

Home Office forced to pay £25,000 in damages after unlawfully trying to deport trafficking victim

Exclusive: Court rules department acted ‘disingenuously’ in rejecting its own finding that Polish man was victim of criminal exploitation in order to pursue his deportation

May Bulman Social Affairs Correspondent | @maybulman | 6 hours ago |



The **Home Office** has been forced to pay out tens of thousands of pounds in damages to a victim of **modern slavery** after the courts ruled that he was unlawfully detained and threatened with **deportation**.

The Polish man, who cannot be named for legal reasons, was held in immigration detention and told he was liable to be removed on the grounds that he had shoplifted, despite the Home Office itself having identified that he had been acting under the compulsion of his exploiters.

An immigration judge has now ruled his detention was unlawful, and said the department acted “disingenuously” in rejecting its own finding that he had been a victim of forced labour in order to pursue his deportation.

The Home Office settled the case out of court, agreeing to pay the man **£25,000** in damages.

Lawyers and campaigners accused the government of seeing vulnerable and traumatised people “primarily through the lens of immigration enforcement” and being “single-minded in its intent” to deport foreign nationals.

The man came to the UK from Poland in 2016 with two other men who had promised him work. On arrival, he started working in a factory car dealership where he washed cars, but after several weeks the men took his paperwork and bank card. After a year he lost his job at the factory and was unable to find other work.

The two men then began forcing him to steal, telling him that because they had brought him to the country and found him work he must repay them. They evicted him from his accommodation, so he was forced to sleep rough in parks and on the streets, relying on charities and searching supermarket bins for food.

In 2018, the man was sent to prison for 10 weeks after he was caught shoplifting, and after serving his sentence he was detained under immigration powers.

The Home Office then referred him to its National Referral Mechanism (NRM) – the UK’s framework for identifying victims of trafficking – which sits within the department, and it was decided in June that there were reasonable grounds to believe he was a victim of modern slavery.

But despite official guidance stating that potential victims should not usually be imprisoned, the department maintained his detention, claiming the man represented a “genuine, present and sufficiently serious threat”.

He was released to a safe house following intervention from his solicitors, but the Home Office continued to try to remove him, even after the NRM concluded in May 2019 that he was a victim of labour exploitation.

Home Office forced to defend slavery detention 'cover-up'

His solicitor, Sumbul Phillips, of Duncan Lewis Solicitors, said: “The home secretary conclusively determined our client to be a victim of **human trafficking** and determined that he was forced into criminality by his traffickers. Yet he was unlawfully detained and almost removed.

“The judge saw through the home secretary’s disingenuous attempt to go behind her own findings in order to deport a confirmed victim of trafficking. The home secretary should answer for her unlawful and reprehensible conduct in this case.”

The case comes after the Home Office was **accused in July of a “cover-up”** after it was forced to disclose that its own data showed hundreds of

suspected victims had been detained under immigration powers in 2018 – information ministers had previously claimed to have “no record” of.

Charities and politicians have since condemned the “conflict of interest” between the department’s immigration enforcement and its duty to protect trafficking victims.

Responding to this case, independent MP Frank Field said: “It is deeply shocking that rather than provide this victim of modern slavery all the support they need to recover, the Home Office was single-minded in its intent to have them deported.”

Pierre Makhlouf, assistant director of charity Bail for Immigration Detainees, said: “Despite the government’s claim to be a world leader in the fight against modern slavery, victims of trafficking are detained in the hundreds. “The Home Office will always see vulnerable adults and victims of trauma primarily through the lens of immigration enforcement. We ask how a Home Office that is institutionally obsessed with forcibly removing people from the country can possibly discharge its duty to protect victims of trafficking.”

A Home Office spokesperson said: “Immigration decisions for victims of modern slavery are made on a case-by-case basis ,considering the individual circumstances of the case. A positive conclusive grounds decision does not result in an automatic grant of immigration leave.”