



Home Office

Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery

Version 3.1

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About this guidance

This guidance tells caseworkers about temporary permission to stay for confirmed victims of human trafficking or slavery (VTS). This guidance explains the circumstances in which it is appropriate to grant VTS to those confirmed as victims of human trafficking or slavery by the National Referral Mechanism (NRM), and what must be considered before making that decision. This guidance also covers extensions of stay and when it may be necessary to cancel permission to stay. The term 'modern slavery' includes human trafficking, slavery, servitude and forced or compulsory labour and is used in this context throughout this document.

All new considerations made after commencement of [Appendix: Temporary Permission to Stay for Victims of Human Trafficking or Slavery \(VTS\)](#) in the Immigration Rules on 30 January 2023 will be made under this policy, and any reconsideration of those decisions. Reconsiderations of decisions made under the previous policy of Discretionary Leave for Victims of Modern Slavery will still be reconsidered under that policy.

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 MSU Implementation 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 3.1
- published for Home Office staff on 30 May 2024.

Changes from last version of this guidance

This guidance amends general information and clarifies who is to be considered for a grant of VTS.

This guidance links to the Discretionary Leave guidance for next steps for those individuals who do not qualify for VTS but, who were previously granted a period of 'KTT' Discretionary Leave and still have an outstanding asylum claim.

Related content

[Contents](#)

Related external links

Introduction

Purpose of instruction

This guidance explains when you must grant permission to stay for victims of modern slavery and their dependent children. It sets out what must be considered before deciding on granting or refusing permission to stay once victim status is confirmed through a positive conclusive grounds decision, when applications to extend permission to stay are made.

Background

Modern slavery is a serious crime encompassing slavery, servitude, forced and compulsory labour and human trafficking. We are committed to delivering needs-based support to victims of modern slavery, which places the individual victim, and their recovery needs, at the heart of the support we provide. As part of this support, it may also be appropriate (within the framework of the Nationality and Borders Act 2022 and the Immigration Rules) to grant temporary permission to stay (VTS) to confirmed victims of modern slavery in the UK without immigration status.

The National Referral Mechanism (NRM) is the framework for referring and identifying potential victims of modern slavery. The NRM also ensures that victims receive the necessary and appropriate support to assist with their recovery from harms arising from their exploitation. A First Responder Organisation is an authority that is authorised to refer a potential victim of modern slavery into the NRM. These organisations include (but are not limited to) police forces, the National Crime Agency, local authorities, and health and social care trusts. In addition, specific public authorities have a duty, pursuant to section 52 of the Modern Slavery Act 2015, to notify the Secretary of State of any person that has been identified in England and Wales as a suspected victim of modern slavery.

Referrals are considered by the relevant Competent Authority, which is either the Single Competent Authority (SCA) or the Immigration Enforcement Competent Authority (IECA).

These Competent Authorities are the United Kingdom's decision-making bodies, made up of trained specialists, responsible for determining whether a potential victim of modern slavery is a confirmed victim. To establish whether a person is a victim of any form of modern slavery the relevant Competent Authority will consider firstly whether there are reasonable grounds to believe that someone is a potential victim of modern slavery. Only if the relevant Competent Authority determines that there are reasonable grounds that someone is a potential victim of modern slavery will it then go on to determine whether there are conclusive grounds to determine whether they are in fact a victim of modern slavery. Once a person has a positive conclusive grounds decision and is confirmed as a victim, they will then be considered for permission to stay if they do not already hold immigration status in the UK.

Policy intention

The policy objective is to deliver a fair and effective permission to stay process in relation to confirmed victims of modern slavery:

- allowing those who are cooperating with public authorities in the investigation and / or prosecution of their exploiters to stay in the UK for that purpose, as necessary.

The policy also intends to support the principle of a needs-based approach to supporting victims of modern slavery:

- recognising that each victims' experience of modern slavery will be different and their reaction to often traumatic experiences will mean that some will need assistance to recover from any physical and / or psychological harm arising from their exploitation, and it may be necessary for them to stay in the UK to assist with that recovery.
- recognising that in certain cases it may be more appropriate or lead to a better overall recovery outcome for victims to return to a place of familiarity where they can access wider support networks, such as their community, family or friends, where they are familiar with the language and culture to continue their recovery journey.
- recognising that in certain cases the assistance needed to recover from any physical and / or psychological harm arising from their exploitation can be provided in another safe country.
- considering whether, in more cases where victims of modern slavery are seeking compensation in respect of their exploitation, there are ways for them to be supported to claim from abroad, if they are capable of doing so, rather than stay in the UK to seek that compensation - in these cases capability refers to the ability to make a claim from abroad.
- allowing dependent children (under the age of 18) of confirmed victims of modern slavery who have permission to stay to remain with them in the UK.
- ensuring applications are properly considered in a timely and sensitive manner on an individual, objective, and impartial basis, acknowledging the vulnerable situation that applicants may find themselves in and, where possible, expediting applications without unnecessary delay.
- preventing those who are disqualified from the protections of the NRM from obtaining permission to stay under the victim of human trafficking or slavery route.

As discussed in the section below on The Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) this guidance represents a shift in our policy intention as regards how the Secretary of State complies with obligations regarding grants of renewable residence permits to victims of modern slavery under ECAT.

As set out below, ECAT is clear that under Article 14 signatory states can elect whether to grant a residence permit in the circumstances described in 14(1)(a) or 14(1)(b) or in both.

As of 30 January 2023 the Secretary of State will grant VTS in the circumstances described in Article 14(1)(b) as mirrored in s65(2)(c) of the Nationality and Borders Act 2022 (NAB Act). The Secretary of State will also grant VTS in compliance with section 65 of the NAB Act. This is not because the Secretary of State considers that, other than s65(2)(c) as discussed above, this is required by ECAT (or any other international obligations), but because the Secretary of State has been bound to do so by Parliament as a matter of domestic law.

Relevant legislation

International obligations

The Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)

[ECAT \(PDF, 325KB\)](#) is an international treaty focused on the protection of victims of trafficking and the safeguarding of their rights. It is also aimed at preventing trafficking as well as prosecuting traffickers. The convention applies to all forms of trafficking; whether national or transnational, whether related to organised crime and whoever the victim (women, men or children), and whatever the form of exploitation (such as sexual exploitation, forced labour or services).

ECAT is clear that under Article 14 signatory states can elect whether to grant a residence permit in the circumstances described in 14(1)(a) or 14(1)(b) or in both.

Historically the Secretary of State's policy intention was to grant leave in both situations (14(1)(a) and 14(1)(b)). However, the Secretary of State decided to change the policy approach as follows with effect from 30 January 2023. From this date the UK will fulfil its obligations regarding grants of renewable residence permits to victims of modern slavery through the grant of temporary permission to stay (VTS) as follows:

- the Secretary of State will grant VTS in the circumstances described in Article 14(1)(b) and accordingly s65(2)(c) of the Nationality and Borders Act (NAB Act) mirrors ECAT Article 14(1)(b)
- the Secretary of State will also grant VTS in compliance with section 65 of the NAB Act - this is not because the Secretary of State considers that, other than s65(2)(c) as discussed above, this is required by ECAT [or any other international obligations], but because the Secretary of State has been bound to do so by Parliament as a matter of domestic law.

References in this guidance to when VTS leave may be granted for reasons beyond those in 65(2)(c) of the NAB Act are not intended to fulfil A14(1)(a) but is a matter of domestic policy only as set out in s65 of the NAB Act.

Palermo Protocol

The [Palermo Protocol](#) is a United Nations (UN) protocol to prevent, suppress and punish [trafficking in human beings](#), especially women and children, supplementing the UN Convention against Transnational Organized Crime and its Protocols.

European Convention on Human Rights

The [European Convention on Human Rights \(PDF, 1329KB\)](#) provides a framework of rights and fundamental freedoms of individuals in European signatory states including the UK.

Although in the UK's case, these rights and freedoms were already part of the law before the Convention came into being.

Domestic legislation

Modern Slavery Act 2015

In 2015, the UK Government introduced the landmark [Modern Slavery Act](#), giving law enforcement agencies the tools to tackle modern slavery, including maximum life sentences for perpetrators and enhanced protection for victims.

The Nationality and Borders Act 2022

The [Nationality and Borders Act 2022 \(NAB Act\)](#) puts victims of modern slavery rights into domestic law, providing clarity on their entitlement to a recovery period, and support, which will be tailored to their personal needs. This legislation also supports the early identification of possible victims, who have made asylum or human rights claims, through the one stop process, and is underpinned by the provision of legal aid.

The NAB Act (Section 65) and Appendix: [Temporary Permission to Stay for Victims of Human Trafficking or Slavery \(VTS\)](#) of the Immigration Rules also provide the legal framework within which a person who is a confirmed victim of modern slavery will be provided with permission to stay in the UK. Depending on whether they meet the suitability and eligibility criteria set out in VTS 2.1 and 3.1 -3.4 a recipient of victim status will be granted temporary permission to stay.

Immigration Rules

Appendix: [Temporary Permission to Stay for Victims of Human Trafficking or Slavery \(VTS\) of the Immigration Rules](#) sets out the criteria for granting permission to stay.

It may also be appropriate to consider other provisions in the [Immigration Rules Part 9: Grounds for refusal](#) when considering the cancellation of permission to stay. The following are of relevance to this instruction:

- paragraphs 2.1 and 7.1 covers the circumstances when a grant of stay is not suitable for confirmed victims and their dependent child
- paragraphs 3.1 to 3.4 and set out the eligibility requirements for granting permission to stay
- paragraphs 5.1 to 5.2 and 9.1 set out the periods and conditions of the stay
- paragraph 6.1 sets out the requirements for permission to stay as the dependent child under the age of 18 of a victim of trafficking or slavery in the UK
- paragraph 10.1 sets out when to permission to stay may be cancelled and refers to paragraphs 9.2.2, 9.3.2, 9.4.2, 9.4.5, 9.5.2, 9.7.3, 9.20.1, 9.20.2, 9.23.1 or 9.24.1 Part 9: Grounds for Refusal apply.

Considering temporary permission to stay

A person will not qualify for temporary permission to stay (VTS) solely because a Competent Authority has confirmed that they are a victim of modern slavery. To justify a grant of permission to stay a person must meet the eligibility and suitability requirements of [Appendix: Temporary Permission to Stay for Victims of Human Trafficking or Slavery \(VTS\)](#) (which are consistent with section 65 of the Nationality and Borders Act 2022 (NAB Act)) to the balance of probabilities. Section 65 (1) (b) of the NAB Act clarifies that a person will not qualify if they already have permission to stay in the UK in another category. You must only consider whether the individual qualifies for a grant of VTS: you are not required to do a holistic assessment of different types of leave that the individual may qualify for. A person must also be present in the UK on the date of a decision on their VTS. If an individual leaves the UK before a final decision has been made on their stay application, then you must treat their case as withdrawn and no further decision will be required on their case (see [Implicit Withdrawal](#)).

Where the case involves a child, you should always factor the best interests of the child into the consideration. VTS is a form of leave that is granted under the Immigration Rules in accordance with this policy. Applications for a confirmed victim to be given VTS cannot be made from outside the UK.

Any VTS decision made after 30 January 2023 will not need to have a risk of re-trafficking assessment carried out. You will not need to schedule fresh cases behind asylum decisions.

Permission to stay will be considered under this specific policy, as outlined in Section 65 of the NAB Act 2022 and Appendix: [Temporary Permission to Stay for Victims of Human Trafficking or Slavery \(VTS\)](#) of the Immigration Rules where the relevant Competent Authority has made a positive conclusive grounds decision that an individual is a victim of modern slavery, where an individual's KTT Discretionary Leave has ended or been curtailed, or where an application to extend current permission to stay is made. You will need to consider if stay is necessary in order to:

- assist the person in their recovery from any physical or psychological harm arising from the relevant exploitation - Section 65(4)(a) of the NAB Act makes it clear that permission to stay is not necessary for this purpose if the Secretary of State considers that the person's need for assistance is capable of being met in either a country of which the person is a national or citizen or a country which is one to which the person may be removed in accordance with an agreement between that country and the UK
- enable the person to seek compensation in respect of the relevant exploitation - Section 65(4)(b) of the NAB Act makes it clear that permission to stay is not necessary for this purpose if the Secretary of State considers that the person is capable of seeking compensation from outside the UK and it would be reasonable for the person to do so in the circumstances.
- enable the person to co-operate with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation.

These decisions should be made using the standard of proof that the requirements of the rules have been met to the balance of probabilities meaning that it is more likely than not that the individual meets the requirements.

Criminals or extremists should not normally benefit from permission to stay because it is a Home Office priority to remove them from the UK. However, when balancing criminality with recovery needs, you must obtain grade 6 sign off for a grant of VTS.

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References to 'Applicant'

A confirmed victim without permission to stay is considered automatically for permission to stay when served with a positive conclusive grounds decision or the victim has had a period of KTT Discretionary Leave expire or curtailed and has not already had a TPS consideration however those wanting to extend existing permission to stay are required to apply online for permission as a victim of modern slavery on the [FLR \(HRO\)](#) found on GOV.UK.

The only exception to this is for those who have been granted permission to stay to assist public authorities with investigations or prosecutions, where the public authorities can request that permission to stay is extended by contacting the competent authorities. Online applications for permission to extend permission to stay on this basis may be rejected and redirected to the competent authorities to process the decision.

References to ‘applicant’ throughout this document are to a person who is being considered under this route automatically and those who have applied to extend their existing permission to stay as a confirmed victim of modern slavery. Permission to stay (VTS) is considered on the information provided to the competent authorities on their request, or provided on the FLR (HRO) form, the supporting evidence that the victim submits and the results of other checks and enquiries about the victim.

Date of application

References to ‘date of application’ are to the date of the permission to stay decision, but if the person is applying to extend their permission to stay under this route, the date of application is the date on which they apply to extend their permission to stay under this route. Any Modern Slavery Discretionary Leave cases that the Competent Authorities have not yet decided where there is an outstanding asylum application are to now fall under this guidance.

Checks to be completed

In all cases, caseworkers must be satisfied that the applicant is who they claim to be. All applicants in-country are required to give their biometrics, unless the individual is in custody. For applicants 5 years of age and over, this will be a scan of their fingerprints and a digital photograph. Applicants who are under 5 are not required to provide their fingerprints but must still provide a photograph.

Where original documents, such as a passport or birth certificate, are not available to submit with an application, because they have been lost or they could not be issued due to there being no authority to issue in the country the victim has left, the onus will be on the applicant to provide a reasonable alternative and explanation of their absence, including any attempts to obtain them. It should be noted that these checks do not form part of a finding on nationality and caseworkers issuing permission to stay in an unevidenced nationality is not a nationality determination for any other Home Office decision.

Public Order Disqualification

The Home Office is responsible for maintaining effective immigration control. Section 65 (6) and (7) of the NAB Act provides that the Secretary of State is not required to grant permission to stay where the person is a threat to public order, or where the person has claimed to be a victim of modern slavery in bad faith. You must check at the point of assessing a victim’s suitability and eligibility for VTS whether consideration of a disqualification order has been raised or is ongoing: if an individual is disqualified under the specific criteria listed in Section 63 (3) to (7) of the

NAB Act VTS will not be considered, and any application must be rejected. If a disqualification order has been raised or is ongoing the VTS consideration must be put on hold to await the outcome of that decision.

Further information can be found in [Modern Slavery Statutory Guidance on Public Order Disqualification](#).

Related external links

For further guidance see [General grounds for refusal](#).

Validity of applications

This page tells caseworkers the validity requirements an applicant must meet when they apply to extend permission to stay as a victim of modern slavery or Modern Slavery Discretionary Leave.

Before considering any application, the caseworker must refer to the validity requirements for the temporary permission to stay as a victim of modern slavery route, contained in Appendix [Temporary Permission to Stay for Victims of Human Trafficking or Slavery, 1.1 to 1.3](#).

Validity requirements

The caseworker must check the applicant has confirmed victim status and has permission to stay as a victim. For the purpose of this requirement, this means an applicant must:

- have been served with a positive conclusive grounds decision (as defined by section 69 (1) of the Nationality and Borders Act 2022 (NAB Act))
- have been granted permission to stay as a victim of modern slavery, or as a child of a victim of modern slavery; or has Modern Slavery Discretionary Leave

In addition, the applicant must meet all of the following requirements:

- have applied on the specified form on the gov.uk website: [FLR \(HRO\)](#)
- have paid any required fee
- be in the UK on the date of application

Definition of a child

The requirements for permission to stay as a dependent child for the purpose of VTS are set out in Appendix: [Temporary Permission to Stay for Victims of Human Trafficking or Slavery, 6.1- 8](#). When considering applications under these Rules caseworkers must be satisfied that all the following criteria are met:

- the confirmed victim is the child's parent and is applying at the same time, or has permission to stay as a victim of modern slavery
- the child is under the age of 18 at the date of application – where a child reaches the age of 18 after such an application has been lodged, but before it has been decided, the caseworker must consider the applicant's eligibility under paragraph VTS 6.1 of the Immigration Rules as if the applicant was still under 18
- the child does not fall for refusal as a threat to public order (as defined in section 63(1)(a) of the NAB Act)
- any application for a child born in the UK must include a full British birth certificate and must be in the UK on the date of application.

When considering applications for children under this policy, the child must have their best interests taken as a primary consideration, as per [Article 3 of the Convention on the Rights of the Child](#) and Section 55 of the Borders, Citizenship and Immigration Act 2009 see [Every Child Matters](#) and [The Convention on the Rights of the Child](#) for further guidance.

UK born children

Any request received by the Home Office for permission to stay for a child of a person granted stay following an initial decision on an NRM claim must be considered in line with the guidance below:

Children included in the application before a decision is taken

Where the parent who is being considered or has applied for stay as a victim of modern slavery includes their UK born child in their application before a decision is taken, that child should be treated in the same way as any other dependent child.

Children not included in the initial claim or born to parents granted stay as victims.

Where no application has been made on behalf of a child born in the UK before a grant of stay, but the parent is granted stay as a victim, the caseworker should ask the parent to regularise the child's stay by requesting leave in line. Caseworkers must ensure that a copy of the full birth certificate is provided with any request for leave in line. If the parents do not do so, the caseworker will warn the parents that (although the child's presence in the UK is not unlawful) the child is not a British citizen, is subject to immigration control, and if seeking to re-enter the UK at a future

date will require leave to enter in accordance with the immigration policies in force at that time.

This is not a charged application, and no application form or fee is involved in this process.

Where only one parent has stay as a victim of modern slavery, the outcome will depend on whether the child's nationality is the same as that of the parent. If the child is of a different nationality, individual consideration must be given to the application.

Eligibility for permission to stay

This page tells you the eligibility requirements an applicant must meet to be granted permission to stay on the permission to stay as a victim of modern slavery route (VTS).

The requirements for granting permission to stay can be found in the eligibility requirements for the victim of modern slavery route, contained in Appendix: [Temporary Permission to Stay for Victims of Human Trafficking or Slavery, VTS 3.1 to 3.4.](#)

For victims who were granted a period of KTT Discretionary Leave, which has expired, but who still have an outstanding asylum claim - if they do not meet the following requirements for permission to stay, further considerations for discretionary leave under the KTT criteria may be made. See [Further leave section of the Discretionary Leave policy guidance.](#)

Assistance to recover from any physical or psychological harm

When deciding whether a grant of stay is necessary to assist recovery from physical or psychological harm as a victim of modern slavery, a victim-centred approach should be adopted. This does not mean that if the UK services are of a higher quality that stay should be granted to allow support to be provided in the UK, in many cases it will be more appropriate or lead to a better overall recovery outcome for victims to return to a place of familiarity where they can access wider support networks, such as their community, family or friends, and where they are familiar with the language and culture to continue their recovery journey. The aim in granting stay is not to assist in fulfilling recovery or to guarantee or achieve full recovery but to assist the victim with achieving recovery from psychological or physical needs that have arisen as a result of their exploitation.

Deciding whether VTS is to be granted to a confirmed victim due to their psychological / physical recovery needs arising from the relevant exploitation should be based on one or more of the following criteria being met:

- the individual has experienced physical harm arising from their exploitation of a type that results in physical trauma to the person
- the individual has experienced psychological harm arising from their exploitation that causes mental or emotional trauma or that causes behavioural change or physical symptoms that require psychological or psychiatric care
- the individual requires support either through the National Referral Mechanism or other services to assist in their physical or psychological recovery from their exploitation (this support does not need to accomplish recovery)

- the individual cannot access necessary support in their country of return or country of which they are a national or one to which they may be removed

To demonstrate their need for assistance with physical or psychological harm, a person may provide evidence from a registered healthcare professional, that they need or are receiving medical treatment. In these cases, consideration should be given to whether it is necessary for the person to stay in the UK to receive this treatment. You should consider the prognosis and stage of treatment and balance whether the treatment is essential in deciding whether a period of stay in the UK is necessary to assist, but not necessarily fulfil, recovery.

Whether the victim's treatment has started or not, you must consider if treatment is available in either a country of which the person is a national or citizen or a country which is one to which the person may be removed in accordance with an agreement between that country and the UK. There is no requirement to show that the applicant will receive comparable treatment (similar level of assistance with recovery) between what they are receiving in the UK and any treatment they could receive in the country of return. You should assess whether continuity of any treatment the individual has already started will not actively disrupt recovery and consider the prognosis and stage of treatment and balance whether the treatment is essential when deciding whether a period of stay in the UK is necessary to assist, but not fulfil, recovery. Stay will not be necessary if the need for assistance is capable of being met on return.

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Official - sensitive: end of section

Co-operation with a public authority

Where a person is conclusively found to be a victim of modern slavery (and has agreed to cooperate with public authorities or criminal proceedings in the UK to assist in investigations / prosecutions in relation to their exploitation), the victim, or the public authority, may request for leave to be granted, or extended, on this basis.

If the public authority make a request before a conclusive grounds decision is taken, they should be notified that no decision on whether to grant permission to stay under this policy will be taken before a conclusive grounds decision is made.

A confirmed victim must be cooperating on an investigation that is underway by the public authorities or with criminal proceedings within the UK which has been confirmed by the relevant public authority or by the Criminal Prosecution Service (CPS), the Crown Office and Procurator Fiscal Service (COPFS) or the Public Prosecution Service (PPS) in Northern Ireland (PPS).

You must also confirm that it is necessary for the victim to be physically present in the UK to co-operate with the investigation or prosecution. For instance, that the victim cannot provide testimony through means of video hearing, or their testimony cannot be recorded ahead of any hearing.

A confirmed victim applying for temporary permission to stay (VTS) on this basis should fully co-operate with the Home Office by providing all relevant information known to them to help with establishing which police officers are involved in the relevant criminal investigation.

A confirmed victim should provide one or more of the following non-exhaustive list of information to help the Home Office contact the relevant public authority:

- the name of the investigating public authority
- the name of any public authority they have visited to assist with criminal investigations in relation to their exploitation
- the name and contact details of the investigating authority staff or victim support officers such as their email address or telephone number
- any other information that may be relevant in helping the Home Office identify who the investigating authority might be

The relevant Competent Authority will take reasonable steps to verify the information provided as necessary. Reasonable steps include contacting the relevant public authority to seek their assistance in establishing who the investigating officers are.

If the relevant Competent Authority (despite having taken reasonable steps) is unable to establish that the victim is helping the police or other public authorities with enquiries and the individual does not provide further relevant information on request, the application will be refused unless the person can demonstrate they fall under other VTS criteria set out in this guidance.

Compensation claims

A grant of permission to stay to seek compensation from the perpetrator or perpetrators of their exploitation is not necessary where the person is capable of seeking compensation from outside the UK and it would be reasonable for them to do so in the circumstances. In many countries it will be relatively straightforward for compensation claims to be pursued remotely.

A victim of modern slavery may be considered for VTS whilst seeking compensation through the Courts. In addition to considering whether it would be reasonable for the victim to pursue a claim from outside the UK (see above), when determining whether leave is necessary for the purpose of enabling the victim to seek compensation, the consideration must include:

- the grounds of the claim must be in respect of the relevant exploitation
- the likelihood of the claim succeeding - in reference to the claims accepted or rejected by the relevant Competent Authority, this will be assessed by asking for relevant court documents / information on where the individual is in the process and the likely length of the proceedings: from that you should assess whether the individual needs VTS in the UK
- VTS for pursuing compensation can only be granted for a maximum of 12 months per application
- whether it is necessary for the person to be physically in the UK for the duration of their claim or can be returned for the hearing

In many countries it will be straightforward for compensation claims to be pursued remotely.

Period of stay and conditions

Length of stay

You will determine duration of stay by considering the individual facts of the case but stay should not normally be granted for more than 30 months at a time for assisting with psychological / physical recovery needs and / or assisting public authorities. A grant of temporary permission to stay (VTS) for the purposes of pursuing a compensation claim should be for the time considered necessary depending on the circumstances, but up to a maximum of 12 months at a time.

You must consider the following:

- length of the course of treatment and any estimated time to access necessary treatment if it hasn't started (for example if they are on a waiting list), this should be weighed against the availability of treatment in the country of origin or removal, and whether the treatment is essential to assist recovery.
- whether subsequent treatment is necessary that means a longer period of stay may be needed, up to 30 months maximum.
- stay should be given for a period to cover any necessary treatment plus a short period of stay to allow the victim to arrange their return after this has ended. If treatment does not have an end date, then the decision on the length of VTS to grant must be based on all available information.
- the period requested by public authorities or police to assist with investigations.
- the likely length of time the compensation claim will take to conclude.

Cases involving children

In cases involving children, the best interest of the child is regarded as a primary consideration (although not necessarily the only consideration) and one that can affect the duration of leave granted. See [Section 55 of the Borders, Citizenship and Immigration Act 2009](#), and article 14(2) of the Council of Europe Convention on Action against Trafficking in Human Beings. Where the child or their parent meets the criteria for a grant of VTS based on modern slavery, consideration should be given to factors such as the length of residence in the UK, where the child was born, and the strength of the evidence to suggest that the child's life would be adversely affected by a grant of temporary permission to stay rather than indefinite leave to remain (ILR). This does not alter the expectation that in most cases a period of up to 30 months VTS will be appropriate.

Longer periods of stay

There may be cases where a longer period of stay than that permitted under the VTS policy is considered appropriate, either because it is in the best interests of a child (and any countervailing considerations do not outweigh those best interests), or because there are other particularly exceptional compelling or compassionate

reasons to grant stay for a longer period. Permission to stay longer than the timeframe under this policy would be considered outside of these rules, please see the [Exceptional Circumstances Section in the guidance on Discretionary Leave](#).

In cases not involving children (as the main applicant or as dependants), there must be sufficient evidence to demonstrate that the individual circumstances of the case are not just unusual but can be distinguished to a high degree from other cases to the extent that it is necessary to deviate from the maximum grant of 30 months of VTS under this policy, and therefore grant leave under the [Exceptional Circumstances section of the Discretionary Leave policy](#).

Where you consider that it is in the best interests of the child or there are exceptional compelling or compassionate reasons outside of the policy of granting a maximum 30 months' VTS, the case must be referred to a senior caseworker for consideration. If appropriate, permission to stay would be considered outside of these rules; please see the [Exceptional Circumstances Section in the guidance on Discretionary Leave](#).

Parents of children granted extended leave must separately demonstrate that there are compassionate factors, in their own right, to warrant departure from the maximum grant of VTS under this policy. The onus is on the applicant to provide the evidence to support their case.

Requests for Indefinite Leave to Remain

There is no requirement to issue indefinite leave to remain (ILR) to confirmed victims of modern slavery, and the threshold for a grant of ILR outside the Immigration Rules (as ILR is an exception to the rules) is a high one. Victims of modern slavery granted VTS under this policy are not considered to be on a route to indefinite leave to remain in the UK, therefore ILR must be granted under another form of leave outside of this policy.

Recourse to public funds, work or study

Those granted VTS have recourse to public funds with no prohibition on work, and they are also able to enter higher education. In addition, a study condition applies to all adult temporary migrants granted VTS which prohibits studies in particular subjects without first obtaining an [Academic Technology Approval Scheme \(ATAS\) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office \(FCO\)](#).

Cancellation of Stay

The Home Office is responsible for maintaining effective immigration control.

Section 65 (7)(b) and 65 (8) of the Nationality and Borders Act 2022 (NAB Act) provides that stay may be cancelled where the person is a threat to public order, or the person has claimed to be a victim of slavery and human trafficking in bad faith or as prescribed in the rules (definition set out in [modern slavery guidance](#)). If after a grant of permission to stay it has been determined that a victim may be a threat to public order or a person who has claimed to be a victim of Human Trafficking or Slavery in bad faith (as per Section 63 of the NAB Act), cases should be referred for disqualification consideration to the competent authority who must consider the referral in line with the Modern Slavery Guidance on [Public Order Disqualification](#). If an individual is disqualified on the grounds of public order or bad faith, then permission to stay may be cancelled.

Official – sensitive: start of section

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

Official – sensitive: end of section

A number of the grounds for cancellation of permission in [Immigration Rules part 9: grounds for refusal](#) also apply to temporary permission to stay. You must consider all the relevant grounds for cancellation, including:

- the Secretary of State has personally directed that the person be excluded from the UK (paragraph 9.2.2)
- Non-conducive (paragraph 9.3.2)
- Criminality (paragraphs 9.4.2 and 9.4.5) - you must refer to the criminality guidance to assess whether any criminal offence meets the threshold for cancellation
- Exclusion from asylum or humanitarian protection (paragraph 9.5.2)

False representations were made, or false documents or false information submitted; or relevant facts were not disclosed (paragraph 9.7.3)

- there has been such a change of circumstances since permission was granted that it should be cancelled (paragraph 9.20.1)
- they cease to meet the requirements of the rules under which permission was granted (paragraph 9.23.1)
- the dependent of another person whose permission is, or has been, cancelled (paragraph 9.24.1)

Burden and standard of proof

The burden of proof is on the Home Office to show that grounds for cancellation apply, for example, that the person has ceased to meet the requirements of the Rules for which their permission was granted.

The standard of proof is the balance of probabilities (it is more likely than not). You must be able to show what the relevant grounds are and why, as a result, it is appropriate to cancel the person's permission to stay.

You should normally provide the person with an opportunity to say why their permission to stay should not be cancelled and, if you do so, you should include in your decision any representations made and your response to them. See [Suitability Section 5 guidance](#) for further details.

Cancelling Permission

If cancelling VTS, you may use the following wording in your decision letter:

'You were granted [permission to stay as [type] under Appendix: Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS) of the Immigration Rules.

Your permission has been cancelled because it is considered that you[AJ1] [insert reasoning]. Therefore, you have failed to comply with the conditions of your permission to stay, this is because [explain how/why they failed to comply].

I have carefully considered the circumstances of your case and have decided it is appropriate to cancel your permission because [reasons including what evidence has been considered].

Your [permission to enter/stay] is cancelled from [date].

Deciding the cancellation date

When cancelling a person's entry clearance or permission, you must decide when that cancellation should come into effect. It may not always be appropriate to cancel with immediate effect, so a date in the future may be used, for example where assisting Public Authorities with their investigations is due to end earlier than the original expected date.

See: Cancellation and curtailment of permission for further information.

Reconsideration

Reconsideration process

An individual may request one reconsideration of their permission to stay decision if they believe immigration rules or policies weren't followed correctly when the decision was made. The individual must be in the UK to make the request. An individual can also make one request for reconsideration if the application for temporary permission to stay (VTS) was successful, but they believe the type or the expiry date of the permission to stay is wrong.

An applicant who does not agree with the refusal of their VTS application can request one reconsideration of a refused grant of VTS and a reconsideration of the length of leave granted at any time within 14 days of a negative decision/ decision. The Competent Authorities still retain the right to reconsider decisions themselves (for example not requested by an individual). For decisions that have been made by the Competent Authorities this will be requested via an email to the decision-making unit. This information will be included on the notice of refusal letter for the applicant. For decisions that have been made by the Competent Authorities this will be requested via an email to the decision-making unit. This information will be included on the notice of refusal letter for the applicant.

Individuals can also request a reconsideration if their VTS application was refused, and they have new evidence. Each time new evidence is presented an individual is able to put in a reconsideration request.

When a request to reconsider a decision is received you must request more supporting evidence from the confirmed victim if this has not been provided.

You must notify the applicant of the outcome of the review. If the decision is changed the permission to stay should be processed as for a first-time grant of permission to stay, or an extension as appropriate.

Withdrawals

Explicit Withdraws

An individual may wish to withdraw their application for temporary permission to stay (VTS) and no longer be considered for this grant of permission to stay. This can be done after the current circumstance questionnaire is issued by the Competent Authorities or via withdrawing from the National Referral Mechanism (NRM) process as a whole. A proforma should be sent to the individual for them to sign and on receipt they will be withdrawn from the process.

Following explicit withdrawal of the victim of modern slavery claim, if the claimant does not otherwise have the legal right to remain in the UK, for example leave to remain on other grounds following a separate application or they have submitted an application and are waiting for a decision, they will be liable for removal. See Enforcement instructions and guidance for further information.

If an application fee is paid by the individual and the application for VTS is withdrawn, the individual may not be entitled to a refund. For further details see Immigration and nationality refunds policy caseworker guidance.

When the claim is withdrawn all other issues relating to that claim should be considered as withdrawn and not be considered.

Implicit withdrawals

If an individual who does not have VTS leaves the UK before a final decision has been made on their stay application and does not have written permission to do so, then you must treat their case as withdrawn and no further decision will be required on their case.

If the individual leaves the UK (in the Common Travel Area (CTA) and out of it) without permission before being granted stay they should no longer be eligible to be considered for a grant of VTS. If the individual needs to travel within the CTA before being granted VTS they must obtain written permission to still be eligible for a grant of VTS upon their return, or their consideration for leave will be withdrawn.

Further Grants of VTS

Application process and fees

There is no fee payable for an initial consideration of temporary permission to stay (VTS) where a victim of modern slavery has a positive conclusive grounds decision from the competent authorities, and no fee payable in respect of a further grant of leave where the individual:

- a) has not accrued in total thirty months of granted VTS temporary permission to stay
- b) was not initially granted thirty months of VTS, and the application is to allow the individual to have a total of thirty months of VTS.

A person will need to fill in an application form for consideration of an extension of their existing permission to stay on the basis of modern slavery and they are relying on criteria relating to recovery from physical or psychological harm arising from their exploitation or pursuing compensation. The form they should complete is the [form FLR\(HRO\)](#).

Where a person has agreed to assist with a public authority in connection with an investigation or criminal proceedings in respect of their exploitation, either the victim may request, or the police may make a request for them, to be granted an extension to their stay on this basis.

Extensions for physical and psychological recovery or to seek compensation

VTS will be granted for a period not exceeding 30 months (for each application) when the Secretary of State considers such permission is necessary for the purposes of psychological / physical recovery and assisting public authorities, and for a period not exceeding 12 months (for each application) where the Secretary of State considers such permission is necessary for the purposes of pursuing compensation.

If a person has been granted VTS under this policy and wishes to extend it for a further period, they must make an application to the Home Office (form FLR(HRO)) before their existing leave expires. Further periods may be granted where the individual continues to meet both the suitability and eligibility criteria set out in section 65 (2) of the Nationality and Borders Act.

See [Assistance to recover](#), [Compensation](#) and [Length of stay](#).

Extensions for assisting public authorities

If a person has been granted VTS to assist with an investigation or prosecution and the public authorities still require the victim to be present in the UK to progress their actions, a further period of VTS can be granted. Before the end of the period of stay the competent authority will attempt to contact the relevant police contact to confirm if further stay is necessary, alternatively the public authorities can also contact the competent authority directly to request an extension of stay. If an application for an extension on this basis comes through the FLR HRO form the decisionmaker must reject it and redirect the individual to the inbox for the SCA to make enquires.

Other forms of stay

A person granted VTS who wants to apply for permission to stay on any other basis, for example family life, must apply on the relevant form. See [GOV.UK](https://www.gov.uk), for current forms and any fees that may apply.

When to apply for an extension

An individual should apply for further grant of VTS on the appropriate application form, no more than 28 days before their existing permission to stay is due to expire if they wish to remain in the UK. The application must also be accompanied by the correct fee in line with the requirements of the Immigration and Nationality Fees Regulations. Where at the date of application the applicant has extant leave as a victim or dependent granted under this Appendix, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted (which may therefore exceed 30 months).

Out of time applications (those submitted after the extant period of VTS has expired) must still be considered. The fact that the application was late should not be a reason to refuse further permission to stay where the individual otherwise qualifies under the policy.

The application process for making a fee waiver request

Requests for a fee waiver must be made through the online waiver request form. The FLR(HRO) form can also be accessed online and completed at the same time. This online form can be exited and stored until the outcome of the fee waiver request.

When the outcome of the fee waiver request has been received, this online permission to stay form can be retrieved and submitted. Requests for a fee waiver made by those who have current permission to stay, and whose permission expires whilst their fee waiver request is being considered, will be allowed 10 working days from the actual date of their fee waiver decision to submit an application for permission to stay or further permission to stay. After this, their leave will be treated as expired.

If an individual has legal stay or has submitted the fee waiver request before their permission has expired, they are not required to apply for permission to stay until after the outcome of their fee waiver application. Requests for a fee waiver made by those without current permission to stay mean that the applicant will not be able to benefit from the 10 working days period allowed above.

It is important to note that a fee waiver application is not an immigration decision, which means the outcome of a fee waiver application should not be taken as an indicator on the outcome of a subsequent immigration application. It is also not a barrier to removal.

Online applicants granted a fee waiver will also receive a token to use when completing their application allowing them to proceed without paying the fee. Online applicants without a fee waiver will have to submit the relevant fee in order to resume with their application. Tokens can only be used in relation to the named individual for whom the waiver request was granted – otherwise the token will be rejected as invalid.

Fee Waiver Consideration

The sole consideration on whether someone is eligible for a fee waiver is an affordability test to assess whether the individual has credibly demonstrated that they cannot afford the fee. This applies when the applicant does not have sufficient funds at their disposal, after meeting their essential living needs, to pay the fee. Fee waivers should be granted if the applicant has credibly demonstrated that they meet the affordability test or are destitute or at imminent risk of destitution.

The need to safeguard and promote the welfare of a child in the UK should be a primary consideration in deciding any claim. This means careful consideration needs to be given as to whether the applicant is unable to meet the essential further needs of a child and whether being required to pay the fee would deprive the child of having these needs met.

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