

**Immigration and asylum**

Priti Patel not following her own anti-trafficking policy, judge rules

Ruling could halt deportation of hundreds of asylum seekers who arrived in UK during pandemic

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The deportation of hundreds of asylum seekers who arrived in the UK on small boats could be halted after a judge ruled that the home secretary was departing from her own policy on identifying victims of trafficking.

The high court case was brought by three potential victims of trafficking - one from Eritrea and two from Sudan - who recently arrived in the UK on small boats. Trafficking in Libya is

well-documented, and there is a particular risk that asylum seekers who have passed through the country have been trafficked.

Since the start of the pandemic, [Priti Patel](#) has departed from her own published policy to ask asylum seekers questions about their journeys to the UK.

The claimants said they were not asked specific questions about their journey when Home Office officials interviewed them after their recent arrivals to the UK. All three were placed in immigration detention and were due to be removed from the UK until they engaged lawyers who identified that they were potential victims of trafficking. At that point their removals were halted.

The judge, Mr Justice Fordham, said: “It is strongly arguable that the home secretary is acting unlawfully in curtailing asylum screening interviews by asking a narrower set of questions than those that are identified in the published policy guidance.”

The Home Office said that abridged questions were asked in asylum seekers’ interviews due to the pandemic. Jack Holborn, counsel for the home secretary, told the court: “Our position is, it’s a justified departure from the published policy and it doesn’t really matter.”

But Fordham said he believed it was a departure “without good reason”. He added: “There is, in my judgment, a serious risk of injustice and irreversible harm from this question continuing to be unasked and unanswered.”

Friday’s hearing was an application for an urgent order before a full hearing takes place in December.

Fordham made an order that all asylum screening interviews must ask people to outline their journey to the UK. The inclusion of this question means that hundreds of potential victims of trafficking cannot be deported until their trafficking cases have been fully investigated, a process which may take several months.

The judge’s order will take effect from next week.

Maria Thomas from Duncan Lewis solicitors, who represented the three asylum seekers who brought Friday’s case, said: “This judgment is extremely important for those at risk of

unlawful detention and removal in the coming weeks and months.

“We welcome the court’s intervention in relation to an unpublished policy, which deliberately omits important questions designed to identify vulnerable individuals who may be victims of trafficking, and in fact contradicts the published guidance.”

A Home Office spokesperson said on Friday evening: “The judge did not consider or make a ruling on the lawfulness of the policy at this hearing and indeed declared that he would not consider that issue here.

“This was an interim hearing considering whether some interim measures should be put in place prior to consideration of the claim in December.

“We remain determined to fix the broken asylum system so that it is firm and fair. We are also committed to tackling modern slavery and identifying and supporting victims. In such cases, there are opportunities for people to raise their claims of trafficking.”