Victims of human trafficking – competent authority guidance
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

**Victims of trafficking – competent authority guidance**

**About this guidance**

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<tr>
<th>About this guidance</th>
<th>This guidance gives information for staff in competent authorities to help them decide whether a person referred under the National Referral Mechanism (NRM) is a victim of trafficking.</th>
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<td>The National Referral Mechanism</td>
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The convention is of particular relevance to the Home Office and the UK Human Trafficking Centre as the UK’s two designated competent authority decision makers under the NRM.

**Changes to this guidance** – This page tells you what has changed since the previous version of this guidance.

**Contacts** – This page tells you who to contact for help if your senior caseworker or line manager can’t answer your question.
| Information owner – This page tells you about this version of the guidance and who owns it. |
| Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information. |
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**Victims of trafficking – competent authority guidance**

**Changes to this guidance**

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<th>Date of the change</th>
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<td>24 October 2013</td>
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**Victims of trafficking – competent authority guidance**

The National Referral Mechanism

This page gives information for staff in competent authorities about the National Referral Mechanism.

As part of implementing the Council of Europe Convention on Action Against Trafficking in Human Beings, the UK government created the National Referral Mechanism (NRM). The NRM is a victim identification and support process which is designed to make it easier for the agencies involved in trafficking cases to cooperate. The NRM allows organisations such as the police, Home Office, Border Force, local authorities and non-governmental organisations (NGOs) to share information about potential victims and help their access to advice, accommodation and support.

**Competent authorities**

Decisions about who is a victim of trafficking are made by trained specialists in designated competent authorities.

**The UK Human Trafficking Centre competent authority**

The UK Human Trafficking Centre (UKHTC) hosts one of the UK’s competent authorities, which:

- deals with all cases involving a UK or European Economic Area (EEA) national, and
- acts as the first point of contact for referrals.

If the UKHTC receives a case involving a non-EEA national who is subject to immigration control, they will refer the case to the Home Office competent authority unless the case involves a non-EEA national with no active immigration issues. In these cases they will complete the reasonable grounds decision and then refer the case to the Home Office.

**The Home Office competent authority**

Linked but separate competent authorities sit in the Home Office for situations where trafficking is raised as part of an asylum claim or in the context of another immigration
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

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<th>process. You must be aware that the Home Office may be the first point of contact a victim of trafficking has with an official agency in the UK. For further information see victims of human trafficking – guidance for frontline staff.</th>
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Victims of human trafficking – competent authorities – version 1.0EXT

Valid from 24 October 2013
### Definition of trafficking

This section gives information for competent authority staff about the defining characteristics of human trafficking.

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.’

The convention 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 tackle human trafficking is to provide services to help victims recover and access justice.

### The three components of human trafficking

The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. This consists of three basic components:

- an action - the person has been subject to the act of recruitment, transportation, transfer, harbouring or receipt - which is achieved by
- a means – the threat or use of force or other form of coercion, of abduction, of fraud, of deception, of abuse of power, of a position of vulnerability, of giving or receiving payments or benefits to achieve the consent of a person having control over another person – for the purpose of
- exploitation - sexual exploitation, forced labour or services, slavery or practices

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- The National Referral Mechanism
- Definition of trafficking
- Receiving a referral
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- Reasonable grounds for consideration
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**In this section**
- Definition of trafficking: action
- Definition of trafficking: means
- Definition of trafficking: exploitation
- Indicators of trafficking
- Myths about human trafficking

**External links**
- Council of Europe Convention on Action against Trafficking in Human Beings
- UNHCR guidelines on international protection
- Abuse of a position of vulnerability
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

similar to slavery, servitude, forced criminality or the removal of organs.

The explanatory report to the convention, at paragraphs 75 and 76, makes clear that all three components must be present in an adult trafficking case (in a child trafficking case the ‘means’ component is not required). The definition of trafficking is not met where the constituent components occur in isolation.

For more information on the three parts, see related links:

- Definition of trafficking: action
- Definition of trafficking: means
- Definition of trafficking: exploitation.

For more information, see the convention and explanatory report at the related link: The Council of Europe Convention on Action Against Trafficking in Human Beings.
Definition of trafficking: action

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|---------------------|---------------------------------|---------------------------|----------------------|-----------------------|-------------------------------|--------------------------|-----------------------------|-------------------------------|-------------------------|----------------------------|---------------------------------
| This guidance gives information for competent authority staff about the ‘action’ component of human trafficking. | The definition of human trafficking consists of three basic parts. The first is an ‘action’ - the person needs to be subjected to the act of:  
- recruitment  
- transportation  
- transfer  
- harbouring, or  
- 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.’ | | | | | | | | | |
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Smuggling or trafficking

**About this guidance**

This page gives information for competent authority staff about the difference between cases of human smuggling and human trafficking.

You must not confuse human trafficking with people smuggling, which is 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. The vast majority of illegal immigrants enter the UK through this route.

**Human smuggling**

The purpose of human smuggling is to move a person across a border illegally, and is regarded as a violation of state sovereignty.

**Human trafficking**

The purpose of human trafficking is to exploit the victim for gain or other benefit and is regarded as a violation of that person's freedom and integrity.

**Distinguishing characteristics**

There are several factors which help distinguish smuggling and 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 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

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**External links**

Smuggled or Trafficked? by Jacqueline Bhabha and Monette Zard
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, you must appreciate the distinction of smuggling and trafficking can be blurred. There are certainly ‘pure’ cases of trafficking and smuggling - of children kidnapped without their parents’ consent, of migrant workers defrauded and forced from the outset. Then at the other end of the spectrum, 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.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Definition of trafficking: means**

This page gives information for competent authority staff about the ‘means’ component of human trafficking which must be taken into account when considering adult trafficking cases.

The definition of human trafficking consists of three basic components. The second component is 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.

### Consent of the victim

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.

Any child who is recruited, transported or transferred for the purposes of exploitation is considered to be a potential victim of trafficking, whether or not they have been forced or deceived. This is because it is not considered possible for children to give informed consent.

### 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 cultural dancer, or for childcare).

However, there are also cases where people have been aware they would be working in the...
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| sex industry in the UK but they did not know the conditions of the environment, particularly the degree of control (over freedom and earnings) before they arrived. |  |  |
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Coercion**

This page gives information for competent authority staff about the use of coercion as part of the 'means' component of human trafficking, and what they need to take into account when they consider adult trafficking cases.

**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.

**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, family, or 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
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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.

**Complex cases**

There are also more complex cases where victims have been trafficked and subject 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 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.

**Questions which may reveal evidence of coercion**

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

- Are you able to leave the residence or place of work whenever you want?
- Have you been outside the house or work place on your own?
- Do you have to ask anyone’s permission to visit for example, the shops or a doctor?
- Do you have your own key to the residence?
- Do you have control over post addressed to you, or does someone else read it?
- Does your employer pay a salary into your own bank account to which only you have access?
- Did you buy the SIM card for your mobile phone yourself?
- Can you change the SIM card or phone number whenever you want?
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<td>Do you control your own passport or travel document?</td>
<td>The victim has few (if any) social networks in their living environment.</td>
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<tr>
<td>Can you describe your living arrangement and your daily time table?</td>
<td>Lack of knowledge of the local environment, for example the location of shops or bus routes.</td>
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<tr>
<td>Are you made to do things you do not want to do?</td>
<td>Frequent change of residence.</td>
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<tr>
<td>What would be the consequence if you were to refuse?</td>
<td>Limited contact with family or friends in their home country.</td>
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<tr>
<td>Other more subtle indicators may include:</td>
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For more information on the indicators of trafficking, see related link.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Child victims

This page gives information for competent authority staff about child victims of trafficking.

Consent
You must consider any child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, as a victim of trafficking, whether or not they have been forced or deceived.

Duty to refer
You must immediately refer potential victims under 18 years of age to the relevant local authority children’s services if they haven’t been referred already. The government guidance to safeguard children who may have been trafficked identifies child trafficking as child abuse that requires a child protection response. You must make a child protection referral to the relevant local authority.

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:

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

These irregularities may be the only indication the child could be a victim of trafficking. As noted in the guide to identification of possible victims of trafficking (Koordineringsenheten for Ofre for Menneskehaneel, 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.
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**Financial gain**
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 related link: 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 related links:

- Safeguarding children who may have been trafficked, and
- Safeguarding children in Scotland who may have been trafficked.

**Child victims who claim asylum**
Some accompanied children may say they are unaccompanied to claim asylum. In such cases the trafficker may have told the child that by doing so they will be granted permission
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

to stay in the UK and be entitled to claim welfare benefits.

**Establishing age**
It is sometimes difficult to establish the age of a potential child trafficking victim. In such cases you must continue to treat the individual as a child until you can establish their age.

For more information on assessing the age of a potential child trafficking victim, see related links:

- Assessing age, and
- Safeguarding children in Scotland who may have been trafficked.

**Further guidance**
Her Majesty’s government and the Scottish government have published guidance for staff on how to identify and safeguard child victims of trafficking. This guidance contains practical advice and indicators for assisting identification of potential child victims. For more information, see related links:

- Safeguarding children who may have been trafficked
- Safeguarding children in Scotland who may have been trafficked.
- Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking.

For information on your statutory duty to safeguard and promote the welfare of children and on interviewing children: see related link: 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), operate 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 you advice on how to address the child’s needs and your statutory
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings. It details 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 0800 107 7057.
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**Victims of trafficking – competent authority guidance**

**Definition of trafficking: exploitation**

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<td>The National Referral Mechanism</td>
<td>The definition of human trafficking consists of three basic components. The third component is ‘exploitation’ which may take the form of:</td>
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| Definition of trafficking | - sexual exploitation  
- forced labour or services  
- slavery or practices similar to slavery  
- servitude  
- forced criminality, or  
- removal of organs. |
| Receiving a referral | Trafficked for the ‘purpose of exploitation’ |
| Interviewing children | Under the Council of Europe Convention on Action Against Trafficking in Human Beings (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. |
| Reasonable grounds consideration | 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 is actually present. 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. |
| Reasonable grounds outcome | |
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**In this section**

- Sexual exploitation
- Forced labour
- Forced criminality
- Organ harvesting
- Domestic servitude
Sexual exploitation

This page gives information for competent authority staff about people who have been trafficked for sexual exploitation.

Human trafficking for the purpose of sexual exploitation primarily affects women and girls.

**Female victims**
The majority of female victims of trafficking identified in the UK are exploited in prostitution against their will. 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 related links:

- 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**
Male victims of sexual exploitation may have additional barriers to disclosure. There is a limited research base to evidence (indicate) the exact extent of adult male sexual exploitation.

**Child victims**
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

| Please refer to the detailed guidance regarding children who are being sexually exploited. See link: Safeguarding children from sexual exploitation. |  |
**Forced labour**

This page gives information for competent authority staff about people who have been trafficked and forced into exploitative work.

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, and
- hospitality.

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.

**Definition**

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

The International Labour Organisation (ILO) define 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. The European Court of Human Rights took this as starting point for considering forced labour threshold and 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
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
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<th>not offered themselves voluntarily.</th>
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<td>Forced labour cannot be equated (considered) simply with:</td>
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<td>• working for low wages and/or in poor working conditions, or</td>
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<tr>
<td>• 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.</td>
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For more information on the indicators of trafficking, see related link.
Forced criminality

This page gives information for competent authority staff about people who have been trafficked for forced criminality.

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

- pick-pocketing
- shop-lifting
- drug cultivation, and
- 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 (No. 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. The validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis unless a child is concerned, as a child cannot give informed consent.

For more information on the indicators of trafficking, see related link.
This page gives information for competent authority staff about people who have been trafficked for organ harvesting.

This type of trafficking involves exploiting people for 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 re-used 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.

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.
Domestic servitude

This page gives information for competent authority staff about people who have been trafficked and forced to work as domestic servants.

Domestic servitude (the state or condition of a slave) 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 on psychological coercion, see related link: Coercion.

For more information on domestic servitude, see related links:

- United Nations Office on Drugs and Crime - Domestic ‘service’ or domestic slavery?
- Council of Europe Parliamentary Assembly – Domestic slavery: servitude, au pairs and mail-order brides
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

<table>
<thead>
<tr>
<th></th>
<th>mail-order brides.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>For more information on the indicators of trafficking, see related link.</td>
</tr>
</tbody>
</table>
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

**Victims of trafficking – competent authority guidance**

### Indicators of trafficking

<table>
<thead>
<tr>
<th>About this guidance</th>
<th>The National Referral Mechanism</th>
<th>Definition of trafficking</th>
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<th>Interviewing children</th>
<th>Reasonable grounds for consideration</th>
<th>Conclusive decision</th>
<th>Outcome</th>
<th>Reconsidering a decision</th>
<th>Assisted voluntary returns</th>
<th>File management and data handling</th>
</tr>
</thead>
</table>

This page gives information for competent authority staff on the signs which may indicate a person is a victim of trafficking.

Potential victims of trafficking may:

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

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

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 symptoms of:

- hostility
- aggression
- difficulty in recalling details or entire episodes, and
- 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.

To see the detailed list of indicators in the human trafficking – frontline staff guidance, see related link: Indicators of trafficking.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Myths about human trafficking

<table>
<thead>
<tr>
<th>Myth</th>
<th>Reality</th>
</tr>
</thead>
<tbody>
<tr>
<td>The person did not take opportunities to escape so is not being coerced.</td>
<td>Remaining in an exploitative situation could indicate a willingness to remain there and/or an absence of coercion. But there are many reasons why someone may choose not to escape an exploitative situation, for example:</td>
</tr>
</tbody>
</table>
| | • fear of reprisal for the person or for family members at home  
| | • vulnerability  
| | • Stockholm syndrome (psychological dependency on the person exploiting them)  
| | • lack of knowledge of their environment  
| | • grooming  
| | • belief that the trafficker will fulfil their promise  
| | • fear of witchcraft  
| | • violence or threats of violence  
| | • not knowing how and where to seek help. |

<table>
<thead>
<tr>
<th>Myth</th>
<th>Reality</th>
</tr>
</thead>
<tbody>
<tr>
<td>British nationals cannot be victims of human trafficking.</td>
<td>British nationals can and have been victims of human trafficking.</td>
</tr>
<tr>
<td>Crossing a border is required in order to be trafficked.</td>
<td>Trafficking does not have to occur across borders, it can occur within a country.</td>
</tr>
<tr>
<td>Human trafficking is a necessary evil in some cultures and so must be accepted.</td>
<td>Abusive people will use ‘culture’ as a justification for trafficking other human beings. Trafficking is a crime in the UK and child trafficking is child</td>
</tr>
</tbody>
</table>

---

**In this section**
- Definition of trafficking: action
- Definition of trafficking: means
- Definition of trafficking: exploitation
- Indicators of trafficking

**External links**
- The NRM approach to trafficking and its application to trafficking for labour exploitation

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This page gives information for competent authority staff on separating myth from reality relating to human trafficking and its victims.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
<thead>
<tr>
<th>It cannot be human trafficking when organiser and victim are related, married, living together or lovers.</th>
<th>Close relationships are often used to exploit and control others. This is especially relevant in child trafficking. There have been numerous incidents where 'boyfriends' have groomed women and children into sexual exploitation or family members have colluded (intentionally or unintentionally) in the exploitation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A person is not a victim of trafficking when they say they have a better life than previously.</td>
<td>Some people are willing to tolerate their situation because they may perceive it as a 'stepping stone' to a better future and may compare it favourably to experiences at home. This doesn't mean they are not a victim of trafficking. For more information, see page four of The NRM approach to trafficking and its application to trafficking for labour exploitation, see related link.</td>
</tr>
<tr>
<td>A person is not a victim of trafficking when they reject an offer of help.</td>
<td>It is not uncommon for victims to reject offers of help at first. This is not unique to victims of trafficking.</td>
</tr>
</tbody>
</table>

Child victims:

- cannot consent to their own exploitation and may have added vulnerabilities and barriers to accessing support
- may not be familiar with the word 'trafficking' or there may not be an equivalent word in their language.
Receiving a referral

This section gives information for competent authority staff about how a potential victim of trafficking is referred and what they must do when they receive a referral.

Routing
First responders are those organisations which can refer potential victims of trafficking into the National Referral Mechanism (NRM). When a first responder suspects a person is a potential victim of trafficking, they will contact the UK Human Trafficking Centre (UKHTC) who will log the referral and, if it's for the Home Office, send it to the asylum routing team (ART).

These teams identify the most appropriate competent authority to deal with the case depending:

- if the person is suitable for detention (or fast track)
- if it is a third country case, or
- where they are living.

For more information on first responders and the NRM, see related link: The National Referral Mechanism.

Restricted information – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.
Restricted information – do not disclose – end of section

Last minute claims to be a victim of trafficking
When removal directions are due to be carried out on an individual and they make a late claim to be a victim of trafficking, you must carefully consider the claim. Where removal directions are set and imminent, you must follow existing procedures and refer the case to the operational support and certification unit (OSCU) who:

- act as the competent authority, and
- respond to the claimant or their legal representative.

If the OSCU competent authority considers there are reasonable grounds to believe the claimant is a potential victim of trafficking, they:

- defer removal directions
- issue the reasonable grounds decision, and
- refer the case to ART for the case to be allocated to the most appropriate competent authority to make the conclusive decision.

Acknowledging a referral
When you receive the referral form you must:

- Check the case has already been entered on the Home Office database (CID).
- Check it has been noted there is a barrier to removal whilst the case is under consideration (the first responder should have raised a case on the special conditions tab under the ‘special needs’ type but if not, you must enter the details).
- Acknowledge you have received the referral form by sending an acknowledgement
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
<thead>
<tr>
<th>Letter. To download the acknowledgement letter, see related link: NRM 01 Acknowledge Referral (ICD.4046 on CID Doc Gen). Send the letter to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>o the first responder</td>
</tr>
<tr>
<td>o the Salvation Army for cases in England and Wales where the adult has consented to support (See related link: Email AHT Salvation Army), Trafficking Awareness Raising Alliance (TARA) and Migrant Helpline in Scotland or Migrant Helpline in Northern Ireland (see related link: Email Migrant Helpline Northern Ireland) and</td>
</tr>
<tr>
<td>o a copy to UKHTC either by email (Email UKHTC NRM mailbox) or fax to 0870 4965534</td>
</tr>
<tr>
<td>• Record on CID the date the referral was received and when you despatched the acknowledgement.</td>
</tr>
<tr>
<td>• When you receive a child referral make sure you make the responsible local authority aware of the referral.</td>
</tr>
</tbody>
</table>

If you receive the referral from the asylum screening unit (ASU), they do not require an acknowledgement as ASU would have no further involvement. In these circumstances you must send the acknowledgement form to UKHTC only.
### Sharing information

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<th>This section gives information for competent authority staff about sharing information.</th>
<th>In this section</th>
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<td>Reasonable grounds consideration</td>
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<tr>
<td>Reasonable grounds outcome</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conclusive decision consideration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conclusive decision outcome</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reconsidering a decision</td>
<td></td>
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<tr>
<td>Assisted voluntary returns</td>
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<tr>
<td>File management and data handling</td>
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This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Sharing information with the police

This page gives information for competent authority staff about sharing information with the police.

A potential victim of trafficking is a potential victim of a crime. Trafficking is a very serious crime, punishable by up to 14 years in prison. You must refer all credible allegations to:

- your local police force
- the National Human Trafficking Unit (in Scotland), or
- to a Home Office criminal and financial investigations team (which includes seconded police officers)

If the person is:

- naming:
  - a trafficker
  - other victims
  - a place of exploitation, or
- providing another piece of key information that may require investigation.

You must do this as soon as the information is known to the Home Office.

When sharing information with the police, you must carefully consider that:

- Potential victims are under no obligation to cooperate with the police themselves and some potential victims may not want the police to be involved at all.
- In some cases the police may not pursue a case unless the individual engages with them directly. It is not for you to press the police to pursue a criminal investigation or convince the potential victim to cooperate. In these circumstances you must minute (note) the file with the outcome.
It may also be helpful to discuss a case with the police to gather any additional information to help with the reasonable grounds decision.

Any information you disclose must be in accordance with the law, in particular the Data Protection Act (1998). For more information on data protection and disclosing information, see related link: Data protection and data sharing (UKVI and immigration enforcement).

**Criminal investigations and prosecutions**

Although an active police investigation or Crown Prosecution Service (CPS) or Crown Office and Procurator Fiscal Service (COPFS) prosecution may give weight to a claim of trafficking, potential victims are not obliged to cooperate with the police at any stage in the National Referral Mechanism (NRM) process. When considering the case you must not penalise a potential victim who is unwilling to cooperate with the police.

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**Restricted information – do not disclose – start of section**

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**Restricted information – do not disclose – end of section**

**Child trafficking cases**

It is essential the police are made aware of all child trafficking cases so you must make sure they have been alerted. In most regions, you will need to alert your local police force’s child
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Child protection duties and legislation must always take precedence and all agencies must follow the protection procedures in place. For more information and guidance, see related links:

- Safeguarding children who may have been trafficked. And
- Safeguarding children in Scotland who may have been trafficked.

**Individuals charged with criminal or immigration offences**

The situation a victim of trafficking is found in may implicate them in a criminal or immigration offence. If you have made a reasonable grounds or conclusive decision the person is a victim of trafficking you must make sure those pursuing action for offences committed (for example, the Home Office, police, CPS, COPFS or Public Prosecution Service for Northern Ireland) are aware of the identification decision.

The CPS has issued detailed guidance on the circumstances prosecutors must consider when defendants charged with criminal offences might be victims of trafficking. For more information, see related links:

- CPS guidance on human trafficking and smuggling, or
- COPFS guidance on human trafficking.

Where there is reasonable suspicion a child who has committed a crime may have been trafficked and exploited, you must take a child welfare response. The immediate priority in such cases is to safeguard and promote the welfare of the child. All relevant assessments, including those undertaken by the NRM, must be completed in a timely manner (quickly) to allow the police and CPS, COPFS or the Public Prosecution Service for Northern Ireland to take an informed decision on whether to progress the charges against the child. It is vital that contact is made with the police and CPS or COPFS to make sure children who may have been victims of trafficking can be properly assessed before charges being brought or court proceedings conclude. For more information, see related links:

- Safeguarding children who may have been trafficked
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

- ACPO Lead’s on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms.
Sharing information with RALON

This page gives information for competent authority staff about sharing information with the risk and liaison overseas network (RALON) where it appears a victim or trafficker entered the UK on a genuine visa.

**Abuse of a UK visa route**
Where you identify a potential victim or suspected trafficker has entered the UK on a genuine visa you must immediately inform RALON.

---

**Restricted information – do not disclose – start of section**

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**Restricted information – do not disclose – end of section**
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Sharing information with the Crown Prosecution Service

This page gives information for competent authority staff about sharing information with the Crown Prosecution Service (CPS), Crown Office and Procurator Fiscal Service (COPFS) or Public Prosecution Service for Northern Ireland when a potential victim referred to the National Referral Mechanism (NRM) is being prosecuted.

When a potential victim of trafficking referred to the NRM is being prosecuted by the CPS, you must make sure, where possible:

- the NRM decision is made before the court hearing, and
- you inform the prosecutor of that decision.

The decision to prosecute is a discretionary one taken by the CPS, COPFS or Public Prosecution Service for Northern Ireland but making a NRM decision as soon as possible and informing the CPS, COPFS or Public Prosecution Service for Northern Ireland will make sure they can take an informed decision on whether to proceed with the prosecution.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Accommodation and transport

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<th>Secure accommodation and article 12 entitlements</th>
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</thead>
<tbody>
<tr>
<td>The National Referral Mechanism</td>
<td>All potential victims are entitled to a standard of living capable of ensuring their subsistence. You must offer all victims who are entering a recovery and reflection period appropriate and secure accommodation.</td>
</tr>
<tr>
<td>Definition of trafficking</td>
<td>The first responder must make a referral into the National Referral Mechanism (NRM), this includes arranging for the victim, whether an adult or a child, to access safe accommodation or emergency medical treatment. The referral to the NRM is not automatically treated as a request for support. The first responder and competent authority must make sure all requests for support are made (ideally whilst the potential victim of trafficking is present). Requests for support must be made:</td>
</tr>
<tr>
<td>Receiving a referral</td>
<td>- in England and Wales to:</td>
</tr>
<tr>
<td>Interviewing children</td>
<td>o the Salvation Army through their 24 hour Referral Line: 0300 303 8151</td>
</tr>
<tr>
<td>Reasonable grounds</td>
<td>- in Scotland:</td>
</tr>
<tr>
<td>consideration</td>
<td>o follow local arrangements with Trafficking Awareness Raising Alliance (TARA) 0141 276 7724 or</td>
</tr>
<tr>
<td>Reasonable grounds</td>
<td>o Migrant Helpline 07837 937737 or 07789 791110</td>
</tr>
<tr>
<td>outcome</td>
<td>- in Northern Ireland:</td>
</tr>
<tr>
<td>Conclusive decision</td>
<td>o follow local arrangements with Migrant Helpline 013 0420 3977 or 07766 668781.</td>
</tr>
<tr>
<td>consideration</td>
<td></td>
</tr>
<tr>
<td>Conclusive decision</td>
<td>For children, requests for support must always be made to the local authority children’s services. For more information about contacting local authorities, see related link: Local authority children’s services.</td>
</tr>
<tr>
<td>outcome</td>
<td>Potential victims are also entitled to:</td>
</tr>
</tbody>
</table>

In this section

- Sharing information
- Related links
  - File management and data handling
  - Local authority children’s services
- External links
  - Council of Europe Convention on Action against Trafficking in Human Beings
  - The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2008
  - NHS (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1989
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

<table>
<thead>
<tr>
<th>• hospital treatment (this extends to their spouse or civil partner and dependent children). For more information, see related links:</th>
</tr>
</thead>
<tbody>
<tr>
<td>o The National Health Service (Charges to Overseas Visitors)(Amendment) Regulations 2008, and</td>
</tr>
<tr>
<td>o NHS (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1989</td>
</tr>
<tr>
<td>• translation and interpretation services (when appropriate)</td>
</tr>
<tr>
<td>• counselling and information in a language they can understand (particularly regarding their legal rights and the services available to them)</td>
</tr>
<tr>
<td>• help to make sure their rights and interests are presented and considered at appropriate stages of criminal proceedings against offenders</td>
</tr>
<tr>
<td>• access to education for children.</td>
</tr>
</tbody>
</table>

Potential victims who are not housed in specialist accommodation (including those housed by asylum support) must still be offered outreach support to make sure their entitlements are met under Article 12 of the Council of Europe Convention on Action Against Trafficking in Human Beings. The support providers listed above can again advise on these arrangements.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

**Victims of trafficking – competent authority guidance**

**Interviewing children**

This page gives information for competent authority staff about interviewing children.

Interviewing children suspected or known to be trafficked must be kept to a minimum. Where you need to establish victim status under the Council of Europe Convention on Action Against Trafficking in Human Beings, where possible, the child should only be interviewed by:

- trained specialist child protection police, or
- social work professionals.

As the competent authority, you must avoid interviewing a child specifically for the purpose of reaching a decision under the National Referral Mechanism (NRM) if:

- there are specialists in other agencies capable of doing so, or
- the trafficking issues have already been clarified as part of the asylum process.

If you need more information to make an NRM decision, you must request this information from the first responder. If more information is still required, you must consider asking the local authority or police to interview the child on your behalf.

If you have to interview potential child victims of trafficking yourself, you must do so in a sensitive manner which takes into account their age and maturity. For more information on interviewing children, see related link: Asylum interviews.

Only officers who have received appropriate training (currently level 3 minors training) can deal with child cases.

For more information on safeguarding and promoting the welfare of children, see related link.

---

**Related links**

- Safeguarding and promoting the welfare of children
- Asylum interviews

**External links**

- Council of Europe Convention on Action against Trafficking in Human Beings
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

The two stage consideration process

This section gives information for competent authority staff about deciding whether there are reasonable grounds to believe that a person is a potential victim of trafficking.

The two stage process

The Council of Europe Convention on Action Against Trafficking in Human Beings has a two stage process for identifying victims of trafficking. The first part is the reasonable grounds test which acts as an initial filter before a more conclusive decision is taken. The reasonable grounds test considers if the statement ‘I suspect but cannot prove that the person is a victim of trafficking’ holds true.

National Referral Mechanism (NRM) timescales

The expectation is that you will make the reasonable grounds decision within five working days of the UK Human Trafficking Centre receiving the NRM referral. If the potential victim is the subject of criminal proceedings it is important that the reasonable grounds decision is made before the court hearing. You must notify the Crown Prosecution Service (or the Crown Office and Procurator Fiscals Service in Scotland or Prosecution Service in Northern Ireland) and the police (National Human Trafficking Unit in Scotland) of your decision as soon as you make it.

If you make a positive reasonable grounds decision, the individual must be granted a 45 day reflection and recovery period. This temporary status provides the conditions for a full evaluation to conclusively decide if the person was a victim of trafficking at the date of the reasonable grounds decision.

You have the discretion to extend the recovery and reflection period beyond 45 days where circumstances warrant. See related link: Requests for extension of the 45 day reflection period.

Similarly you can curtail the reflection period and immigration status if it is found that victim status is being claimed improperly.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

| For information on the second stage of the process, see related link: Conclusive decision consideration. | Human Beings |
This page gives information for competent authority staff about the standard of proof required to decide if there are reasonable grounds to believe a person is a victim of trafficking.

The Council of Europe Convention on Action Against Trafficking in Human Beings has three primary aims:

- to offer protection for victims’ rights
- to combat trafficking, and
- to promote international cooperation.

You must consider all three convention aims when you consider a potential victim’s status.

**The reasonable grounds test**

When you receive a referral, you must decide whether on the information available it is reasonable to believe that a person is a victim of the crime of trafficking.

The test you must apply is:

- whether the statement ‘I suspect but cannot prove (the person is a victim of trafficking)’ is true, and
- whether a reasonable person having regard to the information in the mind of the decision maker, would think there are reasonable grounds to believe the individual has been trafficked.

Reasonable suspicion would not normally be met on the basis of an unsubstantiated claim alone, without reliable, credible, precise and up to date:

- intelligence or information, or
- evidence of some specific behaviour by the person concerned.
Victims of crime

If a person is a victim of trafficking then they are a victim of a crime. As a competent authority you can explore information about the alleged offence in consultation with your local intelligence unit or the police, as part of the reasonable grounds assessment. Trafficking offences in the UK are contained in the following legislation:

- Sections 57-59 of the Sexual Offences Act 2003 (as amended by the Protection of Freedoms Act) and section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 (as amended by the Protection of Freedoms Act).
- Section 22 Criminal Justice (Scotland) Act 2003 (as amended by section 46 of the Criminal Justice and Licensing (Scotland) Act 2010).
- Section 47 Criminal Justice and Licensing (Scotland) Act 2010.

It is not necessary to prove that an offence has taken place, or for there to be an ongoing criminal investigation to find that an individual is a victim of trafficking in need of protection.

If however, you have considered the facts and/or consulted with the police and there is no evidence of either a crime having been committed or that there are grounds to suggest the person needs time to decide whether to cooperate in a criminal investigation, you are entitled to consider such findings as part of your reasonable grounds assessment.

Consequences of the reasonable grounds decision

The reasonable grounds decision has consequences for the potential victim in terms of protection and potential further stay in the UK. Your decision may be subject to external scrutiny and judicial review so it must be of the highest possible standard, taking into account the expert views of those surrounding the individual. If you are unsure about your decision, you must seek guidance and assistance from others and request more information from the first responder or support provider.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Credibility

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<th>This section gives information for competent authority staff to assess whether a potential victim’s account of trafficking is credible when making a reasonable grounds decision.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The National Referral Mechanism</td>
<td><strong>Assessing credibility</strong> Competent authorities are entitled to consider credibility as part of their decision making process at both the reasonable grounds and conclusive grounds stages. When you are assessing the credibility of an account, you must consider both the external and internal credibility of the material facts.</td>
</tr>
<tr>
<td>Definition of trafficking</td>
<td>If they fit the definition, there is reliable supporting evidence and the account is credible to the required standard of proof, you should recognise the person as being a victim of trafficking.</td>
</tr>
<tr>
<td>Receiving a referral</td>
<td>In cases of child trafficking, you must keep in mind the child's:</td>
</tr>
<tr>
<td>Interviewing children</td>
<td>- added vulnerability</td>
</tr>
<tr>
<td>Reasonable grounds consideration</td>
<td>- developmental stage, and</td>
</tr>
<tr>
<td>Reasonable grounds outcome</td>
<td>- possible grooming by the traffickers.</td>
</tr>
<tr>
<td>Conclusive decision consideration</td>
<td>For more information on the standard of proof for reasonable grounds, see related link.</td>
</tr>
<tr>
<td>Conclusive decision outcome</td>
<td><strong>Material facts</strong> You should assess the material facts of past and present events (material facts being those which are serious and significant in nature) which may indicate that a person is a victim of trafficking. It is generally unnecessary, and sometimes counter-productive, to focus on minor or peripheral facts that are not material to the claim.</td>
</tr>
<tr>
<td>Reconsidering a decision</td>
<td>You should assess the material facts based on the following:</td>
</tr>
<tr>
<td>Assisted voluntary returns</td>
<td>- Are they coherent and consistent with any past written or verbal statements?</td>
</tr>
<tr>
<td>File management and data handling</td>
<td></td>
</tr>
</tbody>
</table>
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

- How well does the evidence submitted fit together and does it contradict itself? Are they consistent with claims made by witnesses and with any documentary evidence submitted in support of the claim or gathered during the course of your investigations?

Where there is insufficient evidence to support a claim that the individual is a victim of trafficking (for example where the case is lacking key details without valid reason, such as who trafficked them or where they were exploited) you are entitled to question whether the reasonable grounds threshold is met. However, you must also consider whether you need more information. See related link: Gathering more information.

**Consideration minutes**

As part of the competent authority decision making process, you must keep a detailed consideration minute. When issuing a negative decision you must use this as the basis for dealing with the key points in your decision. When issuing a positive decision, you must keep this minute on file.

You must include clear credibility findings in your consideration minute, including reference to which events you accept as taking place and which you do not. Where your assessment of credibility undermines an individual’s account to the point that the reasonable grounds standard of proof can no longer be met, unless there are mitigating circumstances, you must conclude that the subject is not a victim of trafficking. For more information on mitigating circumstances, see related link.

**Second pair of eyes review**

As a decision maker, when you assess the credibility of a case it will inevitably involve some subjectivity on your part. The danger is that an overly subjective interpretation can lead to unfounded assumptions based on your own experiences and beliefs rather than objective information. This undermines the balance and fairness of an assessment. To make sure the decision is impartial, a second caseworker, who is at least a grade above you and has appropriate experience in human trafficking work, must review the National Referral Mechanism decision. The second caseworker must not be directly involved in the case’s asylum decision. Details of the officer responsible for the second pair of eyes review must be recorded on CID and the file.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Credibility - level of detail and consistency

This page gives information for competent authority staff about how to consider the level of detail and consistency of potential victim’s account of trafficking in considering credibility.

Level of detail
The level of detail with which a potential victim presents their claim is a factor when you assess credibility. It is reasonable to assume that a victim giving an account of their trafficking experience will be more expressive and more likely to include sensory details (for example what they saw, heard, felt or thought about an event) than someone who has not had this experience.

Where there is insufficient evidence to support a claim that the individual is a victim of trafficking you are entitled to question whether the reasonable grounds threshold is met. However, you must also consider whether you need more information. See related link: Gathering more information.

Consistency
It is also reasonable to assume that a potential victim who has experienced an event will be able to recount the central elements in a broadly consistent manner. A potential victim’s inability to remain consistent throughout their written and oral accounts of past and current events may lead you to disbelieve their claim. However, before you come to a negative conclusion, you must first refer back to the first responder or other expert witnesses to clarify any inconsistencies in the claim.

Due to the trauma of trafficking, there may be valid reasons why a potential victim’s account is inconsistent or lacks sufficient detail. For more information, see related link: Credibility - mitigating circumstances.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

** Victims of trafficking – competent authority guidance **

**Credibility – Considering gender and culture**

This page gives information for competent authority staff about how to consider gender and cultural issues.

When making reasonable grounds and conclusive decisions you must take into account the individual position and personal circumstances of the person and consider culture and gender issues.

Men and women from the same country of origin may have different experience due to their cultural, ethnic, gender and sexual identity. Women may be unable to disclose relevant details due to cultural and social norms.

For more information, see related link: Gender issues in the asylum claim.

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In this section

- Credibility – level of detail and consistency
- Credibility – mitigating circumstances
- Credibility – potential prosecution of traffickers

Related link

Links to staff intranet removed
This page gives information for competent authority staff about the mitigating circumstances which can affect whether a potential victim’s account of trafficking is credible.

When you assess the credibility of a claim, there may be mitigating reasons why a potential victim of trafficking is incoherent, inconsistent or delays giving details of material facts. You must take these reasons into account when considering the credibility of a claim. Such factors may include, but are not limited to, the following:

- trauma (mental, psychological, or emotional)
- inability to express themselves clearly
- mistrust of authorities
- feelings of shame
- painful memories (particularly those of a sexual nature).

Children may be unable to disclose or give a consistent credible account due to such factors as:

- their age
- the on-going nature of abuse throughout childhood, and/or
- fear of traffickers, violence, or witchcraft.

Delayed disclosure
A key symptom of post-traumatic stress is avoidance of trauma triggers, or of those things that cause frightening memories, flashbacks or other unpleasant physical and psychological experiences. Because of these symptoms a person may be unable to fully explain their experience until they have achieved a minimum level of psychological stability. You must not view a delay in disclosing of facts as necessarily manipulative or untrue. In many cases it is the result of an effective recovery period and the establishment of trust with the person they disclose the information to.
### Difficulty recalling facts

As a result of trauma, victims in some cases might not be able to recall concrete dates and facts and in some cases their initial account might contradict their later statement. This is often connected to their traumatic experience. However, the need to be sensitive does not remove the need to assess all information critically and objectively when you consider the credibility of a case.
This page gives information for competent authority staff about how prosecution of traffickers impacts reasonable grounds and conclusive decisions.

When you are deciding whether there are reasonable or conclusive grounds that a person is a victim of trafficking, your decision may be influenced by whether the alleged trafficker is being prosecuted. However, your decision must not be dependent on:

- there being a criminal investigation, or
- whether the victim cooperates in any criminal proceedings.

The victim identification process is independent of any criminal proceedings against those responsible for the trafficking. The criminal standard of proof, that is ‘beyond all reasonable doubt’, is higher than that of the reasonable or conclusive grounds test.

**Disclosure**

You must be aware that any deliberations could be subject to disclosure in any subsequent prosecution for trafficking. Where an individual is being treated by the police as a potential victim and/or witness, you must make sure lines of communication with the senior investigating police officer are kept open.

The decision as to whether there is enough evidence to prove that an individual is a victim rests with the competent authority. The competent authority must be alert to the impact that the decision may have, not only on the victim, but on a criminal investigation and the criminal justice process.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Gathering more information

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In some cases an initial referral may not contain enough supporting evidence to base your decision on. You must make every effort to secure all available information that could prove useful in establishing if there are reasonable grounds. You must gather this information, where appropriate, from:

- the first responder
- support provider
- police, or
- local authority (in the case of children).

Some of the indicators on the referral form may not be apparent on the initial encounter but will become clear during subsequent interviews with an interpreter and/or at a safe location (for example in a police station). You must be mindful of any ongoing process which may be able to provide additional information.

If there are still unanswered questions relating to key material facts then you should not issue your decision without attempting to answer them. Where you have questions that need to be put to a potential victim but there are concerns that the individual may be re-traumatised, you must consider submitting questions in writing via the support provider, police or local authority (in the case of children).

**Local authorities and support organisations**

Although police and intelligence reports can provide objective evidence to strengthen a claim, you must give due weight to the reports and views of:

- the local authority children’s services (for child victims):
  - when you are deciding children’s cases it is essential that you develop good working relationships with these services.
relations with the local authority social workers and other practitioners who have worked on the referral.
- the organisation supporting the individual.

These organisations may have spent most time with the potential victim and established a degree of trust. Exploited people often don’t trust or are afraid of the police or immigration officials. They may therefore not be willing to provide statements to you. In such circumstances non-governmental organisations may be able to provide more information on the individual’s situation and you must consider any such supporting evidence. You must also take into account any medical reports submitted, particularly those from qualified health practitioners.

No further information required
A first responder or support provider may be in a position to provide information that goes well beyond the required proof. In these circumstances you must advise the first responder that:

- the case meets the reasonable grounds test, and
- any further information will be taken into account for the conclusive decision.

You must make a positive decision as soon as you have sufficient information to decide there are reasonable grounds to believe the person is a victim of trafficking, even if it is likely further information will be available at a later stage.

Negative decisions
If after contacting the first responder, support provider, police or local authority (in the case of children) there is not enough evidence to conclude that the reasonable grounds test is met, you are entitled to make a negative decision. However, you must contact the first responder and/or support providers to discuss your decision and give them the opportunity to provide any further information.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Victims who were exploited overseas

This page gives information for competent authority staff about how to consider cases where the claimed exploitation took place overseas.

A person who claims to have been trafficked or exploited overseas who subsequently travels to the UK of their own accord, independent of their alleged trafficker, and passes through a number of countries on the way, is unlikely to be considered a victim of trafficking for the purposes of the Council of Europe Convention on Action Against Trafficking in Human Beings (the convention). This is because they are likely to be far removed from their trafficking situation and therefore very unlikely to benefit from being considered under the convention.

However, it is possible that someone who has fled to the UK to escape a trafficking situation will still be traumatised by their experience. Unless the case meets Dublin II arrangements and another European Union (EU) member state is taking responsibility for the case, a competent authority must offer the victim help and protection in the UK under the convention. For more information on Dublin II: see related link: 28 The Dublin Regulation.

With these cases you must pass any details of the alleged trafficking or exploitation to your local intelligence unit so they can consider raising them with the authorities in the country where the offence was committed. This is to make sure the Home Office’s obligations under Article 27 of the convention are met.

Example scenario

- A person has travelled from a country where one or more of the three components of trafficking took place (for information on the three components, see related link: Definition of trafficking).
- To reach the UK they escaped their situation and fled.
- The person travelled through a number of countries before arriving in the UK.
- When identified by a first responder it was reported that the individual travelled to the UK of their own free will and had not been exploited in the UK.
Consider whether the person

- Is still under the influence of the trafficker.
- Needs time to recover from their trafficking ordeal.
- Has support and health needs as a result of the exploitation.

A person who presents themselves as a victim must be physically in the UK in order to receive National Referral Mechanism (NRM) related protection and assistance under the convention.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

### Status interviews

This page gives information for competent authority staff about interviewing potential victims of trafficking to establish identity and immigration status.

If a potential victim of trafficking is not known to the Home Office, you must arrange for an initial status interview to be conducted by a warranted immigration officer to establish the person’s:

- identity
- nationality or citizenship, and
- immigration status in the UK.

When it is decided that there are reasonable grounds of trafficking, the potential victim is given a minimum 45 day recovery and reflection period which is granted by means of temporary admission. However, it can only be granted if the person’s identity is confirmed and they have been logged on the Home Office system (CID). In such cases, you must prioritise the status interview so it doesn’t delay the reasonable grounds decision.

**Conducting the interview**

You must keep the tone of the interview relaxed and conversational and limit your questions to those necessary to establish the person’s identity, method of entry and immigration status. The issues surrounding the subject of trafficking may arise at this time but as this is not the purpose of the interview, you must not ask specific questions about the exploitation suffered. Where it is appropriate to serve illegal entry papers, you must emphasise that the potential victim:

- is not about to be removed from the UK
- is being considered within the trafficking process, and
- will not be considered for removal until that process is complete.

In exceptional circumstances, you may issue a reasonable grounds decision before a status

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An interview has taken place. You must only do this where there are particular circumstances where it would be appropriate to do so and after discussing with your senior caseworker.
Victims who are reluctant to disclose

This section gives information for competent authority staff about why people may not recognise themselves as a victim of trafficking or be reluctant to share information about their trafficking experience.

Obstacles to victims coming forward

Victims of trafficking 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.
  - Being accused of being complicit in their trafficked 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 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 trafficking.
  - Reprisals against them or their children or families. 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.

- They may be in a situation of dependency.
- There is stigma attached to trafficking and knowledge and understanding of the concept is limited and most individuals will associate the term with prostitution.
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- They may suffer from Stockholm syndrome, where due to unequal power, victims create a false emotional or psychological attachment to their controller. For more information on the psychological indicators of trafficking, see related link: Indicators of trafficking.
- 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 you identify if the person could be in a trafficking situation.
- They may be in position of dependency due to their age
- Children may not understand what trafficking 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 it 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.
Identifying victims who don’t self-identify

This page gives information for competent authority staff about how to identify victims of trafficking who don’t identify themselves as such.

Victims’ willingness to co-operate
It is the competent authority’s responsibility to verify whether a person is a ‘victim of human trafficking’. In the context of the Council of Europe Convention on Action Against Trafficking in Human Beings, ‘victim of human trafficking’ is a legal concept that triggers certain rights and measures. It is not a quality or condition of a person so you must not expect that 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 rather as migrants who happen to be in a ‘difficult’ situation. Anti-Slavery International noted in 2002 that wrong expectations of how a ‘victim’ should behave can lead to misinterpretations by both the authorities and service providers, resulting in the blame being shifted on to the trafficked person.

For more information on victim behaviour, see related link: Anti-slavery international 2002: Human traffic, human rights: redefining victim protection.

Self-identification
You must not rely solely on a person self-identifying but actively seek out objective supporting evidence. Self-identifying or otherwise must be considered with the factual evidence within which that individual was found. You must avoid direct questions such as ‘are you a victim of trafficking?’ and rely on investigative lines of questioning to establish the likelihood that the individual has been trafficked.

If the potential victim is unwilling to identify themselves as a victim, you must consider if there are any objective signs. Such indicators will help you identify potential victims of trafficking. It is important that you do not rely on victims to identify themselves, but instead know how to recognise and identify the signs of trafficking. For more information on what to look for, see related link: Indicators of trafficking.
Victims may feel both relief at having been identified and yet fear and suspicion toward the identifying officer, particularly those from the police or immigration services. This is because they’ve been told by their traffickers that the authorities will simply return them 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 some victims, the identification and referral process may resemble aspects of what had happened to them during trafficking. For example:

- promises of help
- movement by people they did not know
- being taken to unknown locations where ‘everything would be fine’ and ‘they would be taken care of’.

As such, for many trafficked people the identification process itself appears suspicious, particularly when viewed by someone who is already stressed, frightened and confused. For more information on identifying victims of trafficking, see related link: Anti-slavery international (2005): Protocol for identification and assistance to trafficked victims and training kit.

**Child victims**

Like victims of other forms of child abuse, trafficked children will describe the behaviour that has to be assessed against indicators of child abuse and trafficking. Children may not be familiar with the word trafficking or be able to label their experience as abuse.

For more information on child victims, see related link.
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Victims of trafficking – competent authority guidance

Reasonable grounds outcome

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Before issuing a decision you must telephone the following (where applicable) to discuss the decision and check if more information has become available:

- the local authority (for children)
- support provider (for adults), and/or
- the police (if they are an interested party due to a criminal investigation).

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This page gives information for competent authority staff about what to do when you decide there are reasonable grounds to accept a person is a potential victim of trafficking.

If you decide that there are reasonable grounds to accept the person is a potential victim of trafficking, you must:

- Update CID with ‘RG outcome accepted’.
- If the person doesn’t have a valid form of leave grant a 45 day recovery and reflection period by way of temporary admission or temporary release.
- Draft a minute explaining the reasons for your decision and keep it on file (you must not send it to the victim).
- Complete the decision letter:
  - UKBA NRM 03 (ICD.4048 on CID Doc Gen), or
  - for non-asylum cases - UKBA NRM 06 (ICD.4051 on CID Doc Gen).
- Issue the letter to the person concerned (or local authority in the case of children).
- Complete and issue UKBA NRM 05 (ICD.4050 on CID Doc Gen) to notify the following of your decision:
  - the first responder
  - support provider
  - the police (where appropriate)
  - the local authority (in the case of children).
- Complete and issue UKBA NRM 09 (ICD.4460 on CID Doc Gen) to notify the UK Human Trafficking Centre.

To download the NRM letters, see related links.

**Serving decision letters on children**
You must not serve a decision letter or other trafficking papers on a child under any circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority.
Granting temporary admission (TA) or temporary release (TR)
With the decision letter, you must also issue a revised IS96 (or IS248 if the application was made in-time, in the UK) granting TA or TR for 45 calendar days from the date of the letter. This must cover:

- where the person will need to report, for example either
  - the local enforcement office
  - reporting centre in the area where they are accommodated, and
- how often they will need to report and when.

You can download IS96 and IS 248 on CID Doc Gen.

You must consider each case on its merits but it is expected that reporting for these cases will be of a lower frequency, which must be staggered to avoid any traffickers identifying reporting patterns.

You must take into account any TA or TR that may already have been granted and advise the local immigration office of the status of the case and instruct them to amend the status as appropriate. The TA or TR will not be granted to someone who already has valid leave to remain in the UK for 45 days or more, but in such cases you must still serve the positive reasonable grounds decision and acknowledge that the individual has been granted 45 days for recovery and reflection.

Recovery and reflection
The recovery and reflection period is a legal concept that triggers certain rights and measures under the Council of Europe Convention on Trafficking in Human Beings and in no circumstances should you deny an identified victim these rights.

Potential victims who are in detention
If the potential victim of trafficking is in immigration detention they will normally need to be released on TA or TR unless in the particular circumstances, their detention can be justified on grounds of public order. The decision letter advises the person that they have been granted 45 days for recovery and reflection on TA or TR to remain in the UK whilst a
conclusive decision is made on their case. This does not grant any leave to enter or remain.

With detained fast track (DFT) cases, you must pass the case on to a non-detained competent authority at this point for the conclusive grounds decision to be made, unless there are exceptional reasons why this is not possible.

For more information on granting temporary admission or release, see related link: Temporary admission.
Reasonable grounds outcome - not accepted as a potential victim of trafficking

This page gives information for competent authority staff about what to do when you decide there are not reasonable grounds to accept a person as a potential victim of trafficking.

You must have all necessary information before making a negative decision. Before you decide that there aren’t reasonable grounds to accept a person as a potential victim of trafficking, you must discuss the case with the relevant interested parties to make sure that all information has been gathered, for example:

- the support provider
- the police
- first responder
- local authority (in the case of children).

In cases where it’s likely that the person will be refused, you should interview the potential victim, unless:

- all of the relevant questions have been asked as part of the asylum process, or
- you have commissioned another frontline agency or the support provider to ask any outstanding questions on your behalf.

**Refusal action**
If there is no subsequent information you must:

- Update CID with ‘RG outcome refused’.
- Complete the decision letter UKBA NRM 04 (ICD.4049 on CID Doc Gen).
- Issue the letter to the person concerned (or local authority in the case of children). Your letter must include full details of what you considered and explain your decision.
- Notify the following of your decision using the decision notification letter UKBA NRM 05 (ICD.4050 on CID Doc Gen):
  - first responder
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- the support provider (and the Salvation Army if supported in England and Wales)
- the police (where appropriate)
- the local authority (in the case of children).

- Notify the UK Human Trafficking Centre using notification letter UKBA NRM 09 (ICD.4460 on CID Doc Gen).

If the case has any outstanding immigration action to be concluded, it is a local decision as to who must do it. For example, whether the competent authority would deal with an outstanding asylum application or if it should be sent to the relevant workflow manager to reallocate the case.

**Serving decision letters to children**

You must not serve a decision letter or other trafficking papers on a child under any circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority.

**Reasonable grounds outcome - case suspended**

In a small proportion of cases people will go missing. You must, however, still make a decision on the case and copy it to all relevant parties if sufficient information is available.

In cases where trafficking indicators are present but are insufficient to reach the standard of proof of reasonable grounds, and it is not possible to gather more information because the individual is missing, you must:

- Register the case as a ‘PVoT suspended absconder’.
- Flag the case on CID as having trafficking issues so the person is recognised as potentially at risk if they are encountered again.
- Report the potential victim of trafficking as a vulnerable missing person to the police and arrange for a missing person marker to be added to the police national computer (PNC). This must be carried out in accordance with non-compliance and absconder process instructions.

For more information on reporting a missing person and adding a marker to PNC, see related link: 19 Non-compliance and absconder process instruction.
**Appeals against a decision**

The Council of Europe Convention on Action Against Trafficking in Human Beings does not require there to be an appeal process. The only means of challenging a National Referral Mechanism (NRM) decision is by way of judicial review (JR).

For JRs against NRM decisions lodged in England and Wales, cases are handled by the judicial review unit (JRU) following standard procedure. For Northern Ireland and Scotland cases you must liaise with your regional litigation team.

**Reconsidering a decision**

For information on reconsidering a decision, see related link.
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**Victims of trafficking – competent authority guidance**

### Conclusive decision consideration

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- **Conclusive grounds - children**
- **Improper claims**
- **Requests for extension of the 45 day reflection period**

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**Note:**

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- Victims of human trafficking – competent authorities – version 1.0 EXT
- Valid from 24 October 2013
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings
This page gives information for competent authority staff about gathering more information to make a conclusive grounds decision.

If you cannot make a conclusive decision based on the evidence available, you must gather evidence or make further enquiries during the 45 day recovery and reflection period. To reach a conclusive decision on whether the person has been trafficked you must also consult with relevant agencies, for example:

- the police
- children’s services
- support providers.

Police and intelligence reports relating to the alleged crime can provide objective evidence to strengthen a claim. You must also give due weight to the reports and views of:

- local authority children’s services (for child victims), or
- the organisation supporting the individual.

You must also take into account any medical reports submitted, particularly those from qualified health practitioners.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Interviewing under the National Referral Mechanism

This page gives information for competent authority staff about interviewing potential victims under the National Referral Mechanism (NRM) to make a conclusive grounds decision.

Deciding whether to interview
When you are considering the evidence it may be the case that the information submitted on the individual’s situation is so compelling that an interview is not necessary or it may be possible to clarify the trafficking issues as part of the asylum process (see related link: Asylum interviews). However, if the information provided is slim or contradictory an interview may help to clarify things. You must note the case file as to whether there was sufficient information to make a conclusive decision or whether an interview was needed.

Before you proceed, you must balance the benefits of an interview against the potential consequences in terms of re-traumatising the potential victim. You must always attempt to gather all available information before deciding to interview and should not normally conduct a NRM interview during the first 30 days of the 45 day recovery and reflection period, unless there are strong reasons why this would be appropriate.

If a NRM interview is necessary you may wish to authorise the support provider or police to ask questions on your behalf. If the interview is conducted by a Home Office officer they must be trained in interviewing in accordance with existing policy.

Delaying the interview – the role of support providers
In deciding when to conduct a NRM interview you should consider each case on its individual merits after discussing the subject with support providers. Some victims may be highly vulnerable and there may be circumstances in which it would be right to delay the interview. If a victim is unable to attend an interview due to their psychological stability or other compassionate circumstances, then the support provider should write to the competent authority to explain the reasons for this and provide a realistic timescale as to when to conduct the interview.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
<thead>
<tr>
<th>About the interview</th>
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<tbody>
<tr>
<td>Before the interview you must:</td>
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<tr>
<td>• consider whether it would be beneficial for the support provider to be present during the interview, and</td>
<td></td>
</tr>
<tr>
<td>• ask the interviewee(s) whether they have a preference regarding the sex of the interviewer.</td>
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Under normal circumstances the competent authority should meet a prior request for a gender specific case owner and interpreter for the interview. Where a request for a gender specific case owner is made by the applicant on the day of the interview, the request must be met as far as is operationally possible. If the potential victim’s preference cannot be accommodated for operational reasons, you must try to accommodate any other requests, for example, a gender preference for the interpreter or preference for the location of the interview.

<table>
<thead>
<tr>
<th>The presence of children in interviews</th>
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<tbody>
<tr>
<td>The presence of children in an interview situation can hamper the ability and willingness of women to disclose information about their experiences, especially when these have been of a violent or sexual nature. You must make arrangements to allow for the interview to take place in private.</td>
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<thead>
<tr>
<th>Interview transcript</th>
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<tbody>
<tr>
<td>The interviewer must keep a verbatim (exact) record of the interview and keep a copy on file.</td>
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<table>
<thead>
<tr>
<th>Interviews and criminal trials</th>
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<tbody>
<tr>
<td>Where a witness in an ongoing prosecution needs to be interviewed for the purposes of the NRM, the interview should be carried out by an officer who is achieving best evidence (ABE) trained (the national protocol for interviewing children and vulnerable adults who are part of a criminal investigation). Alternatively, you may wish to commission the police to ask any outstanding questions on your behalf. In criminal trials, evidence from witnesses must be given independently and therefore you must take care not to offer, or appear to offer, potential inducements (incentives) to the victim. Any form of inducement might undermine</td>
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</tbody>
</table>
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

The credibility of evidence obtained and adversely affect the prosecution's ability to bring cases to court.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Asylum interviews**

This page gives information for staff conducting an asylum interview for cases where there is an ongoing National Referral Mechanism (NRM) consideration.

Where a potential victim of trafficking has made an asylum claim, the Home Office should carry out the asylum interview according to normal procedures. Potential victims of trafficking who have claimed asylum are entitled, as other claimants, to have a quick resolution to their asylum claim. Asylum interviews can normally be conducted within the prescribed time limits. For information on situations where a victim of trafficking is unable to attend or proceed with an asylum interview due to trauma or a medical condition, see related link: Conducting the Asylum Interview.

The asylum interview may provide information that is also of relevance to the conclusive trafficking decision. It may also be possible to clarify trafficking issues as part of the asylum process. For more information on interviewing under the National Referral Mechanism, see related link.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Standard of proof for conclusive decisions

This page gives information for competent authority staff about the standard of proof needed to make a conclusive grounds decision.

At the conclusive decision stage, you must consider whether, on the balance of probability, there is sufficient information to decide if the individual is a victim of trafficking.

**The balance of probabilities**

The 'balance of probabilities' essentially means that, based on the evidence available, trafficking (as defined by the Council of Europe Convention on Action Against Trafficking in Human Beings) is more likely than not to have happened. This standard of proof does not require you to be certain that the event occurred.

In reaching your decision you must weigh the balance of probabilities by considering the whole trafficking process. The trafficking process comprises a number of interrelated actions rather than a single act which takes place at a given time. To make your decision you must weigh the strength of the indicators or evidence presented, including the credibility of the claim, and apply common sense and logic based on the particular circumstances of each case.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Immigration decisions

This page gives information for competent authority staff about potential victims of trafficking who are granted or refused permission to stay in the UK before a conclusive grounds decision has been reached.

If a potential victim of trafficking has an existing immigration case which concludes that they cannot remain in the UK, no detention or removal action must be taken before a conclusive grounds decision has been made on their trafficking case.

Positive immigration decisions
A positive immigration decision made within the 45 day recovery and reflection period should be served immediately and the asylum caseworker alerted. Examples of a positive decision include:

- refugee status
- humanitarian protection, or
- discretionary leave.

In such cases it may be appropriate to issue a positive conclusive grounds decision before the end of the 45 day recovery and reflection period.

Voluntary return
If the person decides at any point that they do not wish to remain in the UK, you must advise them of the assisted voluntary programmes available. For more information, see related link: Assisted voluntary returns.

You must still make a decision on the case and copy it to all relevant parties if sufficient information is available. In cases where trafficking indicators are present but are insufficient to reach the standard of proof of reasonable grounds, and it is not possible to gather more information because the individual has left the UK you must register the case as a ‘suspension of consideration’.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

Victims of trafficking – competent authority guidance

Cases transferred from the UK Human Trafficking Centre

This page gives information for competent authority staff about making conclusive grounds decisions where the case has been transferred from the UK Human Trafficking Centre (UKHTC).

Where the UKHTC received the original referral and made the reasonable grounds decision on a non-European Economic Area (EEA) case, they will transfer the case to the Home Office to make the conclusive consideration.

In these cases, they will contact:

- the asylum routing team (ART), and
- copy to the Home Office region or directorate responsible.

When you have received the case, you must contact:

- UKHTC - to confirm receipt.
- The first responder and support provider (the local authority in the case of children) – to confirm your contact details.
- The Salvation Army - if the case concerns an adult being supported in England and Wales – to confirm your contact details.
- TARA or Migrant Helpline Scotland if the case concerns an adult being supported in Scotland
- Migrant Helpline if the case concerns an adult being supported in Northern Ireland.

You (the competent authority) will then be responsible for making the conclusive decision. If there are any handover issues you must discuss them with the UKHTC.

It is important that you collaborate with all of the relevant agencies who have dealings with the potential victim in order to gather all the relevant information. For guidance on gathering more information, see related link.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

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<thead>
<tr>
<th>website</th>
<th>Migrant Helpline website</th>
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Valid from 24 October 2013
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Conclusive grounds - children

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The first duty of all organisations where a child is at risk of harm is to refer them to a local authority. The local authority then has a statutory responsibility to ‘safeguard and promote their welfare’.

Referrals through the National Referral Mechanism do not alter statutory obligations around child protection. Such referrals may be made in parallel with the local authority’s consideration of the urgent protection needs of the child.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Improper claims**

This page gives information for competent authority staff about making conclusive grounds decisions when an individual is found to have made an improper claim.

Article 13 (3) of the Council of Europe Convention on Action Against Trafficking in Human Beings allows for the 45 day period of reflection not to be observed if:

- grounds of public order prevent it, or
- it is found that victim status was claimed improperly.

The second provision prevents the illegitimate use of victim status. As such, where there is firm objective evidence that an improper claim has been made, as soon as this becomes known, you must:

- issue a negative conclusive grounds decision
- curtail any remaining period of recovery and reflection, and
- begin immediate withdrawal of the temporary release or admission and start appropriate action (if the person has any outstanding leave due to another immigration application this may continue to run unless found to have been claimed improperly also).

You must not however take this action lightly. If you have any doubt you must follow standard processes and observe the full 45 day recovery and reflection period.

It is also possible that an individual who initially claimed to be a victim of trafficking could be involved in the trafficking of others. These cases must immediately be referred to the police or the Home Office criminal investigation team of immigration enforcement for appropriate action.

In this section
- Conclusive decision - gathering more information
- Interviewing under the National Referral Mechanism
- Asylum interviews
- Standard of proof for conclusive grounds
- Immigration decisions
- Cases referred by the UK Human Trafficking Centre
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- Requests for extension of the 45 day reflection period

External links
- Council of Europe Convention on Action against Trafficking in...
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Requests for extension of the 45 day recovery and reflection period**

This page gives information for competent authority staff about how to handle a request for an extension of the 45 day recovery and reflection period.

When a competent authority makes a positive reasonable grounds decision, they then have to conclusively decide whether the individual is a victim of trafficking. The expectation is that such a decision will be made on the 45th day of the recovery and reflection period.

**30 day review**

To make sure the potential victim has sufficient time for reflection and that a decision can be made on day 45, you must set a review date for day 30 to:

- monitor progress on the case, and
- check it is on target for a conclusive decision.

By day 30 you must be gathering information to make the conclusive grounds decision. As part of this, you must contact the:

- support provider
- first responder
- investigating police force (or National Human Trafficking Police Unit in Scotland)
- local authority (in the case of children).

**Considering an extension**

A potential victim’s specific circumstances could mean they need more than 45 days to recover and reflect. If representations are made for more time, you must consider whether an extension is appropriate. Contacting the agencies listed above will help you decide if an extension of the recovery and reflection period is warranted. Likely reasons for an extension include:

- health issues
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

- mental health or psychological issues (including post traumatic stress disorder)
- high levels of victim intimidation.

If the person needs a further period of recovery you must consider whether an extension of temporary admittance (TA) or temporary release (TR) is appropriate.

**Granting an extension**
If you decide to grant an extension you must:

- note the file explaining the reason for the extension
- update CID, and
- advise the individual (through their appointed representative), support provider and the UK Human Trafficking Centre.

You must also follow this process if you require more time to gather information or there are administrative delays associated with the consideration process.

**Reviewing the extension**
Where the 45 day recovery and reflection period has been extended the competent authority, first responder and support provider must keep the extension under review. Delaying the conclusive decision unnecessarily may have consequences for the wellbeing of the victim, and for the government for the cost of support.

It is the responsibility of the competent authority to make sure they correctly review the extension and at the correct intervals. The extension must be reviewed:

- every 28 calendar days, or
- when there is a change in the victim’s circumstances.

When completing an extension review, you (the competent authority) must consider all the circumstances of the case to make sure the extension continues to be appropriate. You must contact the:

- support provider
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings.

- first responder
- investigating police force or (National Human Trafficking Unit, Police Scotland)
  local authority (in the case of children).

**Record keeping**
You must minute the extension review on the case file and on CID. Your review must include:

- the potential victim’s:
  - name
  - date of birth
  - nationality
- date of the reasonable grounds decision
- calendar days since the reasonable grounds decision
- a summary of contact with the following since the last review:
  - the support provider
  - first responder
  - investigating police force (or National Human Trafficking Unit, Police Scotland)
  - local authority (in the case of children)
- a summary of progress of the victim since last review including reference to any mental health issues or compassionate circumstances
- a brief action plan setting out what steps will be taken in the next period to progress the case
- a recommendation clearly stating the argument for making the conclusive grounds decision or extending the recovery and reflection period further.

**Refusing to grant an extension**
If you decide not to grant an extension you must:

- note the file, and
- send a letter to the individual (through their appointed representative) explaining the reasons for refusal, (send copies to interested parties).
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

## Conclusive decision outcome

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<th>In this section</th>
<th>This section gives information for competent authority staff about what to do when you have decided whether or not there are conclusive grounds to accept a person as a potential victim of trafficking.</th>
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<tbody>
<tr>
<td>Conclusively accepting someone as a victim of trafficking</td>
<td>When you come to a decision you must consider that victim service providers need to prepare the person for the outcome and that the decision may directly impact on any criminal investigation.</td>
</tr>
<tr>
<td>Discretionary leave on the grounds of personal circumstances or to pursue compensation</td>
<td>Before issuing a decision, you must telephone the relevant party below to discuss your decision and check if any further information has become available:</td>
</tr>
<tr>
<td>Victims who are assisting with police enquiries</td>
<td>• local authority (for children)</td>
</tr>
<tr>
<td>Victims who are not assisting with police enquiries and are not eligible for a grant of leave</td>
<td>• support provider (for adults)</td>
</tr>
<tr>
<td>Conclusive outcome – not accepted as a victim of trafficking</td>
<td>• the police (children and adults if there is a criminal investigation).</td>
</tr>
<tr>
<td>Conclusive outcome – case suspended</td>
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</tbody>
</table>
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

**Conclusively accepting someone as a victim of trafficking**

This page gives information for competent authority staff about what to do when you decide there are conclusive grounds to accept a person is a victim of trafficking.

If you establish there are conclusive grounds you must:

- update CID with ‘CD outcome accepted’
- complete the decision letter (the version will depend on whether leave is granted)
- issue the letter to the person concerned (through their appointed representative)
- draft a consideration minute explaining the reason for your decision and keep this on file (you must not send it to the victim)
- notify the following of your decision in writing using the NRM05 form:
  - the first responder
  - support provider
  - the police or National Human Trafficking Unit Police Scotland
  - the local authority (in the case of children)
- notify the UK Human Trafficking Centre using notification letter UKBA NRM 09 (ICD.4460 on CID Doc Gen).

**Serving decision letters to children**

You must not serve a decision letter or other trafficking papers on a child under any circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority.

To download the NRM letters, see related links.

**Victims with dependants**

Some victims of trafficking will have dependants. If you decide to grant leave or temporary admission to the main applicant, you must grant the same permissions to any dependants who are already in the UK, unless there are reasons why this would not be appropriate.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Discretionary leave on the grounds of personal circumstances or to pursue compensation

This page gives information for competent authority staff about victims of trafficking who may be eligible for discretionary leave to remain in the UK on grounds of their personal circumstances or to pursue compensation against their traffickers.

Personal circumstances
When you make a conclusive decision and the person does not meet the criteria for any of the other leave or protection categories, it may be appropriate to grant a victim of trafficking discretionary leave if their personal circumstances are compelling. For example, to allow them to finish a course of medical treatment that would not be readily available if they were to return home. This must be considered in line with the discretionary leave policy (see related link). Unless further information has come to light, you do not need to reconsider a grant of discretionary leave if it has already been considered together with a related asylum claim.

Victims who pursue compensation
Article 15 of the Council of Europe Convention on Action Against Trafficking in Human Beings deals with the right of victims to compensation from traffickers. It may be appropriate to grant a victim of trafficking discretionary leave if they need to stay in the UK on the grounds that they are pursuing a claim for compensation against their traffickers.

The fact that someone is seeking compensation through the civil courts does not in itself merit victim status or a residence permit. When determining whether to grant a residence permit you must consider:

- the type of compensation being sought
- the grounds of the claim
- how credible the claim is
- the likely length of the claim, and
- whether the person needs to be physically in the UK for the duration of their claim. In some instances it may be more appropriate to facilitate return to the UK nearer to the
hearing date or to arrange video conferencing facilities.

To download detailed information on discretionary leave, see related link: Discretionary leave.

**Issuing the decision**
If you decide the person is a victim of trafficking and requires discretionary leave you must:

- issue the positive conclusive decision using the letter ‘NRM 07 Positive CD’ (ICD.4055 on CID Doc Gen) along with the immigration decision to the person (through their appointed representative)
- grant discretionary leave in line with Home Office discretionary leave policy
- notify all relevant parties, and
- update CID with the outcome:
  - VoT DL Granted
  - VoT DL Granted (Personal Circumstances), or
  - VoT No Leave to be Granted.

**Serving decision letters to children**
You must not serve a decision letter or other trafficking papers on a child under any circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority.

**Issuing discretionary leave**
Where discretionary leave is appropriate, you must issue a biometric residence permit.

For further information on issuing discretionary leave, see related links:

- Implementing substantive decisions
- UKRP vignette production from CID.

**Victims who are eligible for other types of leave**
If a victim also qualifies for another form of leave, you must issue the more generous grant of leave.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
<thead>
<tr>
<th>Non-asylum cases</th>
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<tbody>
<tr>
<td>In non-asylum cases you must use the letter ‘NRM 09 Notify UKHTC’ (ICD.4460 on CID Doc Gen) instead of ASL 2155. You must review the case a month before it is due to expire to see if any further applications have been lodged which might lead to an extension of stay or if voluntary return assistance is required.</td>
</tr>
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This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Victims who are assisting with police enquiries

This page gives information for competent authority staff about what to consider when a victim of trafficking is assisting with police enquiries.

Victims who are assisting with police enquiries from the UK

Under the Council of Europe Convention on Action Against Trafficking in Human Beings (the convention) the Home Office may grant a period of 12 months discretionary leave where a victim has agreed to cooperate with police enquiries. Where a person is conclusively found to be a victim of trafficking and has agreed to assist with police enquiries from the UK, the police must make a formal request for them to be granted leave to remain on this basis. This may be extended where necessary, for example, where a criminal prosecution takes longer than expected and the police have confirmed or requested an extension.

For more information see related link: Law enforcement liaison with the Immigration and Nationality Directorate (IND) to support foreign witnesses or covert investigations.

Restricted information – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted information – do not disclose – end of section

Victims who are assisting with police enquiries from abroad

There may be some people who have expressed a willingness to assist the police with their enquiries but who still wish to return home. In these situations you must consider whether:

- the person could help the police and participate in any future legal proceedings remotely (from overseas), or
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

<table>
<thead>
<tr>
<th><strong>If they will require temporary leave to return to the UK.</strong></th>
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<tbody>
<tr>
<td><strong>Where such a person is conclusively found to be a victim of trafficking, you must:</strong></td>
</tr>
<tr>
<td>• issue the positive conclusive decision to the person (via their appointed representative) using decision letter UKBA NRM 07 (ICD.4055 on CID Doc Gen)</td>
</tr>
<tr>
<td>• notify all relevant parties and update CID with the outcome</td>
</tr>
<tr>
<td>• arrange for any outstanding immigration activities to be completed in line with existing immigration procedures, and</td>
</tr>
<tr>
<td>• advise the person about assisted voluntary returns.</td>
</tr>
</tbody>
</table>

To download the National Referral Mechanism (NRM) letters, see related links.

For information about how the potential prosecution of traffickers impacts your decision, see related link: Credibility - potential prosecution of traffickers.
Victims who are not assisting with police enquiries and are not eligible for a grant of leave

This page gives information for competent authority staff about what to do when you decide there are conclusive grounds to accept a person is a victim of trafficking but that they are not assisting the police with enquiries and do not qualify for a grant of leave.

People who are conclusively found to be victims of trafficking, but who are not assisting with police enquiries and are not eligible for a grant of leave, must still be issued with a positive conclusive grounds decision. You must:

- Complete the decision letter (UKBA NRM 07 (ICD.4055 on CID Doc Gen)). The letter must be issued to the person concerned (through their appointed representative) and must:
  - explain the reasons why they do not qualify for leave
  - ask if there are any other reasons why they should remain in the UK
  - offer assistance in making a voluntary return.
- Notify all relevant parties and update CID with the outcome.

Normal immigration procedures will then apply as there will no longer be a barrier to removal on the grounds of trafficking. Any other reasons that are raised must be handled in line with existing procedures for handling further representations.

Victims who do not have a right to remain in the UK are expected to return home. The Home Office must however give consideration to Article 16(2) of the Council of Europe Convention on Action Against Trafficking in Human Beings which states:

‘When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.’

Serving decision letters on children
You must not serve a decision letter or other trafficking papers on a child under any...
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

| circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority. |
| For information on victims of trafficking who are assisting with police enquiries, see related link. |
| For information on victims of trafficking who are eligible for discretionary leave on the grounds of personal circumstance, see related link. |
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

Victims of trafficking – competent authority guidance

Conclusive outcome - not accepted as a victim of trafficking

This page gives information for competent authority staff about what to do when you decide there are not conclusive grounds to accept a person is a victim of trafficking.

You must have all necessary information before making a negative decision. Before you decide that there aren’t conclusive grounds to accept a person as a victim of trafficking, you must discuss the case with the relevant interested parties to make sure that all information has been gathered, for example:

- the support provider
- the police
- first responder
- local authority (in the case of children).

In cases where it’s likely that the person will be refused, you should interview the potential victim, unless:

- all of the relevant questions have been asked as part of the asylum process, or
- you have commissioned another frontline agency or the support provider to ask any outstanding questions on your behalf.

Refusal action

If there is no more information to consider you must:

- update CID with the conclusive decision outcome ‘PVoT Outcome Refused’
- complete the decision letter UKBA NRM 08 (ICD.4056 on CID Doc Gen). The letter must be issued to the person concerned (through their appointed representative) and must:
  - include a full and detailed consideration explaining the reason for the decision
  - ask if there are any other reasons why the person should remain in the UK
  - offer assistance in making a voluntary return (if there are no reasons to remain).
• arrange any outstanding immigration considerations (for example outstanding immigration casework, voluntary return or enforced removal) to be completed in line with normal procedures by passing the case to the relevant team
• notify the following of your decision using the decision notification letter UKBA NRM 05:
  o first responder
  o the support provider (and the Salvation Army if the adult is being supported in England and Wales, TARA or Migrant Helpline if the adult is being supported in Scotland or Migrant Helpline if the adult is being supported in Northern Ireland)
  o the police (where appropriate)
  o the local authority (in the case of children)
• notify the UK Human Trafficking Centre using notification letter UKBA NRM 09 (ICD.4460 on CID Doc Gen).

To download the National Referral Mechanism (NRM) letters, see related links.

When you have completed the refusal action, normal immigration procedures will apply as there will no longer be a barrier to removal on the grounds of trafficking. Any other reasons that are raised must be handled in line with existing procedures for handling further representations.

**Serving decision letters to children**
You must not serve a decision letter or other trafficking papers on a child under any circumstances. All trafficking papers must be served on the child’s appointed representative or the local authority.

**Appeals against a decision**
The Council of Europe Convention on Action Against Trafficking in Human Beings does not require there to be an appeal process. The only means of challenging a National Referral Mechanism (NRM) decision is by way of judicial review (JR).

For JRIs against NRM decisions lodged in England and Wales, cases are handled by the judicial review unit (JRU) following standard procedure. For Northern Ireland and Scotland cases you must liaise with your regional litigation team.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

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**Victims of trafficking – competent authority guidance**

### Conclusion outcome – case suspended

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#### Conclusive outcome - case suspended

In a small proportion of cases people will go missing. You must still make the conclusive decision (and copy it to relevant parties) if sufficient information is available. In cases where trafficking indicators are present but:

- are insufficient to reach the standard of proof of 'the balance of probabilities', and
- it is not possible to gather more information because the individual is missing, you must:
  - Register the case as ‘PVoT Suspended Absconder’ on CID.
  - Flag the case on CID as having had the issue of trafficking raised so that the person is recognised as potentially at risk if they are encountered again.
  - Report the potential victim as a missing person to the police and arrange for a missing person marker to be added to the police national computer (PNC). For guidance on reporting a missing person and adding a marker to PNC see related link: 19 Non-compliance and absconder process instructions.

You must also notify the following that the case has been suspended:

- first responder
- the support provider (and the Salvation Army if support was being provided in England and Wales)
- the local authority (in the case of children).
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### Reconsidering a decision

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This page gives information for competent authority staff about reconsidering a reasonable grounds or conclusive grounds decision.

If a first responder or support provider wishes to submit additional evidence, or they raise specific concerns that the decision is not in line with published guidance, the competent authority lead for the region must look at whether they wish to reconsider the decision. This is not a formal right of appeal and the decision should only be reconsidered where there are grounds to do so.

**Restricted information – do not disclose – start of section**

The information in this page has been removed as it is restricted for internal Home Office use only.

**Restricted information – do not disclose – end of section**
This page gives information for competent authority staff about assisted voluntary returns.

As potential victims may wish to return home at any point, you must inform them of the opportunity and options available to make a voluntary return. It is important that you involve victims in the process of return as soon as possible as this will aid their return and empower them to take control once they have returned.

There are three assisted voluntary return programmes:

- assisted voluntary returns for irregular migrants programme (AVRIM)
- voluntary assisted return and reintegration programme (VARRP)
- assisted voluntary return for families and children (AVRFC).

All three programmes are run in partnership with Refugee Action. For further information on Refugee Action and all three assisted voluntary return programmes, see related links.
This guidance is based on the Council of Europe Convention on Action against Trafficking in Human Beings

**Victims of trafficking – competent authority guidance**

### File management and data handling

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| The National Referral Mechanism | Confidentiality and data protection
| Definition of trafficking | Victims will have been in situations where contact with outsiders has been handled with suspicion and in some circumstances endangered the health and safety of themselves or their loved ones. Careless handling of personal information greatly increases that risk. Inter-agency cooperation is essential in correctly identifying and sufficiently supporting victims but the data that gets transferred between agencies must be heavily protected. |
| Receiving a referral | Confidentiality is an important condition in work with victims of trafficking. Victims have information about criminals who have trafficked and exploited them and this makes them vulnerable. You must not disclose to anyone other than the police and those directly involved in the case the potential victim’s:
- address
- support arrangements, or
- any other details that may compromise their safety. |
| Interviewing children | Storing, transmitting and access to trafficking case information
| Reasonable grounds | All trafficking paperwork must, at a minimum, be given the government marking ‘Restricted’. For information on handling and protectively marking secure documents, see related link: Security of official information. |
| consideration | Consideration minutes
| Reasonable grounds | In all cases you must record how the case progresses and keep detailed notes of your decision. It is essential that you make a comprehensive written assessment of how the person’s situation meets or does not meet the definition of a trafficked victim. In your assessment you must refer to the documents submitted in support of the referral (for example those submitted by non-governmental organisations) and show the weight you
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### Related links

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have given to the information. To see an example of a consideration minute, see related link.

You must also make sure that relevant databases are updated at each stage of the case, for example the Home Office’s CID system, the UK Human Trafficking Centre’s systems and any local spreadsheet.

**Recording details on CID**

Record on CID:

- the case outcome using the relevant trafficking case type:
  - (RG decision)
  - (conclusive decision)
  - (date of referral)
- any other information in relation to the case’s progression (follow local processes for recording).

You must not however, record anything on CID that may compromise the person’s safety.

**Trafficking file**

A trafficking file must be kept. At regional discretion, this may be stored as a subfolder of the asylum case file. When trafficking cases are concluded, all trafficking case files must, at a minimum, contain:

- first responder referral form
- reasonable grounds decision letter
- reasonable grounds decision consideration minute
- confirmation that the decision has been checked and signed off by a second caseworker of a higher grade
- confirmation that accommodation has been offered to potential victim (where the reasonable grounds was positive)
- conclusive grounds decision letter (where the case has progressed to conclusive grounds)
- conclusive grounds decision consideration minute (where the case has progressed to
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<td>details of police or criminal and financial investigations team referral (or where this hasn’t been made the reasons for not doing so), and</td>
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Victims of trafficking – competent authority guidance

Contact

This page explains who competent authority staff must contact for more help with a specific case involving victims and potential victims of human trafficking.

If you have read the relevant guidance and still need more help with this category, you must first ask your line manager.

If the question cannot be answered at that level, you may contact the competent authority lead in your region or directorate. For a list of competent authority leads and their contact details, see related link.

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the human trafficking policy team, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email modernised guidance team.
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**Victims of trafficking – competent authority guidance**

### Information owner

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<td>Naomi Hatton</td>
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<td>Approver’s role</td>
<td>Director, operational policy and rules unit</td>
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