

The Anti Trafficking Monitoring Group

Anti Trafficking Monitoring Group (ATMG)

'Illegal Migration' Bill briefing – Committee Stage House of Lords

May-June 2023

[The Anti Trafficking Monitoring Group \(ATMG\)](#)¹ is a coalition established in 2009 to monitor the UK's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). We are deeply concerned about the government's proposed 'Illegal Migration Bill', which targets some of the most vulnerable groups in our society, including but not limited to, those seeking asylum, victims and survivors of trafficking and modern slavery, including separated children and those with families. **We reject this Bill and we urge the parliament to reject it in its entirety. Please read our full analyses and briefing here.**

The ATMG produced a [briefing](#) in March 2023 for the House of Commons Committee stage explaining how the 'Illegal Migration' Bill is in breach of the European Convention Against Trafficking in Human Beings (ECAT) and other international treaties.

If the new legislation is enacted, **it will dramatically increase the vulnerabilities of anyone affected by it, leading to their exploitation and re-trafficking and will empower traffickers by strengthening their hold on victims, while leaving them unpunished.**

Similar concerns on the Bill have recently been raised by the former Anti-Slavery Commissioners, who stated that the 'Illegal Migration' Bill is a gift to criminals and devastating to victims.²

The provisions in this Bill will exacerbate victims' fear of criminalisation and deportation, eroding their trust in authorities, which has been identified as one of the reasons why victims of trafficking and modern slavery don't share their trafficking experience and are pushed underground. **The only option for those entering irregularly will be to stay in a situation of exploitation or to be detained by the state, which is no choice at all.**

This Bill is a trafficker's dream as it will provide an actual piece of legislation that will be used by traffickers to confirm all the threats they have been using against victims for years. This will result in a cohort of people kept in situations of exploitation by their traffickers, which will be invisible and unknown to authorities, creating a real humanitarian crisis in UK soil.

Some of the ways in which the Bill will increase the risk of exploitation and re-trafficking are:

- It will exacerbate the hostile environment leaving individuals in vulnerable positions with no choice but to go underground and be subject to exploitation or to rely on their traffickers.

¹ The ATMG consists of: Anti-Slavery International, Ashiana Sheffield, Bawso, Children's Law Centre (CLC), East European Resource Centre (EERC), ECPAT UK, Flourish Northern Ireland, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Hope for Justice, JustRight Scotland, Kalayaan, Law Centre (NI), Scottish Refugee Council, TARA service, The Snowdrop Project, UNICEF UK.

- It will criminalise anyone that fits the four criteria in clause 2, including victims of trafficking and modern slavery, which will further erode trust in authorities and act as a deterrent from seeking help.
- It will prevent individuals from accessing essential services such as physical and mental health support, education or other services aimed at favouring integration, which will have tremendous effect on people's wellbeing. This will create a fertile pool of vulnerable people that traffickers can easily tap into to expand their exploitation and trafficking rings.
- It will foster an environment of impunity for people smugglers and traffickers while giving them more power and control over their victims.
- It will detain and threaten to remove individuals to their country of origin or a supposedly "safe" third country without carrying out an individual safeguarding and risk assessment, which will put them at a further risk of re-trafficking.
- It will exclude victims from identification and push them underground, preventing recovery and cooperation with authorities.
- It will dramatically increase the number of trafficked children by curtailing safeguarding measures and support.
- It will foster homelessness and destitution, which will make individuals more vulnerable to exploitation.

Conclusion

The 'Illegal Migration' Bill is a gift to people's smugglers and traffickers, who will have a larger cohort of vulnerable people available to use for their financial gains with little or no attention from authorities. Individuals will be forced to go underground to avoid being detected by authorities due to the fear of being detained and removed from the UK.

These individuals without any other support or prospect to work and regularise their status, will become destitute and homeless with no other choice but to accept or remain in jobs in exploitative situations or will be coerced into criminal activities.

This will be compounded by victims and survivors' inability of escaping or asking for help from authorities because this will result in their criminalisation and possible removal.

The above threat, which is one of the common ways people are coerced and kept in exploitation will be put in writing through this Bill, so traffickers can demonstrate the validity of their threats and that there is no other choice but to work for them.

Instead of pursuing this dangerous legislation, the United Kingdom, should:

- Scrap the 'Illegal Migration' Bill in its entirety.
- Develop a new Government strategy to prevent and tackle human trafficking and modern slavery informed by those with lived experience.
- Increase support for victims and survivors and take a human rights-based approach, which empowers survivors to engage with criminal investigations.
- Ensure that those who receive a positive Conclusive Ground decision receive ongoing advocacy and support, including a minimum of 12 months support and access to regularised immigration status with access to settlement routes.
- Ensure that victims have early access to legal aid and pre-NRM support to inform consent to a referral.
- Approach the fight to trafficking and modern slavery from a safeguarding perspective rather than an immigration one.
- Create more opportunities and more meaningful mechanisms to engage and consult with the wider migration and modern slavery sector and above all with experts by experience.