

FACTSHEET 4: TEMPORARY PERMISSION TO STAY FOR VICTIMS OF HUMAN TRAFFICKING AND SLAVERY AND LEAVE TO REMAIN

If an overseas domestic worker is conclusively identified as a victim of trafficking and/or modern slavery (receives a positive Conclusive Grounds decision), they may be granted Temporary Permission to Stay for Victim of Human Trafficking and Slavery or Leave to Remain.

TEMPORARY PERMISSION TO STAY FOR VICTIMS OF HUMAN TRAFFICKING AND SLAVERY

The Single Competent Authority (SCA) will consider whether to issue a grant of **Temporary Permission to Stay for Victims of Human Trafficking or Slavery** in the UK.

Sometimes this decision comes shortly after a positive conclusive grounds' decision, however at times there may be a wait.

Victims of trafficking who have also claimed asylum should NOT have to wait for the outcome of their asylum case before the SCA makes a decision whether to grant Temporary Permission to Stay for Victim of Human Trafficking and Slavery or Leave to Remain.

If you receive a decision from the SCA that says they have decided to wait for the outcome of your asylum claim before making a decision whether to grant Temporary Permission to Stay for Victim of Human Trafficking and Slavery or Leave to Remain, you should discuss this with your lawyer.

An individual will be eligible for a grant of Temporary Permission to Stay for Victim of Human Trafficking and Slavery¹ or Leave to Remain in the following circumstances:

- For the purpose of assisting the person in their recovery from any physical or psychological harm arising from the relevant exploitation.
- For the purpose of enabling the person to seek compensation in respect of the relevant exploitation
- For the purpose of enabling the person to co-operate with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation

In order to decide whether you fall within one of these categories, you need to provide the SCA information or evidence. See **FACTSHEET 2: LEGAL REPRESENTATION**, which describes the types of evidence which you may want to submit.

LEAVE TO REMAIN AS A DOMESTIC WORKER WHO HAS BEEN THE VICTIM OF MODERN SLAVERY

A victim who originally entered the UK on a domestic worker visa or to work for a diplomat as their domestic worker, but does not qualify for **Temporary Permission to Stay for Victims of Human Trafficking or Slavery**, may want to apply for **leave to remain as a domestic worker who has been the**

¹ [Immigration Rules - Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules-immigration-rules-appendix-temporary-permission-to-stay-for-victims-of-human-trafficking-or-slavery)

victim of modern slavery. This is provided for by section 53 of the Modern Slavery Act 2015 and is set out in the Immigration Rules Appendix Domestic Worker who is a Victim of Modern Slavery.²

Application for Leave to Remain in the UK as an overseas domestic worker who has been the victim of slavery or human trafficking

If an individual has received a positive conclusive grounds' decision, but has not been granted Temporary Permission to Stay for Victim of Human Trafficking and Slavery, they may be eligible for a grant of Leave to Remain.

A person who last entered the UK on an Overseas Domestic Worker Visa can apply to the Home Office for a visa for up to 2 years to remain in the UK as a domestic worker. There is no fee for this application.

The application needs to be made to the Home Office within 28 days of the conclusive grounds' Decision. They do not need an employer at the time they apply for their visa. However, they will need to demonstrate that they will not be reliant on public funds.

Before the 2 year grant of leave to remain expires, they will be expected to leave the UK unless they can demonstrate another reason why they should be allowed to remain.

² [Immigration Rules - Immigration Rules Appendix Domestic Worker who is a Victim of Modern Slavery - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules-immigration-rules-appendix-domestic-worker-who-is-a-victim-of-modern-slavery)