



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 5

MODERN SLAVERY

65 Leave to remain for victims of slavery or human trafficking

- (1) This section applies if a positive conclusive grounds decision is made in respect of a person—
 - (a) who is not a British citizen, and
 - (b) who does not have leave to remain in the United Kingdom.
- (2) The Secretary of State must grant the person limited leave to remain in the United Kingdom if the Secretary of State considers it is necessary for the purpose of—
 - (a) assisting the person in their recovery from any physical or psychological harm arising from the relevant exploitation,
 - (b) enabling the person to seek compensation in respect of the relevant exploitation, or
 - (c) enabling the person to co-operate with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation.
- (3) Subsection (2) is subject to section 63(2).
- (4) Leave is not necessary for the purpose mentioned in—
 - (a) subsection (2)(a) if the Secretary of State considers that the person's need for assistance is capable of being met in a country or territory within paragraph (a) or (b) of subsection (5) (or both);
 - (b) subsection (2)(b) if the Secretary of State considers that—
 - (i) the person is capable of seeking compensation from outside the United Kingdom, and
 - (ii) it would be reasonable for the person to do so in the circumstances.
- (5) A country or territory is within this subsection if—
 - (a) it is a country of which the person is a national or citizen;

Changes to legislation: Nationality and Borders Act 2022, Section 65 is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) it is one to which the person may be removed in accordance with an agreement between that country or territory and the United Kingdom (which may be, but does not need to be, an agreement contemplated by Article 40(2) of the Trafficking Convention).
- (6) Subsection (7) applies if the Secretary of State is satisfied that—
- (a) the person is a threat to public order, or
 - (b) the person has claimed to be a victim of slavery or human trafficking in bad faith.
- (7) Where this subsection applies—
- (a) the Secretary of State is not required to grant the person leave under subsection (2), and
 - (b) if such leave has already been granted to the person, it may be revoked.
- (8) Leave granted to a person under subsection (2) may be revoked in such other circumstances as may be prescribed in immigration rules.
- (9) Subsections (3) to (7) of section 63 apply for the purposes of this section as they apply for the purposes of that section.
- (10) In this section—
- “positive conclusive grounds decision” means a decision made by a competent authority that a person is a victim of slavery or human trafficking;
 - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998;
 - “the relevant exploitation” means the conduct resulting in the positive conclusive grounds decision.
- (11) This section is to be treated for the purposes of section 3 of the Immigration Act 1971 as if it were provision made by that Act.

Commencement Information

- I1** S. 65 not in force at Royal Assent, see **s. 87(1)**
- I2** S. 65 in force at 30.1.2023 by **S.I. 2023/33, reg. 3(f)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 65 excluded by [2023 c. 37 s. 22](#)
- s. 65(3) words inserted by [2023 c. 37 s. 28\(11\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)