

Appendix C

Towards Adequate Assistance for Victims of Modern Day Slavery

Migration Asylum and Trafficking

Currently victims of modern day slavery struggle to receive any guarantee that they will receive the assistance they need. The provision of support to victims is still greatly failing. In England and Wales, victims of modern day slavery do not have any automatic entitlement to housing, financial support, or any other practical support that would assist them post-abuse and enslavement. After escaping the offender, they often become homeless and extremely vulnerable to further exploitation and abuse.

In response to these failings, Lord McColl of Dulwich, put forward the Modern Slavery (Victim Support) Bill, a Private Members Bill that is due to have its second reading on 23rd November 2018. The Bill would make two main amendments to the Modern Slavery Act 2015 (the MSA 2015) that require consideration, namely, assistance to individuals whose victimhood for the purposes of the MSA 2015 is yet to be determined, and assistance to the individuals already determined to be victims of modern day slavery.

The proposed section 48A concerns the provision of assistance and support during the 'reflection and recovery period.' The reflection and recovery period is the period of 45 days from the date on which the referral of a potential victim to the National Referral Mechanism (the NRM) was made. Under what would be section 48A(3), the assistance and support is to be provided unless a determination was made that 'there are there are no reasonable grounds to believe that the person is a victim of modern slavery', 'the person is a victim of modern slavery' or 'the person is not a victim of modern slavery.' The proposed section 48B concerns assistance and support for victims of modern slavery following conclusive determination that the individual is a victim of modern day slavery. Under section 48B(3), 'assistance and support is to be provided for a period of 12 months.' Furthermore, under section 48(B)(4) 'the Secretary of State must ensure that a person to whom this section applies is granted leave to remain in the United Kingdom for as long as necessary for that person to receive support.' Lastly, section 48C clarifies what is meant by 'assistance and support'; it includes safe accommodation, financial assistance, medical help, counselling, a support worker, appropriate information, translation and interpretation services, legal assistance, and assistance with repatriation.

Lord McColl's proposed Bill addresses the failings of the current mechanisms in England and Wales concerning the provision of assistance and support to the victims or potential victims of the modern day slavery. To encourage victims to speak out, they need support to re-establish their lives after the time they spent enslaved, abused, and exploited. Victims and suspected victims must be sure that if they escape or seek help, they will not be left alone. They deserve the state's assistance and support. We need to recognise that while rescuing victims from their oppressors is crucial, once free, they require help and assistance that currently, under the law in England and Wales, is not available.