



ATLEU

ANTI TRAFFICKING AND
LABOUR EXPLOITATION UNIT

**‘It has
destroyed me’:
A legal advice
system on the
brink**

FOREWORD

Access to justice and remedy, including compensation, is essential for eradicating trafficking and modern slavery and protecting the human rights of survivors.

Yet, I know from my work that survivors within justice systems often encounter a number of challenges and obstacles that limit their ability to gain access to justice and reduce the remedies available to them. One such obstacle is their access to quality, timely and independent legal advice.

Legal advice and representation is a critical part of the support that survivors need to recover and rebuild their lives. It is foundational for access to formal recognition as a victim which allows survivors to access support, safety and secure status. It is the foundation for survivors to be able to recover and rebuild their lives.

I have seen first hand throughout my work, the transformational role that quality and timely legal advice and representation can have for survivors. I have also seen the devastating consequences when survivors are not able to access this: destitution, homelessness, detention, criminalisation, removal and further exploitation.

This is the reason that I called on governments globally to address the obstacles that survivors were experiencing in accessing justice and remedy, when I was the UN Special Rapporteur on contemporary forms of slavery. This included ensuring that survivors have access to competent legal advice and that governments allocate the necessary resources to provide survivors with high quality legal aid.

This important report by the Anti Trafficking and Labour Exploitation Unit (ATLEU) describes the alarming situation where survivors of trafficking in the UK are unable to access the advice and representation they need. I welcome this evidence that highlights the impact of the current legal aid funding crisis and wholeheartedly support ATLEU's persistent work to achieve justice and dignity for survivors.



Urmila Bhoola

Urmila Bhoola was the United Nations Special Rapporteur on contemporary forms of slavery from 2014-2020. She is now a Principal Research at the University of Nottingham's Rights Lab Law and Policy Programme. Among many other notable accomplishments, she served as an Acting Judge of the High Court of South Africa and a Judge in the Labour Court of South Africa. She was Chief Legal Drafter of South Africa's Employment Equality Act, designed to redress disadvantages caused by apartheid.

Urmila's report to the UN Human Rights Council on access to justice and remedy is available at: <https://undocs.org/A/HRC/36/43>

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1. EXECUTIVE SUMMARY

Access to legal advice is crucial for survivors of trafficking and modern slavery but the legal aid funding system is failing them. Survivors are not able to access timely and quality, legally aided advice and representation when they need it, with devastating consequences. It is causing destitution, homelessness, anxiety, mental health problems, and missed case deadlines. It is leaving people unable to apply for asylum, in detention and at risk of removal, and is driving some survivors back into exploitation or trafficking. Significant capacity within the anti-trafficking support sector is spent on searching for legal representation, detracting from their ability to support the core needs of survivors.

ATLEU's survey to frontline support and advocacy organisations shows this stark and alarming gulf in the availability of legally aided advice for survivors.

An enormous 90% of respondents had struggled to find a legal aid immigration lawyer in the past year.

Our survey shows the damaging impact this has on short and long term outcomes for survivors:

- 55% of respondents said it left survivors in destitution or unable to access appropriate accommodation or support
- 97% said it caused survivors stress, anxiety or contributed to poor mental health
- 64% said it resulted in the survivor being unable to meet a deadline in their case, for example with the Home Office

- 57% said it left survivors in a position where they were unable to claim asylum, and others shared experiences of survivors being detained or at risk of removal
- 29% of respondents said it had left survivors in a situation of exploitation.

The primary cause of this legal advice crisis is the legal aid funding system. There are a number of interrelated issues with the legal aid scheme which mean that taking on cases involving victims of trafficking and modern slavery is not viable or sustainable for many legal aid providers. This is because they are uniquely complex, long-running and costly, and therefore are ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out. This also deters the development of specialist expertise, and encourages restricting the level of work carried out on a case, which can lead to poor quality advice and representation.

‘The system was already difficult, but since early 2022 the decline in availability makes finding a legal aid solicitor with any capacity close to impossible. I have found myself scouring the U.K. for legal aid solicitors, not just the city of London. Solicitors who are already working with my clients are struggling and I have

seen a firm collapse in the last few months under the pressure. I have also seen clients’ cases and mental health be irreparably damaged by lack of access to legal advice... We’re desperate here.’

There are other obstacles experienced by survivors who need legally aided advice and representation. The Legal Aid Means Test is complex and bureaucratic and excludes many survivors despite their inability to afford legal advice otherwise. There is considerable confusion among support workers and legal aid providers alike about what is ‘in scope’ (eligible) for legal aid. Three important areas of advice are currently excluded from the scope of legal aid for most survivors: pre-NRM advice, advice about trafficking identification, advice on the Criminal Injuries Compensation Scheme.

Poor decision making by the Legal Aid Agency on trafficking and modern slavery compensation cases leads to frequent incorrect refusals of applications for legal aid which closes down routes to compensation for survivors as well as deterring legal aid providers from taking these important cases.

KEY RECOMMENDATIONS TO THE GOVERNMENT

- Immigration legal advice on trafficking and modern slavery cases should be paid on an hourly rate basis and rates for civil legal aid need to be sustainable
- Survivors of trafficking and modern slavery should receive non-means tested legal aid
- Legal aid should be available for all survivors of trafficking and modern slavery in the following areas that are currently ‘out of scope’: pre-NRM immigration advice; advice on identification as a victim of trafficking and modern slavery; and advice on the Criminal Injuries Compensation Scheme
- Address fundamental barriers to access to justice by establishing a legal aid contract for trafficking and modern slavery compensation claims and a civil remedy for trafficking and modern slavery to simplify avenues to compensation
- Provide greater clarity about legal aid entitlement for survivors of trafficking and modern slavery.

2. INTRODUCTION

This report by the Anti Trafficking Labour and Exploitation Unit (ATLEU) is on access to legal advice and representation for survivors of trafficking and modern slavery. It looks at the huge gap in availability of legally aided advice and representation for survivors and the devastating impact this has on them and their ability to recover and rebuild their lives. It then addresses the causes of this legal advice crisis and the changes needed in order to ensure survivors can access the timely and specialist legal advice and representation that they need and are entitled to.

ATLEU is based in London and Sheffield and is the only UK charity providing dedicated and holistic legal advice to survivors of trafficking. Our specialist multidisciplinary legal team assists survivors to resolve multiple and complex problems, providing advice and representation to help them escape, recover and rebuild their lives: securing safe and appropriate housing, regularising immigration status, obtaining trafficking identification, subsistence and support, and recovering compensation from their traffickers or the state.

ATLEU also provides training and advice to legal practitioners and support providers working with survivors of trafficking and modern slavery nationally. Please visit athub.org.uk/ for more information.

ATLEU has also developed a free, national referrals system to help support providers to find legal representation and advice: <https://referrals.athub.org.uk/>

Terminology: Survivors of trafficking and slavery are people who have suffered a very serious crime. We use the terms survivor and victim interchangeably in this report.

3. METHODOLOGY

Between 26 July and 3 August 2022, ATLEU ran a survey to frontline support and advocacy organisations to enable them to share their knowledge and evidence about the issues that survivors of trafficking and modern slavery face in accessing good quality legal advice within a reasonable timeframe. A copy of the survey is available here: <https://forms.gle/7xpkwaZjpzr3fghM7>

There were 86 responses despite the short window. Of these, 79% were from Modern Slavery Victim Care Contract contractors or subcontractors, 15% frontline support and advocacy organisations, 5% organisations providing support and legal advice services, and 1% support organisations that are not specialists in trafficking and modern slavery. Respondents included those providing services across all regions of the UK, with a significant number providing services based in London and the South East.

This evidence was used to inform an August 2022 joint anti-trafficking coalition response¹ to a Consultation by the Ministry of Justice (MoJ), *Immigration Legal Aid: A consultation on new fees for new services*².

This report builds upon the evidence gathered by our survey, the Anti-trafficking sector joint response to *Immigration Legal Aid: A consultation on new fees for new services (August 2022)*³, and the report by the University of Liverpool in collaboration with ATLEU and the Rights Lab at the University of Nottingham, *Access to legal advice and representation for survivors of modern slavery (2021)*⁴, in conjunction with the learnings of well over a decade's worth of experience of undertaking specialist casework for trafficking and modern slavery survivors by ATLEU's lawyers, and the experiences shared with us by survivors, frontline support and advocacy organisations, civil society organisations, and legal aid providers.

¹ [Joint anti-trafficking sector submission - Immigration legal aid fees consultation \(August 2022\)](#)

² [Ministry of Justice, 'Immigration Legal Aid: A consultation on new fees for new services' \(13 June 2022\)](#)

³ [Joint anti-trafficking sector submission - Immigration legal aid fees consultation \(August 2022\)](#)

⁴ Dr Samantha Currie and Dr Matthew Young, *Access to legal advice and representation for survivors of modern slavery (May 2021)*

4. THE IMPORTANCE OF LEGAL ADVICE AND REPRESENTATION TO VICTIMS AND SURVIVORS OF TRAFFICKING AND MODERN SLAVERY

What legal advice and representation do survivors need?

Survivors of trafficking and modern slavery have complex legal and support needs. They need a range of legal advice and representation, which includes (but is not limited to) the areas of community care law, welfare benefits, housing, debt advice, immigration and asylum, criminal law (non-prosecution), civil compensation, criminal injuries compensation, family law, as well as public law issues which arise.

For legal representatives, trafficking and modern slavery cases involve complicated and interconnected legal issues that run over a long period of time and address a number of issues. This includes issues around identification as a survivor, protection claims and alternative arguments to be made to obtain leave to remain, for example under Articles 8 and 4 of the European Convention on Human Rights (ECHR).

Legal representatives need to consider access to protection for their clients under a number of different legal frameworks. Survivors of trafficking and modern slavery often need assistance, by their support worker or an independent advocate, to access legal advice and representation. Legal representatives will interact with a wide range of organisations and agencies including support organisations, police, social services, and medical professionals.

Why legal advice and representation is important for survivors

Legal advice and representation is critically important for survivors of trafficking and modern slavery. It is a fundamental part of the support that survivors of trafficking and modern slavery need. It is the key to being formally recognised as a victim, accessing safe housing and support, and upholding their rights.

For non-UK citizens who have experienced trafficking and modern slavery, one of the most pressing legal problems faced is frequently the need to gain a secure immigration status, which is the basis for these survivors to be able to access broader support and entitlements and make progress towards recovery without the risk of being removed to harm.

‘The UK doesn’t record long term outcomes even for those survivors identified through the NRM. Access to legal advice and representation is key to the prevention of re-trafficking and supporting people who have survived trafficking to rebuild their lives. This is because for many survivors, access to legal advice is a prerequisite for secure immigration status, as well as access to other entitlements such as compensation owed or access to employment rights in the future which prevent employment conditions deteriorating.’

Kate Roberts, Focus on Labour Exploitation (FLEX)

Legal advice and representation to access formal identification, support, safety, and secure status is essential for survivors to be able to recover and rebuild their lives. Access to support, safety, and secure status allows survivors the breathing space to make choices, seek mental health support, and to consider the risks of engaging with criminal prosecutions. Obtaining compensation can give survivors the finances to rebuild their lives and protect them from vulnerability to future exploitation.

Without early and adequate legal advice, progress towards recovery made while survivors are supported under the National Referral Mechanism (NRM) is undermined, and survivors are put at risk. It undermines access to justice and remedy, as well as the prevention of trafficking and modern slavery. ‘Survivors often require legal advice on multiple and inter-related legal issues. Legal advice for survivors of modern slavery is often a specialism within a specialism. If survivors do not receive the timely and specialist legal advice that they need, this can have a significant and detrimental impact on their ability to be effectively safeguarded and access short, medium and long term services. This ultimately impacts on recovery and reintegration and places survivors at risk of destitution, homelessness, detention, deportation and at risk of re-exploitation.

‘If clients are referred into Hope for Justice’s Independent Modern Slavery Advocacy service destitute and homeless the common factor in them ending up destitute and homeless is that they did not have access to early legal advice or in fact any legal advice.’

Phillipa Roberts, Hope for Justice

The vast majority of survivors who are unable to get legal aid will be forced to go without legal advice and representation as they cannot otherwise afford to pay for it, while others will borrow large sums to do so, ending up in debt, which drives vulnerability to further exploitation.

Legal advice and representation: Increasingly critical in a hostile environment

The need for survivors to have access to early and specialist legal advice and representation has become even more critical since the passage of the Nationality and Borders Act 2022. The Act made extensive and harmful changes to the identification, protection and support of victims of trafficking and modern slavery in the UK. In doing so, it has seriously undermined the ability of survivors of trafficking and modern slavery to be able to access protection, rights, status, justice and remedy. It has introduced a much higher level of complexity that support workers and legal aid providers will have to respond to in order to ensure that survivors are identified, supported and safeguarded rather than disbelieved, disqualified and ultimately, facing detention and/or removal.

The legal framework for migration to the UK, and for people who migrate to the UK, has also been transformed by a series of immigration and asylum-related Acts of Parliament, alongside regulations, changes to the Immigration Rules, and the UK's withdrawal from the EU. The 'hostile environment' policy has resulted in an ever-more-complex relationship between immigration status – or the ability to prove one's immigration status – and access to an expanding range of other welfare protections, services and necessities. Regularisation of immigration status is often the gateway to obtaining wider support to enable stabilisation, recovery and integration including welfare assistance, community care and housing.

DOMESTIC AND INTERNATIONAL STANDARDS

Domestic

Modern Slavery Act

Section 47 extended the availability of civil legal services under schedule 1, part 1, paragraph 32 of the Legal Aid Punishment of Offenders Act 2012 (LASPO) to all victims of slavery, servitude or forced or compulsory labour

International

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ('The Palermo Protocol')

Article 6(3)(b) provides that victims should receive: 'Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand.'

ILO Protocol of 2014 to the Forced Labour Convention, 1930

Article 3: Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Article 4:

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

Regional

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

Article 12(1)(d): 'Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least: ... (d) counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand.'

Article 15 – Compensation and legal redress

1. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.

2 Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.

3 Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.

Directive 2011/36/EU (Trafficking Directive)

Article 12(2): 'Member States shall ensure that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.'

5. CONTEXT: LEGAL ADVICE AND REPRESENTATION FOR SURVIVORS OF TRAFFICKING AND MODERN SLAVERY

Legal aid

Legal aid work is carried out by law firms that have a legal aid contract with the government's Legal Aid Agency. Although their work will be paid for by the government, legal aid advisors and lawyers do not work for the government. They work for the individual only. The relationship between a legal aid advisor and their client should be exactly the same as if the client was paying privately.

There are three types of legal aid: Legal Help, Controlled Legal Representation, and Licensed work (also called 'legal representation' or 'certificated work'). Legal Help is available for advice on a legal matter, such as making applications to the Home Office (e.g. asylum claims) and for gathering evidence and writing representations in support of a case and to negotiate with the party. It does not include legal representation at court or tribunal.

Controlled Legal Representation covers representation and advocacy in an appeal in the First-Tier Tribunal and Upper Tribunal, for example, in an appeal against a Home Office immigration decision. Licensed work is for cases which require representation in the higher courts. These include, applications for permission to appeal to the Upper Tribunal, a judicial review of Home Office decisions where there is no right of appeal (e.g. negative trafficking decisions or outright refusal of fresh claims), and for appeals to the Court of Appeal and UK Supreme Court.

In October 2022, the Legal Aid Agency announced that it was extending the 2018 Standard Civil Contract until 31 August 2024. This means that no new providers will be able to apply for a legal aid contract before this date, unless the Legal Aid Agency specifically tenders for work in an advice desert¹. If new providers cannot enter the market on a rolling basis and existing providers give up their legal aid contracts, there is increased pressure on the legal aid providers which remain, and an increase in unmet legal need for survivors.

All applicants for legal aid have to go through a financial eligibility test called the Legal Aid Means Test, to assess whether they can afford to pay for legal advice themselves. The Legal Aid Means test includes both a capital test and an income test.

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

Survivors of trafficking and modern slavery are now significantly less able to access legal advice when they need it since LASPO came into force because many areas of legal advice that were previously covered by legal aid were removed. The result is that legal aid is now no longer available for most non-asylum immigration work. It is also no longer available for many social welfare matters, thus delaying access for many other issues until crisis point. LASPO has forced services

to move away from holistic advice that also enabled organisations providing legal aid to be financially sustainable from the balance of work carried out. Together with other legal aid cuts and the impact of austerity, the impact on the legal aid sector has been devastating.

Since the introduction of LASPO, half of all law centres and not-for-profit legal advice services in England and Wales have closed, according to government figures. In 2013-14 there were 94 local areas with law centres or agencies offering free legal services. By 2019-20, the number had fallen to just 47². There is also a recruitment crisis in the immigration legal profession across the country and at all levels, from solicitors to supervising caseworkers³.

When is legal aid available for survivors of trafficking and modern slavery?

- Pre NRM immigration advice is available for a limited group of survivors: The Nationality and Borders Act 2022 provides that legal aid for advice prior to referral into the NRM and receipt of a Reasonable Grounds decision where a survivor is already accessing advice on certain in scope immigration matters or advice about judicial review (ie. advice that falls within Part 1 Schedule 1 of LASPO⁴).
- Immigration advice is available for individuals who have received a positive Reasonable Grounds or Conclusive grounds decision. This also covers the NRM victim identification process, although of course at this point the client has already been referred by a First Responder and received at least a positive Reasonable Grounds decision.

- LASPO purportedly makes legal aid available for 'trafficking and modern slavery compensation claims'. These are claims under employment law in the Employment Tribunal or claims for damages in the High Court. Provision for such claims is in such short supply that in practice very few of those identified as victims of trafficking ever receive advice on compensation.

Other ways in which some survivors might get legally aided advice:

- Some survivors of modern slavery may access legal aid not as a potential victim of modern slavery, but as part of an asylum claim. However, not all survivors of modern slavery will have (or make) asylum claims, given that protection claims for refugee status or humanitarian protection are concerned with future risk as opposed to previous harm, and that many potential victims of modern slavery are UK nationals, or are from EU nations rendering an asylum claim 'inadmissible'.
- The Exceptional Case Funding (ECF) regime is in place to provide legal aid to those who would otherwise suffer a breach of a Convention right. In theory, survivors could apply for Exceptional Case Funding (pursuant to section 10 of LASPO) for legal advice on some of the issues they face including immigration advice, pre-NRM advice, or Criminal Injuries Compensation Scheme advice. However, in practice, applications for ECF are very slow, frequently refused by the Legal

² <https://www.theguardian.com/law/2019/jul/15/legal-advice-centres-in-england-and-wales-halved-since-2013-14>

³ Dr Jo Wilding, No Access to justice: How legal advice deserts fail refugees, migrants and our communities (May 2022), Refugee Action, p250. [Available at:](#)

⁴ [Nationality and Borders Act s66](#)

¹ <https://www.gov.uk/government/news/civil-news-extension-of-civil-contracts-until-31-august-2024>

Aid Agency, and are therefore viewed as an unacceptable risk by most legal aid providers. For example, a survey by ATLEU in 2020 demonstrated that 93% of applications made to the LAA for ECF funding to prepare and submit a CICA application were refused. The Nationality and Borders Act 2022 also introduced a presumption that exceptional case funding would be granted for advice on referral into the NRM in relation to a claim that removing them would be unlawful under the Human Rights Act 1998⁵. ATLEU has experience of two applications for exceptional case funding for pre NRM immigration advice, one initially made in August 2020 and one in January 2021, both of which received finally received grants in October 2022 and September 2022 respectively, after making representations in relation to the changes coming in with the Nationality and Borders Act to assist the decision making process.

What areas of advice are restricted from legal aid?

In England and Wales, survivors of trafficking and modern slavery cannot get legally aided advice and representation on three key areas in England and Wales:

- **Pre-NRM advice:** Immigration advice before entering the National Referral Mechanism (NRM) is not within scope for most survivors, but only those described above who have another in scope matter, who are not the people most acutely at risk.
- **Advice about trafficking identification:** There is no entitlement to legal aid for advice on the NRM victim identification process unless this is linked to an immigration or asylum case after an individual has received a positive Reasonable Grounds or Conclusive Grounds decision.
- **Advice on the Criminal Injuries Compensation Scheme (CICS):** Despite it being a scheme of last resort for most survivors and practically impossible to navigate without legal advice, advice on Criminal Injuries Compensation Scheme applications is expressly excluded by LASPO.

6. A LEGAL ADVICE CRISIS

Survivors of trafficking and modern slavery are currently unable to get legally aided advice and representation when they need it, despite it being so crucial for rights, recovery, and long-term positive outcomes. There is a huge discrepancy between the demand for legal advice on trafficking and modern slavery cases, and available supply. Survivors of trafficking and modern slavery experience what has been termed 'legal aid deserts and droughts'¹. Legal aid deserts; areas in which there are no legal aid providers, and legal aid droughts; areas in which there appears to be a supply of legal aid providers with no capacity to take on new cases.

Consistently in its work monitoring the UK's implementation of ECAT, the members of Anti-Trafficking Monitoring Group² overwhelmingly report that capacity of legal aid lawyers to take cases, and the poor geographical spread of available legal aid, is a major barrier in securing legal advice for victims. The lack of legal aid provision is identified as an issue across all of England and Wales, with the north of England being especially poorly served.

'Organisations across the UK, including members of the Anti-Trafficking Monitoring Group, consistently highlight the barriers to accessing independent legal

advice and support for their clients. It was an issue highlighted in the ATMG's recent report into the Recovery Needs Assessment³. The lack of capacity and sufficient geographical spread of legally aided advice and representation is causing real damage to the long term recovery of survivors.'

James Fookes, Anti-Trafficking Monitoring Group

While lack of provision is considered to be most acute outside of London, demand still far outstrips supply in London. ATLEU has offices in both London and Sheffield, and across both, referrals are extremely high, far exceeding our capacity.

ATLEU's August 2022 survey to frontline support and advocacy organisations proves that this legal advice crisis has continued - and indeed is worsening. There is a massive gulf in available legally aided advice and representation for survivors, which is placing an immense burden on frontline organisations, and is having devastating consequences for survivors.

¹ Dr Jo Wilding, [Droughts and Deserts, A report on the immigration legal aid market, June 2019.](#)

² The Anti-Trafficking Monitoring Group (ATMG) was established in 2009 to monitor the UK's implementation of European anti-trafficking legislation. The group examines all types of human trafficking, including internal trafficking and the trafficking of British nationals. It comprises seventeen leading UK-based anti-trafficking organisations: Anti-Slavery International, Ashiana Sheffield, Bawso, ECPAT UK, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Kalayaan, Law Centre (NI), the Snowdrop Project, the TARA service, JustRight Scotland, UNICEF UK, the Children's Law Centre, Flourish Northern Ireland, the East European Resource Centre, the Scottish Refugee Council and Hope for Justice. It also works closely with the Human Trafficking Foundation.

³ Anti-Trafficking Monitoring Group, [One day at a time: A report on the Recovery Needs Assessment by those experiencing it on a daily basis, an \(2022\).](#)

ATLEU'S SURVEY FINDINGS: SURVIVORS CANNOT GET LEGAL ADVICE AND REPRESENTATION WHEN THEY NEED IT

Long delays to access advice

'There has been a stark decline in the ability to find legal aid funded solicitors for my clients. It was hard in 2021 but in 2022 it does seem impossible. I am relying on free clinics and other support organisations which hand out legal advice. Solicitors that have already been instructed seem swamped with cases and the system seems to be creaking under the additional pressure.'

Support worker from a MSVCC provider

Survivors of trafficking and modern slavery are unable to get legal advice when they need it. An enormous 90% of respondents to ATLEU's survey to frontline support and advocacy organisations said that in the last 12 months they had struggled to find a legal aid immigration lawyer for a potential or confirmed victim of modern slavery. Survivors are facing lengthy delays just to get an initial appointment. 76% reported significant delays, of up to three months or longer, in finding an immigration legal aid lawyer for a potential or confirmed victim of trafficking or modern slavery. 43% of respondents reported serious delays of up to six months or longer.

K is an extremely vulnerable victim of trafficking who has*

had no engagement with any authorities for several months following their escape from their traffickers. K was unaware of the system and how it worked. K only engaged with the NRM process after she was referred by medical professionals. K has been supported by us for several months and we have still not been able to secure them an appointment with a legal representative to assist with asylum and trafficking.

Helen Bamber Foundation

Significant capacity within the anti-trafficking support sector is spent on searching for legal representation for victims. 94% of support workers responding to ATLEU's survey said that it was causing them additional work. One support worker explained that 'Every solicitor approached states they are at capacity. Hundreds of enquiries and continuously told the same thing' while another described finding a solicitor available to take on a client's case as 'like finding a needle in a haystack'.

'My client, Paul, was trafficked to the UK for forced criminal exploitation. He arrived at the safe house having already claimed asylum but with no solicitor. I*

reached out to numerous solicitor agencies in the local area asking if they had capacity. I had to wait 3-4 weeks for only two out of the 10 emails I sent to get replies. I then started searching further afield. As we were now a month into Paul's stay at the safe house, he was getting incredibly anxious that nothing was being done about his asylum claim or that something was going to be missed and he would be deported. This led to him coming into the office every day and speaking to me about this.

As I went further afield in my search for a solicitor, I found one 10 miles from the safe house which took Paul an hour and 30 minutes to get to via public transport. It took me a further three months to get Paul fully signed on with this solicitor and get the first meeting organised. This meant that he had been without a solicitor for four months. During this time I had to complete witness

statements and clarifying points to the SCA for his NRM decision. This is further support that I am not supposed to provide but there was no other choice.

Support worker from a MSVCC provider

The hours of time spent on trying to find a solicitor with capacity is detracting from the ability of front line workers to focus on core support services and promoting the recovery of survivors.

Legal advice deserts: Advice not available in the survivor's location

Survivors are struggling to access legal advice with their home location, or in reasonable distance from their home location. 84% of support workers responding to ATLEU's survey said that over the last 12 months, survivors had sometimes, often, most or all of the time only been able to access legal aid immigration advice outside of their location.

It is evident that this challenge exists across the country. A support worker from Ashiana Sheffield said that 'most of the legal firms have no capacity to take new clients in the North East. Funding is a huge issue.' A support worker from Black Country Women's Aid, covering the Midlands, said 'It is nearly impossible to obtain a legal aid solicitor near the survivor's home. They have to travel an hour or more and this is after it has taken months to get the legal support.' Even in London, which is considered to have a higher legal aid capacity, respondents to ATLEU's survey reported that they faced significant challenges finding a legal aid solicitor with

capacity to take on a client's case and were being forced to look outside of London. A support worker for Hestia said that:

'Our job is already very difficult with navigating a service user on the MSVCC and setting up appropriate support. When trying to find them appropriate legal advice, it is a task that often lasts weeks. I have spent countless hours on the phone to different firms across London to see if they have capacity to take on cases to find- there are none. We have now been advised to look outside of London, which will mean that advocates who will accompany their service users to legal appointments, may be travelling over two hours to the appointment as well as taking the service user home- this can potentially mean a whole day of advocacy is dedicated to one, one hour legal appointment. It is extremely difficult, stressful and unnecessary.'

Being forced to travel long distances in order to get legal advice and representation causes significant challenges for survivors, given the vulnerabilities and circumstances of many, as well as incurring additional expenses. Support workers often need to accompany clients to attend meetings, and the lack of availability within a reasonable distance to the survivor's home is therefore resource intensive. This is clearly demonstrated in the case example below:

'I supported a pregnant survivor of trafficking, Elsie, who was referred into the NRM and into safe house accommodation. She could not obtain legal advice locally and the nearest available provider was in a city approximately 30 miles away. It would have been very difficult for her to travel this distance with a newborn baby. I*

was eventually able to find her a different legal aid solicitor which was a little bit closer, in a neighbouring city, but it meant that Elsie had to wait much longer for her first appointment with the solicitor.

'In addition to the expenses incurred travelling, having to travel this distance to get legal advice placed a significant strain on Elsie, who was struggling with PTSD and had anxiety about going out to non-familiar areas. I (or myself and colleagues) had to accompany her to the appointments because they were not easily accessible for someone who doesn't speak English as a first language having to use public transport. When asked how the difficulties and delay in finding a legal aid solicitor made her feel, Elsie said 'I was afraid that I wouldn't be able to access legal support when I felt at my most vulnerable.'

Support worker from a MSVCC provider

Difficulties in getting legal advice for particular types of issues

As highlighted, survivors of trafficking and modern slavery have complicated legal needs, involving multiple legal frameworks and potential avenues to legal resolution, and a number of different involved parties. Frontline organisations report that they face significant challenges in securing legal aid

advice for potential or confirmed victims of modern slavery in all types of matters. Over 60% of respondents to ATLEU's survey said that they found it difficult or moderately difficult to secure legal assistance for all types of matters, save for initial asylum advice for children (which was at 48%) and 60% still described finding advice on an initial asylum claim for a survivor/potential survivor moderately difficult.

It is extremely difficult for survivors to access advice on certain matters. As we explain in greater detail in Section 8, this is directly related to the way in which immigration cases are funded, which leads to some providers only being prepared to work on those elements that are less complex and more financially viable. It is, therefore, very challenging for survivors to access advice on fresh asylum claims and non-asylum advice, for example, and advice on applications for leave to remain, particularly for European nationals.

The difficulty in accessing advice for those matters deemed particularly complex, such as fresh claims, is demonstrated in the following case study from a support and advocacy organisation:

'A survivor has recently built up trust with her support organisation to be able to disclose her exploitation as a child and en route to the UK, and has never had an NRM referral before. She has previously been refused asylum on the basis of credibility. Her support worker has tried to find a lawyer willing to take on a fresh claim, and also look over an NRM submission to ensure that submitting an NRM does not further damage her credibility.

'It has been nearly a year that her support worker has been trying to find an immigration lawyer for her. The options locally are extremely limited and there are concerns over the quality of lawyers locally who have trafficking expertise. As a result she has remained in a third sector hosting scheme for a long period of time, and is aware that she continues to be at threat of detention.'

Survivors who do not have an immediately obvious asylum claim or who have non asylum applications to make, also experience difficulty in finding lawyers. ATLEU's experience is that legal aid lawyers may not know about the scope of immigration legal aid and how any non asylum application can be covered. The non asylum immigration fixed fee for work on cases at application stage is also very low, which does not help lawyers working to small margins. A legal aid lawyer will be paid a fixed fee of £234 for all the work required on any non asylum immigration application and everything involved in assisting the survivor to get a conclusive grounds decision through the NRM for several years.

One support worker from Hestia said: 'No lawyers had any capacity to accept my client apart from one who agreed to only take them on if they applied for asylum which they were initially reluctant to do. This caused them great stress and has significantly delayed them in being able to progress their modern slavery case.' While a support worker from another MSVCC provider said 'Often solicitors will refuse to take on a modern slavery claim if there is no asylum claim. This leaves service users with no legal advice and no support when the SCA wants evidential proof of the support that has been implemented

whilst they have been on the MSVCC. The only evidence they can submit is from the advocate and any other external agency that has worked with them.'

Poor advice

A funding system that deters providers from specialising in trafficking and modern slavery cases, or leads providers to take on a case but only working on a particular aspect of it, is leading to poor quality advice and poor outcomes for survivors.

56% of respondents to ATLEU's survey said that they were concerned often, most or all of the time, about the quality of advice. Just 4% reported that they were not concerned at all about the quality of advice.

'Our issue is trying to find quality legal representation that has a specialism and understanding of trafficking, alongside immigration. We come across quite a few solicitors where their lack of understanding has meant that some key issues have not been addressed/badly handled. The most common response to our request for solicitors is that they do not have capacity.'

Survivor support/ advocacy organisation.

Concerns about the quality of legal advice are frequently raised by support providers through ATLEU's advice line, with lawyers showing reluctance to challenge negative trafficking decisions, not running important trafficking arguments as part of the asylum claim, not helping the survivor with advice about applications for discretionary leave to remain or supporting evidence and representations to secure it, not spending the time to explain a victim's case properly, not

incurring costs or taking the time necessary to present the right supporting evidence, and in some instances closing cases prematurely.

E is a victim of trafficking and had a legal representative who was assisting them under legal aid. E has extremely complex needs (E has no capacity to instruct but has a litigation friend). E had a positive CG but his asylum claim was refused. At the time of the refusal E's representative said they did not have capacity to take on the appeal and they would find someone else to assist with this. E was very distressed when they learnt that their representative would not be continuing with the case.*

'We raised concerns about the impact this would have on E, particularly because we were worried that they would struggle to build a relationship of trust with a new representative at this stage, which could in turn have a negative impact on his case. We were also concerned that he would be at high risk of further exploitation if his case was not successful. Following our intervention the representative agreed on an exceptional basis to continue to assist with the appeal. If E's

legal representative had discontinued his case there was a real risk that E would not continue with the appeal and would in turn be at risk of becoming appeal rights exhausted and in turn at risk of homelessness, exploitation, detention and ultimately at risk of removal.

Helen Bamber Foundation

Poor quality advice results in poor outcomes and an ongoing need for legal advice as victims are given negative decisions, are disbelieved and wait long periods in destitution, struggling to find advice on making a new claim.

'Due to poor representation from a solicitor an ex-client who has been diagnosed with schizophrenia is still in the 'system'. His asylum claim failed, he received a negative CG, and he was a genuine case [of trafficking and modern slavery]. He is suffering and struggling as his further submissions are dealt with; he has been in the system for seven years.'

Support worker from an MSVCC provider

The report Access to legal advice and representation for survivors of modern slavery by the University of Liverpool in collaboration with ATLEU and the Rights Lab at the University of Nottingham (2021) notes that many of the lawyer participants to the research commented on the work they sometimes had to undertake on cases in order to rectify problems that had arisen due to the case previously having been mishandled by a different legal practitioner. It states:

*'The sentiment that 'no advice is sometimes better than bad advice' was expressed by some legal practitioners on the basis that, once legal advice has been provided, the client is deemed to have acted on advice (and the assumption is that such advice was of a competent standard). This has the effect of making it difficult to explain why a client had not made certain disclosures or mentioned certain experiences at an earlier stage when, in actual fact, this may have been the consequence of a poor standard of legal advice having been previously accessed.'*⁴

The importance of access to timely and expert advice on trafficking and modern slavery, and the damaging impact that poor quality advice, that lacks expertise and understanding of the issue, can have, is clearly demonstrated in this case example from ATLEU:

4 Dr Samantha Currie and Dr Matthew Young, Access to legal advice and representation for survivors of modern slavery (May 2021), available at <https://modernslaverypec.org/assets/downloads/Legal-advice-report.pdf> p32

Alex's story

Alex* was trafficked for sexual exploitation. She came to the UK and claimed asylum. She was referred into the NRM but two years later was given a negative conclusive grounds decision. After this her asylum claim was refused and she lost her appeal. Part of her asylum claim was to do with her risk of re-trafficking but the asylum tribunal did not accept this because of the findings already made by the Home Office with no new information being put forward in her favour.

Alex's lawyer wrote to the Home Office after the negative conclusive grounds decision but the letter did not get to grips with this issue about exploitation. The lawyer also brought up an invalid point, arguing that Alex could not consent to her exploitation because of her age. Alex was an adult at the time, and only children cannot consent due to age. The lawyer did not need to bring this up. Focusing on this suggested a lack of understanding of the law.

The Home Office said they would not change their mind. The lawyer told Alex they applied for legal aid to do a court challenge but that legal aid was refused. By the time Alex found out it was too late to do a challenge, even if she could have found another lawyer to take the case. Alex said:

'I don't have proof as I didn't see any letters about legal aid being refused. My lawyer just said they applied and legal aid would not give any money. But it took my lawyer so long. It should not take months. I was put on hold and waited for a long time, then told no. I was so exhausted. How would I know what to do? I was living in an uncertain situation. It was not easy. After I was refused my mental health deteriorated more and more from the stress. I got more depressed.'

Alex said: 'I think a good solicitor is very important. But where I was living, there were only two lawyers I could have seen. I did not have other options. It is not an easy thing to find someone who understands you to help you. It is most important to be really sensitive, so that you can share your story. My solicitor did not have empathy. I felt they did not care what I actually went through.'

Alex tried everywhere she could and finally found a different lawyer who helped her to ask the Home Office to reconsider the trafficking decision. The Home Office finally agreed that Alex was a victim of trafficking and accepted all of her story. Later, Alex found another legal aid lawyer to make a fresh claim and was granted refugee status.

'I think how you explain things on paper is very important for the Home Office. My lawyer wrote so differently to the lawyer who helped me get justice. My first lawyer would always take shortcuts. I have been to university but I am not familiar with the law and did not know what to write, or did not feel I could say I think you should write in a different way.'

7. THE IMPACT OF THE LEGAL ADVICE CRISIS ON SURVIVORS

'What am I to do? What will happen to my case? What will happen with the Home Office? This is very worrying and scary for me'

Survivor of trafficking and modern slavery currently waiting to find legal representation.

The consequences for survivors who cannot get the legal advice and representation they need are devastating. Progress towards recovery made under National Referral Mechanism support is being undermined, with the uncertainty and worry causing mental health problems and further trauma.

ATLEU'S SURVEY FINDINGS

1. Destitution and homelessness

55% of respondents to ATLEU's survey said that the lack of access to timely and quality specialist legal advice and representation had left survivors they supported destitute or unable to access appropriate accommodation or support.

'The biggest issue we tend to have is that solicitors are reaching legal aid funded capacity and we continue to get referrals who need legal support who rely on legal aid. We have an increasing number of potential victims of modern slavery waiting the majority of the NRM 45 days for a solicitor and

the uncertainty of their immigration status is a major issue regarding feelings of safety and stability. Limited progress on their immigration claims means more and more victims are stuck in limbo and cannot move on from safe house accommodation.'

Accommodation Coordinator for City Hearts

2. Detention and removal

Survivors not able to access quality legal advice within a reasonable timeframe have been detained and put at risk of removal

'As we primarily work with people who are detained, there should be no issues in getting cases taken on as the Detained Duty Advice Scheme is operational within Immigration Removal Centres (IRCs). However, in our experience the majority of firms on the DDAS rota have very limited capacity and are overstretched, and so can be reluctant to take on new matters. This includes work for potential victims of trafficking/victims of trafficking. We also regularly see trafficking indicators not being

identified by firms at the DDAS surgery and people not being given legal advice around the NRM at the surgeries.

'When there are charter flights sometimes there is very limited capacity to get people taken on last minute, as firms on the surgery and those able to take referrals outside of the surgery are over stretched. There have been occasions where we have had to notify the Home Office directly that someone has trafficking indicators because they hadn't been able to get legal advice/representation within the removal directions notice period and were otherwise going to be removed. This is far from ideal and we would want everyone to be able to access independent legal advice before being referred into the NRM.'

Sally Prestt, Detention Action

ATLEU's solicitors have represented clients trafficked for forced criminality, where their trafficking indicators have not been recognised by either the police, the Crown Prosecution Service or their criminal solicitor. The result is that they have been prosecuted for crimes committed in circumstances where they should have been able to rely on the non-punishment provisions in the Modern Slavery Act or where prosecutions should not have been brought even before that Act was in place. They have not had access to the support and recovery assistance they

would be otherwise entitled to as a victim of trafficking and modern slavery.

These individuals have been left with criminal convictions, serving prison sentences or having spent time in custody, and requiring further legal assistance to appeal both their criminal conviction and immigration advice for a case which is far more complex and challenging as a consequence of these early failures. We know from the people who approach ATLEU seeking representation that survivors who are involved in the criminal justice process as defendants, or who have convictions, find it very difficult to find immigration representation. Based on our experience of representing survivors in this position, it is our view that the difficulty in finding representation is linked to the complexity of such cases that comes from involvement in the criminal justice process, and the greater burden of work required to represent them effectively.

3. Mental health

An overwhelming 97% of respondents to ATLEU's survey said lack of advice caused survivors stress, anxiety or contributed to poor mental health. A survivor waiting for a solicitor to be found to represent them told their support worker that 'I will be better off to run away as no one can help me' as the experience was making them feel so worried and hopeless.

Difficulties in finding a lawyer leads to survivors experiencing anxiety, a decline in mental health as a result of the uncertainty, fears about their future, and feelings of hopelessness, desperation, and even suicidal thoughts.

'The client has been unable to get Legal Aid Immigration support for a number of months. They have stated on numerous occasions that they will complete suicide due to the stress as they feel no

one cares about their case. The advocate and team manager need to fill out regular incident reports and emotionally support the client. We have had to give out of hours support on numerous occasions. This is preventing the team from working on the client's recovery as they have to spend all of their time looking for solicitors and preventing a suicide attempt'

Support worker from an MSVCC provider

The example below shows the severe impact that the lengthy wait and uncertainty about securing legal advice and representation has for survivors:

'I had an Albanian client who needed a solicitor. After months of phoning lots of law firms outside of the area (due to no practising immigration solicitors who do legal aid within this area) I finally found one who would accept him. During the months of trying to find one, my client's mental health was suffering, he was having panic attacks and anxieties as he was worried his CG would arrive before he could secure the support he needed. He signed all the paperwork that was sent to him and then didn't hear from the solicitor.

'Months went by with no contact, I tried to reassure

him that he would hear from them, Emails and telephone calls were made without any success. He eventually came to me very distraught (this was all he was thinking about daily) to inform me he had a friend who was willing to pay a solicitor for him and that he wanted to discharge his current one and pay for support. My struggle as a support worker... I felt like I had let him down and not been able to fulfil my duties within my job role.'

Support worker from a MSVCC provider

4. Missed case deadlines

A lack of timely access to legal advice is leading to survivors missing important deadlines which can have serious long-term consequences, such as deadlines with the Competent Authorities in their trafficking identification case or with the Home Office in an immigration or asylum case. 64% of support workers responding to ATLEU's survey said it resulted in the survivor being unable to meet a deadline and 57% said it left survivors in a position where they were unable to claim asylum.

Many support workers shared their feelings of worry and anxiety with ATLEU about the negative impact that the difficulty finding a lawyer was having on vulnerable clients as well as concern and frustration that they were unable to resolve this. Almost 72%% said that as a support worker, they were unsure how to assist the survivor.

'This has added additional pressure and stress on my role as an advocate as it is literally an impossible situation. I worry about how

my clients are to proceed through the process under the NRM with no legal advice available relating to trafficking, immigration and asylum matters and how their case will be represented with the Home Office. Solicitors provide the Home Office with specialist psychological reports and assessments as well as building a case, providing clients' personal statements for the Home Office to consider. Without this work being done the potential outcomes look very bleak for our clients. It is also a disregard for the 'recovery and reflection period' and ECAT entitlements, not to mention additional stress, pressure and anxiety on the clients which I bear witness to in my role on a regular and consistent basis.'

Support worker from a MSVCC provider

5. Re-exploitation

The lack of access to quality and timely legal advice and representation is damaging survivors' ability to recover, make informed choices. It is also driving some survivors back into situations of exploitation. 29% of respondents to ATLEU's survey said the inability to access legal advice had left survivors in a situation of exploitation. Some reported that victims of trafficking and modern slavery, as a consequence of being unable to obtain legally aided advice, are driven to borrow money to pay for advice which leaves them in debt and drives them back into exploitative situations.

'A potential survivor applied for the EUSS scheme but has not received a response. They were not able to find employment, claim Universal Credit, or access council housing and were left homeless and at high risk of being re-trafficked. Their support worker contacted multiple immigration solicitors but most of them stated they did not have the capacity to take on the client's case or did not respond at all.'

Outreach Project Worker at St John of God Hospitaller Services

6. Support workers bridging the gap

It is also evident that the inability to find a legal aid solicitor with capacity is leading some support workers to try to help with a task that should be undertaken by an accredited adviser or lawyer, with 68% saying that they had done this. This can have negative outcomes for survivors if mistakes are made, despite the best of intentions, as this case example below demonstrates.

Citra's story

Citra is a single mother from Southeast Asia, with two young children, now aged 6 and 3. She came to the UK willingly but was forced to remain to work in a restaurant for no pay by the man she thought was her boyfriend.

She had previously been represented by a lawyer and had been granted discretionary leave as a victim of trafficking for 30 months. A few weeks before her leave expired, she approached the same lawyer to help her to extend her leave but they did not have the capacity to help.

She tried several other lawyers, but no-one could help her. She was getting some advice from a local charity and they directed her to a MSVCC Provider to see if they could support her. They helped her make an application under the EU Settlement Scheme, even though she was not an EU national, or the family member of one.

Confused, the Home Office tried to ring her to discuss her application, but there was no interpreter, she couldn't understand them, and had no lawyer to help. If she'd had legal support at that time, the EU application could have been varied and she would have maintained her leave pending a decision.

About 13 months after making the EU application, the Home Office refused it. She then again tried many, many lawyers but couldn't find one who was able to help. Eventually, the charity contacted ATLEU and we took on her case. It took her over a year after the Home Office refusal to find new legal representation.

By that time she was a long term overstayer. Her Universal Credit was stopped and they are now trying to recoup £40,000 for overpaid benefits. She has not had any income for many months and is largely surviving on food banks and charities.

She owes a huge amount of rent, which is a massive debt for her to deal with. When she is evicted, the local authority will have to support the family under the Children's Act. We have made an application to regularise her stay but this is likely to take another nine months or so to be decided, which adds more time to her time as an overstayer, with no benefits, no permission to work and no guarantee of a positive outcome in her case.

FEATURE: ACCESS TO ADVICE FOR COMPENSATION MATTERS

Compensation for survivors: Crucial yet currently unrealised

Ensuring access to compensation for victims of trafficking and modern slavery is crucial to ensure redress and recovery. Compensation awards provide financial security which gives victims a genuine opportunity to rebuild their lives. Most are destitute upon escaping their traffickers, having been paid little or nothing, often for a period of years, and receiving a compensation award reduces vulnerability to further exploitation. It can also contribute to a sense of justice and closure, supporting their psychological recovery. At the same time, compensation paid by traffickers is a powerful tool of punishment and prevention: making trafficking and modern slavery a riskier and less profitable crime and deterring other traffickers.

In principal, there are different avenues through which victims of trafficking and modern slavery can apply for compensation in the UK. In practice, there are numerous obstacles to do so and the current avenues for compensation are unsuited for the crime of trafficking. Crucially, there is no civil remedy for trafficking and modern slavery in law which would enable a survivor to get compensation from their trafficker. To recover compensation, survivors have to patch together several different claims which encompass the many wrongs done to them. This can make bringing claims against their traffickers incredibly challenging, significantly more costly and often impractical, particularly in the context of the many other challenges faced by survivors.

For survivors of, the most challenging area to get legal advice and representation on is compensation, for the reasons we explain below. The number of survivors who are able to access such advice and representation is miniscule. Therefore, despite the crucial role of compensation in promoting recovery, punishing perpetrators and preventing trafficking, the number of victims who receive compensation, either from the state and particularly from their trafficker, is tiny.

The barriers in access to legal advice on compensation matters

- **Lack of information available to victims on compensation**

Many survivors are unaware of their entitlement to compensation and the avenues through which they can pursue it. Knowledge of compensation routes and support for survivors to access them varies widely, and is often dependent on factors including the geographical location of the individual, the level of training their case worker has received on compensation, and whether or not they have access to a legal practitioner experienced in compensation matters.

- **Lack of genuine access to legal aid for this type of case**

Trafficking compensation complaints are complex and often raise novel areas of law. Yet despite their considerable complexity, compensation claims on legal help files fall in the 'miscellaneous' category. This attracts the lowest rate of remuneration, a fixed fee of just £79 in comparison to a fixed fee of £157 in housing or £259 in public law. Low rates of pay mean there is little business case for a provider to undertake trafficking compensation claims.

- **Lack of a specific contract for providers to undertake trafficking compensation claims also makes the work less desirable**

Providers will remain reluctant to recruit practitioners with specific expertise until a specific contract for this area of work is created.

- **Particular challenges and obstacles with Trafficking and Modern Slavery Compensation Claims (TMSCCs)**

TMSCCs are claims against a trafficker either in the Employment Tribunal or for damages in the High Court. While LASPO also purportedly makes legal aid available for them, very few providers are taking these cases. In June 2019, ATLEU contacted 250 legal aid providers who appeared on a list of TMSCC providers published by the Legal Aid Agency, and only 27 confirmed that they could advise and assist with a

trafficking or modern slavery compensation claim. The Employment Tribunal also relies on survivors to get pro bono representation for advocacy in the tribunal or to apply for ECF, which poses an additional barrier for survivors. Therefore in practice, very few of those identified as victims of trafficking ever receive legal advice and representation on compensation.

- **Advice for Criminal Injuries Compensation Scheme applications is expressly out of scope for legal aid**

This is despite CICS being not genuinely accessible by an unrepresented survivor. As discussed, Exceptional Case Funding does not offer a viable alternative for the legal aided advice that survivors need to bring CICA claims. Applications for ECF are very slow and frequently refused by the Legal Aid Agency: A survey by ATLEU in 2020 found that 93% of applications made for legal aid for ECF funding to prepare and submit a CICA application were refused. Between April 2014 and April 2018, ATLEU made 30 applications for Exceptional Case Funding in relation to CICA matters. All 30 were refused following the initial ECF application on the basis that the clients did not require legal advice and assistance to successfully access compensation through the CICA scheme.

- **Poor decision making by the Legal Aid Agency**

LAA decisions on cases involving victims of trafficking and modern slavery are poor and inconsistent. Refusals of applications are frequent, often due to a failure to understand the applicable law or apply lawfully the legal aid regulations. The need for satellite litigation frequently protracts proceedings, sometimes for several years, during which time survivors are unable to access compensation and move on from their trafficking experiences. Survivors report feeling that they are left in limbo during this time.

For many victims the prospect of pursuing a challenge that may take over a year before they can commence their compensation claim is too distressing and difficult to contemplate; others find it difficult to grasp the cause of the delay. Many victims of modern slavery come from countries where a legal challenge against the government would result in repercussions for them. While every effort is made to explain that they will not experience such repercussions in the UK, many are reluctant to pursue this course of action.



Edon's story

Edon* was trafficked to the UK for labour exploitation. He was forced to work in hand car washes and, when this work was not available, to steal for his trafficker. George escaped and reported to the police. He attended court to give evidence resulting in a custodial sentence for the trafficker. Edon then sought legal aid to investigate a compensation claim. His application was refused on four separate occasions. Edon was advised that there were merits to challenge the refusal but he declined to bring a formal challenge. He said, 'I helped the police even though I was scared, why won't the government help me? I am half a man after what the trafficker did to me, why are they treating me like this?'

Saira's story

Saira* was trafficked to the UK for the purpose of sexual exploitation and then coerced into a sham marriage. She sought a certificate of investigative representation in order to take instructions with an interpreter and determine what claims might be brought on her behalf. Saira was initially refused legal aid on the basis that she was seeking advice in relation to an out of scope employment matter. She was then refused again as she was unable to demonstrate that she could not obtain a 'no win no fee' agreement in the private sector.

Saira spoke no English so contacting solicitors in the private sector was not a realistic option for her. Representations were made to this effect. Saira was then refused legal aid on the basis that insufficient information had been provided to determine whether there were complaints with reasonable prospects of success. Saira was advised that there were merits for a judicial review challenge. However she declined to formally challenge the LAA after her third refusal of funding, stating, 'they don't want to help me, I am nobody, they [the traffickers] didn't treat me like a human being nor do they'.

The difficulties with accessing legal aid can make compensation claims so long and complex that victims may find they are better off pursuing a claim against the state than they are their trafficker.

- **There are very few legal practitioners taking compensation cases**

Given the immense funding challenges outlined in the bullet points above, alongside the complexity of the different avenues technically available for compensation, it is unsurprising that there are extremely few legal practitioners supporting survivors to make compensation claims. ATLEU's advice referral portal statistics demonstrate just how few providers are taking compensation cases. Since the portal was launched in September 2020, there have been 54 referrals for compensation advice but only six were matched with a legal provider prepared to take on the case, one of which was from ATLEU.

- **It is very difficult for survivors who have returned home to access compensation and reparation**

While it may be possible in principle to pursue a compensation claim from outside of the UK, this is likely to be extremely difficult in practice as there are rarely effective mechanisms in place to inform survivors on their entitlements or to support them in making a claim on their return home¹. It is difficult to comply with the LAA requirements for legal aid entitlement from abroad, such as the requirement for documents to be in English, French or Welsh. The legal provider has to pay costs of interpretation and it is not possible to recoup these when and if the funding is granted.

In one case, ATLEU had to use a translation application to try and provide English copies of documents requested that were in Hungarian. These were initially refused by the LAA, who asked for further information. By the time a response was received from the client, the time limit for responding to the LAA had passed in the case and it was necessary to start the application all over again. In practice, ATLEU has experienced that when a client has left the UK part way through a compensation case, the difficulties arising from securing legal aid and taking instructions from abroad have resulted in the case being unable to proceed.

¹ International Justice Mission (2021), 'IJM Romania identifies critical gap that often leaves survivors of trafficking losing their rights': <https://www.ijm.org/news/ijm-romania-identifies-critical-gap-leaves-survivors-trafficking-losing-rights>.

8. THE CAUSES OF THE LEGAL AID CRISIS

The legal advice crisis is caused by a number of factors. The primary cause of the lack of available quality advice is the legal aid funding system. There are a number of interrelated issues with the legal aid scheme that means that taking on cases involving victims of trafficking and modern slavery is not viable or sustainable for many. The funding structure for immigration legal aid makes trafficking and modern slavery cases unviable for providers, deters the development of specialist expertise, and encourages restricting the level of work carried out on a case which drives poor quality advice.

There are also a number of other obstacles in access to legal advice and representation for survivors. Access to legal aid is vital for survivors to access advice and representation. Yet, the legal aid means test excludes many survivors from accessing advice across all civil categories of law, despite their inability to afford it otherwise. There is considerable confusion among support workers and legal providers alike about what is in scope for legal aid with many refusing to open cases on an incorrect basis. As previously highlighted, there are a number of important areas of advice which are currently excluded from the scope of legal aid for most survivors. Poor decision making by the Legal Aid Agency, particularly in trafficking and modern slavery compensation claims, leads to frequent incorrect refusals of applications.

IMMIGRATION LEGAL AID FUNDING: FAILING SURVIVORS AND DETERING PROVIDERS

‘I have two service users who are desperately in need of legal representation. The unwillingness of the services that are available but fail to accept new cases is astonishing. The response to the aforementioned is simple. ‘How can we ask staff to take on these cases when it takes them so long to get paid?’ This does nothing but add fear to a very emotional and stressful situation for the service user, who now states they feel enslaved by the lack of support there is for them now that they’re here in the UK.’

Support worker from a MSVCC provider

For non-UK citizens who have experienced trafficking and modern slavery, one of the most pressing legal problems faced is the need to gain secure immigration status, which is foundational for these survivors to be able to access broader support and entitlements and make progress towards recovery without the risk of being removed to harm. Yet, immigration legal aid funding makes trafficking and modern slavery cases unviable for providers. This is because they

are uniquely complex, long-running and costly, and therefore are ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out.

1. UNIQUELY COMPLEX AND LONG RUNNING

Trafficking and modern slavery cases often involve complicated and interconnected immigration issues that run over a long period of time, and clients often also have other legal issues ongoing not directly related to the immigration case but which may nevertheless impact on it, such as ongoing criminal cases. For legal representatives, taking on cases of trafficking and modern slavery involves attention to a number of issues in a case and under a number of different legal frameworks.

This complexity is highlighted by a lawyer participant to the research by the University of Liverpool in collaboration with ATLEU and the Rights Lab at the University of Nottingham, in the report Access to legal advice and representation for survivors of modern slavery (2021):

‘First, there’s going to be everything around the actual trafficking claim, so that’s whether they need legal advice and support pre-NRM or as to whether or not to go into the NRM. There’s then shepherding them through the NRM, potential challenges if there’s a negative RG or CG, potential challenges if there is untoward delay, which there always is, potential challenges if they get the positive CG but no consideration of discretionary leave, or bad consideration of DL... Then there are also reconsideration requests and then

potentially we might have to challenge the decision under public law.

‘Then, secondly, they’re probably going to have some overarching immigration or asylum case, so obviously there’s all the legal advice and representation needed for the actual immigration and asylum proceedings.

‘Then, thirdly, there’s obviously other areas of compensation and redress, which I think are really, rarely used... so we need to ask should they be bringing in an employment claim in the employment tribunal, should they be trying to get compensation from the criminal compensation scheme? That would become all the more complex if they did have a criminal matter also outstanding, where we’d now be seeking to overturn [a criminal conviction] out of time.

‘Quite a few of my clients who have been trafficked also have family law proceedings ongoing, too. Some of them are so mentally unwell that they may have had children removed from them or there may just be contested proceedings over contact or custody between them and an ex-partner or even an ex-abuser or perpetrator.

'I don't have any non-trafficking clients with so many overlapping and on-going legal issues. Sometimes in trafficking cases, there's literally four different sets of proceedings going on, and the client has no idea of the complexity.'
(LR01)¹

The complexity of the cases also stems from the often very vulnerable position of the clients who have experienced, or are still experiencing, significant trauma. Survivors of trafficking and modern slavery may still be in exploitation at the point where they seek advice. They also may experience significant barriers to disclosure, and may need to spend many hours with their lawyer before they will disclose their full story and sometimes this will need to take place over months or even years. There is often a real fear of engaging with the authorities among survivors. Lawyers in trafficking and modern slavery cases will be required to be able to evidence the traumatised nature of their clients, for example by obtaining psychiatric and psychological reports.

Survivors often have very complex needs that impact upon their ability to engage with legal advice, and this requires partnership working between support organisations and legal aid providers. Survivors interact with a wide range of agencies in the course of their identification and support, for example police, social services and medical professionals.

Trafficking can have close links with international organised crime and have taken place in the UK, meaning persecutors can be located in the UK or have close links to criminal gangs in this country, presenting additional and immediate protection needs which must be addressed and which may involve work with different agencies.

The average length of a trafficking and modern slavery case is significantly longer than other immigration cases due to the factors related to the presentation of the client and other issues that need addressing in the case before representations can be made to the Home Office, for example, waiting on medico legal evidence or phased disclosure by clients as they establish trust with their representative. In our experience, securing a positive reasonable grounds decision and obtaining discretionary leave to remain, can regularly take over five times the amount of hours covered by the fixed fee².

There are also long delays that come from the NRM system. In ATLEU's experience, a conclusive trafficking identification decision can take at least two years and sometimes more than three years. Although these delays should no longer impact on asylum decision making, there are still huge delays in the asylum system which mean a case will not conclude quickly. Only after a conclusive grounds decision is made will the victim's case for discretionary leave to remain as a survivor of trafficking and modern slavery be determined. These factors combined to make survivors' cases much longer than a standard immigration case.

The government's own statistics confirm these huge delays. The NRM data for 2021 states that it took an average (median) time of 448 days from referral to conclusive grounds decisions. As median decision times are for cases that received a conclusive grounds decision from the Competent Authorities in this period, the report notes that they 'do not reflect the waiting time of all cases within the system.' Further, 'As of 7 January 2022, the majority (80%; 10,214) of referrals made in 2021 are awaiting a conclusive grounds decision, having received a positive reasonable grounds decision. This is a result of the current time taken to make conclusive grounds decisions³'.

Recent delays in NRM decision making from ATLEU's caseload, on cases without an asylum claim

- A survivor who we assisted to get a positive RG decision in September 2019 is still waiting for a CG decision, over three years later.
- A survivor who we assisted with reconsideration of a negative CG decision, which was accepted for reconsideration in August 2020 (meaning the individual has positive RG status again) received a CG decision in July 2022. A decision on leave is pending.
- A survivor who we assisted with reconsideration of a negative CG decision, which was accepted for reconsideration in October 2020 received a CG decision in February 2022. Leave to remain was refused, and the government agreed to reconsider then refused leave again. ATLEU challenged the second refusal by way of judicial review and it was only after the case was lodged in court that the Home Office agreed to reconsider for the second time. The client is now waiting for a new decision on leave.
- Delays can stretch even longer and some individuals seem to have cases that last longer than others. In August 2022 we were contacted by someone on our advice line who had been working with two survivors who were refused asylum seekers. Both had recently received CG decisions after a five year wait.

¹ From Dr Samantha Currie and Dr Matthew Young, Access to legal advice and representation for survivors of modern slavery (May 2021), pp17-18

² See evidence submitted by ATLEU to the [Post-Implementation Review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(2018\)](#)

³ [The Modern Slavery: National Referral Mechanism and Duty to Notify statistics, end of year summary, 2021.](#)

2. COMPLEX, COSTLY, UNSUITED TO PAYMENT BY FIXED FEES, LEADING TO A MARKET FAILURE

‘There has been a recent spate of people leaving the legal aid sector, creating a squeeze where more and more clients are being referred to an increasingly miniscule group of competent legal representatives. There are some firms with legal aid contracts but these often do not have the basic competence to act in trafficking cases, which is a particularly complex and sensitive area of law. In trafficking cases clients often lack insight into the full extent of exploitation and the nature of ongoing risk, the law is extremely technical, evidence often complex and the only remedy is judicial review so the evidence has to be detailed and front-loaded.

‘The quality of legal aid representation can be extremely poor, often with nothing really being submitted before the CG decision. The issue is that there is not enough legal aid representation and even among those accredited to provide it there are a great many without sufficient competence and skill to do so, which can

actually be worse than the client having no representation at all.’

Jennifer Blair, No5 Chambers and Migrants Organise

The unique complexity and length of immigration cases involving survivors of trafficking and modern slavery, as demonstrated above, makes them ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out. ATLEU estimates this to be an average of over £3000 per case. The long running nature of the cases and investment required is off-putting when that money cannot be recovered quickly and is not certain to be recovered in full.

The following example of one of ATLEU's clients demonstrates the complexity, length and therefore costs involved:

Anna's story

Anna* is a potential survivor of modern slavery. She has a positive reasonable grounds decision, issued in November 2019. She has made an initial claim for asylum. Her screening interview took place in February 2020. She has still not had a substantive asylum interview, over two years and seven months later and has not had a Conclusive Grounds decision, over two years and 10 months later.

The impact on her is significant. It has negatively affected her physical and mental health. She visited the GP this month and was told that her blood pressure has increased because of the stress she is experiencing from the delay. She has experienced anxiety and depression and is having trouble sleeping.

Anna would like her own space. Living in a safe house is not serving her, with the constant presence of other people around her including support staff. Anna feels the system is not meant to work like this and describes the way she has been treated as 'dehumanising', and although as a survivor she is supposed to be on a journey of healing and recovery, she feels pushed over the edge by her treatment in the NRM system. If she was granted leave to remain she would be able to access housing she could call her own, with the dignity and privacy that comes when creating your own home and space.

Anna said this about the delay she has suffered: 'I suffer with high blood pressure and stress because of what I endure in this place. It is wrecking me. My growth has stagnated with this Home Office. It has destroyed me. It is very hard. The process is stagnating me mentally and emotionally. I cry so much.'

ATLEU's solicitor has spent a lot of time working with Anna, and has raised the impact of delay with the Home Office asylum team and the Single Competent Authority, requesting a decision on the asylum case without an interview in light of the information before the Home Office and our client's mental health. We have spent 66 hours of work on the case to date (which means the case has a value of £3026.66). We have spent time gathering additional updating evidence including a supplementary statement, due to the long duration of the wait before an interview. This year the Home Office said they would refer the case to the Safeguarding team but this has not resulted in an asylum decision or invitation to interview yet.

While it is possible to charge for the actual time spent on cases if the work carried out exceeds the certain threshold – thus meeting the escape fee – this is deemed too risky by many lawyers as there will often be uncertainty as to whether the threshold will in fact be met. Indeed it is common for lawyers to be actively discouraged from working in this way within most firms. A legal representative may spend a considerable period of time working on a case to a high standard but still not meet the threshold required to unlock the escape fee and thus only be paid the fixed fee.

Legal aid rates have remained unchanged since 2011¹, despite inflation during this time. Legal aid rates have always been very low, but the disparity between the rates of a private high street practitioner and a legal aid practitioner is increasing.

The structure of the legal aid payment system requires legal aid providers to work on trafficking cases for as long as three years without receiving any payment for the work they have done, or a small payment which is a fraction of the total value of the work they have undertaken on a case. During this time the legal aid provider must cover all of the costs involved in providing the advice including, the cost of the lawyer's salary and all the associated costs of running a legal practice, as well as their management, supervision, training and accreditation.

By their nature, cases involving victims of trafficking often involve a number of expenses (known as disbursements) for interpreters and expert reports and medico-legal reports that must be paid up front by lawyers. Even though payments on account can be sought through stage claims on immigration cases after three months, the volume of costs is an unattractive cost burden for providers when they are also not recovering the full value of the advice time. The Legal Aid Agency has introduced early payment of the fixed fee for asylum cases from 1 September in certain

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/308903/LAA-2010-payment-annex-2.pdf

2 <https://www.gov.uk/government/news/civil-news-early-billing-for-asylum-matters> and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1100751/Early_Billing_A_Practical_Guide.pdf

3 Dr Samantha Currie and Dr Matthew Young, Access to legal advice and representation for survivors of modern slavery (May 2021), p28

circumstances, but this will not deliver the full value of time spent on the case after that £413 payment is made².

The financial unviability of cases has three key impacts on the way that legal practitioners, or their firms, approach cases involving survivors of trafficking and modern slavery cases:

- **Refusing to take on or limiting the number of trafficking/modern slavery cases**
- **Taking on cases of clients who are survivors of modern slavery but restricting the work undertaken or being willing to work only on a particular aspect of the case.** For example, if a client also has an asylum claim, this will be prioritised. This approach is clearly only possible for those clients with an additional protection claim and carries risks should the claim be unsuccessful
- **Taking on cases of clients who are survivors of modern slavery and dedicating a significant proportion of unpaid time to the case work, often out of standard work times and at personal cost.** They are also spending time rectifying poor-quality legal work carried out on survivors' cases by other legal practitioners³.

'I still have my ODW (overseas domestic worker) visa when I passed the initial assessment of NRM so I have the right to work. I was given a solicitor who advised me to apply for asylum, but I told him that I only want support

for the conclusive ground decision, I don't want to claim asylum. The solicitor refused to take my case. I was then given another solicitor but this solicitor left the firm without even giving me notice. I was again given another solicitor.

'I was asked to submit Pay slips and remittance receipts which I failed to provide so I was asked to pay £1,300 to the solicitor. I had to borrow money in order to afford this amount because I was on and off at my job because employers won't believe that I have the right to work and they don't understand this NRM. I am already struggling to provide for my family's needs let alone pay in order for my case to move on. I don't really understand why I was forced to apply to NRM because there was no other option to keep myself legal but I didn't really get proper support and legal aid. I accessed counselling at VoDW, not in this NRM system.'

Janet*, a member of the Voice of Domestic Workers (VoDW)

Lawyers who participated in the research by the University of Liverpool that were based in larger firms, with a number of different legal departments, talked of how there was an acceptance within the firm that trafficking cases would run 'at a loss' but be offset by gains in different departments. This strategy

4 Dr Samantha Currie and Dr Matthew Young, Access to legal advice and representation for survivors of modern slavery (May 2021), p27

enabled them to run the case in a more expansive way than otherwise would have been possible. Clearly, this was not an option available to those lawyers in smaller, less diversified law firms⁴.

The current payment structure results in very few providers developing trafficking expertise or being able to afford to run a trafficking case with the investment of time and disbursements it needs. This is causing poor quality advice, where providers fail to run important trafficking arguments, or don't spend the time to explain a victim's case properly or take the time necessary to present the right supporting evidence. It is also leading to a market failure:

'It is clear that every law firm in our area is full to capacity, and in the likelihood that we manage to squeeze the odd client into a firm, they will likely not be afforded much communication or priority as the solicitor taking their case will be operating at max capacity.' Another said *'Finding a legal aid solicitor is always hard, finding a good one is almost impossible and our clients deserve better.'* Support worker at a MSVCC provider

'It is becoming increasingly difficult to find quality legal advice and representation for potential/confirmed survivors of modern slavery despite having strong working relationships with many firms and practitioners with expertise in the area. This is usually due to a lack of capacity in the sector.'

Many practitioners have left the sector due to increasing pressures and burnout and this leaves the pool of people available to make referrals to even smaller.

'We are currently working with a young person who is waiting for a conclusive grounds decision. They have a private representative who is working pro bono but does not appear to have experience of working with victims of trafficking and does not work in a trauma informed manner. It has been very difficult to determine the stage the case is at or whether an asylum claim has even been lodged and we are having difficulties finding a quality legal representative to take on the case.'

'This is causing the young person significant distress and we have concerns that a decision will be made in the case without the case being put forward appropriately. This has resulted in us spending additional time trying to find out what is happening with the case and is impacting the level of therapeutic care that can be provided.'

'We have a list of our clients who either do not have an immigration lawyer or who have one but we have concerns

about their quality and we are trying to find a new lawyer. We try and match them with lawyers we think would be suited to their case based on their experience. Depending on the facts of the case and the stage it is at it can take on average up to three months (sometimes longer) to find someone to take on the case. This is despite the fact we are in regular contact with legal representatives that we regularly work with to ascertain their capacity. In the vast majority of cases, the reason given for not taking cases on is capacity.'

Beth Mullan-Feroze, Helen Bamber Foundation

While standard fixed fees are used widely across the legal aid system, hourly rates are payable to immigration legal advisers in Unaccompanied Asylum Seeking Children (UASC) cases. This is in recognition that UASC have a high level of vulnerability and their cases are associated with considerable overall complexity, including multiple legal frameworks and potential avenues to legal resolution, and a number of different involved parties

As with funding for UASC cases, it is clear that immigration legal aid funding for trafficking and modern slavery cases requires a tailored response that is reflective of the evidenced complexities of running such cases and the high level vulnerability of this group of survivors. This type of case is too complicated to be operated on a fixed fee basis and is leading to legal aid deserts and droughts for survivors. At the same time it is placing a huge and unacceptable financial burden on small and often impoverished providers who are in effect being penalised for specialising on a complex issue.

3. CRIPPLINGLY BUREAUCRATIC AND ADMINISTRATIVELY BURDENSOME: IMMIGRATION LEGAL AID BILLING

The legal aid billing process for immigration cases is the most complex in civil legal aid at controlled work level. ATLEU employs a dedicated billing team member for controlled work with considerable experience on immigration files, due to the complexity and time consuming nature of legal aid billing.

An immigration legal aid case at controlled work level includes: checking different rates of pay that may exist on the same file (if there is hourly rates pre action work), checking if there is the correct evidence on file to prove someone is a victim of trafficking, checking large numbers of invoices, ensuring VAT is correctly selected. Sometimes work to process a large immigration case can take a full day of time, to ensure all the components needed for billing are in place. The overhead of employing a billing team member that can focus on these issues is met by the legal aid provider. As legal aid rates have not gone up in many years, but other costs of running offices have, the overheads are not fully met by legal aid.

In addition, the nature of the client group means a large disbursement load of interpreter and translation invoices, in addition to any other supporting evidence needed like medico legal expert reports. The LAA has detailed requirements for invoices to be acceptable, and for interpreters/translators to be considered quality compliant. Additionally, the threshold for which expenses can be paid without first seeking permission from the legal aid agency is too low, creating excessive work for lawyers.

'The legal aid auditing regime was the primary reason that several firms in England and Wales gave for having withdrawn from legal aid, and the reason that several non-legal aid organisations gave for choosing not to apply for a legal aid contract. The overall unpaid administrative burden of doing legal aid work was cited as an obstacle by almost every legal aid provider in England and Wales who participated. This is a significant threat to provision¹.'

¹ Dr Jo Wilding, No Access to justice: How legal advice deserts fail refugees, migrants and our communities (May 2022), Refugee Action, p13

4. THE LEGAL AID MEANS TEST: EXCLUDING SURVIVORS AND DETERRING PROVIDERS

The complexity and stringency of the legal aid means test has excluded many survivors of trafficking and modern slavery from access to legal aid that they vitally need and cannot otherwise afford.

The income test does not reflect the complex, diverse and often fluctuating financial reality of many survivors. Survivors are often in unstable forms of work where their income will fluctuate. As legal aid entitlement is reassessed periodically throughout the life of a case, this can result in survivors losing their entitlement to legal aid during the middle of their case.

Jakesh's story

Jakesh* was trafficked to the UK for the purpose of labour exploitation. He had been promised a job in a factory for which he would receive the sum of £500 a month. In fact, he was required to work lengthy hours, seven days a week, receiving just £10 and two packets of tobacco per week. Jakesh was threatened with violence and was in a state of constant fear.

Jakesh was referred to ATLEU for advice and assistance with a trafficking and modern slavery compensation claim and proceedings were issued against the factory that benefited from his forced labour. Six months after the issue of proceedings, he obtained new employment but did not have fixed hours meaning that his earnings fluctuated. Jakesh would be under the LAA income threshold for 2-3 months but would then in other months exceed the threshold, often by £50-£60. As a result of a 3-month period in which Jakesh exceeded the income threshold, Jakesh's legal aid was withdrawn and his claim in the High Court could not continue.

Those with income from sex work may also be found ineligible. This can leave survivors trapped in abusive relationships or in sexual exploitation, yet unable to access legal aid due to their income. This happened to ATLEU's client Anika:

Anika's story

Anika* came from Thailand in 2013 because she needed to work to support her elderly parents and disabled sister. She realised that she was being brought to do sex work but was forced to take part in sexual acts and drug taking without her consent. She suffered for two years until she was picked up in a police raid and recognised as a potential victim of trafficking. The police felt it was so important that she provide evidence to their investigation that they wrote to the Home Office to ask that she be allowed to remain in the UK. Their request was ignored and Anika had to wait another two years for a decision, only for the Home Office to make a negative CG decision.

With irregular immigration status and no other way to earn money Anika returned to sex work to earn money. She used her earnings to cover the rent and to continue sending money home to her family – her father was by this time very unwell and the family continued to rely on her income to pay for his healthcare and to meet her sister's needs. Anika's income exceeded the gross income limit for legal aid. Her rent was high as it was in Central London and therefore much of it could not be deducted for the purposes of calculating disposable income. Anika didn't want to continue sex work but felt she had no choice as she wasn't allowed to work legally and couldn't access immigration advice to regularise her status.

Eventually her mental health declined dramatically and by the summer of 2018 she twice attempted suicide. Only when she was admitted to hospital for psychiatric treatment, did she become eligible for legal aid. Following this she obtained legal advice which led to the negative CG decision being overturned and a grant of refugee status. With intensive legal support provided under legal aid she successfully challenged the negative Conclusive Grounds decision,

Survivors who work as part of their recovery are effectively penalised for doing so. As survivors recover from their experiences, some enter employment resulting in implications for the means test. Many will continue to be pushed over the eligibility threshold and barred from free legal help, leaving them in limbo, dissuading them from work and impacting on their recovery.

The capital test is also excessively burdensome. The requirement to provide evidence that assets abroad should not be considered is particularly onerous. Many survivors cannot access evidence on assets held abroad, particularly those who lose contact with family members back home as a consequence of their trafficking experience, or do not feel able to disclose their trafficking history to access the documentation requested. In other cases, the documentation simply does not exist. It is virtually impossible for survivors to continue to engage with lawyers and provide all the documentation required without ongoing support, especially when evidence of means is in another language or in a cash economy.

Survivors of trafficking and modern slavery have become ineligible for legal aid due to the receipt of compensation awards in some cases, and due to the receipt of back payments of benefits or other entitlements in other cases. ATLEU has represented many clients who have become ineligible for legal aid due to the receipt of compensation awards, which were often received without notice. One client received a Proceeds of Crime Act Award with no notice which made them become ineligible for legal aid. He was then forced to withdraw from High Court proceedings in a compensation claim against the trafficker.

The legal aid means test creates administrative burdens and financial risks for providers. It means that providers, rather than working towards building the trust necessary for disclosure, need to start the relationship with their client by asking personal and complex financial questions. Survivors have told ATLEU that they find the process intrusive, confusing and sometimes traumatising.

'When my solicitor was looking for my eligibility for legal aid she looked at my monthly income. My salary was £200 per week, and then they added the £160 monthly support payment that I get for being a potential victim of trafficking and modern slavery. During my NRM case, I married my husband, and even though he was not supporting me financially, just because I went to his home on the weekend, they counted this as I was being supported. I was remitting money to my four children back home, £800 per month, so all I had left was really the financial weekly support for being a potential victim.'

'I feel this is very unfair after all she has taken the information about me. I was expecting I will receive legal aid. I ended up borrowing money from friends so I could pay for my solicitor fee which was £700. I was crying because it was difficult to find someone who can trust me to lend this money. After five years of being under NRM, until now I haven't received a decision on my NRM case. I don't know what is going to happen.'

*Liz, a member of the Voice of Domestic Workers

The present income limits do not reflect financial reality and have not been increased since 2009. This problem is particularly acute in a time of rising inflation and a cost of living crisis.

5. LEGAL AID SCOPE CONFUSION

The volume of queries which ATLEU receives annually to its advice line about access to legal aid reveals considerable confusion about what is and is not in scope under legal aid, with many legal providers refusing to open cases on an incorrect basis. Considerable confusion exists about when survivors of modern slavery are entitled to legal aid amongst First Responders, support providers and solicitors alike.

There is a lack of clear accessible guidance on what the Legal Aid Agency (LAA) considers to be in or out of scope and a lack of clarity in the application of the rules governing these complex and diverse cases. Although the Legal Aid Agency published a 'Clarification of Immigration Funding in Trafficking Case' information document¹, clarifying that legal advice is available for matters of immigration for a non-asylum case, it is not widely known about and indeed is difficult to find on the Legal Aid Agency webpage.

While uncertainties continue about exactly what work can and will be funded, it acts as a disincentive to providers to take on these cases in case they are left out of pocket for hundreds of hours of advice and thousands of pounds in disbursements. Further, the situation described above, of confusion among support workers and providers alike, will also continue, with cases refused on an incorrect assessment of what can be funded by legal aid.

1 Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716499/Clarification_of_immigration_funding_in_trafficking_cases.pdf

6. CRUCIAL BUT UNAVAILABLE: WHAT LEGAL AID WON'T COVER

As earlier outlined, survivors of trafficking and modern slavery cannot generally get legally aided advice and representation on three areas that are restricted from the scope of legal aid in England and Wales.

Pre-NRM immigration advice

The case for properly funded immigration advice on referral into the NRM

Since the inception of the NRM, the anti-trafficking sector has called for legal advice before entering the NRM to be in scope for legal aid for all survivors. While this is the case in Scotland and Northern Ireland, it is not in England and Wales, and this is a huge gap.

It is a requirement that adults who are considered to be potential victims of trafficking and modern slavery provide informed consent to their referral into the NRM. Informed consent is widely acknowledged as a critical component in empowering survivors¹.

Yet, there are concerns about the extent to which survivors are genuinely given the opportunity to give informed consent at present. NRM referrals are often done in stressful and overwhelming contexts, such as Home Office asylum interviews or following police raids, and have the potential to re-traumatise survivors. Without the First Responder adequately explaining the NRM or adopting a trauma informed approach, the risk of survivors being unable to give complete and accurate statements, or the transcripts of this information containing errors, is high.

1 [Principles that underpin early support provision for survivors of trafficking](#), produced jointly by the British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (2018).

‘While the Home Office has designated certain organisations as First Responders there is no specific funding, qualification, or training requirement to become a First Responder to the NRM. The lack of specific funding for the role or application process to become a First Responder means that there is no guarantee that potential victims will be able to find a non statutory First Responder with capacity to refer them into the NRM. For many victims this is a significant deterrent to consider a referral.

Many potential victims are fearful of authorities, particularly if they are uncertain of their immigration status. Independent legal advice is vital for adult potential victims to genuinely be able to understand the implications of a referral and give informed consent. Not only would this encourage potential victims to access safety, specialist legal advice to inform consent will help victims feel better able to disclose, improving the quality of referrals and decision making’

Kate Roberts, Focus on Labour Exploitation (FLEX)

Legal advice prior to entering the NRM is therefore crucial for survivors to make a genuinely informed decision about whether or not to do so. A lack of advice at the pre-NRM stage may leave victims unwilling to enter the NRM if they are not clear about its impact on immigration status and the support they are entitled to. In 2021, the Home Office received 3,190 reports of potential adults victims of trafficking and modern slavery that had not given consent to be referred into an NRM, a 47% increase from 2020². The identification of victims and their access to support and recovery is also a crucial component to achieving successful prosecution of perpetrators.

A limited recognition of the importance of pre NRM advice

The Nationality and Borders Act brought pre-NRM immigration advice into scope for legal aid if a survivor is already accessing certain other in scope matters. We welcome this recognition of the importance of legal aid funding for advice prior to entering into the NRM advice, but regret that it is only being opened up to a small number of survivors. It will not reach survivors who are unable to find a legal aid lawyer, cannot articulate an in scope matter in the absence of legal advice (for example, cannot identify themselves that they have an asylum claim) or those survivors who do not have a need for immigration advice that falls within LASPO.

We are also disappointed that, according to the Ministry of Justice Immigration Legal Aid: A consultation on new fees for new services proposals, this pre-NRM advice is currently conceived as approximately 90 minutes of advice that would be funded by a £75 ‘bolt-on’ fee to providers. The content of this envisaged advice is foreseen narrowly: A factual explanation of the NRM, an explanation of support surrounding the NRM, an explanation of how the NRM interacts with the immigration system, and an explanation of the referral process itself. Work that would be out of scope includes identifying whether the individual is showing trafficking indicators³.

This is not realistic, practical or workable.

Advice on the NRM and the immigration case is interwoven. In ATLEU’s experience, advice on the NRM must be tailored to an individual, just like any other advice, because of the serious implications of coming forward to the government with a claim that might not be accepted, and with disclosures⁴ that will be on the record with the Home Office and could potentially impact an individual’s immigration case.

ATLEU’s experience is that giving pre-NRM advice can be very lengthy, involve multiple appointments and require going back to the client to ask for more detail after initial disclosure. Many of our clients require interpreters and the time taken to take instructions and give advice while using an interpreter is double that of working with a native English speaker. It is work that needs to be done in a trauma-informed way, in line with the Trauma-Informed Code of Conduct (TiCC)⁵ which is endorsed in the Statutory Guidance on the Modern Slavery Act⁶. With the introduction of Part 5 of the Nationality and Borders Act, and the elevation of the threshold to obtain an RG decision and the standard of proof required to reach this, it will be all the more important to offer tailored advice to someone about entering the NRM.

A joint report from UNHCR and the British Red Cross⁷ published in August 2022 recommended that the Ministry of Justice should ‘seek amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 so that potential victims of modern slavery are eligible for legal advice funded by civil legal aid prior to entering the NRM.’

⁴ In a document where four specialists from the anti trafficking sector developed principles to underpin the operation of Places of Safety (Principles that underpin early support provision for survivors of trafficking) we recommended for those survivors that: ‘To ensure that adult victims of trafficking and slavery are able to give informed consent to a referral into the NRM, potential victims should be entitled to up to five hours of legally aided immigration advice prior to making a decision as to whether to enter the NRM.’ The advice needs for survivors outside Places of Safety is yet to be assessed against an evidence base.

⁵ The Trauma-Informed Code of Conduct for all Professionals working with Survivors of Human Trafficking and Slavery, by Rachel Witkin and Dr. Katy Robjant, Helen Bamber Foundation (2018). Available at: <https://www.helenbamber.org/sites/default/files/2022-01/HBF%20Trauma%20Informed%20Code%20of%20Conduct%202nd%20Edition.pdf>

⁶ <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

⁷ British Red Cross and UNHCR, At Risk: Exploitation and the UK Asyccccccflum System, (August 2022), para 4.4

² Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021

³ Ministry of Justice, ‘Immigration Legal Aid: A consultation on new fees for new services’ (13 June 2022), para 66

Advice on trafficking identification

There is no free standing entitlement to legal aid for advice solely about the NRM identification process, unless this is linked to an in scope immigration matter and the individual has received a positive RG or CG decision. We know that the Single Competent Authority sends out requests to survivors to complete a witness statement themselves, acknowledging this is a legal document that can be used in legal proceedings, even if they have no lawyer to assist them.

A positive CG decision will rely heavily on the account given by the survivor. For good decisions to be made, it is vital that victims are given support to provide the Competent Authority with the most complete picture possible, without this many survivors may not self-identify or recognise what information is relevant to a trafficking decision.

Survivors of trafficking and modern slavery cannot be expected to provide adequate evidence without legal advice and support. Many do not speak English, and thus require interpreters; many are traumatised and have difficulty disclosing until they are in a safe, therapeutic environment; and many will simply struggle to put forward a coherent account of their experiences orally or in writing.

Moreover, survivors require a lawyer to engage with complex legal frameworks to demonstrate how their circumstances fulfil the necessary criteria for identification. A lack of investment in specialist advice and support early on in the process means that it is increasingly necessary to obtain costly independent medical and expert evidence to overcome negative decisions by the Competent Authority or their failure to take into account alternative supporting evidence.

Criminal Injuries Compensation Scheme (CICS)

For many survivors of trafficking and modern slavery, an application to the CICS is the only route to obtain compensation. Typically, these survivors are unable to identify their trafficker, or their trafficker will have no significant assets. Often they are simply too vulnerable to face their trafficker in court or contemplate further legal proceedings.

The CICS was amended in 2012 to explicitly include survivors of trafficking. Yet, few survivors are able to access the scheme and fewer still are able to obtain an award through the scheme. The Independent Anti-Slavery Commissioner noted that between 1 January 2012 and 28 February 2020, just 283 applications were made to the CICS by victims of trafficking, with only 54 of these cases awarded compensation⁸.

There is no legal aid available for an application to the CICS, even though it is not genuinely accessible by an unrepresented survivor of trafficking. The application process often requires detailed legal submissions which survivors of trafficking, particularly those who may not speak English or may have had more limited formal education, are likely to find challenging. Support workers are also unlikely to have the specialist knowledge required or the capacity to undertake this role for clients.

As highlighted in the feature section on access to legal advice on compensation matters, ECF provides no gateway to legal advice for survivors wishing to apply to CICA. The Legal Aid Agency does not accept that an application to CICA involves the determination of Convention or EU rights and so routinely refuses applications.

A survey by ATLEU in 2019 found that 93% of applications made to the LAA for ECF to prepare and submit an application to CICA were refused⁹. The vast majority of legal practitioners surveyed by ATLEU said that difficulties in obtaining legal aid funding meant that it was not feasible for them to advise survivors on CICA matters¹⁰. Although the LAA purports to have simplified the application form, in practice it has merely altered how the questions are phrased. The same detailed legal submissions are still required which cannot be done without legal advice. In practice survivors are unable to access ECF without assistance and this falls outside most support workers' competence.

It is for this reason that the Group of Experts on Action against Trafficking in Human Beings (GRETA) recommended to the government that it 'make additional efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 of the Convention, including by: ...enabling victims of trafficking to effectively exercise their right to state compensation within reasonable time, by ensuring their access to legal aid when submitting applications to the CICS as well as to experts who can assess psychological injuries, and providing appropriate guidance to CICA'¹¹

⁸ FOI request provided by ATLEU quoted in IASC policy paper (2022): Access to compensation and reparation for survivors of trafficking, https://www.antislaverycommissioner.co.uk/media/1771/iasc-policy-paper_access-to-compensation-and-reparation-for-survivors-of-trafficking_april-2022-final.pdf

⁹ ATLEU, Survivors of trafficking and the Criminal Injuries Compensation Scheme (2020), p6

¹⁰ ATLEU, Survivors of trafficking and the Criminal Injuries Compensation Scheme (2020), p6

¹¹ ATLEU, Survivors of trafficking and the Criminal Injuries Compensation Scheme (2020), p9

STATISTICAL CONTEXT¹

There is no complete data collected on the numbers of those who have been referred into the NRM, or recognised as a victim, and been able to access legal aid and for what purposes. However, the available indicators suggest that limited numbers of survivors gain such access.

In December 2017, Dominic Raab, then Minister for Courts and Justice, responded to a question by Stephen Timms MP on this topic by stating that there had been a total of only 124 victims of trafficking who had received legal aid for either immigration advice (excluding asylum) or advice on a trafficking compensation claim, in the three financial years ending 2015-2017².

Situated against the number of referrals to the NRM within a similar timeframe (the total number of referrals into the NRM in the three years from 2014 onwards was 941158³) it is clear that the vast majority of those who enter the NRM do not receive legal aid either to access (non-asylum) immigration advice or advice on a trafficking compensation claim.

It is not possible, however, to gain an estimate of the extent to which the same cohort is able to access legal aid for an asylum claim, or indeed across other legal areas, due to limitations of data collection in this area.

The UK Government's reply to the questionnaire issued by the Group of Experts on Action against Trafficking in Human Beings, as part of the evaluation of the UK's implementation of ECAT in June 2020, provides that only 49 cases were recorded of legal aid being granted in England and Wales for claims of compensation for victims of modern slavery in the five financial years ending 2015-2019⁴.

¹ GRETA, Evaluation Report United Kingdom, Third Evaluation Round (2021)

² For more information see ATLEU briefing (2018)

³ Available at <https://questions-statements.parliament.uk/written-questions/detail/2017-11-21/114965>

⁴ As recorded in the miscellaneous category rather than in a discrete legal aid contract. Reply from the United Kingdom to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, Third Evaluation Round, 30 June 2020, p.90. <https://rm.coe.int/reply-from-the-united-kingdom-to-the-questionnaire-for-the-evaluation-/16809eee04>

9. CONCLUSION

“Denial of legal protection to the poor litigant who cannot afford to pay is one enemy of the rule of law¹”

Lord Bingham

These findings paint a bleak picture of the extent of the legal aid crisis that has engulfed the sector. Since the introduction of LASPO there has been a steep decline in the number of legal aid firms and this has inevitably reduced the availability and quality of legal advice for survivors. Support workers completing legal processes, legal aid deserts and waits of up to five years to be recognised as a victim, all confirm that we are beyond the stage where small tweaks to the system will work.

The government needs to recognise that the current situation is untenable. The existing legal aid regime is unnecessarily complex and bureaucratic and places a heavy burden on both legal aid providers and the state. The evidence shows that far too much time is spent navigating bureaucratic processes instead of giving survivors the support they need. This often results in poor or no legal support for survivors. As a result, survivors are left to languish in a system that actively impedes their recovery instead of supporting it.

This report lays out the key areas that the government needs to address and we will continue to press them to do so, in collaboration with other partners. The situation is urgent; any further decline in the number and quality of legal aid providers will have a catastrophic impact on our ability to meet our obligations under law and will leave an ever growing number of survivors without access to support, safety, justice and remedy.

Access to independent legal advice goes to the very heart of our justice system. Independent legal advice is critical to the rule of law. Survivors of trafficking and modern slavery typically have limited means and are already heavily dependent on support which is controlled by the Home Office, which will frequently be their opponent in a legal case. It is essential that their legal advice remains separate from that system. The legal aid system is well established and well placed to do it. It is essential to survivors' ability to access justice.

There is no alternative to an appropriately funded legal aid system.

10. RECOMMENDATIONS

Survivors of trafficking and modern slavery should be able to access free, specialist, quality legal advice and representation when they need it, without delay. In its current form the legal aid system prevents this. The following urgent changes to the legal aid system are required.

- **Survivors of trafficking and modern slavery should receive non-means tested legal aid to ensure all survivors can access free legal advice.**
Anyone with a positive Reasonable Grounds decision and/or in receipt of Modern Slavery Victim Care Contract financial support payments within their recovery or reflection period and/or receiving ongoing support via the Recovery Needs Assessment process should be entitled to non-means tested legal aid.
- **Legal aid should be automatically available for victims and potential victims to access advice and representation when they need it. To achieve this the following areas of law should be brought into scope:**
 1. Pre NRM immigration advice: for those with indicators of trafficking and modern slavery prior to entering the NRM, so that individuals are genuinely able to provide informed consent to a referral into the NRM and make informed decisions about their future following their escape from exploitation.

2. Advice on identification as a victim of trafficking and modern

slavery should be available to all victims and potential victims under a number of different legal aid categories.

3. Advice on the Criminal Injuries Compensation Scheme for potential and confirmed victims of trafficking and modern slavery. This should include advice on applications, reviews, and appeals.

- **Publish a clear and unequivocal statement setting out survivors' entitlement to legal aid. Reducing the confusion around what matters are or not funded by legal aid will help increase legal aid providers' confidence in opening legal matters for survivors of trafficking and modern slavery and improve accessibility.**
The Ministry of Justice and the Home Office should produce a statement which positively, clearly and comprehensively expresses the legal aid entitlement of survivors in England and Wales, across all legal areas, providing more detail than set out in the current statutory guidance (under section 49 of the Modern Slavery Act 2015). This should be easily accessible on the Legal Aid Agency website.

The legal aid system should be effective and efficient, founded on evidence based policy, with fair and equitable payment so that it is sustainable for providers and guarantees survivors of trafficking and modern slavery access to justice now and in the future.

¹ Tom Bingham, *The Rule of Law* (Allen Lane, 2010), p 88

ACRONYMS

- **Legal aid providers must be paid for the work that they do if survivors are to access quality legal advice when they need it and without the delays that can damage their cases. Immigration legal aid for trafficking and modern slavery cases should be paid on an hourly basis, with rates of remuneration for civil legal aid raised so that this important work does die out completely.**

Legal aid funding for trafficking and modern slavery cases requires funding that is reflective of the evidenced complexities, length and cost, of running such cases and the high level of vulnerability of this group. There are certain types of cases that cannot be operated on a fixed fee basis as they are so complicated and to do so leads to a market failure. Trafficking and modern slavery immigration cases, like Unaccompanied Asylum Seeking Children, is one such group. Rates of remuneration for civil legal aid are extremely low and must be urgently reviewed and increased to a sustainable rate.

- **Introduce an efficient, streamlined process for opening, reporting and billing legal aid matters to replace the overly complex, burdensome bureaucracy that deters so many legal aid providers.**

The introduction of hourly rates remuneration in trafficking and modern slavery cases must be accompanied with the introduction of systems which are more streamlined and user friendly. At a minimum, this should include extending and improving the 'self grant' scheme that currently allows some providers to grant themselves higher cost thresholds, and lighter touch auditing after recruiting and encouraging quality providers to work in the field. We would welcome working with the Legal Aid Agency on measures that could reduce administration.

- **Data on survivors' access to legal advice must be collected to ensure that the legal aid system is evidence-based, accessible and effective.**

The Ministry of Justice and the Home Office should routinely collect and publish statistical data on those with Reasonable or Conclusive Grounds decisions who gain access to legal aid under different categories of law. This would provide a fuller picture about the proportion of survivors who are able to access legal aid advice and give a clearer indication of the scale of the issues. This data could be collected at the point an individual signs a controlled work form and makes an application for legal aid.

It is in the public interest that the legal aid system support survivors to hold the perpetrators of trafficking and modern slavery to account. The barriers to accessing legal advice which prevent survivors from bringing trafficking and modern slavery compensation claims should be removed.

- **Introduce a legal aid contract for trafficking and modern slavery compensation claims. This work is currently referred to as 'miscellaneous' and can be undertaken by any provider irrespective of their previous experience or competence in the field. A legal aid contract would establish requirements around quality as well as supporting providers to establish a viable business model for developing this area of work.**
- **Introduce into law a dedicated civil remedy for trafficking and modern slavery to simplify the recovery of compensation from the perpetrators of trafficking and modern slavery.**

CA	Competent Authorities (the decision making bodies in the NRM: the Single Competent Authority and the Immigration Enforcement Competent Authority - both part of the Home Office)
CICA	Criminal Injuries Compensation Authority
CICS	Criminal Injuries Compensation Scheme
CG	Conclusive grounds decision (second stage decision by the government that someone is a victim of trafficking and modern slavery)
CLR	Controlled Legal Representation (the form of legal aid for cases in the immigration Tribunal, usually the First Tier Tribunal)
ECAT	Council of Europe Convention on Action against Human Trafficking
ECF	Exceptional Case Funding
LAA	Legal Aid Agency (executive agency of the Ministry of Justice which administers legal aid funding)
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
LH	Legal Help (initial stage of legal aid for cases, before they proceed to court or Tribunal stage, and to prepare and make applications)
OISC	Office of the Immigration Services Commissioner
MSA	Modern Slavery Act 2015
MSVCC	Modern Slavery Victim Care Contract
NABA	Nationality and Borders Act 2022
NRM	National Referral Mechanism (the government system for identification and support of victims of modern slavery)
RG	Reasonable grounds decision (first or gateway decision that someone is a victim of modern slavery)
RNA	Recovery Needs Assessment
TMSCCs	Trafficking and Modern Slavery Compensations Claims

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Most of all, we want to say thank you to our clients, whose bravery in facing their traffickers makes the UK safer for all survivors of trafficking and slavery.

All names in this report have been changed to protect the identities of the individual survivors.