



DEBATE PACK

Number CDP-2019-0185, 5 July 2019

Immigration detention of survivors of trafficking and modern slavery

Westminster Hall, Tuesday 9 July 2019,
2.30pm

A Westminster Hall debate on "Immigration detention of survivors of trafficking and modern slavery" is scheduled for Tuesday 9 July 2019 at 2.30pm. The Member leading the debate is Jess Phillips MP.

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1. Background

The Government has wide powers to detain people for reasons of immigration control. Those who are subject to immigration controls may be held whilst they wait for permission to enter the UK or before they are deported or removed from the country. Immigration detention is an administrative process and is not to be confused with any criminal justice procedure. Powers to detain are exercised by Home Office officials, rather than judges.

Home Office policy states detention may be used in the following circumstances:

- The person is likely to abscond if given temporary admission or release;
- There is insufficient reliable information to decide whether to grant temporary admission or release;
- The person's removal from the UK is imminent;
- Detention is needed whilst alternative arrangements are made for the person's care; and
- Release is not considered conducive to the public good.

For more information on the UK's immigration detention regime including the Adults at Risk Policy (AAR) see the Library briefing paper ['Immigration detention in the UK: an overview'](#).

Victims of [human trafficking who are foreign nationals](#) can be granted discretionary leave to remain if they are supporting police with their enquiries; are seeking compensation through a civil claim against their abuser; or their personal circumstances warrant a grant of leave to remain.

Confirmed victims who are non-EEA nationals will automatically be considered for a grant of their discretionary leave and they receive this decision at the same time as they receive their "conclusive grounds" decision (as to whether they are a victim).

The Immigration Minister Caroline Nokes [recently confirmed](#) that those identified as victims of trafficking may be detained in order to effect their removal if they have no leave to remain. However they would be regarded as vulnerable for the purposes of the Home Office's adults at risk policy. This means that they would only be detained where their vulnerability is outweighed by the immigration considerations in their case.

There are no official statistics on the number of victims of human trafficking who enter immigration detention in the UK. The Government [has stated](#) that the way in which data on victims of human trafficking is recorded makes it impossible to distinguish between those who have and have not spent time in immigration detention.

Data on suspected victims of human trafficking is collected under the National Referral Mechanism (NRM). The National Crime Agency, which is responsible for the NRM, publishes an annual statistics report. [The latest is for 2018](#) and includes tables on the nationality of suspected victims of trafficking.

2. Media

2.1 Articles and blogs

Independent

[Home Office sending modern slavery victims back to addresses where they were abused, lawyers warn](#)

02 June 2019

RightsInfo

[Child Trafficking Victim Awarded Compensation After Rape Attempt In Detention Centre](#)

02 May 2019

Independent

[Home Office admits it unlawfully detained trafficking victim for six months](#)

13 February 2019

Guardian

[Just 6% of vulnerable detainees released from UK immigration centres](#)

09 February 2019

Anti-Slavery

[Slavery victims face a hostile bureaucratic system](#)

22 January 2019

3. Parliamentary Business

3.1 Debates

[Immigration Detention \(Victims of Torture\)](#)

HC Deb, 14 June 2018, cc442-464

3.2 Parliamentary Questions

[Immigrants: Detainees](#)

To ask the Secretary of State for the Home Department, how many people held in a immigration detention centre (a) are recognised as victims of modern slavery and/or human trafficking and (b) claim to be victims of modern slavery and/or human trafficking.

24 Jun 2019 | Written questions | Answered | House of Commons | 266715

Asked by: Field, Frank | **Answered by:** Caroline Nokes | **Department:** Home Office

[Detention Centres: Training](#)

To ask the Secretary of State for the Home Department, whether immigration removal centre staff receive training on indicators of trafficking and modern slavery; and what information is covered in that training.

18 Mar 2019 | Written questions | Answered | House of Commons | 231999

Asked by: Blomfield, Paul | **Answered by:** Caroline Nokes | **Department:** Home Office

[Slavery: Detainees](#)

To ask the Secretary of State for the Home Department, whether people who have been identified as potential victims of human trafficking or modern slavery during immigration detention and who have then received reasonable conclusive grounds under the National Referral Mechanism are released on receipt of that grounds decision.

19 Feb 2019 | Written questions | Answered | House of Commons | 219466

Asked by: Phillips, Jess | **Answered by:** Caroline Nokes | **Department:** Home Office

[Human Trafficking: Detainees](#)

To ask the Secretary of State for the Home Department, what assessment he has made of whether the UK's obligations under Articles 12 and 13 of the Council of Europe Convention on Action Against Trafficking and Article 11 of Directive 2011/36/EU can be met for potential victims of trafficking who are detained in immigration detention centres.

19 Feb 2019 | Written questions | Answered | House of Commons | 219465

Asked by: Phillips, Jess | **Answered by:** Caroline Nokes | **Department:** Home Office

[Immigrants: Detainees](#)

To ask the Secretary of State for the Home Department, what steps his Department is taking to ensure that survivors of trafficking and modern slavery are not held in immigration detention.

14 Jan 2019 | Written questions | Answered | House of Commons | 204473

Asked by: Lucas, Caroline | **Answered by:** Caroline Nokes | **Department:** Home Office

3.3 Parliamentary committees' material

Home Affairs Committee

[Detention of victims of modern slavery and human trafficking examined](#)

28 June 2019

Joint Committee on Human Rights

[Immigration detention](#)

07 February 2018

4. Organisations and further reading

Home Office, [Adults at risk in immigration detention](#), 06 March 2019

Prison Reform Trust, [Still No Way Out](#), 2018

Detention Action, [Trafficked into detention: How victims of trafficking are missed in detention](#), November 2017

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