

IN THE ADMINISTRATIVE COURT

B E T W E E N:

The Queen *on the application of*

MM

Claimant

- and -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

STATEMENT OF REASONS

1. The Claimant is a victim of trafficking ('VoT') and a refugee.
2. Article 12 (1) and (2) of the Council of Europe Convention on Action against Trafficking in Human Beings ('ECAT') provides for the provision of assistance and support to persons following a decision that there are reasonable grounds to believe that they are victims of trafficking.
3. In *NN and LP v Secretary of State for the Home Department* (CO/1039/2019, CO/1040/2019), the Defendant accepted that where an individual receives a positive conclusive grounds decision that they are a VoT, support will continue on a needs basis, and that such support cannot be delimited by time alone.
4. The Defendant's 'Recovery Needs Assessment (RNA) Guidance' dated 27 September 2019 provides that the Defendant must ensure that VoTs do not suffer a gap in the provision of support whilst they await the outcome of benefit applications', pursuant to her Article 12 ECAT obligations.

5. The Claimant challenged the gap in support for him as a victim of trafficking between the 28 day limit on his asylum support following receipt of his BRP card, and the time taken for mainstream benefits to be put in place for him.
6. In light of this challenge, the Defendant accepts that there can be no gap nor pre-determined end-point in the support that VoTs receive from the Defendant: NN and LP v Secretary of State for the Home Department (CO/1039/2019, CO/1040/2019) applied.
7. The Defendant must continue to provide support to VoTs on a needs-basis to discharge her obligations under Article 12 ECAT.
8. In the Claimant's case, the Defendant has accepted that this will require her to continue to support the Claimant until he is in receipt of adequate alternative support.