

# Accommodation and support for victims of trafficking

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**ATLEU**

Anti Trafficking and Labour Exploitation Unit



# 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



# Appropriate and secure accommodation

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



# Accommodation for asylum seekers

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



# 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 (eg. 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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