



Difficulties and Successful Practices in Facilitating a New Life for Persons Trafficked to Great Britain

Kate Garbers

Paper presented at

The Pontifical Academy of Social Sciences

Human Trafficking: Issues Beyond Criminalization

17 – 21 April, 2015

Casina Pio IV, Vatican City

Your Excellencies,

Colleagues

Pontifical Academy of Social Sciences,

Thank you for extending an invite to me to join you for this Plenary on Human Trafficking, it has definitely been an amazing experience and I encouraged by what I have heard from colleagues from around the world, the Academy and the Pope in relation to this topic. It is an honour to be here, thank you.

I must admit to feeling a little bit of a fraud as I am not 100% academic or frontline practitioner – but a little bit of both. I am the Managing Director of the non-Governmental Organisation Unseen, based in the South West of England. I co-founded the organisation 8 years ago, initially to fill the void of there not being enough refuges and places of safety for trafficked persons. We certainly have grown and expanded from our original vision and having opened our first safe house project 5 years ago have worked with over 100 women, we have also developed a resettlement programme for those settling in the UK and an outreach programme for those requiring crisis assistance but not accommodation, these last 2 programmes work with both men and women – you can read more about the Resettlement service within my paper.

At Unseen we endeavour to combine a micro and macro approach so that we both support exploited people & tackle the systemic issues of slavery. The expertise and insight gained in each area help us perform effectively across all of our work.

We focus on three main areas as we work towards a world without slavery:

- **Supporting survivors and potential victims of slavery** by providing access to a range of specialist services, enabling them to safely recover and develop resilient independent lives.
- **Equipping stakeholders** by providing training, advice and resources to facilitate the identification and support of potential victims of slavery.
- **Influencing systemic changes** by using our experience and research to impact and inspire transformation across legislation, policy and society.

I also fundamentally believe and agree with a comment that was made on the first day, that NGOs have unfortunately made a habit of 'feeding' themselves and I do not wish to sound defensive or justify this behaviour which I have certainly seen, but do want to offer reassurance that Unseen's main aim is to work towards a world without slavery and in order to be truly successful in this we have to be prepared to do ourselves out of business. Having heard Jeffrey Sachs speak early in this conference, he said that we have fifteen years under the Sustainable Development Goals to 'get the job done' I was planning on giving myself until retirement, so it appears my timeline has shrunk by at least 50%, so collaboration is now more important than ever.

I have been asked to present on the facilitation of a new life for victims of trafficking and modern slavery in the UK

I think I have to be careful as I present, as I do not want to only present the difficulties, however I think it is fair to say that there are indeed many difficulties and processes to negotiate and navigate as a victim of trafficking if you want to settle in the UK.

My plan is to draw upon my experiences of frontline work with Government, police and survivors to discuss this topic with you today and I would also, at the end, like to take this opportunity to take advantage of the influence and power in this room and make some suggestions and recommendations for us to think about, pull apart and discuss – as was said earlier in the Plenary Session, if we are to truly address and tackle the issue of human trafficking and modern slavery we must not just get it right in one nation as this increases the risk of displacing in to other areas, regions and nations – we must however start somewhere.

Unseen views resettlement and re-integration to mean the point at which a person is economically and socially capable and independent, no longer at threat or at risk of being re-trafficked and most importantly no longer requiring the support and services we offer. This is one of the fundamental tenets of the resettlement service we offer – it is in place to empower and promote independence, and resilience, not to create an over-reliance on our services and workers. Support focuses on both the practical and emotional needs survivors have in order to continue their recovery and become independent, resilient members of society.

Facilitation of a new, productive and fully integrated life for an identified victim of trafficking in the UK is unfortunately fraught with difficulties. Residing and staying in the UK is not something every victim of trafficking will be able to do and being identified as a victim of trafficking does not equate to long-term support in a UK context. Once a decision has been reached, formally identifying an individual as a victim, there is no automatic entitlement in terms of residency, temporary or otherwise. The ability to reside, remain and access services is based purely on immigration status.

The notion that victim protection and victim assistance should be unconditional, and not dependent on the capacity or willingness of the victim to cooperate with law enforcement authorities is not currently enacted in the UK.

Whilst rhetoric from official channels and government agencies in the UK is one of separation of the issues of immigration and trafficking status, time and time again we see the two issues are inextricably linked – we have seen an increasing trend of Home Office asylum interviews being conducted and being used to inform a trafficking decision. We have time and time again seen decisions regarding trafficking status being delayed until an asylum decision is ready. In the UK the trafficking decisions are made based upon the information contained in an initial referral form submission and usually supplemented with supporting information from professionals working with the assumed victim – there is no face to face interview with a decision maker. The asylum process does offer interview but comes from the general premise of guilty until proven otherwise and is far from victim centred. I am not here to discuss the asylum process other than to say for two separate systems that are meant to run in parallel we see them as inextricably linked in the UK and highly inappropriate for a PVoT.

There is no official, government led programme or long-term support mechanism in place for victims of trafficking in the UK. The system in place for initial care does not afford victims long-term support or assistance to resettle and reintegrate into UK society. Under the UK's provision of support for trafficked persons an individual is entitled to 50 days of reflection and recovery. The creation of a resilient, empowered and contributing member of society is not currently a government priority for this population group. The approach and stance favoured and presently taken by Government is one of repatriation and return.

Whilst we agree options to return home should be explored and need to remain a valid option for victims of trafficking, we also need to further understand the issues related to repatriation to fully understand what it is we are returning an individual to. If the situation that initially led to an individual being trafficked has not altered, returning them increases the vulnerability of being re-trafficked if appropriate support is not in place. We are not in a position to dictate 'appropriate support' in other countries and jurisdictions, however we would express concerns that not all countries, to which individuals are returned, will have the same human rights record or approach to victims or the support mechanisms in place to provide the assistance they will require.

We want to work with partners; statutory, non-governmental and private sector to create and promote a system whereby people are able to be economically viable, self-sufficient and self-contained, but this will take time to achieve.

It is vital that wherever possible survivors understand the mechanisms they are part of and are given the information that allows them to make informed decisions whilst realising that in reality the decision to stay in the UK is not often one they can make themselves.

Any resettlement programme offered should not be run by one organisation in isolation and needs to support a survivor to integrate with services, support and friendship groups that will continue once the 'trafficking elements' of a survivor's case have been concluded. This cannot be about NGOs empire-building or creating a niche for themselves but about finding sustainable and appropriate solutions and responses for all survivors.

Caring and supporting identified victims should be the responsibility of government, civil society, individuals and organisations but the ad hoc nature of the systems we currently have is not sustainable or providing the best for some of the most vulnerable in our society.

I would like to spend some time looking at the issues we as an organisation have faced during our direct work with survivors.

Find myself between a rock and a hard place – brothels, car washes, nail bars (I am part of a multi-agency task force) – the options I am able to present are limited – this doesn't mean we shouldn't work proactively and in a multi-agency manner to address this situation and offer people a chance to understand their rights, entitlements and to fundamentally leave their exploitative situation, but over the last four years I have interacted with over 300 persons, all I would suggest are on the spectrum of exploitation, a third I would state showed indicators of trafficking – 2 have opted to leave their situations with us and 1 has come forward at a later date.

The question I am often left with post such operations is if someone does want to leave do we refer someone into the UK system knowing that 50 days later their options are potentially even more limited?

I have to be a pragmatist with this work and 50 days out of a situation of slavery is better than no days out of a situation of slavery but if the prospects that are offered post 50 days are worse than or comparable to the individuals original exploitative situation what is the incentive for them to leave?

If what we are offering is in effect:

- No promise of sustainable, long term income (even if money was not all there is, in exploitative situation victims often are provided with accommodation, food, speak same language, with others – not to say this makes it right but it provides a barrier to exiting)
- No promise of their ability to enter job market
- No long-term accommodation

In addition to this the individual is:

- Now on the radar of officials
- Potential for questionable immigration status

There overall is currently a lack of assistance and incentives and this directly impacts the ability for those enslaved and trapped to come forwards in the first place.

This is not to say the system doesn't work at all, and I am very aware that compared to many countries represented the UK has systems in place to support and the Government is engaging with a range of partners and organisations to discuss how we assist those identified better.

Last week I was called to our local hospital to consult on a case, a nurse had concerns about a patient she was working with – he had been coming to the hospital regularly for the last few months and had over time revealed what had been happening to him. Indicators of trafficking present I was called in to assist. We had managed to have serious and frank discussions about what his options were, that he needed to find work post his 50 days, that if he didn't he wouldn't be eligible for benefits, he may have to consider returning home and how we would be able to assist with this process should he choose this. Because of his regular appointments at the hospital he decided to return to his exploitative situation whilst he thought about his options.

As I flew out to here on Thursday he was being transferred to a safe place elsewhere in the UK, aware of his options, knowing he had had enough of being exploited and being in a place where he wanted better for himself.

This case was built on relationship and trust that had taken four months to build up with his health team, we cannot predict the outcome for him but he is at least aware of all the potential options.

Another overriding issue we face in the UK to the provision of effective resettlement is the benefits system itself. To claim benefits in the UK takes on average 77 days from entering your initial claim. This timeframe has some caveats, it assumes that your trafficker/exploiter has not claimed benefits already on your behalf as part of your exploitation, which is a trend we are seeing more and more often. So assuming we have no previous claims and the system works as it should you will be granted a national insurance number – a key if you would like to access the job market and any benefits to which you are entitled – as I mentioned earlier under the

UK's provision of support for trafficked persons an individual is entitled to 50 days of reflection and recovery – as you will see here we have at least a 27-day shortfall between government provision and the beginning or processing of any benefits claim (if the individual is eligible for these benefits).

In the worse cases this leaves individuals who have been positively identified as victims of trafficking with no income and no accommodation for a minimum of 3 weeks. Even as an EEA national, choosing to exercise your treaty rights and reside in the UK, you cannot access housing benefit. This has resulted in street homelessness in some situations. Here as an NGO we need to strike the balance of showing that the systems don't work and directly challenging the legislation and policy that creates these loopholes so that Government are aware of the issue and have evidence they can use to make the necessary changes whilst not intentionally putting the victims at unnecessary risk. This has resulted in us accommodating people for longer than we should and longer than we are funded.

Recent benefits changes in the UK have also provided further challenges for Unseen and the people we work alongside – as an EEA national you are now only eligible to claim benefits for three months, after which you have to have secured a job. The other caveat, which is hugely problematic, is that you have to evidence that you have been self-sufficient and working in the UK prior to applying for benefits – evidencing work history has obvious implications for identified trafficked persons.

As a non-EEA national your legal team may advise the asylum route; this also whilst providing accommodation and reducing the potential issue of homelessness does not solve all the issues. An individual still faces that some asylum accommodation is highly inappropriate – the lack of financial resource to support themselves, no direct face-to-face support, no ability to access the job market during this time – in a sense people are in limbo. People who came originally to seek better or alternative employment opportunities are left waiting for sometimes indeterminate amounts of time for their status to be determined.

Another challenge my team currently faces is with two West African women who for me defied all stereotypes. I rarely get to visit the safe house now but am always incredibly humbled and challenged when I do – it provides a welcome reminder as to why I do what I do and it is always good to remember the survivors at the heart of all that I do. During my last visit I met 2 women, one a trained accountant and one with a degree in maths. Both are awaiting a determination as to their trafficking status but as non-EEA nationals they have few, if any options to remain in the UK. Their trafficking determination, even if positive, will not result in leave to remain or the right to reside. Two intelligent women who want to work, pay tax, contribute, be self-sufficient and with their qualifications could easily do this and yet may not be offered this opportunity do to their nationality.

The above issues can be solved, it requires the agreement of various governmental departments to do so but it is doable...

As I discuss in my paper automatic discretionary leave upon a positive trafficking determination is a way to maintain support for victims and promote longer-term resilience. The development and creation of a 'Pathway to Passport' programme as Professor Archer put forward in her Recommendations to Pope Francis is an idea we would fundamentally support. It is our belief that once a positive conclusive grounds decision is given it should result in some form of status, leave with benefits, the access to appropriate support, the job market and accommodation. Leave should be automatically activated and should occur regardless of the individual's immigration status. We currently have a system that affords different victims different access to different support mechanisms and residents permits.

We need to be clear however that granting leave in isolation will not solve the issue – assistance and support (of varying levels) will be required and should be offered. As was mentioned by Mr Vera on the first day we have to be careful with the assumption and notion that a potentially traumatised person will immediately be self-sufficient. Some form of assistance and support will often be required and any programme must account for this.

I appreciate I have focused a lot on the difficulties, as I predicted that I would at the start of this presentation, but I think that they highlight the need to enter productive discourse with Government and the policy makers – to ensure and encourage joined up thinking across the different departments so that those identified as trafficked persons are not slipping through the gaps and are afforded the support they need.

Let me conclude this section with a success story, it is not all bad!

Trafficked into the UK at age 14 by a family member, forced into domestic servitude, we worked with this woman when she had turned 19. She speaks good English but had missed a lot of her secondary education due to her trafficking situation. After an initial stay with Unseen she applied for asylum and we continued to support her whilst she resided in asylum accommodation. Her decision was delayed for over nine months – in this time she was supported to access free education classes and to seek voluntary placements. When she was granted leave last year, it was a time of much celebration. She has subsequently been supported to move into

an independent flat, she applied for funding to furnish it, has had budgeting lessons, is attending school, has completed a work placement and has started work. Three weeks ago Unseen said goodbye to this amazing young woman, sending on her way to restart the life she wants. The resilience and determination this woman has shown astounds me.

Considerations and Recommendations

To fully understand the successes and difficulties in facilitating a new life in the UK further research needs to be conducted. The systems survivors have to interact with and navigate need to be fully understood. Both survivors and their support workers need to be consulted to understand direct experiences of accessing services and the barriers being faced. This would then provide a comprehensive basis from which to discuss the development and implementation of an appropriate longer-term support system in a UK context.

Any support package that is considered should pay due attention to the individual experience of the survivor, duration of trafficking experience, and duration and type of support an individual needs in order to 'recover' and 'reintegrate'. We have to accept that there is no predictable timeframe of travel to recovery and that individuals will move forwards, take positive steps and then suffer setbacks. We need to ensure that when these setbacks occur they have the coping mechanisms, strategies, support and resilience to deal with them.

Unseen advocates for the creation and development of a specific resettlement programme. We believe that upon receipt of a positive conclusive ground decision individuals should automatically be afforded some form of residence permit. Ideally this permit should not be related to immigration status but to trafficking status. Building on the current system of discretionary leave would be a good starting point as long as the leave is granted to all identified as victims, regardless of nationality, and gives continued access to the support afforded under ECAT (2005), including at minimum access to: appropriate housing, identification documents, professional support, job market, vocational training, social inclusion activities, learning English, education, health care, legal advice, benefits systems and compensation.

Identifying how other agencies, faith communities and individuals can be involved is also an area that requires further thought and investment. Practically can the Catholic Church have a co-ordinated approach, not only in the UK, but further afield to provide job opportunities, internships, voluntary positions and other meaningful activity for trafficked persons via programmes that are already established and running, is it a case of expanding remits and identifying potential opportunities that already exist within the Church and expanding them to include trafficked persons?

Can programmes that offer more familial-based living, allowing integration to society through living within the normality of UK family be provided by the Church? As Kevin Hyland mentioned, via the Bakhita initiative they are investigating host families to provide longer-term accommodation options – could this be a programme that goes further than one church in one city, in one country and a way that the Church can practically support those who have found themselves trafficked and enslaved? This could provide both an effective resettlement and reintegration option – either in country they have been identified or if returned to country of their origin.

Adult fostering programmes via voluntary groups and faith communities is something that has worked for the elderly, young homeless people, refugees and those with learning difficulties. Would embarking on a similar programme for victims of trafficking offer the potential of improved long-term resilience? This could be developed effectively to promote integration once a residency permit has been issued and the other necessary support elements are in place.

There are numerous challenges we have seen the survivors we support face, even once they are granted leave and residency. These issues and challenges need to be fully understood so we can identify the resources and support needed to assist recovery. We need to address our civil, legal, societal and moral duty to vulnerable people and try to create an appropriate response and support mechanism for them that fits the UK's 'way' of doing things and that is realistic in what it is trying to achieve. By working with people, moving them towards resilience we will be assisting survivors to fulfil their desires of economic improvement which will usually have been a factor and driving force behind their reasons to come to the UK initially. We must continue to strive for safety, hope and choice for all survivors and take a thorough look at how we allow for and actively encourage and develop independence and resilience.

We are under no illusion that it is right and proper to support, care for and work with those who are currently within the systems, identified as victims and needing an agency to advocate of their behalf for the most basic of rights and assist them on their journeys towards independence but this is a sticking plaster – the damage has been done and we are coming to provide help too late. It is currently necessary and right to offer these

services but we must get to a stage whereby entrapment and enslaving of our fellow humans is no longer an issue society faces – a massive aim – but we each have to do our part to work towards a world without slavery.

Big ambitions, big plans and dreams, but if we are to tackle slavery we have to think big, think outside of the box – the potential the power, the influence of researchers, practitioners, the Church, PASS and other determined individuals in the room can have, I believe a significant impact in this area.