addition to victims of trafficking, modern slavery includes:

- victims of slavery
- victims of servitude
- victims of forced or compulsory labour

Slavery, servitude and forced or compulsory labour may also be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked. For example, a person may have been seriously exploited but there was no action (element of movement), which means they do not meet the definition of a trafficking victim.

In such cases, protection and support is still available through the NRM where the person is a victim of slavery, servitude, or forced or compulsory labour in England and Wales, and discretionary leave may be available across the UK.

Slavery, servitude and forced or compulsory labour are prohibited by Article 4 of the European Convention on Human Rights and are illegal across the UK, but each jurisdiction has its own legislative framework of prohibitions.

For the purposes of the NRM, the UK recognises that slavery, servitude and forced or compulsory labour have the same meaning as they do under Article 4 of the European Convention on Human Rights. This ensures a consistent approach for victims across the UK.

Modern slavery: forced or compulsory labour (victim not trafficked)

UN Convention number 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

Labour is the provision of any service, not just manual labour. ‘Penalty’ may go as far as physical violence or restraint, but it can also take subtler forms, of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.

For a person to be a victim of forced or compulsory labour there must have been 2 basic components:

- means
- service

Means	threat of penalty – eg threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability
Service	as a result of the means an individual provides a service for benefit, eg begging, sexual services, manual labour, and domestic service

However, there does not need to be a means used for children as they are not able to give informed consent.

Child victims of forced or compulsory labour (victim not trafficked as there has been no element of movement) will therefore consist of one basic component: service.

Service	A child provides a service for benefit, eg begging, sexual services, manual labour, and domestic service.
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Where a case meets the test for forced or compulsory labour, they would receive a positive conclusive grounds decision. The concepts of servitude and slavery are explained below for completeness.

For more information, see the [Convention of Action against Trafficking in Human Beings](#) and [explanatory report](#).

Modern slavery: servitude

‘Servitude’ means an obligation to provide a service that is imposed by the use of coercion.

Servitude is an ‘aggravated’ form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the

victim feeling that their condition is permanent and that the situation is unlikely to change.

Modern slavery: slavery

The 1926 Slavery Convention defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.

This concept of ownership is what makes slavery distinct – for example a situation where an individual was being controlled by another would not meet this threshold, unless there was clear evidence the person was being used as a commodity. It is a form of servitude with the additional concept of ownership.

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The components of modern slavery – slavery, servitude and forced or compulsory labour

This section gives further guidance on the components that apply to victims of slavery, servitude and forced or compulsory labour where the victims have not been trafficked. Because slavery and servitude are more serious forms of forced and compulsory labour, once the competent authority has determined whether an individual is a victim of this form of exploitation, they can make the NRM decision.

This includes further guidance on the components of:

- means
- service

The components of modern slavery – slavery, servitude and forced or compulsory labour: means

For an individual to be a victim of slavery, servitude and forced or compulsory labour where the victims have not been trafficked, they must have been subject to a means, or threat of penalty through which that service was derived.

The UN Convention number 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. 'Penalty' may go as far as physical violence or restraint, but it can also take subtler forms, of a psychological nature, such as threats to denounce victims to the police or immigration authorities when their employment status is illegal. Consent is a factor in forced and compulsory labour, but a victim may have given consent in a situation where they felt they had no viable alternative, in which case they could still be subject to forced or compulsory labour.

Slavery, servitude or forced or compulsory labour must include this threat of penalty.

Deception must of itself constitute a threat of penalty to establish means.

Different types of **means** that may be present in modern slavery cases are explained below.

Modern slavery: means - physical coercion

Physical coercion refers to the threat of the use of force or the actual use of force against the victim of modern slavery or their family members. Physical coercion could also be more subtle measures of control, for example withholding travel or immigration documents.

Modern slavery: means - psychological coercion

Psychological coercion refers to the threat or the perceived threat to the victim's relationships with other people. Examples of psychological coercion include:

- blackmail
- ritual oaths - there is evidence to suggest witchcraft or ritual oaths can also be used to make children fearful and compliant
- forcing someone to pay an excessive amount of money for substandard accommodation
- making significant deductions from an individual's 'salary'
- threats of rejection from, or disapproval by, a peer group or family
- 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 in psychological coercion. It could refer to wider issues, for example social stigma. This is particularly relevant in cases involving sexual exploitation or other forms of sexual violence.

Other examples include:

- grooming – where vulnerable individuals are enticed over time to take part in activity in which they may not be entirely willing participants (for example the 'boyfriend' method is fairly common in sexual exploitation)
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller

In both of these examples the individuals can often first appear to be 'willing participants'. Due to their age and dependent status, children are especially vulnerable to physical and psychological coercion.

Modern slavery: means - complex cases

There are also more complex cases where victims have been a victim of modern slavery and subject to exploitation in their own country and, after escaping their situation, travel to the UK to continue working in similar industries without such obvious control over movement or freedom.

An example of this may be where a child has been sexually exploited in a home country and then travels to the UK as an adult to work in prostitution. At first it may appear the individual is a willing participant but you must consider any progression of control and coercion when you make your decision.

Slavery, servitude and forced or compulsory labour: service

For a person to be a victim of slavery, servitude, or forced or compulsory labour where the victims have not been trafficked there must have been a service derived via the threat of penalty.

The UN Convention number 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Labour is the provision of any service, not just manual labour.

'Service' or labour includes forced labour, domestic servitude, sexual services and forced criminality. These forms of service could take place in a variety of industries or in private homes.

Servitude and slavery are more serious forms of forced or compulsory labour. For the purposes of the NRM you will only need to determine whether an individual has been the victim of slavery, servitude, or forced or compulsory labour. Definitions can be found within [slavery, servitude and forced or compulsory labour](#).

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Child victims

This section tells you about child victims of modern slavery, and how to deal with cases of potential child victims.

Determining whether a child is a victim of modern slavery

In order to determine whether a child is a potential victim of modern slavery frontline staff need knowledge and understanding about child victims of modern slavery as characteristics and issues may be different to adult victims.

Frontline staff must deal with children as a priority because of their vulnerability. You must deal with the child with care to avoid them being alarmed or concerned.

In cases of potential child victims, you must remember that it is not possible for a child to give informed consent, so you do not need to consider the means used for the exploitation – whether they were forced, coerced or deceived etc. You must also keep in mind the child's:

- added vulnerability
- developmental stage
- possible grooming by the perpetrator

No child's case should be considered without contacting individuals who specialise in children from a local authority.

Like victims of other forms of child abuse, a child who is a victim of modern slavery will describe the behaviour that has to be assessed against indicators of child abuse and modern slavery. Children may not be familiar with the words 'slavery' or 'trafficking' or be able to label their experience as abuse.

Where an adult is referred to the national referral mechanism (NRM) on the basis of modern slavery that took place when they were a child, see [potential child victims who are now adults](#).

Duty to refer child victims to the local authority

Potential victims under 18 years of age should be immediately referred to the relevant local authority children's services by frontline staff. In Northern Ireland, contact must always be made with the relevant Health and Social Care Trust Children's Services.

They are the primary service provider for safeguarding and responding to the needs of a child modern slavery or trafficking victim, regardless of their nationality or immigration status.

The government guidance to safeguard children who may have been trafficked identifies child trafficking as child abuse that requires a child protection response. Frontline staff must make a child protection referral to the relevant local authority.

The relevant police force must be informed and involved, so you should discuss this with the local authority to be clear who will take responsibility for involving the police.

Identifying potential child victims of trafficking

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:

- no evidence of parental permission for the child to travel to the UK or stay with the adult
- little or no evidence of any pre-existing relationship with the adult or even an absence of any knowledge of the accompanying adult
- evidence of unsatisfactory accommodation arranged in the UK

These irregularities may be the only indication that the child could be a victim of trafficking and/or modern slavery. As noted in the guide to identification of possible victims of trafficking (Koordineringsenheden for Ofre for Menneskehandel, Norway, November 2008), children who are in a trafficking situation are often very reluctant to give 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 made up by their trafficker or modern slavery facilitator.

On discovery, children who are victims of modern slavery may not show any obvious signs of distress or imminent harm.

As well as these indicators, those applying to adult victims can also apply to children. For more information, see the [indicators of modern slavery](#).

Children under 18 travelling unaccompanied by adults or with an adult who is not their parent should not be assumed to be victims of modern slavery just based on this factor alone as their situation may be perfectly legitimate or unrelated to modern slavery. Frontline staff should make additional enquiries as appropriate which might establish whether or not any indicators of modern slavery are present.

Consent of child victims

As explained above, any child who is recruited, transported, transferred, harboured or received for the purposes of exploitation, or is directed to perform, labour is considered to be a potential victim of modern slavery, whether or not they have been forced or deceived. This is because it is not considered possible for children to give informed consent.

Frontline staff must consider any child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, as a victim of trafficking and/or modern slavery, whether or not they have been forced or deceived.

Even if they understand what is happening, they may still appear to submit willingly to what they think is the will of their parents or accompanying adults.

Parents and relatives may also be involved in the exploitation of the child. Children are likely to be very loyal to their parents or carers so you must not expect them, of their own initiative, to seek protection against such people.

Where an adult was trafficked or a victim of modern slavery as a child, but only referred to the NRM in adulthood, they will be assessed against the child criteria for the purposes of determining whether they a victim of trafficking or modern slavery but as they are an adult at the time of the referral, they must consent to their case being referred to the NRM.

Financial gain involving child victims

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.

Traffickers specifically target impoverished communities to exploit their vulnerability. Poor and displaced families may hand over care of their children to traffickers who promise to provide them with a source of income, education or skills training, but ultimately exploit them.

Parents and relatives may also be involved in the exploitation of the child. The children are likely to be very loyal to their parents or carers so you must not expect them, of their own initiative, to seek protection against such people. For more information, see [UNHCR Handbook](#) for the protection of internally displaced persons.

School registration

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 situated near ports of entry, but you must be alert to this possibility in all schools.

However, you must always bear in mind 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. For more information, see:

- [Safeguarding children who may have been trafficked](#)
- [Safeguarding children in Scotland who may have been trafficked](#)

Child victims who claim asylum

Some children who are under the control of a trafficker may say they are unaccompanied when claiming asylum. They might have entered the UK with a trafficker who may or may not be a family member. In such cases, the trafficker may have told the child that by doing so they will be granted permission to stay in the UK and be entitled to claim welfare benefits.

Potential child victims of trafficking who are now adults

In some cases, a potential victim of modern slavery may have been a victim as a child, but only identified and referred into the NRM after reaching adulthood. In these circumstances, frontline staff should treat the potential victim as having been a child at the time of the modern slavery incident and follow the guidance covering children within the NRM decision making process. This means assessing the case as if they were a child against child indicators to make a referral to the competent authority.

However, an adult who enters the NRM who may have been a victim as a child would be treated as an adult for the purposes of support, services and safeguarding, for the purposes of requiring consent to enter the NRM and for immigration leave purposes.

Establishing age

In some cases, a person referred to the NRM may claim to be a child but it is suspected that they are an adult.

It is sometimes difficult to establish the age of a potential child trafficking or modern slavery victim where there is a dispute over age.

In such cases the competent authority and other agencies within the NRM will continue to treat the individual as a child until age is established. However, whether an individual is a child or an adult must be established before the competent authority reaches its conclusive grounds decision. The first responder should commission an age assessment where appropriate.

Guidance on assessing the age of a potential child modern slavery victim can be found on Horizon.

Where an age assessment has been conducted by the local authority and has determined that the potential victim is an adult, the competent authority must seek consent from the potential victim to remain in the NRM before the case is progressed any further.

It may be the case that the potential victim challenges the outcome of an age assessment. The competent authority must accept the determination of the local authority until such time as any challenge is concluded.

Further guidance on child victims

For information on the frontline staff's statutory duty to safeguard and promote the welfare of children and on interviewing children, see safeguarding and promoting the welfare of children.

The Child Trafficking Advice Centre (CTAC), part of the National Society for the Prevention of Cruelty to Children (NSPCC), operates a child trafficking advice and information line which offers direct assistance to professionals dealing with children who show signs of having been trafficked.

They have a national remit and are staffed by qualified social workers and a police liaison officer. They can offer staff in the competent authority advice on how to address the child's needs and your statutory duties in regard to safeguarding children from harm. It also offers guidance by telephone and a case consultancy service by appointment, in addition to free training on child trafficking. The advice line number is 0808 800 5000.

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People at high risk of modern slavery

This section tells frontline staff about adults and children who are at increased risk of being victims of modern slavery.

The following people may be particularly vulnerable to the risks of modern slavery:

- unaccompanied, internally displaced children
- children accompanied by an adult who is not their relative or legal guardian
- young girls and women
- former victims of modern slavery or trafficking

Vulnerable adults

Traffickers or modern slavery facilitators can select victims from amongst vulnerable groups, for example, people with:

- substance misuse issues
- debts, in their country of origin or as a result of their illegal migration
- mental health problems
- learning disabilities

A common factor of trafficking is that the trafficker will present a scenario in which the potential victim can improve the quality of their life and that of their family. Vulnerable people are often targeted as being easier to coerce into a situation where they can be manipulated.

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Handling potential victims of modern slavery – non pilot process

Frontline staff need to know what to do if they identify a potential victim of modern slavery.

This includes human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour in England or Wales).

The first thing you must do is take the potential victim to a secure environment (away from any potential traffickers or other potential victims) and inform them of their right to:

- independent emotional and practical help
- protection
- assistance to allow their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders

Under the national referral mechanism (NRM) the person may also be entitled to:

- temporary safe accommodation
- medical treatment
- help coping with their experience
- an interpreter (or translator services)
- help finding independent legal advice

Potential victims of human trafficking will have access to support in the UK. In England and Wales potential victims of slavery, servitude and forced or compulsory labour will also have access to support.

This section outlines the following key steps:

2. Arrange emergency medical treatment.
3. Refer a potential victim of modern slavery to NRM.
4. Arrange accommodation.

Step 2: arrange emergency medical treatment

A potential victim may suffer a wide range of health, mental health, psychological and physical problems. If a victim requires urgent medical assistance you must immediately arrange for them to see a medical professional.

For more information, see the [physical](#) and [psychological signs of modern slavery](#).

Meeting urgent health needs

Some services or treatments are exempt from charges and available on the National Health Service (NHS) to all people, regardless of immigration status including:

- accident and emergency services (not including emergency treatment if admitted to hospital)
- family planning services (this does not include termination of pregnancy)
- treatment for most infectious diseases and sexually transmitted infections where specified in the NHS Charging Regulations which apply in England, Wales, Scotland and Northern Ireland
- (England only) treatment required for a physical or mental condition caused by torture, female genital mutilation, domestic violence or sexual violence (this does not apply if the patient has come to the UK for the purpose of seeking that treatment). However, anyone that presents in such circumstances in Scotland would receive NHS treatment regardless of their ability to pay.

Step 3: refer a potential victim of modern slavery to NRM

The national referral mechanism (NRM)

This section tells frontline staff about the NRM for identifying and supporting victims of modern slavery and how to refer potential victims to the NRM.

This includes victims of human trafficking in any part of the UK (or victims of slavery, servitude, or forced or compulsory labour in England or Wales).

The NRM is the process for victim identification and support, designed to help all the different agencies involved in a modern slavery or trafficking case cooperate and share information about potential victims and make access to advice, accommodation and support easier.

First responders

Only organisations classed as first responders can refer a potential victim of modern slavery into the NRM in non pilot cases. Anyone outside the NRM who wishes to raise modern slavery concerns, can do so through a first responder. First responders are:

- the Home Office
- Local authorities
- Health and Social Care Trusts (HSC Trusts)
- Police
- POPPY Project
- National Crime Agency (NCA)
- Trafficking Awareness Raising Alliance (TARA)
- Migrant Help
- Kalayaan
- Gangmasters Licensing Agency
- Medaille Trust
- Salvation Army

- Barnardo's
- National Society for the Prevention of Cruelty to Children (NSPCC).
- Unseen UK
- New Pathways
- BAWSO
- Refugee Council

Competent authorities

If you identify a potential victim of modern slavery, frontline staff (also called first responders) must refer them to the NRM to be considered by a competent authority.

Only trained specialists in the UK's designated competent authorities can decide who is actually a victim of modern slavery or trafficking.

For the purposes of the non pilot NRM process the UK Human Trafficking Centre (UKHTC) within the National Crime Agency (NCA) and the Home Office are the UK's 2 designated competent authority decision makers under the NRM.

Making referrals to the NRM

Frontline staff need to know how to refer a potential victim of modern slavery to the NRM.

Frontline staff must identify indicators of modern slavery which merit further consideration by the competent authority. However, the threshold for referring a case is low and there is no minimum requirement for justifying a referral.

NRM referral form

If you identify a person as a potential victim of modern slavery, you must refer them to a competent authority by completing an NRM referral form. There are separate forms for adults and children. See [NRM referral forms](#).

Completing the form

Before you make a referral to the NRM, adult victims must give their consent. Consent is not required for children. You must then complete the modern slavery referral form as follows:

- give as much information about the potential victim and their circumstances as possible - you must fully detail the reasons for the referral and circumstances in which the person was identified in section H (section D for children):
- if indicators of human trafficking/modern slavery are not listed on the form, these can also be entered at section H (section D for children)
- make sure that adult victims have signed the form to indicate they give their consent

See further information on [where to send the completed referral form](#).

Where an adult is considered vulnerable for example due to learning difficulties or mental health issues and there are concerns they may not have the capacity to

consent to a referral to the NRM you should follow appropriate safeguarding procedures. It may be appropriate for a social worker to make an assessment of an adult's capacity to consent to a referral.

Frontline staff should therefore seek advice from local authority social services to ensure that action taken in respect of the potential victim complies with any statutory guidance and legislation in respect of safeguarding vulnerable adults, capacity to consent and mental health. If a social worker agrees that the person does not have the capacity to consent then the social worker must confirm in writing if they consider that the adult should be referred to the National Referral Mechanism. Frontline staff must forward this written confirmation to the competent authority with the referral form.

Official - sensitive: start of section

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Official - sensitive: end of section

Referral of children to local authority

If you identify a child as a potential victim of modern slavery, you must also complete a referral to child welfare services form. This is because responsibility for the care, protection and accommodation of child trafficking victims from the UK and abroad falls to local authorities under the 1989 and 2004 Children Acts.

When you complete the welfare services form, you must:

- highlight the signs of modern slavery and confirm you will refer the case to the NRM
- take a copy of the completed form (send this to the competent authority when you make the NRM referral)
- send the completed form to the relevant local authority

For more information, see referring children to welfare agencies.

Where to send the referral form

Frontline staff need to know where to send the NRM referral form.

All referrals must be sent to the UKHTC by email: see email details at [UKHTC](#).

The UKHTC then logs the referral and, if it is for the Home Office, sends it to the appropriate team.

Different teams in the Home Office will act as the competent authority depending on whether, for example, the potential victim has claimed asylum, whether they are a third country case or a case involving criminality, or whether they make a late claim to be a victim pending removal directions.

Once the referral is received, the competent authority will send frontline staff an acknowledgement letter except where the case was referred from the Asylum Intake Unit.

Recording information

Once you have referred a case to the NRM you must record all relevant information on CID and other Home Office systems in line with guidance but you must not record anything that may compromise the person's safety, such as the address of a safe house.

Official - sensitive: start of section

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Official - sensitive: end of section

Sharing data and maintaining confidentiality

Victims will have been in situations where contact with outsiders is handled with suspicion and in some circumstances endangers the health and safety of themselves or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency and the Home Office cooperation is essential to correctly identify and offer sufficient support to victims but the data being transferred between agencies and the Home Office must be heavily protected.

Confidentiality is an important condition in working with victims of modern slavery. They have information about criminals who have trafficked and exploited them and this makes them vulnerable. Frontline staff must not disclose a potential victim's address, support arrangements or other details that may compromise their safety to anyone who is not directly involved in the case.

All modern slavery paperwork must, at a minimum, must comply with government guidance on handling such information. For more information, see:

- guidance and policy on personal data
- guidance on government security classifications

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The duty to notify

From 1 November 2015, specified public authorities have a duty to notify the Secretary of State of any person encountered in England and Wales who they believe may be a victim of slavery or human trafficking.

Therefore certain frontline staff who encounter a potential victim of modern slavery are required to notify the Home Office under Section 52 of the Modern Slavery Act.

This requirement applies to the police, Local Authorities, the National Crime Agency and the Gangmasters Licensing Authority.

UK Visas and Immigration, Border Force and Immigration Enforcement must also comply with the duty as a matter of Home Office policy.

It applies to potential victims identified in England and Wales only.

This duty is intended to help build a more comprehensive picture of the nature and scale of modern slavery.

For further information, please see: [duty to notify](#).

What does the duty to notify mean in practice?

There are 2 ways to satisfy the duty to notify depending on whether a case has been referred to the NRM or not:

1. Sending an NRM referral form to UKHTC

When you refer a potential victim to the NRM you will send an NRM referral form to UKHTC at email address [UKHTC](#) and this will satisfy the duty to notify.

As children do not need to consent to enter the NRM you must always use this method to satisfy the duty to notify in cases involving children.

Once you have referred a case to the NRM in the normal way you **do not** need to send a copy of the form to the [duty to notify mailbox](#).

2. Sending an MS1 form to a dedicated mailbox

You should not refer a potential victim of modern slavery to the NRM where an adult does not consent to the referral. In those cases you must complete an [MS1 form](#) and send it to the [duty to notify inbox](#) to satisfy the duty to notify. The MS1 form should be completely anonymous if the potential victim does not consent to their details being shared.

A duty to notify referral should not be relied upon to safeguard victims. Existing safeguarding processes should still be followed in tandem with a notification.

Timescales for satisfying the duty to notify

If you are using the NRM Referral form you should send this to UKHTC as soon as practicable.

If you are sending the MS1 form to the duty to notify mailbox you should do this as soon as practicable. Unless there are exceptional circumstances, this should be within a month of encountering a victim.

Step 4: arrange accommodation

Potential victims of human trafficking will have access to support in the UK. In England and Wales potential victims of slavery, servitude and forced or compulsory labour will also have access to support.

Frontline staff need to contact support providers to arrange accommodation.

In England and Wales if an adult victim indicates they require support or safe accommodation you must contact the Salvation Army's 24 hour referral line on 0300 303 8151.

For support for potential victims of human trafficking in Scotland and Northern Ireland see below:

- in Scotland:
 - follow local arrangements with Trafficking Awareness Raising Alliance (TARA) 0141 276 7724
 - Migrant Help 07837 937737 or 07789 791110
- in Northern Ireland:
 - for male potential victims of human trafficking, follow local arrangements with Migrant Help 013 0420 3977 or 07766 668781
 - for female potential victims of human trafficking contact Women's Aid 028 9024 9041

For children, requests for support must always be made to the local authority children's services. In Northern Ireland, contact must always be made with the relevant Health and Social Care Trust Children's Services.

Victim safety comes first and you must make provisions as soon as you identify a potential victim. Once their situation is disclosed, they may be at serious risk from their traffickers or modern slavery facilitators.

Arranging accommodation may be done either:

- from the day of referral to the NRM where the individual is destitute
- from the day the competent authority makes a positive reasonable grounds decision in other cases

If the competent authority has reasonable grounds to believe someone is a victim of modern slavery, the Home Office is obliged to make sure their accommodation is appropriate and secure.

This means accommodation must meet their support needs and be secure enough to make sure victims cannot be kidnapped by traffickers or modern slavery facilitators. For example, accommodation may be secure if it is in a different location from where the victim was exploited.

Some victims may require more comprehensive security or support arrangements.

The factors you must consider are the:

- victim's level of trauma
- traffickers/modern slavery facilitator's level of sophistication
- traffickers/modern slavery facilitator's desire to recover a victim

Reporting modern slavery to the police

A potential victim of modern slavery is a potential victim of a crime.

The Modern Slavery Act 2015 contains 2 main modern slavery offences, punishable by up to life imprisonment:

- slavery, servitude and forced or compulsory labour
- human trafficking

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 also established new offences of human trafficking and slavery, servitude and forced or compulsory labour, punishable by up to life imprisonment.

The competent authority will normally handle referral of cases to the police. However, frontline staff must report a case to the police if the potential victim appears to be in immediate danger.

When completing the NRM form, the frontline staff should explain to the victim that their case will be passed on to the police (either by the first responder themselves or a competent authority), as they are a potential victim of crime.

It is important to note that the victim is under no obligation to cooperate with the police to receive support through the NRM. The NRM form includes a section to indicate whether the potential victim is willing to cooperate with the police. If the potential victim indicates they will cooperate, then the police will contact them regarding the allegation, otherwise communication from the police will be with the person who made the third party referral.

Where the first responder is not making the police referral they should take note that the competent authority will need to know where the exploitation took place. If this is unavailable they will need to know where the potential victim currently lives. This information must be included on the NRM referral form.

All NRM cases should therefore be referred to the police provided this can be done in a way which is compliant with the Data Protection Act 1998 and does not breach any duty of confidentiality to the individual concerned. This should be done either on the victim's behalf where they consent to this information being provided to the police, or as a third party referral where they do not (where the individual's details are not disclosed and the individual can indicate that they do not wish to be contacted).

The NRM process is already a multi-agency process and when a potential victim consents to enter the NRM, they should be aware that information will be passed on by frontline staff that they are speaking to in order to access the NRM. It is therefore unlikely that an obligation of confidence would prevent referring this information to the police.

If frontline staff are unsure whether this information can be disclosed to the police in a way which is consistent with the Data Protection Act 1998 and without breaching any duty of confidentiality, they should contact their organisation's legal advisor for further guidance.

Competent authority decision

Frontline staff need to know what happens when a potential victim of modern slavery is referred to a competent authority through the NRM.

For information on competent authorities and guidance on how they reach their decisions, see the [competent authority guidance](#).

The competent authority will consider information provided by the first responder (frontline staff) along with any other evidence available in making their decisions and they will notify the referring officer of any decision taken.

See link for a list of staff who are competent authority leads in their area.

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Where are victims of modern slavery identified?

Frontline staff in the Home Office need to know where they are most likely to encounter potential victims of modern slavery.

This includes identifying a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales).

Frontline staff may identify modern slavery victims at any stage in the border and immigration process and they may not have a related protection claim. Any frontline member of staff may identify a potential victim of modern slavery. However, frontline officers in the following areas must be particularly alert to the signs of modern slavery:

- Border Force
- criminal casework
- entry clearance staff
- enforcement teams
- immigration crime teams
- local immigration teams
- Asylum Intake Unit
- asylum casework teams
- premium service centre staff
- detention centres

If you work in one of these areas you must complete relevant e-learning training packages on modern slavery once it is available on Discover.

For more information, see the [indicators of modern slavery](#).

Identifying potential victims at entry clearance

In some modern slavery cases the victim is recruited through registered or illegal agencies that organise and aid the process of travel from one country to another. In others a community member, family member, perceived friend, partner or any other mediator will recruit the victim and sponsor their visit or arrange for their illegal movement.

Indicators of such recruitment may include:

- charging excessive fees for visas and other travel documents
- processing and providing fake travel documents without informing the migrant who is to use them

- recruitment for jobs that do not exist, as well as misrepresenting the job and work conditions (for example, women going abroad and believing they will work as domestic workers but end up in prostitution)
- giving them a loan that is hard to pay back (because the amount of the loan and the interest on it are often falsely inflated)

For more information on recruitment, see [Anti-slavery International 2005 Protocol](#).

Potential victims of modern slavery identified overseas cannot be referred to the NRM as potential victims must be in the UK.

Some of factors present at entry clearance might only become apparent after the potential victim has entered the UK, for example that the job does not exist.

Identifying potential victims at the UK border

All ports of entry in the UK are potential channels for victims of modern slavery. This includes identifying a potential victim of human trafficking at any port of entry in the UK (or slavery, servitude, or forced or compulsory labour where identified at any port of entry in England or Wales).

Border Force staff working at ports of entry must be alert to all possible signs. Victims may not show obvious signs of distress on arrival, as they may not see themselves as being at risk of harm from the trafficker, or may not think they are 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.

Border Force officers must refer to the Border Force instructions and guidance for information on identifying potential victims and child victims of modern slavery.

If it appears that an individual is a potential victim of modern slavery Border Force staff should consider the guidance on:

- [indicators of modern slavery](#) – how to spot a potential victim
- [what is modern slavery?](#)
- [child victims](#)
- [people at high risk of modern slavery](#)

and any local guidance specific to their area on modern slavery.

If they consider the person is a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales) they need to be the First Responder and follow the steps on [handling potential victims of modern slavery](#) including referral to the NRM.

Identifying potential victims in the UK by Immigration Enforcement

Immigration Enforcement may encounter potential victims of modern slavery in the course of their work.

Enforcement Officers must refer to the enforcement instructions and guidance for information on handling potential victims and child victims of modern slavery.

If it appears that an individual is a potential victim of modern slavery Immigration Enforcement should consider the guidance on:

- [indicators of modern slavery](#) – how to spot a potential victim
- [what is modern slavery?](#)
- [child victims](#)
- [people at high risk of modern slavery](#)

and any local guidance specific to their area on modern slavery.

If they consider the person is a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales), they need to be the first responder and follow the steps on [handling potential victims of modern slavery](#) including referral to the NRM.

Identifying potential victims who claim asylum

This section tells frontline staff how to handle victims of modern slavery who claim asylum in the UK.

This includes identifying a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales).

Asylum screening

If you screen asylum applicants, you may be the first to have contact with potential victims of modern slavery. The applicant might not identify themselves as a victim of modern slavery or trafficking for a number of reasons, for example:

- fear of reprisals against them or their families
- fear of removal and/or being treated as an immigration offender
- the situation of dependency in which they find themselves

If appropriate, you must use an individual screening room. Female asylum applicants may prefer to be interviewed by a female officer and interpreter. If possible, requests for the above must be met.

If, during the screening interview, it appears that an individual is a potential victim of modern slavery screening staff should consider the guidance on:

- [indicators of modern slavery](#) – how to spot a potential victim
- [what is modern slavery?](#)
- [child victims](#)
- [people at high risk of modern slavery](#)

and any local guidance specific to their area on modern slavery. If they consider the person is a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales) they need to be the first responder and follow the steps on [handling potential victims of modern slavery](#) including referral to the NRM.

Asylum interview

Asylum staff need to know how to handle potential victims of modern slavery they encounter during an asylum interview.

Most modern slavery cases are identified before an asylum claimant is interviewed but there may be some cases where you identify them during an asylum interview. Such claimants may be reluctant to go into much detail about the full facts of their case due to the:

- cultural barriers
- traumatic or humiliating nature of the treatment they have suffered
- potentially illegal actions in which they were involved

Be careful how you phrase your questions and show sympathy to avoid causing undue distress, but keep in mind you need to get as full an account as possible.

Establishing what happened

Your questions must be open and without assumptions to establish what happened. You may need to establish if:

- they approached the agent and/or trafficker
- they were recruited in their country of origin and, if so, how
- any control was maintained – were any threats made to them or their family?
- their family knows about their situation and what impact on the applicant would there be if they did know
- they fear the trafficker and/or associates if returned to their country of origin
- they can seek the protection of the authorities back home from the trafficker and/or associates
- they can move around freely in their country of origin
- they are able to resort to internal relocation

This list is not exhaustive. For example, you may also have to question whether the applicant is a member of a particular social group (PSG).

If appears that an individual is a potential victim of modern slavery, asylum staff should consider the guidance on:

- [indicators of modern slavery](#) – how to spot a potential victim
- [what is modern slavery?](#)
- [child victims](#)
- [people at high risk of modern slavery](#)

and any local guidance specific to their area on modern slavery.

If they consider the person is a potential victim of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales) they need to be the first responder and follow the steps on [handling potential victims of modern slavery](#) including referral to the NRM.

Interviewing female victims of sexual assault

Women who have been sexually assaulted may suffer trauma which can affect how they respond during interviews. The symptoms of this may 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

You must not automatically draw negative assumptions, if a woman cannot recount details of their experience, when you assess their credibility. Female asylum applicants may prefer to be interviewed by a female caseworker and interpreter. You must accommodate this where it is both practical and possible to do so.

For more information, see relevant asylum guidance including:

- gender issues in the asylum claim
- conducting the asylum Interview

Interviewing children

Children cannot always provide as much detail as adults when they recall abusive experiences so, if possible, you must consider evidence from other agencies involved with the child (for example local authorities), which may be relevant to the child's application.

If during an interview you believe the child is too traumatised to provide information you understand, you must pause the interview and re-assess the situation. If the child is unable to continue, you must rearrange the interview for another date. For further information on identifying potential child victims and interviewing children, see processing asylum applications from children.

See also the guidance on [child victims](#).

Accommodation for victims who claim asylum

Frontline staff need to know how to provide accommodation for asylum claimants who are potential victims of human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales).

When a victim of modern slavery claims asylum, you must follow the standard procedures for housing asylum applicants. They may also need outreach support (the competent authority can help you arrange this).

For more information, see [arranging accommodation](#).

Health needs

Victims of modern slavery may have specific health needs. See internal guidance on the health needs of asylum seekers and what information you need to pass to an accommodation provider.

See further information on [health needs](#).

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Links between the modern slavery and/or trafficking and asylum decisions

Frontline staff need to know how to consider human trafficking in any part of the UK (or slavery, servitude, or forced or compulsory labour where identified in England or Wales) under the 1951 Refugee Convention and how it relates to a claim for asylum.

The fact that a person is a victim of human trafficking or slavery, servitude, or forced or compulsory labour does not, in itself, mean that they are refugee or need humanitarian protection. However, some victims may be able to establish that they have a well-founded fear of persecution for a reason covered by the Refugee Convention (for example, membership of a particular social group (PSG)) and may therefore have valid claims to refugee status. It may also be possible to establish a need for humanitarian protection depending on the individual circumstances of the case. To qualify for protection someone needs to demonstrate they are at risk of persecution or serious harm on return to their country of origin.

Women who are victims of trafficking

Women who are victims of trafficking may face serious consequences if they return to their home country, particularly if they were forced into prostitution or sexual exploitation. This may take the form of:

- reprisals or retaliation from trafficking rings or individuals
- discrimination from their community and families
- the risk of being re-trafficked or the risk of becoming a victim of modern slavery again

In some cases it will be necessary for you to consider internal relocation. For more information, see:

- assessing credibility and refugee status
- humanitarian protection

You must consider each case on its merits.

You must assess the evidence in the country reports on the current country situation for sufficiency of protection and specific trafficking support. For example is support available for victims of trafficking, and the police able to protect them from being re-trafficked. This needs to be looked at in light of the applicant's ability to move or seek protection.

Policy and Information Reports

Country Policy and Information Reports contain useful guidance about claims based on being a victim of trafficking. They also provide guidance on what is sufficient

protection, how feasible the internal relocation is and include relevant case law for example on PSG. For more information, see Country information and guidance.

Criminal prosecution

When a victim of modern slavery or trafficking agrees to give evidence as part of a criminal prosecution, you must consider if:

- it is likely to affect the basis of the asylum claim (for example by increasing the risk of retribution)
- the outcome of the prosecution may affect the asylum decision in some cases - in these cases you should consider whether the decision on the asylum claim should be postponed until the trial is concluded; consideration of whether to a delay an asylum decision will be taken on a case by case basis

Where the prosecution will not affect the outcome of the asylum decision you do not have to delay the decision until the trial has concluded.

You can then assess the impact of the applicant giving evidence on the likelihood of future risk. You may have to liaise with the police in these circumstances.

Further information on discretionary leave in modern slavery cases can be found in the competent authority guidance.

Frontline Staff must be aware that the Criminal Procedures and Investigations Act 1996 (CPIA) places a requirement on the police and/or investigating body to record, retain and reveal to the prosecutor material obtained in a criminal investigation and which may be relevant to the investigation, and related matters or any person being investigated, or to the surrounding circumstances of the case, unless it is incapable of having any impact on the case. Where there is any doubt about the relevance of the material that is held by frontline staff, it should be retained and may be used a part of a criminal investigation. Material is either unused or relevant.

For more information, see guidance on disclosure and retention of material, including definitions of unused or relevant material.

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