Home Office

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

Version 11.0

The policy at section ‘Reconsideration cohorts’ of ‘Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery (v10.0)’ with regards to individuals intended for removal to an ECAT and ECHR signatory country is no longer being applied.

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About this guidance

This guidance caseworkers about temporary permission to stay for 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.

Considerations made after the commencement of the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS) on 30 January 2023 until 15 January 2025 were made under version 4.0 of this guidance. From 16 January 2025 all considerations and reconsiderations, including decisions made under Modern Slavery Discretionary Leave are made under version 5.0 (and later) of this guidance.

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 Victim 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 **11.0**
- published for Home Office staff on **18 September 2026**

Changes from last version of this guidance

Addition of guidance on the application of 'Reconsideration'.

Related content
Contents

Glossary

In this guidance:

‘competent authority’ is one of the competent authorities making decisions regarding modern slavery cases; in the UK this is the single competent authority (SCA) and the Immigration Enforcement competent authority (IECA).

‘country of return’ is a country or territory, as specified in section 65(5) of the Nationality and Borders Act 2022 (NAB Act) which the person is a national or citizen of, or one to which the person may be removed in accordance with an agreement between that country or territory and the UK.

‘Conclusive Grounds decision’ is a decision taken by a competent authority as to whether, on the balance of probabilities, there are sufficient grounds to decide that the individual being considered is a victim of modern slavery (human trafficking or slavery, servitude, or forced or compulsory labour).

‘First Responder’ means a member at a First Responder Organisation who has a responsibility for discharging one or more of the functions of the First Responder Organisation and who has been trained to discharge those functions.

‘First Responder Organisation (‘FRO’)’ means an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism. A full list of First Responders is available in the National Referral Mechanism guidance: adult (England and Wales). There are different cohorts of First Responders in Scotland and Northern Ireland.

‘Immigration Enforcement Competent Authority (‘IECA’)’ is one of the competent authorities that is responsible for making Reasonable Grounds decisions and Conclusive Grounds decisions regarding individuals in a particular group.

‘modern slavery’ unless otherwise specified, refers to both human trafficking and slavery, servitude, and forced or compulsory labour.

‘Modern Slavery Victim Care Contract’ refers to the Home Office contract to provide care to adult victims of modern slavery in England and Wales.

‘National Referral Mechanism (‘NRM’)’ refers to the UK’s framework for identifying and supporting victims of modern slavery. It is one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim.

‘Nationality and Borders Act 2022’ is an act to make provision about nationality, asylum and immigration; to make provision about victims of slavery or human trafficking; to provide a power for Tribunals to charge participants where their behaviour has wasted the Tribunal’s resources; and for connected purposes.

‘threat to public order’ includes in particular, where:

- the person has been convicted of a terrorist offence; the person has been convicted of any other offence listed in Schedule 4 to the Modern Slavery Act 2015 anywhere in the United Kingdom, or of a corresponding offence
- the person is subject to a TPIM notice (within the meaning given by section 2 of the Terrorism Prevention and Investigation Measures Act 2011)
- there are reasonable grounds to suspect that the person is or has been involved in terrorism-related activity within the meaning given by section 4 of that act (whether or not the terrorism-related activity is attributable to the person being, or having been, a victim of slavery or human trafficking)
- the person is subject to a notice under Part 2 of the National Security Act 2023
- there are reasonable grounds to suspect that the person is or has been involved in foreign power threat activity within the meaning given by section 33 of the National Security Act 2023
- the person is subject to a temporary exclusion order imposed under section 2 of the Counter-Terrorism and Security Act 2015
- the person is a foreign criminal within the meaning given by section 32(1) of the UK Borders Act 2007 (automatic deportation for foreign criminals)
- the Secretary of State has deemed the individual's deportation as conducive to the public good
- the Secretary of State has made an order in relation to the person under section 40(2) of the British Nationality Act 1981 (order depriving person of citizenship status where to do so is conducive to the public good)
- the Refugee Convention does not apply to the person by virtue of Article 1(F) of that Convention (serious criminals); the person otherwise poses a risk to the national security of the United Kingdom

This list is indicative rather than exhaustive

'public authority' means any public authority within the meaning of section 6 of the Human Rights Act 1998.

'public order disqualification' applies when the competent authority is satisfied that the individual is a threat to public order and that disqualification from National Referral Mechanism (NRM) support is appropriate considering the individual recovery needs of the person.

'Reasonable Grounds decision' is a decision taken by the competent authorities as to whether the decision maker agrees there are reasonable grounds to believe, based on all available general and specific evidence but falling short of conclusive proof, that a person is a victim of modern slavery.

'relevant exploitation' means the conduct resulting in the positive conclusive grounds decision.

'Single Competent Authority (SCA)' refers to one of the UK's decision-making bodies that is responsible for making Reasonable Grounds decisions and Conclusive Grounds decisions regarding individuals.

Related content
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Introduction

Purpose of guidance

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 and 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. Adults who are referred into the National Referral Mechanism (NRM) can receive support if they consent to it. In England and Wales, support for adult victims is available via the Modern Slavery Victim Care Contact (MSVCC) but is also provided by other services and organisations such as the NHS and local authorities. Child victims are supported by local authorities. Northern Ireland and Scotland have separate arrangements for supporting victims. 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 if their treatment is not available and not likely to be accessible to them in their country of return
- 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) from 30 January 2023 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.

From 30 January 2023 the Secretary of State has granted VTS in the circumstances described in Article 14(1)(b) as mirrored in section 65(2)(c) of the Nationality and Borders Act 2022 (NAB Act). The Secretary of State has also granted VTS in compliance with section 65 of the NAB Act. This is not because the Secretary of State considers that, other than section 65(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.

Application in respect of children

The duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard to the need to safeguard and promote the welfare of children in the UK means that consideration of the child's best interests is a primary, but not the only, consideration in immigration cases. This guidance and the Immigration Rules it covers, form part of the arrangements for ensuring that this duty is discharged.

The 'Definition of a child' section of this guidance establishes the definition of children and dependent children for decision-making under this guidance. You must not apply the actions set out in this instruction either to children or to adults with dependent children without having due regard to section 55. The Home Office instruction Every child matters: statutory guidance sets out the important principles to take into account in all relevant activities. Our statutory duty to children includes the need to demonstrate:

- fair treatment which meets the same standard a British child would receive the child's interests being made a primary, although not the only, consideration
- no discrimination of any kind
- applications are dealt with in a timely fashion
- identification of those that might be at risk from harm

You must carefully consider all of the information and evidence provided as to how an applicant who is a child, or how an applicant's dependent child in the UK will be affected by a decision and this must be addressed when assessing whether an applicant meets the requirements of the rules. The decision notice or letter must demonstrate that all relevant information and evidence provided about the best interests of a child in the UK have been considered. You must carefully assess the quality of any evidence provided and assess if the best interests of the child could be met in the country of return or a safe third country. Verifiable documentary evidence from reputable and recognised sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests.

Related content
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Relevant legislation

International obligations

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

ECAT 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 has fulfilled 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 section 65(2)(c) of Nationality and Borders Act 2022 (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 section 65(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 section 65(2)(c) of the NAB Act are not intended to fulfil Article 14(1)(a) but is a matter of domestic policy only as set out in section 65 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 (ECHR) provides a framework of rights and fundamental freedoms of individuals in European signatory states including the

UK. The ECHR has been incorporated into UK law through the Human Rights Act 1998.

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 the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery also provide the legal framework within which a person who is a confirmed victim of modern slavery will be considered for permission to stay in the UK. If they meet the suitability and eligibility criteria set out in VTS 2.1 and 2.2 and 3.1 to 3.4 a recipient of victim status will be granted temporary permission to stay.

Immigration Rules

The Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery sets out the criteria for granting permission to stay.

It may also be appropriate to consider other provisions in the Immigration Rules Suitability Requirements when considering the cancellation of permission to stay. The following are of relevance to this instruction:

- paragraphs 2.1, 2.2 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 set out the eligibility requirements for granting permission to stay
- paragraphs 5.1, 5.2, 9.1 and 9.2 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 (a) sets out when permission to stay may be cancelled and refers to the definitions of threat to public order and bad faith as per Section 63 of the NAB Act

- paragraph 10.1 (b) sets out when permission to stay may be cancelled and refers to paragraphs SUI 2.2, SUI 3.2, SUI 4.2, SUI 5.2, SUI 5.5, SUI 10.2, SUI 25.1, SUI 25.2, SUI 29.1 and SUI 30.1 of the Immigration Rules Part Suitability

Related content
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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 validity, eligibility and suitability requirements of the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery (which are consistent with section 65 of the Nationality and Borders (NAB) Act) on 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. If a victim has an outstanding asylum claim and the victim is not eligible for VTS under section 65(2)(a) of the NAB Act, you must give reasons to why the application has been refused.

Permission to stay will be considered under this specific policy, as outlined in section 65 of the NAB Act 2022 and the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery 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 to which the person may be removed in accordance with an agreement between that country and the UK - the consideration of whether this need for assistance is capable of being met comprises a two-part assessment of both the availability and the likely accessibility of treatment to the individual
- 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 on 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.

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

References to ‘Applicant’

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.

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 VTS consideration, however those wanting to extend existing permission to stay are required to apply either via email or online for permission as a victim of modern slavery on the form FLR (HRO), depending on the basis of their application (see Application process and fees).

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 now fall under this guidance.

Checks to be completed

In all cases, you 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 Secretary of State for the Home Department 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 (limited leave to remain) where the Secretary of State is satisfied that the person is a threat to public order, or where the person has claimed to be a victim of modern slavery or human trafficking in bad faith. You must check at the point of assessing a victim’s suitability and eligibility for VTS whether consideration of a Public Order Disqualification has been raised or is ongoing: if an individual is disqualified on grounds of public order or bad faith VTS will not be considered, and any application must be rejected. If a Public Order Disqualification has been raised or is ongoing the VTS consideration must be put on hold to await the outcome of that decision. If a Public Order Disqualification has not been requested but you consider it may apply in the case in question, you should refer to the relevant team to enable a request to be made. Should the Public Order Disqualification be applied after temporary permission to stay based on modern slavery has been granted, that permission to stay must be cancelled.

For further information see: Modern Slavery Statutory Guidance on Public Order Disqualification.

Related content
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Validity of applications

This page tells you 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, you must refer to the validity requirements for the temporary permission to stay as a victim of modern slavery route, contained in the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery, 1.1 to 1.3.

Validity requirements

You 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 (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 have 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) or have applied directly to the relevant competent authority
- have paid any required fee
- be in the UK on the date of application

Related content
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Definition of a child

The requirements for permission to stay as a dependent child for the purpose of temporary permission to stay (VTS) are set out in the Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery, 6.1- 8. When considering applications under these rules you 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, you 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
- 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, for further guidance see:

- Every Child Matters
- The Convention on the Rights of the Child

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, you should ask the parent to regularise the child's stay by requesting leave in line. You 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, you 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.

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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.

The requirements for granting permission to stay can be found in the eligibility requirements for the victim of modern slavery route, contained in the Immigration Rules 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 the '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 to assist the victim in their recovery from psychological or physical harm that has arisen as a result of their exploitation, this support does not need to accomplish recovery.

Considering whether temporary permission to stay (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, or 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

Making an assessment of whether treatment is necessary to assist an individual in their recovery from physical or psychological harm

To demonstrate their need for assistance with physical or psychological harm, a person should 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 start, or continue 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. The person should provide evidence from a medical professional which clearly demonstrates how the treatment is linked to the person's recovery arising from the relevant exploitation.

Making an assessment of whether treatment is available in the country of return

If you find that treatment is necessary to assist an individual in their recovery from physical or psychological harm arising from the relevant exploitation, you must then consider if this treatment is available in their country of return.

In determining availability of treatment in the country of return, Competent Authorities must consult the relevant Country policy and information.

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 their country of return.

You should assess whether the individual has already started treatment and if so, whether discontinuing that treatment would actively disrupt recovery. You should 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.

Decision makers should consider whether there are any existing safeguarding risks to the individual that may impact or disrupt recovery if the victim's treatment has already started. Competent Authorities should follow the relevant safeguarding policies and procedures and identify if there are any acute safeguarding risks present that would impact the victim's assistance with recovery. Stay will not be necessary if the need for assistance is capable of being met on return.

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Making an assessment of whether treatment is likely to be accessible on return

This section sets out the process for a decision maker to determine, whether the treatment necessary to support recovery is more likely than not to be accessible to a victim in the country of return.

When making an assessment on whether treatment is more likely than not to be accessible on return, Competent Authorities should consider the 'Accessibility of Treatment Decision Making Framework'.

The Competent Authorities must consider on the balance of probabilities, and all available evidence and information, whether it is more likely than not that the victim's required treatment is accessible, in addition to being available for the victim's relevant country of return.

As a guide for Competent Authorities the decision-making framework is set out below. This is a non-exhaustive list of factors designed to assist decision makers in an all-round assessment of the likelihood of accessibility of treatment. Decision makers may consider other relevant and available information on a case-by-case basis including, but not limited to the victim's Current Circumstances Questionnaire and Country Policy Information Notices. Decision makers should determine the reliability and credibility of this information.

Decision makers should exercise their discretion when making an assessment on the likelihood of accessibility of treatment within the country of return, with decisions made on a case-by-case basis. If information is unavailable for any of the factors set out in the framework, then this should not be considered to count in favour of or against any final decision, except where explicitly expressed in the framework.

Decision makers should also have due regard to the victim's protected characteristics if there is any evidence that the country of return's culture, economic and political system would impact the likelihood of their being able to access treatment upon return.

Decision makers should assume that individuals will be able to cover the costs associated with the available treatment in the country of return unless evidence to

the contrary is provided by the individual or is ascertained as part of the wider accessibility assessment.

If the decision maker makes the assessment that treatment is more likely than not to be accessible to the victim in the country of return, in addition to also being available, then treatment is likely to be capable of being met on return and no further consideration of VTS needs to be made.

If however, the decision maker reaches an assessment that treatment is not likely to be accessible to the victim in the country of return, then treatment is less likely to be capable of being met on return. Decision makers should then look to process a grant of VTS that is appropriate and aligned with the victim's assistance to recover needs.

The Accessibility of Treatment Decision-Making Framework

Rating	Factor	Detail
More likely to be considered that treatment is accessible	Employment potential: Are they likely to be able to support themselves financially through employment? And therefore, pay for treatment over time.	Victim has significant employment history over the past 10 years (from both the UK and / or other countries). Victim may have higher education or trade qualifications (from both the UK and / or other countries). Victim is able to work (taking into account health, age and effect of trafficking).
More likely to be considered that treatment is accessible	Support networks Do they have a support network they can rely on?	Victim has existing connections in the country of return for example, family or friends.
More likely to be considered that treatment is accessible	Transport: Can the RV get to their treatment within a reasonable amount of time for a reasonable cost?	There is public transport between the area the victim is likely to live and where treatment is available. Public transport is sufficiently frequent. Travel to treatment takes a reasonable amount of time whether by public transport or not.

Rating	Factor	Detail
More likely to be considered that treatment is accessible	Individual Health Can the individual avail themselves of the transport?	The victim has no health issues which would restrict their ability to travel or use of public transport.
More likely to be considered that treatment is accessible	Course of Treatment	The relevant treatment in the country of return is available in multiple locations in country and the country has a comprehensive healthcare system (primary, secondary and tertiary healthcare)

Rating	Factor	Detail
Less likely to be considered that treatment is accessible	Employment potential: Are they likely to be able to support themselves financially through employment? And therefore, pay for treatment over time.	Victim has little or no employment history in over the past 10 years. Victim has little or no higher education or trade qualifications. Victim is unlikely to be able to maintain or re-engage in employment (taking into account health, age and effect of trafficking).
Less likely to be considered that treatment is accessible	Support networks: Do they have a support network they can rely on? For example, for assistance to travel.	Victim has no existing network in the country of return.
Less likely to be considered that treatment is accessible	Transport: Can the RV get to their treatment within a reasonable amount of time for a reasonable cost?	There is no public transport between the area where victim lives and where the relevant treatment is available. Public transport is infrequent. Travel to treatment takes an unreasonable amount of time whether by both public transport or not.

Rating	Factor	Detail
Less likely to be considered that treatment is accessible	Individual Health: Can the individual avail themselves of the transport?	Victim has health issues which would restrict their ability to travel to treatment. Victim's health issues are not sufficiently accommodated in the country of return's public transport system for example, no wheelchair access for buses
Less likely to be considered that treatment is accessible	Course of Treatment	The relevant treatment is only available at one centre and healthcare system is not fully comprehensive (country may not have secondary or tertiary healthcare). The relevant treatment is known to be oversubscribed in the country of return.

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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 makes 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.

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, 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 across all applications
- 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.

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Period of stay and conditions

Length of stay

You will determine duration of stay by considering the individual facts of the case but temporary permission to stay (VTS) should not be granted for more than **30 months** (across all applications) for assisting with psychological / physical recovery needs and / or assisting public authorities. (See: 'Further grants of VTS'). A grant of temporary permission to stay 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** (across all applications).

You must consider the following:

Stay for co-operation with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation:

- the period requested by public authorities or police to assist with investigations

Stay to seek compensation in respect of the relevant exploitation:

- the likely length of time the compensation claim will take to conclude

Stay to assist recovery from physical or psychological harm arising from the relevant exploitation:

- 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 and likely accessibility of treatment in the country of return, 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 (across all applications)
- 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

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 (ECAT). 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 (across all applications) 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 permission to stay for a longer period. Permission to stay longer than the timeframe under this policy, including for individuals requesting an extension of VTS who have already received the maximum of 30 months, would be considered outside of these rules under the Discretionary Leave policy.

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 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 under the Discretionary Leave policy.

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).

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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 (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 relevant 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.

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A number of the grounds for cancellation of permission in Immigration Rules Part Suitability also apply to temporary permission to stay. You must also cancel VTS on the following relevant grounds for cancellation:

- the Secretary of State has personally directed that the person be excluded from the UK (paragraph 2.2)
- non-conducive (paragraph 3.2)
- criminality (paragraphs 5.2 and 5.5) - 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 4.2)
- false representations were made, or false documents or false information submitted; or relevant facts were not disclosed (paragraph 10.2)
- there has been such a change of circumstances since permission was granted that it should be cancelled (paragraph 25.1)
- they cease to meet the requirements of the rules under which permission was granted (paragraph 29.1)

- the dependent of another person whose permission is, or has been, cancelled (paragraph 30.1)

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. For further details see Suitability Section 5 guidance.

Cancelling permission

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

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

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Reconsideration

Consideration of the ‘Reconsideration’ policy

If an individual with a Temporary Permission to Stay decision is not eligible for removal, the following policy does not apply and ‘reconsideration process’ and ‘Requesting an extension to provide new evidence (the ‘reconsiderations policy’) will continue to apply.

If an individual with a Temporary Permission to Stay decision is eligible for removal from the UK, to any country, the following policy will apply to determine whether the individual falls to have the Reconsiderations Policy applied or disapplied.

Deciding to apply or disapply the reconsideration policy

If an individual who is eligible for removal from the UK (to any country) is served with a Temporary Permission to Stay decision, the relevant Competent Authority will conduct an assessment of their individual circumstances, in line with this policy, to determine whether the Reconsiderations Policy should apply in their case.

Factors that the relevant Competent Authority should consider when determining whether the reconsiderations policy should be applied or disapplied to an individual include:

- the timing of the NRM claim, including whether indicators were raised after removal action had already commenced
- whether the individual had previous opportunities to disclose indicators of modern slavery or trafficking
- whether the individual had access to First Responders and legal advice before making the claim
- any mitigation put forward by the individual or their representative, including reasons why indicators were not disclosed earlier or why reconsideration should still be allowed to proceed

The above is a non-exhaustive list of factors. This will form part of an overarching assessment conducted by the Competent Authority, based on the particular circumstances of the case.

Details of the decision and how it was reached must be recorded. Individuals will be informed of whether the individual will have the reconsideration policy apply or not in their case in a decision letter.

Where the reconsideration policy applies

If the Competent Authority finds that the reconsideration policy applies to an individual, they must provide a timeframe by which a reconsideration request must be made, in the decision letter. The timeframe will be within 30 calendar days of receiving the decision letter, or prior to their scheduled date of removal, whichever date is sooner. If an individual is informed they will be removed prior to the 30 days elapsing, any request for reconsideration should be made ahead of the scheduled removal. Individuals will not receive a further notification informing them that the deadline for making a reconsideration request has changed to the updated date of removal.

Where the reconsiderations policy is disapplied

If the individual receives a decision letter confirming the reconsiderations policy has been disapplied but they have any additional information about their needs as a victim of modern slavery or relating to an ongoing investigation / prosecution of their exploiters or have concerns that the Temporary Permission to Stay decision has not been made in accordance with published guidance, then this must be provided to the Competent Authority as soon as possible, and in advance of any scheduled removal of the individual, where relevant, in order for the Competent Authority to consider whether the information provided requires further consideration.

Reconsideration process

An individual may request one reconsideration of their permission to stay decision, within 30 calendar days of the decision if:

- the individual believes that Immigration rules or policies weren't followed correctly when the decision was made
- the application for temporary permission to stay (VTS) was successful but the individual believes expiry date or the purpose for granting temporary permission to stay is wrong
- the individual is able to provide new evidence relevant to their application, which was not available at the point the original consideration

The individual must be in the UK to make the request. 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.

Requesting an extension to provide new evidence

If an individual makes a reconsideration request within 30 calendar days of the VTS decision on the basis of new information but is unable to provide the new information with the request, they should contact the Competent Authority as early as possible and request a reconsideration request extension. The individual should provide their reasons for not being able to meet the 30 calendar days deadline (with evidence

which supports their reasons) and a timeframe by which they expect to have obtained the relevant information.

Extensions to this timeframe will only be granted in exceptional circumstances and it will be at the discretion of the Competent Authority to determine if exceptional circumstances apply. Circumstances are only likely to be deemed exceptional if an individual is unable to obtain or provide information to the Competent Authority for reasons beyond their control.

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.

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Withdrawals

Explicit withdrawals

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. For further information see: Enforcement instructions and guidance.

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 a decision on VTS is made 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.

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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:

- has not accrued in total 30 months of granted VTS
- was not initially granted 30 months of VTS, and the application is to allow the individual to have a total of 30 months of VTS

Where a person is requesting an extension of their existing VTS, if they are relying on criteria relating to recovery from physical or psychological harm, or pursuing compensation they must fill in the application form FLR (HRO).

Where a person, or the police on their behalf, is requesting an extension of their existing VTS, if they are relying solely on criteria relating to assisting a public authority in connection with an investigation or criminal proceedings, they must apply directly to the relevant Competent Authority. To do so they must email nrm@modernslavery.gov.uk. Where a person is requesting an extension on this basis they should confirm in their email the contact details for the public authority they are assisting to enable the Competent Authority to make the relevant enquiries. Where a public authority is requesting an extension on this basis they should include the following information:

- confirmation that the individual is continuing to assist with an investigation or criminal proceedings
- confirmation that the individual is needed in the UK to continue to provide assistance
- detail of how long the individual is expected to be required to remain in the UK to do so

If a person is requesting an extension of their existing VTS on the basis of either or both of the following: criteria relating to recovery from physical or psychological harm and pursuing compensation, in addition to assisting a public authority in connection with an investigation or criminal proceedings, they must fill in the application form FLR (HRO).

Extensions for physical and psychological recovery or to seek compensation

VTS will be granted for a period not exceeding 30 months in total (across all applications) when the Secretary of State considers such permission is necessary for the purposes of psychological / physical recovery, and for a period not exceeding 12 months in total (across all applications) 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 (on form FLR(HRO)) before their existing leave expires. Further periods may be granted where the individual continues to meet the validity, suitability and eligibility criteria set out in section 65 of the Nationality and Borders (NAB) Act.

See:

- Assistance to recover
- Compensation
- Length of stay

Extensions for assisting public authorities

VTS will be granted for a period not exceeding 30 months in total (across all applications) when the Secretary of State considers such permission is necessary for the purposes of assisting public authorities. If a person has been granted VTS to co-operate with an investigation or criminal proceedings and the public authorities still require the victim to be present in the UK to progress their actions, a further period of VTS may be granted where the individual continues to meet the validity, suitability and eligibility criteria set out in section 65 of the NAB Act. 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. The individual who has been granted VTS may also contact the competent authority directly to request an extension of stay.

If an application for an extension solely on this basis comes through the FLR (HRO) form you must reject it and redirect the individual to contact the relevant competent authority 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. For current forms and any fees that may apply, see GOV.UK.

Individuals who do not qualify for VTS, such as spouses or adult dependants who are not victims of human trafficking or slavery, may be eligible for another form of leave. See:

- Immigration Rules
- Leave Outside the Rules guidance

When to apply for an extension

An individual should apply for a further grant of VTS by the appropriate application method, 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. For an extension of VTS and any associated fee waiver request, individuals should apply under the 'Temporary Permission to Stay as a Victim of Human Trafficking or Slavery' route. 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 if the applicant has credibly demonstrated that they are destitute or at imminent risk of destitution. 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 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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Fee waiver: Human Rights-based and other specified applications