Accommodation and support for victims of trafficking

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Leaving the safe-house: A time of transition

Leaving the safe-house to move into asylum support or local authority accommodation brings many challenges:

- Uncertainty of what’s next
- Moving to an unfamiliar area
- Losing their doctor, counsellor, other professionals
- Losing the security and protections of the safe-house
- Losing the support of friends and those they trust
- Living alone and independently, sometimes for the first time
- Managing their own money (tight budget)
- Increased expectations following a grant of leave to remain
- Mental health can deteriorate with the stress and uncertainty
How to help during this time?

- Anticipate when a lawyer may be needed and refer promptly
- Take steps to prepare and reduce the need for urgent action
- Help victims to apply for benefits as soon as possible
- Accompany victims to interviews
- Accompany victims to new and unfamiliar places
- Maintain contact during the initial transition
- Evidence need and vulnerability – letter of support
NRM SUPPORT
Both the Convention and Directive set out **minimum** standards:

- Appropriate and secure / safe accommodation
- Material assistance
- Psychological assistance
- Counselling and information regarding legal rights
- Translation and interpretation services
- Support provided on a **consensual and informed** basis
Recovery and reflection period

Anti-Trafficking Convention
- Minimum of 30 days’ support

Competent Authority Guidance
- Must provide 45 days’ support where there is a positive RG decision and the victim wants support.
- A potential victim’s specific circumstances could mean they need more than 45 days to recover and reflect.
- Extensions on a case by case basis
- Envisages that CG decision may take longer than 45 days, which ‘may have consequences for the wellbeing of the victim, and for the UK in terms of support costs.’
ASYLUM SUPPORT
Support and accommodation is provided to **asylum seekers** who are **destitute**

### Section 98
**Emergency support provided pending a full Section 95 decision**

### Section 95
1. **Asylum support for asylum seekers**
2. **Cash and accommodation**

### Section 4
**Failed asylum seekers may be accommodated under this provision while waiting for a fresh claim to be accepted**

Once an application for asylum support is made, the Home Office should provide s.98 accommodation and/or support to someone who ‘may’ be destitute while their application for asylum support is assessed.
NRM or asylum support?

NRM support: Purpose is to provide accommodation and support to assist victims’ recovery.

- Safe-house (security)
- Staff on site
- Support worker / advocate
- Group activities (other victims)
- Single sex accommodation available

Asylum support (NASS): To provide accommodation and subsistence to asylum seekers to avoid destitution.
When to make a claim for asylum support?

▪ Victims are frequently referred into asylum support months before they receive a CG decision.

▪ For many victims asylum support accommodation is neither appropriate nor secure and may have a detrimental impact on their recovery.

Consider:
▪ What are their *individual* needs and vulnerabilities?
▪ How are those needs best met?
▪ Is the application for asylum support made on a consensual and informed basis?
What is appropriate and secure accommodation?

What is appropriate will depend on the individual
Article 11(7) Directive requires the UK to attend to victims with special needs, including: pregnancy, health, disability, a mental / psychological disorder, or where they have suffered a serious form of psychological, physical or sexual violence.

Consider:

- Single sex accommodation
- Geographical location
- Avoid disrupting treatment particularly specialist counselling/ psychological treatment
- Access to support network
- Avoid ‘danger areas’
- Single room accommodation
- Higher level of support required
ACCOMMODATION UNDER THE HOUSING ACT 1996
Making a homelessness application

- Applications can be made to any local authority.
- No formal procedure: attend in person / send a letter
- No obligation to apply in the area where they are residing.
- Local authority has a duty to carry out inquiries into the application.

Temporary Accommodation
Local authority *must* provide accommodation while it conducts its inquiries if it has reason to believe that a person *may*:
- Be eligible for assistance
- Be homeless
- Have a priority need for accommodation
Challenges at the application stage

The local authority:

▪ Refuses to accept the application / sends the applicant away
▪ Fails to provide temporary accommodation / says they have no accommodation available
▪ Says the applicant has no connection to the area / that they should apply to a different local authority
▪ Says the applicant is not in priority need without carrying out inquiries.

Remedy

▪ Refer for legal advice asap
▪ Pre-action letter is normally sufficient
▪ Apply to the High Court for an order requiring the local authority to accommodate.
Who is in priority need?

Not only those who are pregnant or have dependent children are in priority need.

A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason.

Vulnerable means **significantly more vulnerable** than the ordinary person if made homeless.

Victims of trafficking will frequently be in priority need:
• As a result of mental illness (PTSD, Depression and Anxiety)
• As they are at risk of further exploitation / re-trafficking
Supporting a homelessness application

- Letter headed ‘Application for Assistance under Part VII Housing Act 1996’
- Set out why they are homeless, eligible and in priority need.
- Request interim accommodation whilst inquiries are conducted.

Provide as much supporting evidence as possible at this stage:

- **Homelessness** - Letter of termination from ‘NASS’ / NRM
- **Eligibility** - Residence permit / evidence of leave to remain
- **Priority need**
  - Trafficking CG decision
  - Expert reports (e.g. from their immigration case)
  - Letter from counsellor / therapist
  - GP / psychiatrist letter confirming diagnosis and medication
  - Immigration witness statement
  - Letter from Support Provider
Letter of support

Opportunity to provide evidence in support of the applicant’s case.

Don’t assume the local authority understands the NRM or has background knowledge about trafficking.

- Trafficking - your expertise (why should they listen to you?)
- Why the victim is in your care (explain the system and why support is ending
- Length of time in your care
- What support you have provided to the victim
- What the victim receives help with / what they find difficult
- Address potential risk of re-trafficking / further exploitation
- Highlight their vulnerability (not their resilience)
- Be specific, provide examples
Evidencing vulnerability

When highlighting a victim’s vulnerability consider:

• How you have helped them access services (eg. GP, counselling, legal advice, benefits, travel to appointments, accompanying to interviews etc.)

• Difficulties managing their own affairs e.g. reading and understanding correspondence, remembering appointments, ability to concentrate on a task or to remember to do things.

• Daily activities and how these are impacted by their mental health conditions: motivation, getting up, going out, asking for help, shopping, cooking, personal care, coping in public spaces and mixed gender environments, traveling alone.

• Social isolation / unhealthy relationships / boundaries
A negative decision

Section 184 Decision
▪ After conducting its inquiries the local authority decides what duty, if any, it owes to the applicant. This is provided in writing.
▪ **Seek legal advice ASAP following a negative s.184 decision.**

Section 202 Review
▪ The applicant has a right to a review of the decision. Deadline for requesting a review is 21 days from date they are notified of the decision.
▪ They may wish to submit fresh evidence at this stage (e.g. expert report).

Temporary accommodation
▪ Terminated following a negative s.184 decision.
▪ Frequent failure to provide reasonable notice

Accommodation pending review
▪ The local authority has a discretion to accommodate pending the outcome of the review but this is not mandatory.
▪ Obtaining relief at this stage is difficult but may be done by application for permission for judicial review in the High Court.
A full housing duty

A local authority owes a full housing duty to an applicant where it is satisfied that a person:

- Is homeless
- Is eligible for assistance
- Has a priority need for accommodation
- Is not intentionally homeless
- Has a local connection

Duty to provide accommodation / ensure that someone else provides accommodation to that person.

Accommodation must be suitable.

Local connection
If they decide the application has no local connection to its area it should refer the case to another local authority.
Get in touch:

Please feel welcome to get in touch

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