

New Plan for Immigration - Response Brief

Identifying and supporting victims of modern slavery and human trafficking

May 2021

On the 24 March 2021, the Home Office issued a consultation document '[New Plan for Immigration](#)' which aims to reform the asylum system in the UK. This is a summary of our key responses to the consultation focusing on the potential impact on modern slavery. We welcome the Government's commitment to tackling modern slavery but further refinement is needed on some of the proposals and care must be taken to avoid unintended negative impacts of asylum reform on identifying and safeguarding modern slavery victims.

Specific Modern Slavery Proposals

Training for First Responders: We welcome the proposal to improve First Responders' understanding of how to spot the signs of slavery, when to refer a potential victim to the NRM and when alternative support services may be more appropriate. This training should be mandatory and embedded in professional qualifications. An increased emphasis on understanding victim vulnerability and the impact of trauma, not credibility alone is needed.

Strengthening the criminal justice system: We welcome the Government's commitment to continue providing funding and support to strengthen the criminal justice system response to modern slavery, to improve police investigations and increase the number of successful prosecutions. We especially welcome the intention to consider new forms of support embedded with police to enable victims' engagement with investigations. We offer Justice and Care's innovative Victim Navigator model as an example of how this can be achieved.

Reasonable grounds threshold: Amending the Modern Slavery Act 2015 definition to "reasonable grounds to believe that a person is a victim" and further amending the Statutory Guidance definition to "reasonable grounds to believe, based on objective factors but falling short of conclusive proof, that a person is a victim of modern slavery" should be approached with caution and scrupulous analysis to avoid unintentionally increasing barriers preventing genuine victims accessing the support they need and engaging with police investigations.

Public order grounds for exclusion from NRM: Defining the public order grounds on which protection and support under the NRM may be withheld will bring welcome transparency, but this must be proportionate to the low number of foreign national offenders referred to the NRM and the need to support victims. The proposed definition of a prior conviction of 12 months or more is too wide and likely to exclude from support genuine victims who pose no risk to the public, including where those convictions made victims targets for slavery or resulted from exploitation. The definition and plans for its implementation need to be refined to focus on potential victims who are sexual, violent or repeat offenders and pose a serious risk to the public or national security allowing for discretion on a case by case basis.

Temporary leave to remain: We welcome the plan to establish in legislation the basis on which confirmed victims of modern slavery are eligible for temporary leave to remain. However, the lack of clarity about the criteria on which leave will be granted, including the restriction to victims with recovery needs linked to exploitation, does not provide the necessary increased certainty to support victims' recovery, prevent re-exploitation and enable more to engage with police investigations. We recommend leave for all confirmed victims.

Support for victims: The Government's intention to bring forward future legislation to clarify international obligations to victims in UK law is very welcome. Such legislation is urgent and essential. We welcome plans in the meantime to increase access to mental health support and private counselling as currently victims face many difficulties and delays obtaining help.

Prevention fund and new modern slavery strategy: We welcome the plans for a Modern Slavery Prevention Fund and a new Modern Slavery Strategy. Tackling modern slavery at source and in transit countries and strengthening international law enforcement collaboration must remain a priority. Disrupting modern slavery in the UK effectively will require a strategic and holistic cross-governmental approach and we recommend an approach similar to the Modern Slavery Taskforce chaired by the former Prime Minister be deployed to spearhead the delivery of the new strategy.

Proposals for reform of the asylum system potentially impacting modern slavery victims

Inadmissibility of certain asylum claims: The proposed inadmissibility of asylum claims from people who transit through 'safe third countries' or people-smuggling is likely to negatively impact efforts to identify and safeguard modern slavery victims. Victims who come to the UK under the control of traffickers, deceived into debt bondage or other exploitation could not have sought asylum elsewhere. Victims of modern slavery should be exempt from the presumption of inadmissibility and related rapid removal proposals. Immigration officials should be trained to identify potential victims in smuggling contexts.

Other asylum reform: Overseas processing of asylum claims risks re-traumatising victims and hindering their access to specialist medical, psychological and legal support. Plans to increase asylum accommodation and reception centres provide an opportunity for reviewing the suitability of such accommodation for victims of modern slavery.

Inclusion of modern slavery in an enhanced one-stop process, 'good faith' and credibility: The proposal to require modern slavery concerns to be raised during the enhanced 'one-stop' process runs the risk of excluding genuine victims of modern slavery. Statutory guidance recognises there can be valid reasons for victims failing to disclose their slavery experience including trauma, fear and not seeing themselves as a victim. It must be possible for claims of modern slavery to be raised subsequent to the 'one-stop' process, and guidance must highlight the possibility that the claimant may have valid reasons for not having raised the matter earlier. Similarly, proposed reforms which emphasise 'good faith', early disclosure and give less credence to 'late' claims do not take full account of the impact of trauma on how slavery victims present to the authorities.

Appeals: Proposals for modern slavery issues to be included in appeals to the First Tier Tribunal and a fast track appeals process lack clarity, but we are concerned that such processes could damage the integrity and credibility of the NRM if victims with live immigration cases or in detention are treated differently than other victims.

More information

Our full submission is available on www.justiceandcare.org; www.centreforsocialjustice.org.uk

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