



Home Office

Domestic workers who are victims of modern slavery – caseworker guidance

Version 5.0

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About this guidance

This guidance tells caseworkers how to consider applications from people who apply for permission to stay under the Domestic Workers who are Victims of Modern Slavery category.

This guidance is designed to be used alongside [Appendix Domestic Worker who is a Victim of Modern Slavery](#) of the Immigration Rules. The rules explain the requirements an applicant must meet to be granted permission to stay on the Domestic Workers who are Victims of Modern Slavery route, and this guidance provides additional information on how to consider their application.

[Paragraph 6](#) of the Immigration Rules contains a list of defined terms in the rules.

Caseworkers may also need to refer to the following sections of the rules, where relevant:

- [Part 9: Grounds for Refusal](#)
- [Appendix ATAS](#): Academic Technology Approval Scheme (ATAS)

Paragraph references in this guidance refer to paragraphs in the Immigration Rules unless otherwise stated.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the Economic Migration Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **5.0**
- published for Home Office staff on **26 May 2021**

Changes from last version of this guidance

This guidance has been made in line with changes to the Immigration Rules that came into force on 6 May 2021.

Related content

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Introduction to the Domestic Workers who are Victims of Modern Slavery route

This section provides an introduction to the Domestic Workers who are Victims of Modern Slavery route.

This route is for victims of modern slavery who entered the UK with permission to stay as an Overseas Domestic Worker, a Domestic Worker in a Private Household, or as a private servant in a diplomatic household, having held a visa in what was previously the Tier 5 (Temporary Work) – International Agreement category and is now T5 (Temporary Worker) International Agreement worker.

Dependants **cannot** apply on this route.

The Domestic Workers who are Victims of Modern Slavery category is **not** a route to settlement.

Requirements

The requirements applicants must meet are split into 3 parts:

Validity requirements – these outline the minimum criteria that must be met for the application to be fully considered. They ensure, for example, the correct form has been used and the applicant has supplied their identity documents. Applications which do not meet these requirements are invalid and may be rejected.

Suitability requirements – these check the suitability of the applicant to be granted permission to stay, not specifically whether they qualify for the Domestic Workers who are Victims of Modern Slavery route. Applicants must not fall for refusal (as outlined in suitability requirements). Applications which do not meet these requirements should be refused.

Eligibility requirements – these are the main criteria specific to the Domestic Workers who are Victims of Modern Slavery route. Applications which do not meet these requirements should be refused.

Representatives

If an applicant has a UK based representative, you must check that the representative is approved to provide immigration advice with either:

- [the Office of the Immigration Services Commissioner](#) (OISC) or one of the following designated authorities:
 - the [Law Society](#)
 - the [Law Society of Scotland](#)

- the [Law Society of Northern Ireland](#)
- the [General Council of the Bar](#)
- the [Chartered Institute of Legal Executives](#)
- the [Faculty of Advocates](#)
- the [General Council of the Bar of Northern Ireland](#)

If the representative does not have the necessary permission to provide immigration advice, you must direct all communications to the applicant instead.

Requesting more information

If you are in need of more information, or the clarification of certain details, to be able to consider granting an application, then you should refer to [requesting more information](#). Where possible, you should try to identify all areas where further information is required so it can be requested at the same time.

Verification check

You must conduct verification checks if you have any doubts about whether the supporting documents an applicant has submitted are genuine.

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Validity requirements

This section tells you about the validity requirements under the Domestic Workers who are Victims of Modern Slavery category of the immigration rules.

Before considering suitability and eligibility, you must check the application is valid by referring to paragraphs DWMS 1.1. to DWMS 1.3.

Before considering an application, you must check that the applicant's passport or travel document is genuine. You must do verification checks if you think any of the supporting documents an applicant has submitted are not genuine.

Application form

A person applying for permission to stay under the Domestic Workers who are Victims of Modern Slavery route must apply online on the GOV.UK website on form 'FLR(IR)'.

The application

An application for permission to stay on the Domestic Workers who are Victims of Modern Slavery route **must** meet all the following requirements:

- the applicant must have made the application in the UK
- any fee must have been paid
- the applicant must have provided any required biometrics
- the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality

Application fees

You must be satisfied that the applicant has paid the relevant application fees. If these haven't been paid, you should write to the applicant and request these.

Biometrics and identity documents

You must be satisfied that where the applicant has provided their biometrics that these are verified against a valid passport or other document they have supplied.

Where biometrics cannot be verified against a valid passport or document the applicant has supplied, you must offer the applicant an identity interview.

If you are not satisfied the application meets all the validity requirements, you should consider whether to request more information, reject the application or proceed to consider.

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Suitability requirements

This section tells you about the suitability requirement under the Domestic Workers who are Victims of Modern Slavery category of the immigration rules.

Suitability requirements apply to all routes and must be met in addition to validity and eligibility requirements. However, part 9 includes a number of exemptions for Domestic Workers who are Victims of Modern Slavery.

Only the following paragraphs apply to applications for permission to stay as a Domestic Worker who is a Victim of Modern Slavery:

- 9.2.1(c), where the applicant is the subject of a deportation order, or a decision to make a deportation order
- 9.2.2, where the Secretary of State has personally directed that the person be excluded from the UK
- 9.3.1, where the applicant's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds)
- 9.3.2, where the applicant's presence in the UK is not conducive to the public good
- 9.4.1(b), where the applicant is a persistent offender who shows a particular disregard for the law
- 9.4.1(c), where the applicant has committed a criminal offence, or offences, which caused serious harm
- 9.7.1, where, in relation to the application, or in order to obtain documents from the Secretary of State or a third party provided in support of the application:
 - (a) false representations are made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
 - (b) relevant facts are not disclosed.
- 9.7.2, where the decision maker can prove that it is more likely than not the applicant used deception in the application
- 9.9.1, where a person fails without reasonable excuse to comply with a reasonable requirement to:
 - (a) attend an interview; or
 - (b) provide information; or
 - (c) provide biometrics (whether or not requested as part of an application); or
 - (d) undergo a medical examination; or
 - (e) provide a medical report.

Victims of modern slavery and human trafficking are likely to have suffered traumatic experiences and may still be in a period of recovery. Where you identify a case which falls for refusal under [Part 9: grounds for refusal](#), that decision should be referred to and authorised by a Grade 7.

Overstaying

You must check whether the applicant is in breach of immigration laws. Any period of overstaying permitted by [paragraph 39E](#) of the Immigration Rules should be disregarded. Full guidance on [overstaying](#) is available.

If you are not satisfied that the application meets the suitability requirements the decision to refuse must be referred to and authorised by a Grade 7.

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Eligibility requirements

This section tells you about the eligibility requirement under the Domestic Workers who are Victims of Modern Slavery category of the immigration rules.

Previous category

The applicant applying for permission to stay as a Domestic Worker who is a Victim of Modern Slavery **must** have, or have last been granted, permission on one of the following routes:

- Overseas Domestic Worker
- Domestic Worker in a Private Household
- Temporary Worker – International Agreement Worker, as a private servant in a diplomatic household (previously Tier 5 International Agreement)
- Domestic Worker in a Private Household
- Outside the Rules having been referred into the National Referral Mechanism (NRM) and be in receipt of a positive Conclusive Grounds (CG) decision

Positive Conclusive Grounds decision

The applicant **must** be the subject of a positive Conclusive Grounds decision made by a competent authority under the National Referral Mechanism.

The applicant will be asked to provide a copy of the competent authority's letter notifying them of the decision with their application. If the letter is not provided, or if there are doubts about its authenticity, you can ask the competent authority to verify that the applicant is the subject of a positive Conclusive Grounds decision.

You should email the Single Competent Authority.

Application date

The application **must either**:

- have been made within 28 days of the applicant being notified of the positive Conclusive Grounds decision
- have been made within 28 days of the applicant being notified of the outcome of an application that was outstanding when they received notification of a positive Conclusive Grounds decision
- be made before the applicant's current permission Outside the Rules ends, having been referred into the National Referral Mechanism (NRM) and in receipt of a positive Conclusive Grounds (CG) decision

The purpose of this 28-day rule is to make sure that those notified of a positive Conclusive Grounds decision do not remain in the UK for an extended period before seeking to regularise their position under these provisions.

If you are not satisfied that the application meets all of the of the eligibility requirements their application **must** be refused.

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Grant or refuse

This section tells you how to grant or refuse an application for permission to stay as a Domestic Worker who is a Victim of Modern Slavery.

Grant permission to stay

You **must** grant permission to stay if the applicant:

- meets all the applicable requirements of paragraphs DWMS 1.1. to DWMS 3.3. of the Immigration Rules
- does not fall for refusal under the relevant paragraphs within [Part 9: grounds for refusal](#) of the Immigration Rules. Paragraph 9.1.1(f) sets out the exceptions for applicants in the Domestic Worker who is a Victim of Modern Slavery category

Length of grant

If the applicant meets the above requirements, you **must** grant permission to stay for the shorter period of either:

- 2 years
- where the applicant already holds permission to stay outside the Rules, permission will be granted for a period which ensures that the total, combined, duration of permission will not exceed 2 years

Refuse permission to stay

You must refer to a Grade 7 for authorisation of the decision to refuse permission to stay if:

- the applicant does not meet all of the applicable requirements of paragraphs DWMS 2.1. to DWMS 3.3. of the Immigration Rules
- the applicable grounds for refusal (as outlined in [suitability requirements](#)) in [Part 9: grounds for refusal](#) of the Immigration Rules apply

When the applicant does not meet all the suitability and eligibility requirements of the Domestic Workers who are Victims of Modern Slavery category, the case should be referred to a Grade 7 for authority to refuse the application.

Rights of appeal and administrative review

If an application for permission to stay is refused, the applicant cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

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Conditions of permission

This section tells you about the conditions that an applicant must meet if they are granted permission to stay as a Domestic Worker who is a Victim of Modern Slavery.

Applicants granted permission to stay as Domestic Workers who are Victims of Modern Slavery are subject to the following conditions:

- they can take employment as:
 - a domestic worker in a private household
 - a private servant in a diplomatic household working only in the household of the employer recorded in a Certificate of Sponsorship in the T5 (Temporary Worker) International Agreement Worker category
- supplementary employment is permitted, only as a domestic worker in a private household
- they have no access to public funds
- study is permitted, subject to the ATAS condition in [Appendix ATAS](#).

Voluntary work

The applicant can do voluntary work in any sector. They must not be paid or receive other money for the voluntary work, except reasonable expenses as described in [section 44 of the National Minimum Wage Act](#).

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Requesting more information

This section tells you about requesting more information or supporting documents related to Domestic Workers who are Victims of Modern Slavery applications.

Applicants should provide all the evidence on which they rely to support their application at the outset of the process. However, it is recognised that individuals applying for this category of leave are likely to have suffered traumatic experiences and may still be in a period of recovery. If an applicant makes an error or omission with the supporting evidence they provide, it may be appropriate for you to consider contacting the Single Competent Authority before contacting the applicant directly. The Single Competent Authority may be able to verify the circumstances presented by the applicant.

You should email the Single Competent Authority.

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Taking a fair and proportionate approach to the assessment of evidence

You must review the information on the application form and other available evidence before deciding whether you are satisfied on the balance of probabilities (it is more likely than not) that a requirement is met.

If the applicant provides evidence that is meant to show a requirement is met and you are not satisfied the evidence is genuine, you should discuss whether to make further checks with a manager.

Official sensitive – start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official sensitive – end of section

Format of evidence

The Immigration Rules no longer set out specific format requirements for most documents. This doesn't mean that format is irrelevant – it will help you assess if a piece of evidence is genuine and if it provides the information you need to be satisfied the requirement is met. You must not refuse an application because the evidence is not in a particular format, but you may request alternative or additional evidence if you are not satisfied what the applicant (or their employer) has provided shows the requirements of the Rules are met.

If evidence does not include the information you would normally expect you should consider whether to take further action to verify it.

Where evidence is missing or inadequate

The applicant will be told what evidence to provide as part of the application process. However, sometimes evidence is missing or inadequate to enable you to assess whether a requirement is met.

If evidence is missing or inadequate, you do not have to offer the applicant an opportunity to provide different evidence.

However, you should consider seeking further information or making verification checks when, for example:

- evidence is missing (for example a missing page from a series) that you believe the applicant has, or could obtain
- evidence is inadequate but could be clarified

You should consider contacting the Single Competent Authority before contacting the applicant directly as individuals applying for this category of leave are likely to have suffered traumatic experiences and may still be in a period of recovery

If it is appropriate to contact the applicant, they should be given 10 UK working days in which to provide a response.

You do not need to contact the applicant if evidence is missing or inadequate, but:

- receiving it would make no difference to your decision (for example because the applicant would still be refused for other reasons)

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