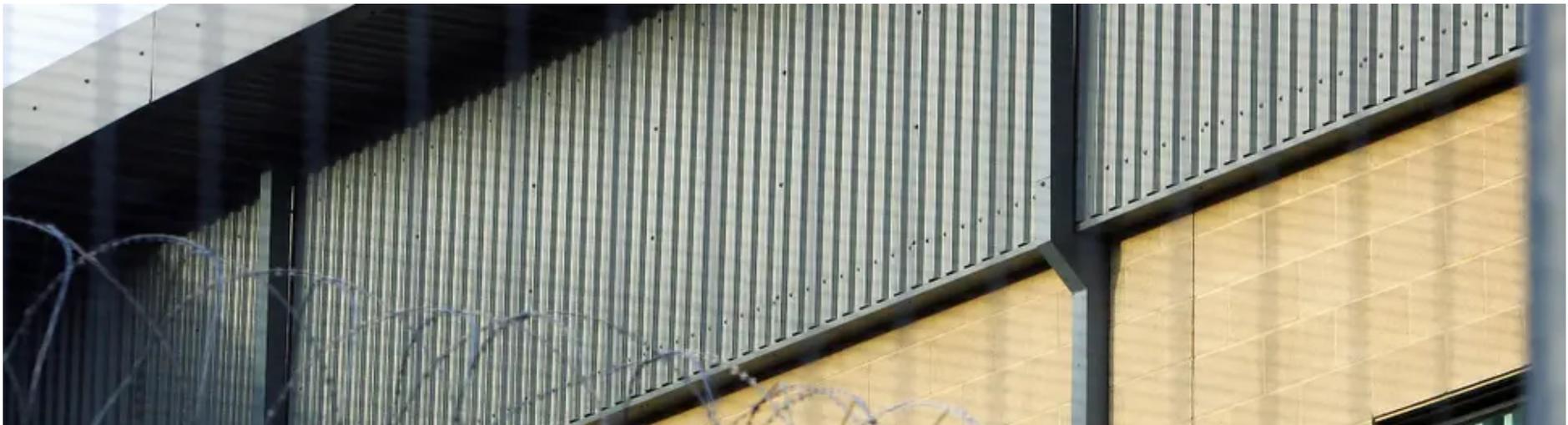


News > UK > Home News

# Home Office to review detention policy after admitting trafficking victim was locked up unlawfully

**Exclusive:** Ministers reviewing policy that sees hundreds of modern slavery victims locked up each year

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The Home Office has conceded that the detention of a Vietnamese woman was unlawful and agreed as part of the settlement to review its policy in relation to the detention of victims of trafficking ( *AFP/Getty* )

The **Home Office** is undertaking a review of its **immigration detention** policy after admitting that it held a Vietnamese trafficking victim in a removal centre unlawfully.

The woman, who was trafficked to the UK in 2016 after being forced to work as a prostitute for three years in Vietnam, Russia and France, was detained in a removal centre last year despite having been identified as a victim of **modern slavery** by the government 18 months before.

Last week, the Home Office conceded that her detention was unlawful, and said it was in the process of publishing a new policy in relation to the detention of victims of trafficking – a move lawyers hope will lead to “real change” in the department’s treatment of immigrants who have been exploited and enslaved in the UK.

It comes amid mounting concern about the detention of vulnerable people. Figures obtained by data mapping project After Exploitation show that the number of potential or confirmed modern slavery victims placed in detention has more than doubled in the last two years, from 635 in 2017 to 1,298 between January and September 2019.

The trafficked woman, who is represented by Duncan Lewis Solicitors, was arrested in 2018 following a raid of a cannabis farm in which she was working. After disclosing that she was a victim of trafficking, the woman was referred by the local authority to the National Referral Mechanism (NRM) – the UK’s framework for identifying victims.

In April 2018, she received a positive reasonable grounds decision – meaning she was officially recognised as a modern slavery victim – but was then re-trafficked and arrested on another raid four months later. She pleaded guilty to conspiring to produce cannabis and was sentenced to 28 months’ imprisonment in December of that year.

On completing her custodial sentence in October 2019, the woman was detained under immigration powers, despite the fact that she had been identified as a modern slavery victim the previous year. A medical report was submitted to the Home Office diagnosing her with PTSD and depression, but she remained in detention.

Duncan Lewis issued judicial review proceedings challenging both the woman's unlawful detention and the Home Office's policy in relation to the detention of victims of trafficking, which led to her being released from detention the following month, after being detained for 24 days.

The department conceded that she was detained unlawfully throughout her time in immigration detention – for which she will be entitled to damages – and said it was reviewing its policy regarding the detention of victims of trafficking in light of the case.

Ahmed Aydeed, the lawyer from Duncan Lewis Solicitors who brought the case, told *The Independent* he hoped the department's review would lead to “real change”.

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“After finally escaping her traffickers, our client was criminalised and falsely imprisoned by our government. The Home Secretary has now accepted her wrongdoings, but continues to detain thousands of survivors of **human trafficking** and slavery every year in these

| horrific immigration detention centres,” he said.

“We welcome the Home Secretary’s agreement to review the deficiencies within her current policy in line with our submissions and evidence. These policies are extremely important as they impact on thousands of survivors of human trafficking and slavery.”

Tamara Barnett, director of operations at the Human Trafficking Foundation, said: “It is, we hope, a significant and positive sign that the Home Secretary is reviewing the current situation whereby many foreign national victims of trafficking end up in detention, failed by those who should be referring them into the NRM.”

A Home Office spokesperson said: “It is incorrect to say we are considering modern slavery safeguards directly because of this case, we continue to look at our policies in this area and will take into account issues emerging from this case.

“We continue to look at our policies in this area and will take into account issues emerging from this case. We take the welfare of all immigration detainees very seriously, especially those who are vulnerable, and have already made significant improvements to bring in additional safeguards and support.”