

Leave to remain for confirmed victims of trafficking and modern slavery

Amendment

Replace clause 39 with the following new Clause—

Leave to remain for victims of slavery or human trafficking

(1) Where a decision has been made by a competent authority that a person is a victim of slavery or human trafficking (a “positive conclusive grounds decision”), that person must be granted—

(a) leave to remain lasting for a period of 60 months,

(b) recourse to public funds and the right to work.

(2) a person granted leave as a victim of trafficking and modern slavery will be eligible for settlement after accruing five years of any form of leave to remain in the UK.

(3) Section 65 of the Nationality and Borders Act 2022 is repealed.”

Member's explanatory statement

This amendment ensures that recognised victims of trafficking (those who have received a positive conclusive grounds decisions) are granted to leave to ensure they can access meaningful long-term support and recovery, seek compensation and/or assist with criminal proceedings where appropriate.

Background

Clause 39 of the Immigration and Asylum Bill amends section 65 of the Nationality and Borders Act¹ to *remove* the requirement for the Home Office to grant temporary ‘leave to remain’ (permission to stay in the UK) to confirmed victims for the purpose of assisting them in their recovery from any physical or psychological harm arising from their exploitation.

In 2025, over 11,000 non-British nationals were confirmed to be victims of trafficking and given positive ‘conclusive grounds’ decisions by the National Referral Mechanism (NRM), but just 4% of those assessed for a grant of leave as a victim of trafficking (known as ‘VTS leave’) were granted it. The current system is already so bureaucratic and flawed that very few victims of trafficking receive the security they need to recover and rebuild their lives.

Without leave to remain, survivors live in constant fear and anxiety about the possibility of their removal from the country or being held in immigration detention. For many, this deters them from coming forward to seek help in the first place. For those that do come forward or are identified, a lack of a secure immigration status can result in poverty, destitution and isolation as it prevents survivors from working and accessing services. This in turn increases their vulnerability to abuse, exploitation and re-trafficking. In its latest review of the UK, GRETA – the expert body monitoring implementation of the Council of

Europe Convention on Action against Trafficking in Human Beings (ECAT) - highlighted that insecure immigration status is one of the most common vulnerability factors abused by traffickers.¹ Lack of status also has a profound impact on survivors' mental health and can affect their ability to access and begin psychological treatment as it can be such a major stressor in their lives.²

Current policy and practice

Since January 2023, survivors of trafficking recognised as victims by the NRM could be granted Temporary Protection Status, (also known as 'VTS leave') if necessary to assist in their recovery from physical or psychological harm arising from their exploitation; enable them to seek compensation; or enable them to assist with criminal proceedings.³

To date very few survivors of trafficking have been granted VTS leave. **In 2024, while over 4,240 non-British nationals were confirmed to be victims of trafficking and considered for VTS leave, only 176 victims were granted it.⁴ 96% of those grants were to assist with recovery – just seven grants were for compensation or assisting with criminal proceedings.**

In the same year, there were 699 confirmed child victims who needed immigration leave, but less than five received temporary permission to stay.

The poor functioning of the VTS leave system has resulted in extensive litigation as lawyers attempt to secure leave for their clients.⁵ If anything, the system of granting leave to remain to survivors has required urgent systematic reform, rather than further restriction. The Home Office itself conducted a significant review of the VTS leave policy in 2025 but did not publish the findings of that review.

Alternative forms of leave for trafficking survivors

While there are alternative forms of leave that could be accessed by *some* survivors of trafficking and modern slavery, these are not guaranteed nor accessible for all. For example, some survivors also claim asylum, but the asylum backlog and the government's commitment to swiftly returning, or removing to France, people from countries such as Albania, Eritrea and Vietnam (the top three countries other than the UK from which victims of trafficking originate)

¹ See para 289, GRETA, [Fourth evaluation round: Evaluation Report UK](#), May 2026

² Helen Bamber Foundation, ECPAT UK and ATLEU, [Road to Nowhere: The impact of uncertain immigration status of survivors of trafficking](#), July 2025; Helen Bamber Foundation, [Leave in limbo: Survivors of trafficking with uncertain immigration status](#), August 2023

³ If any of these could be achieved in the survivor's country of origin they could be refused leave. See Home Office, [Temporary permission to stay for victims of human trafficking and slavery: caseworker guidance](#), July 2026

⁴ [Thousands of confirmed trafficking victims denied permission to stay in the UK and left at risk, new report shows | Helen Bamber](#)

⁵ See, for example, [Upper Tribunal finds Home Office's secret practice unlawful; government then proposes to remove protection for vast majority of trafficking survivors | Asylum Aid](#) and [Home Office U-turn over grants of leave to trafficking victims after legal challenge - Free Movement](#)

without considering their asylum claim increases the risk of survivors being removed from the country and put at significant risk or left in limbo. Furthermore, changes under the Nationality and Borders Act 2022 and Illegal Migration Act 2023 have made it harder to be granted refugee status in the UK and thus to receive protection and support which could reduce their vulnerability to exploitation.

Survivors who desperately need stable immigration status are often ineligible for VTS leave as it is only available to those who do *not* have a valid immigration leave. Migrant victims of human trafficking and modern slavery who still have a “valid” Skilled Worker visa have been denied VTS leave. This meant victims could be tied to their exploiters due to their visas,⁶ including those co-operating with the authorities to prosecute their exploiters.⁷ Following legal challenge, in August 2026 the Home Office conceded that discretion can be exercised when considering whether or not to grant VTS leave to someone with a valid skilled worker visa.⁸ However, this concession is applied on a discretionary basis and is therefore susceptible to a range of variables. The need for a grant of long-term leave to recognised victims remains critical for recovery, protection and prevention of trafficking and modern slavery.

Compliance with international law

Not only is clause 39 harmful to survivors, but it was also not in accordance with international law. ECAT, which the UK has signed and reiterated its commitment to,⁹ makes clear residence permits should be granted to survivors of trafficking in “a range of situations, depending on whether it is the victim’s safety, state of health, family situation or some other factor which has to be taken into account”. When the Nationality and Borders Act 2022 was introduced, the government stated that s.65(2)(a) of that Act “clarifies the obligation in Article 14(1)(a) of ECAT which provides for a grant of leave where it is “necessary owing to their personal situation”.⁷ The explanatory notes for the Immigration and Asylum Bill are completely silent on how the wholesale removal of this section is compatible with ECAT.⁸

Case study

Muhamet is a recognised victim of trafficking with a pending asylum claim (currently at appeal stage). He was trafficked in his country of origin and subsequently to Europe. He managed to escape his traffickers and travel to the UK where he claimed asylum on arrival. However shortly after arriving in the UK, he was exploited yet again by someone claiming to know his family back home. After escaping, Muhamet experienced a period of homelessness, which further damaged his health. Muhamet’s mental health has been greatly affected by his

⁶ [A cruel legal paradox is blocking victims modern slavery from justice | Work Rights Centre:](#)

⁷ From October, Skilled Worker visa holders with a positive Conclusive Grounds decision will also be able to work in any sector, including self-employment, for the remainder of their visa term. This change is only of benefit for survivors who hold this type of visa and as it’s a newly introduced provision the implementation details remain unclear.

⁸ [Home Office concedes that trafficking survivors with skilled worker visas can have their leave varied to VTS leave - Free Movement](#)

⁹ [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

experiences. He has been diagnosed with Post-Traumatic Stress Disorder (PTSD), anxiety and depression.

Muhamet received his positive Conclusive Grounds decision as a victim of trafficking in the first half of 2025. Following this, his solicitor submitted a detailed request for VTS leave, explaining how his case met the necessary criteria, along with medical evidence and two supporting expert reports. Despite this, Muhamet was refused VTS leave because of his supposed ability to access medical care in his country of origin even though expert evidence to the contrary had been submitted.

The delays, refusals, and precarity due to a lack of secure status have taken their toll on Muhamet. His mental health has deteriorated so much that his solicitor feels he is more distressed now than during his previous period of homelessness. Had Muhamet been granted VTS leave last year he would have felt more secure and could have started on his road to recovery. Instead, an already vulnerable individual remains in a constant state of fear, with recovery remaining a distant prospect, potentially unattainable.