

## BEING UNDOCUMENTED IN THE UK: MODERN SLAVERY/ HUMAN TRAFFICKING

Modern slavery includes:

- **Slavery, servitude, and forced labour:** if you have been forced, threatened into, or tricked into providing services to another person, you may be a victim of modern slavery.
- **Human trafficking:** if you have been forced to **move** by another person (by them threatening you, using force, or other forms of coercion) **for the purpose of exploiting you**, you may be a victim of modern slavery.
- This exploitation could be slavery, servitude, or forced labour; however, it could also be sexual exploitation, bodily exploitation, or being threatened, forced, or deceived into providing services to another person

### Being recognised

To be recognised as a victim of modern slavery in the UK, you must be referred to the **National Referral Mechanism (NRM)**. If you are undocumented and believe yourself to be a victim of modern slavery, you need to weigh up the risks and benefits of seeking a referral:

Benefits:

- If you are recognised as a potential victim of modern slavery, the NRM will provide support which, depending on individual circumstances, can include:
- Accommodation
- Financial support (in the form of an allowance)
- Access to work (and training or education if necessary)
- Access to emergency medical treatment
- Psychological assistance & counselling
- Dependant on circumstances, and particularly if there is a risk of re-exploitation, leave to remain can be obtained on this basis.
- Having a positive trafficking decision can support future applications to the Home Office, and can act as a barrier to deportation

Risks:

- If you get referred to the NRM, your details will be shared with the Home Office and the Police. The Home Office should not detain someone within the NRM procedure; however, it is always a risk to bring yourself to the attention of the Home Office.

**You should always seek immigration advice to understand whether or not the benefits outweigh the risks.**

## Steps to take

If you believe yourself to be a victim of modern slavery, the following steps should be followed:

**1) Discuss your personal circumstances with a qualified immigration advisor.** They can then advise you on whether pursuing an NRM referral is worthwhile.



**2) If they advise you to seek a referral, you or your immigration advisor need to seek out a *First Responder Organisation* to refer you to the NRM (a non-exhaustive list below). You cannot refer yourself.**



**3) You are meant to receive a response within 5 days, but it normally takes longer. The response will either be:**

**a) Positive Reasonable Grounds decision:** the authorities believe there are reasonable grounds to believe you are a victim of modern slavery. You are then **eligible for support** (accommodation, financial support etc., as discussed above) until a *conclusive grounds* decision is made, which can often take several months.

**b) Negative Reasonable Grounds decision:** the authorities do not believe there are reasonable grounds to believe you are a victim of modern slavery. You can then either **try to be referred into the NRM again with new information about your experience** (starting at Step 1 again) OR **pursue a judicial review** (which, if successful, would take you to step 3A). Legal advice should be sought for the judicial review.



**4) You must then wait for a **conclusive grounds decision**, which often takes many months. The response will either be:**

**a) Positive Conclusive Grounds decision:** The government accepts you to be a victim of modern slavery. You will continue to receive support after a needs assessment, but this can often be less generous than after a Positive Reasonable Grounds decision.

**b) Negative Conclusive Grounds decision:** The government does not accept you to be a victim of modern slavery. You can then challenge this decision either by **your support worker or first responder submitting further evidence** or by **judicial review**. Again, legal advice should be sought for the judicial review.



**5) If you receive a Positive Conclusive Grounds decision, you can then apply for Temporary Permission to Stay if you can show that you need to stay to:**

a) Receive assistance to recover from any physical or psychological harm as the result of trafficking or modern slavery, or

b) Cooperate with a public authority (like a police investigation into their traffickers or exploiters) and a need to be physically present in the UK to cooperate with the investigation or prosecution, or

c) Seek compensation (from their traffickers or exploiters) through the UK court system, if it would be unreasonable to do so from outside of the UK

You can then be given permission to stay for up to **30 months at a time** for A) or B), or **12 months at a time** for C).

### **Further information**

- Search the Right to Remain Toolkit: Modern Slavery and Human Trafficking (accessible at: <https://righttoremain.org.uk/toolkit/modern-slavery-and-human-trafficking/#whatismodernslavery>)
- Non-exhaustive list of first-responder organisations:  
Gangmasters and Labour Abuse Authority (GLAA); Salvation Army; Migrant Help; Medaille Trust; Kalayaan; Barnardo's; Unseen; NSPCC (CTAC); BAWSO; New Pathways; Refugee Council
- Specialist legal advice is provided by ATLEU - <https://www.atleu.org.uk/contact>

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