



2015 CHAPTER 2

PART 3

ASSISTANCE AND SUPPORT

**Assistance and support pending determination by competent authority**

**18.—**(1) The Department must ensure that a person to whom this section applies is provided with assistance and support in accordance with this section.

(2) This section applies to a person if—

- (a) that person is aged 18 or over or, in a case where the age of the person is uncertain, the Department reasonably believes that person is aged 18 or over; and
- (b) a reference relating to that person has been, or is about to be, made to the competent authority for a determination for the purposes of Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the person is a victim of trafficking in human beings.

(3) Assistance and support is to be provided under this section until there is made in relation to that person—

- (a) a determination that there are not reasonable grounds to believe that the person is a victim of trafficking in human beings; or
- (b) a conclusive determination that the person is or is not a victim of trafficking in human beings;

but if a conclusive determination that a person is a victim of trafficking in human beings is made within the relevant period, assistance and support is to be provided until the end of that period.

(4) The relevant period is the period of 45 days from the date on which the determination mentioned in subsection (2)(b) is made by the competent authority.

(5) Assistance and support provided to a person under this section—

- (a) must not be conditional on the person's acting as a witness in any criminal proceedings;
- (b) must only be provided with the agreement of that person;
- (c) must be provided in a manner which takes due account of the needs of that person as regards safety and protection from harm;
- (d) must be provided to meet the assessed needs of that person, having regard in particular to any special needs or vulnerabilities of that person caused by gender, pregnancy, physical or mental illness, disability or being the victim of serious violence or serious abuse.

(6) Assistance and support under this section must be offered from a person who is of the same gender as the person receiving it.

(7) The assistance and support which may be provided under this section includes, but is not to be restricted to, the provision of—

- (a) appropriate and safe accommodation;
- (b) material assistance (including financial assistance);
- (c) assistance in obtaining healthcare services (including counselling);
- (d) appropriate information on any matter of relevance or potential relevance to the particular circumstances of the person;
- (e) translation and interpretation services;
- (f) assistance in obtaining legal advice or representation;
- (g) assistance with repatriation.

(8) Where assistance and support has been provided to any person under this section, it may continue to be provided even if that person leaves Northern Ireland.

(9) Where—

- (a) assistance and support has been provided to a person under this section; and
- (b) that person ceases, by virtue of a conclusive determination that the person is a victim of trafficking in human beings or the ending of the relevant period, to be a person to whom assistance and support is to be provided under this section,

the Department may nevertheless ensure that assistance and support continues to be provided to that person under this section for such further period as the Department thinks necessary.

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*Status: This is the original version (as it was originally enacted).*

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(10) Nothing in this section affects the entitlement of any person to assistance and support under any other statutory provision.