



THE IDENTIFICATION OF  
VICTIMS OF TRAFFICKING IN  
HUMAN BEINGS

2013

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

**Top-line “Factsheet”**  
(National Contribution)  
**Executive Summary**  
(Synthesis Report)

**National contribution (one page only)**

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

The identification of victims of trafficking in human beings within the context of international protection flows has a residual dimension in the national reality. On the one hand, it is important to note the small number of applications for asylum in Portugal: between 2008 and 2012 were lodged 1.034 applications for asylum (annual average of 206,8), although the last three years have shown a rising trend in the number of these applications. On the other hand, it is important to highlight that the residence permit for victims of crimes related with trafficking in human beings was only established in 2007 (transposition of Directive 2004/81/EC) with Act 23/2007 of July 4<sup>th</sup>, recently amended by Act 29/2012 of August 9<sup>th</sup>.

In Portugal it is the same entity that deals with immigration and asylum matters – the Immigration and Borders Service (SEF – *Serviço de Estrangeiros e Fronteiras*). Therefore, SEF is responsible for asylum procedures and granting of residence permits for victims of trafficking in human beings, and also plays a role on preventing, combating and detecting this type of crime.

The methodology applied in this paper was combining the sharing of information provided by SEF's officers on formal features regarding international protection and identification of victims of trafficking in human beings with the supplementary resort to open sources made available by several bodies that deal with these matters [CIG - *Comissão para a Cidadania e a Igualdade de Género* (Commission for Citizenship and Gender Equality), Observatory on Trafficking in Human Beings, SEF and other non-governmental organizations].

This study was prepared by the National Contact Point of the European Migration Network (SEF – the Portuguese Immigration and Borders Service), was written by Rita Pinto Ferreira and Pedro Dias, proofread by Elisa Alves, and comprises the valuable inputs of António Carlos Patrício, Luísa Maia Gonçalves, Maria Emília Lisboa, Fátima Silva, Paula da Velha and Alexandra Ramos Bento.

**Synthesis Report (up three pages)**

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

**Section 1**

**Residence permits, protection statuses and national programmes available to victims of trafficking in Member States**

*(Maximum ½ page)*

*This section briefly outlines the residence permits and protection statuses available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.*

*Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State? (list them here)*

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

The Immigration Act (Act 23/2007 of July 4<sup>th</sup>, amended by Act 29/2012 of August 9<sup>th</sup><sup>1</sup>, on its Article 109) provides for the granting of residence permits to the foreign citizens that are or have been victims of crimes connected with trafficking in human beings, even if those citizens have illegally entered the country.

Directive 2011/36/EU extends the concept of victim of trafficking in human beings and was transposed into the Portuguese legal system in August 2013 (Act 60/2013 of August 23<sup>rd</sup>). However, it should be noted that previous national legislation relating to foreigners (Immigration Act) already provided that victims of trafficking in human beings could be granted a residence permit regardless of their cooperation with the authorities in duly substantiated cases (Article 109 of Act 29/2012 of August 9<sup>th</sup>).

*Q1a. Are they conditional on cooperation with the authorities?*

This type of residence permit is not conditional on cooperation with the authorities.

The exemption of cooperation with the criminal investigation arises from Decree-Law 638/2007 of November 5<sup>th</sup>, which establishes a scheme for protection of victims of trafficking in human beings (in accordance with the legal concept, 'victim of trafficking in human beings' is the person in respect of whom the judiciary authority or criminal police authority holds any indication that he/she may be or have been subject to such crime, or if the coordinator of the National Plan Against Trafficking in Human Beings considers that there are sufficient serious reasons to believe that the person is a victim of trafficking in human beings). This scheme aims, primarily, at safeguarding the security, health and family situation of the victim and his/her family members, or people in close relation with him/her, as well as protecting him/her from other situations of vulnerability.

*Q1b. In which year was it/were they introduced?*

The residence permit for victims of trafficking in human beings was established in 2007 with the Immigration Act and with the transposition of Directive 2004/81/EC of April 29<sup>th</sup>.

*Q.2 Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No*

No.

*Q2a. If yes, please name which statuses are granted here**Q3. Does your Member State have a national referral mechanism? Yes / No*

No. However, Portugal has a national anti-trafficking coordinator which main goal is to bring together all stakeholders of this fight and also establish the necessary contacts with a view to protect all victims of trafficking in human beings. The services or organisations involved in this fight that come across any situation of victimization have the necessary tools to examine the situation and if needed, trigger the required protection measures.

## Section 1

### Detection, identification and referral of victims in International Protection Procedures

(Maximum 7 pages)

*This section first examines the mechanisms that are used to detect and identify victims in the procedure for international protection,<sup>2</sup> It then explores how identified victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.*

<sup>1</sup> Hereinafter referred to as Act 29/2012 of August 9<sup>th</sup>.

<sup>2</sup> In **Ireland**, this would imply covering both procedures for asylum and subsidiary protection, as no single procedure is in place.

Where relevant, please distinguish between first instance and appeal procedures, where applicable.<sup>3</sup>

### 1.1 Legislative framework

*Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?*<sup>4</sup> Yes/No

Yes.

*Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:*

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation)*
- b. Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*

Applications for international protection imply an interview to the applicant carried out by officers of the Portuguese Immigration and Borders Service (SEF), which is the body with powers on this matter<sup>5</sup>. These officers are trained with a view to examine and execute international protection procedures. Furthermore, they ascertain the existence of indications or suspicions of victimization and/or crime of trafficking in human beings. In case of any indication of this crime, SEF must report the fact to the public prosecutor office and both immediately instigate the necessary measures for protection of the victim.

*Q5. Are there different protocols and/or practices for children and adults? Yes / No*

Yes.

*Q5a. If yes, please briefly describe how these differ and why.*

Although there is not a protocol established in any official document, the individual features of each applicant are always taken into consideration. Basically, the intention is to ascertain the specificities of each person with a view to minimize any sensitive aspect or constraint, thus enabling an environment favorable to the collection of information.

In compliance with the applicant’s profile or with the situation that leads him/her to apply for international protection, the suitable interaction actions are taken into consideration and adapted accordingly.

<sup>3</sup> For example, in **Ireland** there is no appeal procedure for subsidiary protection application, and this is decided on the basis of papers submitted. (The implications of CJEU Judgment of 22/11/12 and Irish HC Judgment of 23/1/13 in *MM v Min. for J&E* case that applicants for Sub/Protection have ‘a right to be heard’ are currently being considered in DJ&E.)”

<sup>4</sup> (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

<sup>5</sup> Cf. Article 2, paragraph 1 n) of Decree Law 252/2000 of October 16<sup>th</sup>, amended by Decree Law 240/2012 of November 6<sup>th</sup>

***Identification of victims of trafficking in human beings in international protection and forced return procedures***

As regards minors, their best interests are always taken into consideration, guaranteeing their well-being and respecting their rights. Hence, it is mandatory to appoint a legal tutor to accompany the minor in every stage of the procedure.

As concerns adults, for example, in the interview there is always an effort that interviewer and interviewed have the same gender with the purpose of minimizing any cultural, religious or social constraints.

*Q6. Are there different protocols and/or practices for men and women? Yes / No*

*Q6a. If yes, please briefly describe how these differ<sup>6</sup> and why.*

Cf. Q 5 a.

## **1.2 Detection and identification of victims**

*Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?*

*Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:*

- a. The competent authority<sup>7</sup> proactively screens all applicants for indications of trafficking in human beings; Yes.*
- b. The competent authority proactively screens applicants with a particular profile<sup>8</sup> for indications of trafficking in human beings (please provide information on the type of profile); Yes.*
- c. Victims self-report; Yes.*
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed); Yes.*
- e. Other (please specify).*

All the above-mentioned scenarios may apply, given that all international protection applications are subject to an assessment with a view to ascertain any indication or suspicion of situation(s) of trafficking in human beings. In Portugal, SEF holds the competences for examining and processing asylum procedures, granting of residence permit to victims of trafficking in human beings and also for the prevention, combat and investigation of this type of crime.

Therefore, in accordance to certain profiles, applicants for international protection are subject to a more detailed observation with the purpose of detecting any possible situation of victimization. For example, there is a certain cautiousness with some nationalities that use Portugal as a platform to travel to other countries; and also typical profiles of victims of trafficking for sexual or labour exploitation.

The victim's self-report is the main tool to initiate the procedure of detection of the victim. However,

<sup>6</sup> E.g. only female officers can screen / assess women.

<sup>7</sup> Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

<sup>8</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

it is not used often, probably because the victim every so often fears retaliation (or also to his/her family members) or due to trauma or cultural or social stigma.

On the other hand, any person in contact with the applicant for asylum who finds any evidence or indication must report the possible situation of victimisation of trafficking in human beings.

Both denunciations may be reported to the police or judiciary authorities or through the use of other available tools: telephone lines specially dedicated to these matters (*SOS Imigrante, Nacional de Emergência Social, Centro de Acolhimento e Protecção*) or online (Electronic denunciation system of the Ministry of Internal Affairs: <https://queixaselectronicas.mai.gov.pt>).

It should also be noted that any actor in contact with possible situations of victimisation (police authorities, NGOs, persons in contact with the possible victim) may signal a victim, which entails a verification of the case by the competent authorities. Nevertheless, only police (SEF and PJ-Judiciary Police) and judicial authorities may identify a victim of trafficking in human beings.

With the purpose of promoting the prevention and identification of (potential) victims of trafficking in human beings, SEF established the *Unidade de Tráfico de Pessoas* ('Trafficking in Persons Unit'). This Unit seeks to provide a response when confirming indicators regarding trafficking in human beings, more specifically on a phase of pre-investigation (i.e. assessing the existence of any victimisation prior to the criminal investigation), and also coordinates the investigation with the Public Prosecution Office, and finally, assists investigators with a continuous update of investigation techniques.

*Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? Yes / No. If yes, please describe the circumstances.*

No.

*Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

*Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No*

Yes.

- a. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

The indicators used for screening situations of trafficking in human beings are based on those established in the Palermo protocol. With the transposition of Directive 2011/36/EU into national law<sup>9</sup>, the concept of 'victim of trafficking in persons' is extended, which also implies an enlargement of the number of indicators for assessment of situations of (possible) victimisation, more specifically behavioral and appearance indicators.

*Q8b. Are other mechanisms<sup>10</sup> used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No*

- b. If yes, what are these?*

The evaluation of the application for international protection entails an interview to

<sup>9</sup> Paragraph 1 of Article 160 of Act 60/2013 of August 23<sup>rd</sup>, which establishes the 30<sup>th</sup> amendment to the Penal Code.

<sup>10</sup> E.g. interviews.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

the applicant where are considered any indicators with a view to assess any situation of (possible) victimisation. In case there is any evidence of a situation of victimisation, the respective mechanisms for signaling the victim are then initiated or, in accordance to the stage of the process, the case is continuously monitored.

c. *If no, why not?*<sup>11</sup>

*Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?*

If a third-country citizen is not assessed as a victim and if he/she wants to be protected as a victim, he/she may report his/her situation to the competent authorities, and/or to the national coordinator for combating trafficking in human beings.

*Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? Yes/No*

There are no standardized evaluation methods.

*Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.*

*Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.*

SEF is the service responsible for international protection procedures, and also one of the most relevant, at national level, as regards preventing and combating trafficking in human beings. Therefore, if any indication of a situation of victimisation and/or crime in international protection procedures arises, this service holds a high ability on adapting procedures and on handling situations of (possible) victimization of trafficking in human beings.

### **1.3 Referral**

*Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)? Yes/No*

Yes.

*Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).*

There are specific rights established in the Immigration Act (Act 29/2012 of August 9<sup>th</sup>) on its Article 112 where it is stated that “before the granting of a residence permit the person signaled or identified as victim of trafficking in human beings (...) who does not have standards of living capable of ensuring his/her subsistence, is granted enough subsistence means and access to a suitable and urgent medical treatment (...) and the specific needs of the most vulnerable persons are taken in due account, including psychological assistance, if necessary”. The same Article ensures safety and protection to the signaled or identified citizen, as well as assistance in translation and interpretation services, and also legal protection.

*Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access*

<sup>11</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

*the assistance? (Yes / No) – if yes, state which authorities are competent.*

When the citizen is formally identified as a possible victim of trafficking in human beings, even if he/she has not been identified as such by police (SEF and PJ) and judicial authorities, he/she automatically enjoys the above-mentioned rights.

The citizen may apply simultaneously for international protection and for protection on grounds of being a victim of trafficking in human beings, however he/she may only benefit from one of these status. SEF is the authority responsible for both procedures.

*Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?*

N/a

*Q10d. Are there any obstacles to this type of referral?*

No.

*Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures<sup>12</sup> how does this work in practice?*

*Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so? Yes/No*

No.

- a. *If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.*
- b. *If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? (Yes / No) – if yes, state which authority*

In Portugal SEF is the service responsible for examining applications for international protection and for granting residence permits in national territory. Hence, both procedures are under the responsibility of this Service that has two different departments for each area: the *Gabinete de Asilo e Refugiados* (Asylum and Refugee Department) that examines all international protection cases, and the *Unidade de Tráfico de Pessoas* ('Trafficking in Persons Unit') which main assignments are obtaining, collecting, analyzing and disseminating data and information on trafficking in human beings.

*Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:*

- d. *The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative).*
- e. *The competent authority contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*

<sup>12</sup> As mentioned, Denmark, **Ireland** and the **United Kingdom** have not opted into Directive 2004/81/EC.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

f. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

Given that it is the same organisation (SEF) that deals with both procedures, should there be a situation of trafficking in human beings the necessary procedures are immediately activated for protecting the citizen and granting him/her a residence permit for trafficking in human beings<sup>13</sup>.

*Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)*

Although the documents enclosed in the asylum procedure are confidential, when duly justified, they may be conveyed for purposes of evaluating the application for residence permit/reflection period.

*Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?*

The victim of trafficking in human beings may obtain a residence permit on those grounds, even if he/she does not cooperate with the authorities, given that the guiding principle is always the protection of the victim. Shall the victim wish to change his/her status, the process follows the regular procedures for the respective residence/international protection title.

*Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds? Yes/No*

The citizen is free to decide at any moment which situation is the most suitable for his/her situation.

*Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.*

For example, in exceptional circumstances, and subject to a case-by-case assessment, extraordinary residence permits may be granted, as established in Act 29/2012 of August 9, on Articles 122, paragraph 1m), to "third-country nationals that are, or have been, victims of criminal acts or serious or very serious infringements regarding the employment relationship (...) provided they report such offence(s) to the competent authorities and accept cooperating with the authorities", and in Article 123 which establishes the exceptional scheme for extraordinary situations and humanitarian grounds.

*Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?*

Cf. Q 4a.

*Q12d. When can the application procedure be started?*

<sup>13</sup> Cf. Act 29/2012 of August 9th, Subsection V – Residence permit for victims of trafficking in human beings, Articles 110 (information provided to the victims), 111 (reflection period), 112 (victim rights before granting of residence permit) and 113 (rights of the residence permit holder).

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

Please highlight which one option, or a combination thereof, is applicable in your Member State:

N/a. Cf. Q 12a.

- g. When a first instance decision has been made as to whether the applicant can be granted asylum;
- h. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;
- i. When the third-country national has received a (final) negative decision on his/her application for asylum;
- j. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;
- k. Other, please specify.

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised? N/a

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- l. The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).
- m. The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate)
- n. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).

Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? Yes / No / in some cases (please elaborate)

N/a

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?<sup>14</sup> Yes /No

No.

Q13a. If yes, how well are they considered to be working? Provide evidence.

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

#### **1.4 Detection and identification and referral in relation to Dublin procedures**

Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international

<sup>14</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)<sup>15</sup> and/or Article 15<sup>16</sup> of the Regulation – i.e. can the Dublin transfer be suspended? Yes/No/other response

No.

If yes, please answer the following questions:

*Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:*

- o. The competent authority<sup>17</sup> proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings;*
- p. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile<sup>18</sup> (please provide information on the type of profile);*
- q. There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed);*
- r. Other (please specify).*

*Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?*

*Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / in some cases. Please elaborate on your answer.*

Should there be any indication of victimization and/or crime of trafficking in human beings during the responsibility determination procedure for the evaluation of the international protection application – Dublin Regulation – the transfer is immediately suspended. Given that the guiding principle is the protection of the victim, the specific case is duly examined and the necessary protection measures are promptly activated.

*Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?*

International protection procedures under Dublin Regulation entail an interview to all applicants carried out by SEF's elements. These officers have the adequate training to ascertain the existence of any indications/suspicions of the crime of trafficking in persons. On the other hand, they also scrutinize any possibility for regularizing the foreigner's situation in accordance with other legal

<sup>15</sup> Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

<sup>16</sup> Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must

consent.” Article 15(3) refers specifically to Unaccompanied Minors and states, “If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor”.

<sup>17</sup> Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

<sup>18</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

schemes available in the Immigration Act, informing the interested person of all the schemes that may apply to his/her specific situation.

**1.5 Future measures**

*Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No*

Yes.

*Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.*

Portugal has a multidisciplinary approach on combatting trafficking in human beings, with a technical committee<sup>19</sup> to support the implementation of EU strategy for eradicating this crime.

For the future, the priorities shall be focused on three aspects:

- Strengthening of the training provided to the actors involved on combating trafficking in human beings, by means of training and awareness-raising actions with the purpose of improving the victims' identification, speeding up procedures and enhancing the responses offered to the individual needs of each victim;
- Development of the Support and Protection Network for Victims of Trafficking in Human Beings (implemented in 2013). This network comprises relevant governmental and non-governmental organisations dealing with trafficking in human beings and has the purpose of being a resource for supporting the promotion of a full social reintegration of the victims, and also to act as a privileged channel to reinforce the skills of the members of the involved organisations.
- Carry on with international cooperation in this area, collaborating in projects such as 'Itineris' (Protection of the rights of migrants from Brazil into the European Union, which has the collaboration of several bodies: ICMPD – International Centre for Migration Policy Development, Brazilian Ministry of Justice, Brazilian National Council for Immigration, Ministry of Labour and Employment, Portuguese Commission for Citizenship and Gender Equality – CIG, Galician Service for Gender Equality, Brazilian Federal Police, SEF and the United Nations Office on Drugs and Crime in Brasília), and 'CARE' - Coordinated Approach for the Reintegration of Victims of Trafficking (aimed at providing assistance to more than 260 victims of trafficking in human beings who are considering assisted voluntary return from Austria, France, Portugal, Spain and United Kingdom).

*Q17b. If no, are there any obstacles to the introduction of measures?*

## Section 2

### Detection, identification and referral of victims in Forced Return Procedures

(Maximum 4 pages)

<sup>19</sup> Technical committee is composed by: national rapporteur for trafficking in human beings, team leader of the Observatory on Trafficking in Human Beings, representatives of the Ministries of Foreign Affairs, Internal Affairs, Justice, Solidarity, Employment and Social Security, Health, Presidency of the Council of Ministers and of the Public Prosecution Office (as observer).

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

*This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. “rejected applicants”, who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.*

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

**2.1 Legislative framework**

*Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures<sup>20</sup>? Yes/No*

The forced return procedures after a negative decision on the international protection application do not include specific mechanisms for detection of (possible) victims of trafficking in human beings. It is important to note that this is a procedure subsequent to the refusal of an application for asylum, which evaluation implies the existence of indications of a possible victimization in all stages of the process.

During the investigation stage of the forced return procedure, the citizen is interviewed by SEF elements that make all efforts to analyse the circumstances of his/her entry and stay in national territory. Should there be any evidence of victimization or in case of self-report, the forced return procedure is suspended and all endeavors for safeguarding the victim are triggered.

*Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:*

- a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference)*
- b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*

*Q19. Are there different protocols and/or practices for children and adults? Yes / No*

*Q19a. If yes, please briefly describe how these differ and why.*

Cf. Q5a.

*Q20. Are there different protocols and/or practices for men and women? Yes / No*

*Q20a. If yes, please briefly describe how these differ and why<sup>21</sup>*

Cf. Q5a.

**2.2 Detection of victims**

*Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?*

<sup>20</sup> (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

<sup>21</sup> E.g. only female officers can screen / assess women.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

Procedures regarding international protection applications, forced return and identification of victims of trafficking in human beings are processed by SEF. Therefore, all the above options may apply in the course of the evaluation and investigation of each procedure. It should be noted that the SEF's officers hold the necessary training and awareness for identifying any indications of trafficking in human beings, enabling a throughout scrutiny of the existence of any situation of trafficking in human beings during the course of the process and prior to the decision of forced return.

*Q21a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:*

- a. *The competent authority<sup>22</sup> proactively screens all rejected applicants for indications of trafficking in human beings;*

In the course of the process there is an evaluation for ascertaining any indication of trafficking in human beings.

- b. *The competent authority proactively screens all rejected applicants with a particular profile<sup>23</sup> for indications of trafficking in human beings (please provide information on the type of profile);*

In some cases, the screening of processes regarding certain nationalities, cultures or risk profiles entails that SEF officers must obtain more detailed information. As for example, the case of a Nigerian organized network dedicated to trafficking in babies which would acquire them in Nigeria with the purpose of selling them in Europe.

- c. *Victims self-report;*

The applicant may declare that he/she is a victim of trafficking in human beings. He/she may report his/her situation to SEF officers on the course of a forced return procedure, and also to other police and/or judicial authorities, or by means of the above-mentioned tools (specialised telephone lines and online).

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*

Every actor in contact with the (possible) victim must promote their signalisation, notably by filling in registration documents for standardisation of data [GUR – *Guia Único de Registo* (“Registration Guide”); GS – *Guia de Sinalização* (“Guide for Sinalization”); *Queixa Electrónica do MAI* (“Electronic denunciation system of the Ministry of Internal Affairs”)] or by reporting the situation to the police authorities.

- e. *Other (please specify).*

*Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

*Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No*

Yes.

<sup>22</sup> Here, “competent authority” refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

<sup>23</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

- s. *If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

Cf. Q 8 a).

*Q22b. Are other mechanisms<sup>24</sup> used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No*

Cf. Q 8 b).

a. *If yes, what are these?*

b. *If no, why not?*<sup>25</sup>

*Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?*

Cf. Q 8 c).

*Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? Yes/No*

No.

*Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.*

*Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.*

Data not available.

### **2.3 Referral**

*Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?*

*Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures? Yes/No*

Yes.

*Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?*

*Please highlight which one option, or a combination thereof, is applicable in your Member State:*

- a. *The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. *The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or*

<sup>24</sup> E.g. interviews.

<sup>25</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

residence permit. (If yes, please elaborate)

- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).

Please see 1.3 and Q 11 b.

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

Although the documents enclosed in the asylum procedure are confidential, when duly justified, they may be conveyed for purposes of evaluating the application for residence permit/reflection period.

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?<sup>26</sup> Yes/No

No.

Q25a. If yes, how well are they considered to be working? Provide evidence.

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

## 2.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return? Yes/No

Yes.

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

In accordance with Q 8 b) and Q 17.

Q26b. If no, are there any obstacles to the introduction of measures?

## Section 3

### Detection, identification and referral of victims by other related actors

(Maximum 2 pages)

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

#### **3.1 Detection and identification of victims in reception centres / detention facilities**

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

- a. Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?
- b. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)<sup>27</sup>?

<sup>26</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

Given that the accommodation of foreign citizens in specialised centres (reception centres for applicants of international protection or in detention facilities while they are waiting for their return) is provided when there is an application for international protection or a forced return procedure, the criteria mentioned in previous chapters (cf. 1.1, 1.2, 2.1 and 2.2) shall apply.

*Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:*

- a. All residents / detainees are screened for indications of trafficking in human beings;*
- b. All residents /detainees with a particular profile<sup>28</sup> for indications of trafficking in human beings;*
- c. Victims self-report;*
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*
- e. Other (please specify).*

In accordance with the above described in Q27, all the options may apply in harmony with the course of the processes of examination and investigation of each case.

Both self-report and someone else's denounce may be reported to the police or judicial authorities or through the use of other available tools: telephone lines specially dedicated to these matters (SOS Imigrante, Nacional de Emergência Social, Centro de Acolhimento e Protecção) or online (Electronic denunciation system of the Ministry of Internal Affairs: <https://queixaselectronicas.mai.gov.pt>).

*Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)*

Given that the identification of victims of trafficking in human beings is enshrined in the Immigration Act, the training of all officers that examine and deal with these matters is mandatory, thus empowering them with all the necessary skills to perform properly their duties.

*Q29. Are there different protocols and/or practices for children and adults? Yes / No*

*Q29a. If yes, please briefly describe how these differ.*

Cf. Q5.

*Q30. Are there different protocols and/or practices for men and women? Yes / No*

Cf. Q5.

*Q30a. If yes, please briefly describe how these differ<sup>29</sup>*

*Q31. What are the next steps in terms of assessment and identification?*

*Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim? Yes / No*

<sup>27</sup> In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

<sup>28</sup> E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

<sup>29</sup> E.g. only female officers can screen / assess women.

Yes.

- a. *If yes, please give further details, provided the information is not considered of a sensitive nature.*

Cf. Q8a).

*Q31b. Are other mechanisms<sup>30</sup> used to assess whether a suspected victim should be identified as such? Yes/No*

Yes.

- a. *If yes, what are these?*

The interview carried out by other actors to persons in reception or detention centres may allow the detection of a (possible) situation of victimisation of trafficking in human beings. However, the scrutiny in this stage is so exhaustive that, eventually, only by means of self-report it will be possible to obtain any indication of victimization.

- b. *If no, why not?*<sup>31</sup>

### **3.2 Referral of (potential) victims in reception centres / detention facilities**

*Q32. What are the next steps in terms of referral?*

- a. *The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. *The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. *There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).*

See answer to Q 24 b).

*Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?*<sup>32</sup> Yes / No

*Q33a. If yes, how well are they considered to be working? Provide evidence.*

*Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.*

The number of these cases is not sufficiently significant to support an adequate answer.

### **3.3 Role of other actors (optional)**

*Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect detection*

<sup>30</sup> E.g. interviews.

<sup>31</sup> E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

<sup>32</sup> For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

*(potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist<sup>33</sup>?*

Yes / No

*Q34a. If yes, describe the mechanisms for detection.*

*Q34b. If yes, describe what happens in terms of referral.*

Yes, other actors in contact with the possible victims, for example non-governmental organisations working in the field, may signal the case to the police (SEF and PJ) or judicial authorities that will analyze each situation and, in case of identification of a case of victimization of trafficking in human beings, immediately activate the necessary protection measures.

#### Section 4

#### Training

*(Maximum 2 pages)*

*Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:*

*a. Content of training, specifically:*

- i. Indicators for detecting / identifying victims*
- ii. Profiling techniques*
- iii. Gender-sensitive approaches for engaging with victims*
- iv. Building trust and engaging with (potential) victim*
- v. Others (please briefly describe)*

Training and guidance directed at the elements of authorities dealing with crimes of trafficking in human beings, more specifically at detecting and identifying victims of this crime, are based on the above-mentioned contents, particularly indicators for detection/identification of victims (as those set out in the Palermo Protocol – cf. Q 8 a)), profiling techniques, approaches that take into consideration the gender for engaging with the victims, building trust and engaging with the (potential) victim, as well as cooperation with other actors that provide support to the victims.

*b. Type of stakeholder trained*

Training regarding this matter is mostly aimed at officers that deal with potential victims, such as SEF, PJ and other police and judicial authorities.

With the purpose of promoting greater awareness in this matter, particularly by those who work in the field with this type of situations, there are also training/awareness actions provided to NGOs and actors in contact with the potential victims.

*c. Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))*

There are several intervention means, such as training actions, awareness-raising

<sup>33</sup> **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

campaigns, information material (publications on the subject, guides, brochures for raising awareness, etc.), conferences and seminars.

It should be mentioned the campaign “*Não Estás à Venda*” (‘You are not for sale’) that has been implemented since 2007 with the purpose of raising awareness of the relevant actors to this matter, more specifically as regards health care services, social-oriented organisations, immigrant associations, municipalities, among others.

*d. Authority / organisation providing the training*

SEF – *Serviço de Estrangeiros e Fronteiras* (Immigration and Borders Service), PJ - *Polícia Judiciária* (Criminal Investigation Police), *Observatório do Tráfico de Seres Humanos* (Observatory on Trafficking in Human Beings), CEJ – *Centro de Estudos Judiciários* (Judicial Training Centre), IEEI - *Instituto de Estudos Estratégicos e Internacionais* (Institute for Strategic and International Studies), ACT – *Autoridade para as Condições do Trabalho* (Authority for Working Conditions), CIG - *Comissão para a Cidadania e Igualdade do Género* (Commission for Citizenship and Gender Equality) or even non-governmental organisations such as *Oikos - Cooperação e Desenvolvimento*.

*e. Frequency of the training (e.g. annually, one-off, induction training, etc.)*

For border guards and officers of SEF’s investigation and law enforcement career the training action is annual, for other bodies and in accordance with the type of training/awareness-raising action, the training frequency varies.

*f. Whether the training is obligatory. Yes / No.*

It depends on the type of training, for example, as regards training of border officers, it is mandatory and considered to be one of the most important training modules.

*Q36a. Specifically please describe whether your Member State has organised **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

Several joint training actions were carried out with other judicial and police authorities, and also with NGOs.

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

Yes. Portugal organized multi-disciplinary training, more specifically as regards training of trainers to CPLP’s countries (Community of Portuguese-speaking countries) that was provided to magistrates, police officers and representatives of several NGOs.

## Section 5 Statistics

*(Maximum 3 pages)*

*This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.*

*Q37. Has your Member State conducted any research into the scale of victims of trafficking in*

**Identification of victims of trafficking in human beings in international protection and forced return procedures**

human beings in international protection procedures and/or procedures for forced return?  
Yes / No

No.

*Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.*

*Q38. Please complete the table in **Annex 1** as far as possible, based on statistics available in your (Member) State.*

### Section 6 Conclusions (Maximum 2 pages)

*The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.*

In Portugal, the number of applications for asylum and situations of victimization of trafficking in human beings-related crimes has a small expression; hence the detection/identification of these victims assumes a reduced dimension.

In the national legislation the concept of ‘victim of trafficking in human beings’ stems from the transposition of Directive 2011/36/EU of April 5<sup>th</sup> through Act 60/2013, of August 23<sup>rd</sup>. The current Immigration Act provides the granting of residence permit to victims of this type of crime regardless of their cooperation with the authorities, in duly justified cases (Article 109 of Act 29/2012, of August 9<sup>th</sup>). However, it should be noted that the national scheme for international protection does not provide the granting of refugee or international protection statuses on grounds of trafficking in human beings.

On the other hand, in Portugal, immigration and asylum matters are centralized in a single body: the Immigration and Borders Service (SEF – *Serviço de Estrangeiros e Fronteiras*), that is responsible for asylum procedures and granting of residence permits to victims of trafficking in human beings, and also plays an important role preventing, combatting, detecting and investigating this type of crime. Hence, procedures regarding applications for international protection, forced return and identification of victims of trafficking in human beings are examined by SEF.

SEF’s officers hold the necessary training to initiate and implement international protection procedures and also ascertain any indication or suspicion of trafficking in persons. Albeit there is not a specific protocol established in official documents, on the course of the appraisal/examination of the application, the individual features and particular profiles of each applicant are always taken into consideration.

The main limitation of this study regards the complexity of the concepts that should be interrelated – international protection, situations of victimization of trafficking in human beings and forced return – where in Portugal there is a lack of relevant data that may enable their characterization, considering the reduced dimension of the number of applicants for international protection and identification of victims of trafficking in human beings. Notwithstanding this study has encountered some institutional constraints, by resorting to SEF’s internal sources, and to open sources from other entities, it became possible to achieve a rough picture of the national reality.

**ANNEX 1****Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<b><i>Third-country nationals identified as (potential) victims and who have <u>withdrawn from or stopped</u> procedures for international protection</i></b>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) <sup>34</sup> and who have (later) been granted a <b><u>reflection period</u></b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions).  Where possible, please disaggregate for: - Gender, age, nationality of the person identified	n.a.	n.a.	n.a.	n.a.	n.a.	Not available
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) <b><u>applied for</u></b> a (temporary or permanent) <b><u>residence permit</u></b> as a <u>victim of trafficking in human beings</u> cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive <sup>35</sup> ).  Where possible, please disaggregate for: - Gender, age, nationality of the person identified	n.a.	n.a.	n.a.	n.a.	n.a.	Not available

<sup>34</sup> The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

<sup>35</sup> Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been <b>granted</b> a (temporary or permanent) <b>residence permit</b> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	n.a.	n.a.	n.a.	n.a.	n.a.	Not available
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b><u>Third-country nationals identified as (potential) victims and who have <i>been rejected</i> from procedures for international protection <i>following a (final) negative decision</i></u></b>						
Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later) <sup>36</sup> been <b>granted</b> a ( <b>non-EU harmonised</b> ) <b>protection status or residence permit</b> (e.g. on humanitarian grounds) <sup>37</sup> as a victim of trafficking in human beings (e.g. due to humanitarian reasons).	n.a.	n.a.	n.a.	n.a.	n.a.	Not available
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted</b> a <b>reflection period</b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).	n.a.	n.a.	n.a.	n.a.	n.a.	Not available

<sup>36</sup> **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

<sup>37</sup> Where possible, please specify the type of protection status / residence permit.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted a residence permit</b> as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	n.a.	n.a.	n.a.	n.a.	n.a.	Not available
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b>Statistics on referrals to national referral mechanisms (where existing in (Member) States)</b>						
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:  - Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM  - Number of third-country nationals referred by <u>legal representatives</u> to the NRM	n.a.	n.a.	n.a.	n.a.	n.a.	Not applicable

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

<ul style="list-style-type: none"> <li>- Number of third-country nationals referred by <u>civil society</u> to the NRM</li> <li>- Number of third-country nationals referred by <u>other actors</u> to the NRM</li> </ul> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> <li>- Gender, age, nationality of the person identified</li> </ul>						
<b>General statistics</b> <sup>38</sup>						
Number of third-country nationals who have been <b>granted</b> a (non-EU harmonised) <b>protection status or residence permit</b> as a victim of trafficking in human beings (e.g. <b>due to humanitarian reasons</b> ). <sup>39</sup>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>Not applicable</b>
Number of third-country nationals who have been granted a <b>reflection period</b> as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	<b>19</b>	<b>32</b>	<b>14</b>	<b>15</b>	<b>8</b>	<b>Only includes those who have been granted a residence permit as a victim of trafficking in human beings</b>
Number of third-country nationals who have been granted a <b>residence permit as a victim of trafficking in human beings</b> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	<b>19</b>	<b>32</b>	<b>14</b>	<b>15</b>	<b>8</b>	
Number of third-country nationals <b>referred</b> to procedures for victims of trafficking in human beings through the <b>NRM</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>Not available</b>

<sup>38</sup> The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

<sup>39</sup> Where possible, please specify the type of protection status.