

## OVERSEAS DOMESTIC WORKERS

If you entered the UK on an overseas domestic worker visa and are confirmed as a victim of modern slavery, the Home Office will automatically consider whether you qualify for discretionary leave.

However you can also make a different application that will allow you to stay in the UK as an overseas domestic worker or as a private servant in a diplomatic household. To apply under that Immigration Rule you will need to submit a separate application within 28 days of being confirmed as a victim of modern slavery if you want to get leave under that rule.

## EEA NATIONALS

If you are an EEA national, you are entitled to reside in the UK for a period of 3 months immediately after you enter the UK.

If you wish to stay in the UK for more than 3 months you will be able to do so if you are a 'qualified person', which means you are in the UK as a worker, student, self-employed person, self-sufficient person or jobseeker. If you are a jobseeker, you will need to demonstrate that you are actively looking for work and have a genuine chance of being given employment.

You can apply for a document confirming your right of residence as a 'qualified person'.

Further information about 'qualified persons' can be found on our website, or visit [www.gov.uk](http://www.gov.uk) and search for 'EEA nationals qualified persons'.

If you are an EEA national victim of modern slavery, you still have to show you are a qualified person if you want to stay in the UK for more than 3 months unless you can qualify for the residence permit called discretionary leave. Otherwise, you will have no right to reside in the UK.

Even if you are a 'qualified person' you can still apply for discretionary leave if you want to.

## EEA NATIONALS - PERMANENT RESIDENCE

If you are an EEA national you can read new guidance on permanent residence for EEA nationals. To see if you qualify visit [www.gov.uk](http://www.gov.uk) and search for 'eea registration certificate permanent residence'.

## HELP TO RETURN HOME

If you are not a British Citizen and do not have a right to remain in the UK then you can be assisted to return to your home country if you are in the NRM. Your support provider (if you have one) can help you with this.

The Home Office Voluntary Returns Service can help you to return home. You can contact them on 0300 004 0202. The team will discuss your return and the support you may need, help you to get your travel document and help with the cost of your tickets.

If you qualify for this support you can get up to £1,000. This will help you to find somewhere to live, find a job or start a business in your home country.

You can also make your own arrangements to leave the UK at any time.

If you decide to leave the UK, let your support provider (if you have one) know you are leaving.



Home Office

**MODERN  
SLAVERY**

## Help for adult victims of Modern Slavery

Your immigration options if  
you've been trafficked into  
exploitation in the UK



This leaflet offers information about immigration options for people in the National Referral Mechanism (NRM) in the UK. The NRM is the system which identifies and supports victims of modern slavery in the UK.

## **MODERN SLAVERY EXPLAINED**

Modern slavery is considered a serious crime in the UK. It can take many forms but can include sexual exploitation, compulsory labour and human trafficking.

Human trafficking is the recruitment, movement or receipt of a person by deception or coercion into a situation of exploitation. You may have been told that you were coming to the UK to work legally but once here you have been forced to work as a domestic servant or labourer, with threats of violence if you refuse.

## **IMMIGRATION OPTIONS AND LEGAL ADVICE**

If you don't have a legal right to stay in the UK, you should start thinking about your immigration options. You should gather information that may assist you in completing an application to stay if that is what you want to do and seek legal advice about the most suitable option for you.

If you are accepted as a potential victim of modern slavery by the NRM, you are entitled to legal aid to discuss your immigration options. This decision is called a positive reasonable grounds decision. Your support provider (if you have one) can tell you where you can seek free legal assistance.

You can find an immigration adviser on our website, or visit [www.gov.uk](http://www.gov.uk) and search for 'immigration adviser'.

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Alternatively, you can contact the Office of the Immigration Services Commissioner:

- telephone: 0845 000 0046
- website: [www.oisc.gov.uk](http://www.oisc.gov.uk)

To make sure that your representative is properly qualified to advise you, they should either be a qualified lawyer who is a member of the Law Society of England and Wales, Law Society of Scotland or Law Society of Northern Ireland.

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## **RESIDENCE PERMIT**

If you are confirmed as a victim of modern slavery, you may be considered for a temporary residence permit known as 'discretionary leave'. You will not qualify for a permit just because you are a victim of modern slavery. You still need to meet additional criteria to qualify.

You may qualify for discretionary leave if you are a confirmed victim of modern slavery and:

- you are assisting the police with their enquiries
- you are pursuing a compensation claim against your traffickers
- there are exceptional reasons for granting leave due to your personal circumstances

Each case is considered on its own merits, including whether you have any criminal convictions.

## **APPLYING FOR DISCRETIONARY LEAVE**

You can be considered for discretionary leave if you have been confirmed as a victim of modern slavery by the NRM. This decision is called a positive conclusive grounds decision.

If you are from a country outside the European Economic Area (EEA) and the Home Office

has issued you with a positive conclusive grounds decision, you will automatically be considered for discretionary leave. If you are an EEA national and the National Crime Agency has issued you with this decision, you will need to submit a separate application to the Home Office if you want to be considered for discretionary leave.

If the Home Office grants you discretionary leave the amount of leave you are given will depend on your individual circumstances.

## **EXTENDING YOUR DISCRETIONARY LEAVE**

If you are granted discretionary leave and want to extend it for a further period, you will need to apply to the Home Office. This applies to both EEA and non EEA nationals. The Home Office will consider your application which may or may not be granted. You may also need to pay a fee.

## **CLAIMING ASYLUM**

You should only claim asylum (international protection) if you fear return to your country of origin or where you used to live. To be granted asylum you must be unable to go back to your country of origin because you have a well-founded fear of persecution based on one of the following reasons:

- race
- religion
- nationality
- political opinion
- membership of a particular social group

European Union (EU) members are considered to be safe countries and asylum claims from EU nationals will not be considered unless there are exceptional circumstances. Being confirmed as a victim of modern slavery is not considered to be an exceptional circumstance.