

## Home Affairs Committee - Human Trafficking Inquiry Submission

March 2023

*Who we are:*

**The Labour Exploitation Advisory Group (LEAG)** is a group of experts from nine organisations<sup>1</sup> supporting people in, or at risk of, severe forms of labour exploitation, such as human trafficking, forced labour and slavery. Members work together to assess the impact of formal and informal responses to tackling labour exploitation by both government and non-governmental actors; and to identify barriers and develop joint strategies for improving the relevance and effectiveness of local and national measures to tackle labour abuse and exploitation.

**South East & East Asian Centre (SEEAC)** is a community organisation for and by migrants, refugees and people seeking asylum from Southeast and East Asia and people of these heritages living in the UK.

**Voice of Domestic Workers** is an education and support group calling for justice and rights for Britain's sixteen thousand migrant domestic workers.

**Anti Trafficking & Labour Exploitation Unit (ATLEU)** provides dedicated and holistic legal advice to survivors of trafficking and labour exploitation. ATLEU's specialist multidisciplinary legal team assists survivors to escape situations of trafficking, start their recovery and rebuild their lives.

### Introduction

1. In recent years, we have seen considerable retrograde measures in relation to modern slavery support and protections, and increasingly hostile and inflammatory rhetoric deployed against victims and survivors. Rather than stripping back the modern slavery framework, we call on the Government to adopt a preventative and person-centred approach that adopts a 'continuum of exploitation lens.' In order to reduce vulnerability to exploitation, it is essential that the structural conditions that are conducive to trafficking are addressed.
2. While some aspects of this submission address the UK's anti-trafficking policies and practice as a whole, this submission places a particular emphasis on trafficking for the purpose of labour exploitation.

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<sup>1</sup> LEAG members: Latin American Womens Rights Service (Chair); Focus on Labour Exploitation (Coordinator); Kanlungan Filipino Consortium; British Red Cross; Unite the Union; Kalayaan; Glass Door Homeless Charity; Work Rights Centre; East European Resource Centre.

**Q1: What is the scale and nature of human trafficking in the UK?**

*Labour Exploitation in the UK*

3. In 2022, 30% of all referrals into the National Referral Mechanism (NRM) were for potential victims and survivors of exploitation only (5,135 individuals). This figure rose to 39% when looking at potential adult victims and survivors in isolation (3,433 individuals).<sup>2</sup> As such, labour exploitation is the most common type of exploitation experienced by potential victims of survivors of trafficking referred into the NRM. Given that the number of victims and survivors of trafficking in the UK is estimated to be ten times the number referred into the NRM,<sup>3</sup> the scale of labour exploitation in the UK is staggering.

*The Continuum of Exploitation*

4. Beyond this, the number of individuals experiencing labour abuses that produce vulnerability to labour exploitation, as well as their own harms, will be higher still. LEAG adopts a Continuum of Exploitation approach to human trafficking, recognising that human trafficking must be seen as an extreme form of lower level labour abuse.

*What is the Continuum of Exploitation?*

Labour exploitation has been recognised as part of a continuum of experiences that ranges from decent work through minor and major labour law violations to extreme exploitation. This approach has been referred to as the 'Continuum of Exploitation'. A thread runs between low-level labour abuse and the more severe labour exploitation. The factors that produce vulnerabilities at one end of this continuum produce vulnerabilities across the continuum as a whole. At one end there is decent and well-paid work, with poorer treatment such as breaches of employment rights (such as unpaid wages, discrimination etc.) situated along the continuum, culminating at the opposite end of the continuum in serious exploitation, such as human trafficking and forced labour.

On this understanding, real and enforceable employment rights are crucial safeguards and preventative measures against serious labour exploitation taking root. In a labour

<sup>2</sup> <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

<sup>3</sup> <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/07/It-Still-Happens-Here.pdf>;  
<https://www.globalslaveryindex.org/2018/findings/country-studies/united-kingdom/>;  
<https://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>

market where all workers enjoy decent wages, paid time off and a safe working environment, workers are less vulnerable to labour exploitation because they can access decent work opportunities. Where workers are denied the protection of basic rights and labour standards are poor, workers become more vulnerable to labour exploitation.

### *Gendered aspects of trafficking*

5. While an individual's gender does not indicate a vulnerability in and of itself, factors such as gender and racial inequalities, experienced at the individual and institutional levels, produce intersectional discrimination compounding the risk of exploitation and impeding the ability to exit it.
6. Being paid below minimum wage is common in highly feminised sectors such as cleaning, care, hospitality and domestic work.<sup>4</sup> In the hospitality sector some workers are paid below minimum wage, and it is common for workers not to be paid for 'extra' time worked, such as time spent finishing required tasks (for example number of rooms per shift), waiting to start work or attending staff meetings. In sectors traditionally dominated by women workers, such as cleaning, hospitality, care and domestic work, it is important to understand both women's experiences in the workplace and the particular risks of abuse and exploitation that affect women workers. This is crucial to identifying and preventing non-compliance across the spectrum, from labour abuses to modern slavery. Care and domestic work, particularly in private households, may be isolated and hidden and for workers who live in there may be unclear boundaries between work and 'free time' with workers expected to be permanently on call, to share a room with the person they care for resulting in little or no personal space or time off.
7. Additionally, women may also be vulnerable to exploitation due to their need to provide and care for others. Approximately 68.5% of single parents are in work, the vast majority of whom are women.<sup>5</sup> Where a family depends upon a woman's employment for survival, her ability to leave or challenge abusive working conditions is likely to be significantly reduced. A woman worker may also be forced to accept poorer work and entitlements in exchange for the flexibility she requires to care for children or sick or elderly relatives. For example a woman worker may have to take a part-time job that is low paid or below her skill level in order to fit with her family care demands. In these cases the danger of losing

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<sup>4</sup> <https://www.labourexploitation.org/publications/women-workplace-flex-five-point-plan-combat-exploitation>, p.3.

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<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/familiesandthelabourmarketengland/2021#:~:text=Lone%20Parent%20families&text=The%20employment%20rate%20for%20lone.with%20lone%20fathers%20at%2080.1%25>

employment, or even a reduction of hours, as a result of complaining may be too significant to risk making a complaint.

8. Women who have suffered workplace abuse, particularly of a sexual nature, may face a culture of disbelief, bullying or intimidation from employers or fellow staff. Women may also be fearful they will be 'blamed' for sexual abuse and both men and women fear that disclosing sexual abuse will shame them and their families, meaning the abuse itself can be used as a method of control. In such cases women, and particularly migrant women, often feel that they won't be believed by authorities, and may be reluctant to report abuse to male colleagues in a position of authority.
9. In order to effectively tackle abuse and exploitation, it is vital that labour inspection authorities develop an expert understanding of the experiences and needs of women workers in the labour market. This includes the abuses female workers experience and challenges they face to claim their rights in the workplace.<sup>6</sup> Each agency should appoint a lead officer to coordinate research and strategy development to establish a gender-sensitive organisational response to tackle exploitation of women workers in feminised labour sectors.
10. Gender-related abuse and exploitation manifest differently in different sectors. Women workers face different abuses and different barriers to reporting problems depending on the nature of their employment relationship, their place and hours of work, their migration status, access to union representation or other advice channels, and personal circumstances. As such, a blanket approach to enforcement of women's rights at work cannot be effective. Instead, strategies and tools for identifying abuse and enforcing rights must be tailored to meet the needs of specific groups of women workers. When developing tailored strategies and tools, enforcement agencies should also take into account the varied social and cultural contexts in which women (in particular migrant women) workers exist. They may influence the type of abuse a woman faces as well as whether, when and how she is able to access advice or report problems. Agencies should map and understand the demographics of workers in each sector, and ensure that prevention and enforcement action is appropriately tailored to meet the different cultural and social needs of the women working in each sector.
11. The domestic work sector is a heavily feminised one, gender being a significant factor impacting the living and working conditions of domestic workers. Paid domestic work is often occupied by migrant women who are from poorer countries. Apart from the low-paid and isolated nature of the domestic worker sector, the situation of migrant domestic workers is compounded by the gendered and racialised nature of the workforce. Being enmeshed in class relations integrated with gendered, racialised and legal structures of

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<sup>6</sup> <https://www.labourexploitation.org/publications/women-workplace-flexes-five-point-plan-combat-exploitation>, p.4.

oppression, migrant domestic workers are not only subject to non-compliance of the National Minimum Wage, long working hours and harsh working conditions, but also a continuum of gender-based violence, ranging from psychological abuse and bullying to severe physical abuse, rape and sexual assault. Voice of Domestic Workers in London conducted a survey with 539 migrant domestic workers, many of whom entered the UK with the Overseas Domestic Worker Visa, in 2018 and the survey revealed that 76.5% of respondents had experienced abuse at work, including verbal (54.4%) physical (18.9%) and sexual (11.7%) abuse.<sup>7</sup>

12. In March 2022, the Government committed to remove the 'Family Worker Exemption' from National Minimum Wage regulations. That it has not done so one year on, means that live-in domestic workers continue to have no clear entitlement to National Minimum Wage, or any salary at all. As ATLEU have experienced, exploitative employers continue to use the exemption as a defence to evade punishment.<sup>8</sup>

## **Q2: How effective is the UK's approach to discouraging the demand that leads to trafficking?**

### *Immigration-enforcement approach*

13. The UK has taken a heavily immigration enforcement-based approach to labour exploitation. In this respect, officials attribute an individual's exploitation to their migrant status as opposed to addressing the labour market structures that create a conducive environment for their exploitation. As previous LEAG research has shown, immigration enforcement has been prioritised over victim and survivor support and protection,<sup>9</sup> a tendency that has been amplified by the Nationality and Borders Act 2022 and the ensuing policies. Under this approach, rather than addressing the employment issues raised by an individual, any irregularity in immigration status is prioritised over employment issues raised, with individuals facing immigration enforcement action rather than accessing justice or redress. This approach discourages reporting to the authorities and enables exploitation. This is expected to be considerably worsened should the 'Illegal Migration' Bill be enacted.
14. Moreover, the UK's own policies have created significant risks of trafficking for labour exploitation. The UK's use of short-term restricted visas, with no routes to long term regularisation, are key drivers in the UK's exploitation of migrant workers.<sup>10</sup> The restrictions in the UK's Overseas Domestic Worker (ODW) visa increases the vulnerability

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<sup>7</sup> [https://www.thevoiceofdomesticworkers.com/files/ugd/6608f3\\_0982a712073945ceb8236afa0632bbb3.pdf](https://www.thevoiceofdomesticworkers.com/files/ugd/6608f3_0982a712073945ceb8236afa0632bbb3.pdf).

<sup>8</sup> See: <https://atleu.org.uk/news/2023/3/9/family-worker-exemption-still-driving-exploitation>.

<sup>9</sup> See: <https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>

<sup>10</sup> <https://www.labourexploitation.org/publications/briefing-creating-safe-and-fair-uk-immigration-policy-workers>, p.5.



of migrant domestic workers to abuse, exploitation and trafficking. Although since 2016 ODW visa holders can theoretically change employer within the domestic work sector, other than if they have a positive Conclusive Grounds stage trafficking decision, they cannot apply to renew their six-month visa, even if they have an offer of ongoing new employment. This limitation on the visa length makes the right to change employer ineffective in practice. The 2016 changes do not sufficiently enable workers to escape abuse and exploitation, combined with debt and the need to provide for family members risks trapping migrant workers, predominantly female, in abusive and often exploitative employment.

15. The UK's increased reliance on temporary worker visas, such as through the seasonal agricultural worker scheme, has created an environment in which labour exploitation can proliferate. Agriculture is a high-risk sector for human trafficking for forced labour due to the nature of its supply chain, remote working and isolation, and high prevalence of migrant workers who often face barriers accessing information and support due to factors such as the language barrier, limited access to information, and low unionisation rates, among others.<sup>11</sup> The scheme operators can source workers for the agricultural seasonal worker visa from anywhere in the world and the UK has not put in place sufficient safeguards against illegal recruitment practices in source countries. This means that many workers, especially from Nepal and Indonesia, are being charged high fees by recruiters in addition to high migration costs which are permitted under the scheme. The result is workers are often in debt when they arrive in the UK. Additionally, workers have been left without sufficient work leaving them at risk of destitution and vulnerable to exploitation.<sup>12</sup> Additionally, it appears that workers have been promised or at least had high expectations that there will be sufficient work for them, indicating potential deception within the recruitment process itself. The issues faced by workers on the Seasonal Worker Scheme provide an illustration of how the modern slavery approach to workplace abuses can act to exclude workers from protection and support and hinders a proactive preventative approach. Despite research pointing to the real risk of exploitation within the scheme and serious concerns as to how the scheme is operating in practice, the GLAA have confirmed that they do not proactively inspect farms, and instead will only conduct a visit where there are allegations of modern slavery having occurred.<sup>13</sup> This lack of proactive monitoring combined with a lack of options in practice for workers to speak out and access redress has excluded a considerable number of workers from active labour market enforcement

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<sup>11</sup> See: <https://www.labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot>

<sup>12</sup> See for example: <https://www.thebureauinvestigates.com/stories/2022-05-27/migrant-fruit-pickers-charged-thousands-in-illegal-fees-to-work-on-uk-farms>; <https://www.theguardian.com/uk-news/2022/aug/14/how-indonesians-came-work-kent-farm-debt>.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1125411/An\\_inspection\\_of\\_the\\_immigration\\_system\\_as\\_it\\_relates\\_to\\_the\\_agricultural\\_sector\\_May\\_to\\_August\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125411/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf), p.51

and has limited protection of workers' rights until they have escalated to their severest form.

16. Additionally, the limited remit of the GLAA has resulted in a considerable oversight gap. The GLAA does not conduct in-country licence or compliance inspections of overseas labour providers. This limited oversight of overseas labour providers and their activities in workers' country of origin poses a range of risks of workers facing deceptive recruitment, threats at point of recruitment and recruitment linked to debt.
17. Risks are exacerbated on these and other immigration statuses which prohibit access to public funds. Numerous studies have documented the harm that the 'No Recourse to Public Funds' (NRPF) condition does to migrants by denying them access to support, forcing people into destitution and debt, and preventing them from leaving exploitative and abusive situations.<sup>14</sup> NRPF is also one of the key ways in which lack of access to social security drives the risk of labour abuse and exploitation, especially in the context of low-paid and insecure work.<sup>15</sup> Access to benefits and support dramatically improves individuals' resilience to labour exploitation. Studies have found that the gains from the removal of the NRPF condition for any household, including households with families, would outweigh the costs of granting everyone access to benefits, both in the short-term and in the long-term.<sup>16</sup> These gains come from a range of savings generated by addressing many of the problems of destitution and poor housing presented to local authorities and third sector services, which can then be invested elsewhere.
18. Facilitating access to work, for asylum seekers and trafficked people while they are in the NRM, would be an important step towards preventing exploitation and enabling people to access decent work, and move on with their lives. In both the NRM and the asylum system people are often left waiting years for decision makers, during which time they are often unable to work. This leaves people in limbo, unable to provide for their families. In the case of the NRM, the risk of waiting for years while unable to work may keep people in exploitation.

*Secure reporting*<sup>17</sup>

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<sup>14</sup> <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Nowhere%20to%20turn%20briefing.pdf>;  
<https://journals.sagepub.com/doi/10.1177/0261018320980634>; <https://www.project17.org.uk/systems-change/reports-briefings-consultations/local-authority-responses-to-people-with-nrpf-during-the-pandemic/>

<sup>15</sup> <https://www.labourexploitation.org/publications/no-viable-alternatives-social-insecurity-and-risk-labour-exploitation-during-covid-19>

<sup>16</sup> [https://sticerd.lse.ac.uk/CASE/\\_NEW/PUBLICATIONS/abstract/?index=9187](https://sticerd.lse.ac.uk/CASE/_NEW/PUBLICATIONS/abstract/?index=9187)

<sup>17</sup> Organisations working in the immigration, women and labour rights sectors use both safe reporting and secure reporting to describe a mechanism to ensure that victims and workers with insecure immigration status can report crime without facing negative consequences in regards to their legal status. This is relevant for all parties involved in the protection of vulnerable victims and workers, such as police and labour inspectorates.

19. At present, without secure reporting, exploiters are empowered to act with impunity, knowing that their victims will often not risk seeking help from the authorities, often using threats of deportation as a means to prevent their victims from coming forward to criminal justice agencies.<sup>18</sup> It is well recognised, including in statutory guidance,<sup>19</sup> that survivors can be highly traumatised, afraid of disclosing their situation of exploitation due to shame and fear as well as the control methods used by exploiters and may be anyway fearful of authorities due to previous experiences and threats including around Immigration Detention and removal. Beyond modern slavery and human trafficking, such experiences are common with victims of domestic abuse with insecure status. The organisation Imkaan has previously reported that more than 90% of abused women with insecure immigration status in the UK had their abusers use the threat of their removal from the UK to dissuade them from reporting their abuse.<sup>20</sup> These findings have been supported by the Step Up Migrant Women campaign, which identified fear of removal from the UK as the main factor which prevented women from reporting to the police.<sup>21</sup>

*“I would raise a complaint if I was protected in some way against deportation.”*  
Renata, (Brazilian survivor of labour exploitation in the UK)<sup>22</sup>

20. Whilst law enforcement does not have a legal obligation to share information about undocumented immigration status of crime victims with immigration enforcement, this does take place and while it remains a possibility it will continue to deter victims from reporting crimes against them. Additionally, the Government’s Immigration Enforcement Migrant Victims Protocol (IEMVP) fails to provide survivors or those who are witnesses to a crime with guarantees to meaningful and long-term protection, and risks compounding harms. The IEMVP was introduced by the Government despite a super-complaint against the sharing of personal data for immigration enforcement purposes, and after numerous stakeholder group meetings with the domestic violence and anti-trafficking sectors. The concerns raised by these groups were ignored, and the IEMVP continues to be opposed by both sectors.<sup>23</sup> We hold that there remains a conflict of interest so long as Immigration Enforcement is involved in receiving reports from and supporting victims of crime, given

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<sup>18</sup> <https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>, p.55.

<sup>19</sup> The Modern Slavery Act 2015 section 49 Statutory Guidance on Identification and Care recognises the impact of trauma lists the reasons why a person may not self-identify and/or be reluctant to disclose their situation of exploitation.

<sup>20</sup> [https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a6236285992a0aca6f0c/1642505778651/2012+\\_Imkaan+\\_Vital+Statistics+Two+%28Low+res%29.pdf](https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a6236285992a0aca6f0c/1642505778651/2012+_Imkaan+_Vital+Statistics+Two+%28Low+res%29.pdf)

<sup>21</sup> <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

<sup>22</sup> <https://www.labourexploitation.org/publications/preventing-and-addressing-abuse-and-exploitationguide-police-and-labour-inspectors>, p.11.

<sup>23</sup> See: <https://www.labourexploitation.org/publications/joint-response-%E2%80%99Chome-office-and-police-data-sharing-arrangements-migrant-victims-and>



that its priority is to enforce immigration rules rather than providing a safeguarding function.<sup>24</sup>

21. The hidden nature of modern slavery and trafficking makes it difficult to gain an accurate picture of its true scale and nature. As a result, anti-trafficking responses are dependent on victims coming forward about their experiences. The continued absence of secure reporting options that enable people with insecure status to come forward as victims of crime undermines our ability to address trafficking and runs counter to the UK's stated ambition to 'lead the way in defeating modern slavery.' This is particularly concerning considering that immigration status is one of the key risk factors for becoming a victim of modern slavery. Beyond instilling a fear of approaching authorities among victims, the lack of separation between law enforcement (as well as other public bodies such as the Gangmasters and Labour Abuse Authority) and immigration enforcement dissuades the public from reporting potential cases of modern slavery out of concern that it will result in negative immigration consequences for victims.<sup>25</sup> If the 'Illegal Migration' Bill comes into force in its current form modern slavery and trafficking will be further driven underground. Anyone who entered the UK irregularly will never be identified as a victim in the UK or able to access consequent entitlements to legal advice or support, Nor will they ever be able to regularise their status in the UK. The effect will be to deter people from coming forward, those who do come into contact with authorities will not be identified anyway. This plays into the hands of exploiters.

*Prevention based approach*

22. The continuum of exploitation model also helps us to get around the problematic discourse that forced labour is merely an extreme form of labour exploitation,<sup>26</sup> as opposed to 'lesser' forms such as labour law violations. Such exceptionalisation does little to help our understanding of forced labour, and risks being counterproductive by putting forward a 'hierarchy of needs.' Prioritising only the most egregious violations of workers' rights and dignity to the exclusion of their lower-level workplace rights will inevitably result in a reactive system, that requires a situation to reach a certain level of severity before the worker is able to receive support and protection.
23. As such, the UK must remove the conditions that allow labour exploitation to thrive, and must ensure that labour market enforcement is resourced so that it can properly address labour abuse and exploitation. The GLAA is considerably underfunded, with well-under the ILO recommended target of one inspector per 10,000 workers (currently 0.4 inspectors

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<sup>24</sup> <https://www.labourexploitation.org/publications/joint-response-%E2%80%99Chome-office-and-police-datasharing-arrangements-migrant-victims-and>

<sup>25</sup> <https://www.antitraffickingreview.org/index.php/atrjournal/article/view/407>

<sup>26</sup> <https://www.jrf.org.uk/report/between-decent-work-and-forced-labour-examining-continuum-exploitation>, pp.17-18.

per 10,000 workers).<sup>27</sup> The UK has one of the poorest resourced labour inspectorates in Europe, meaning that the GLAA only carries out 'intelligence-led' inspections and is therefore reliant on workers reporting their exploitation. Working conditions must be improved generally to avoid situations degrading to the stage where they amount to human trafficking. Strengthening the labour market enforcement can help to embed a model based on proactive protection rather than simply redress once a situation has degraded to a sufficient level of severity.

*Avoiding a 'hierarchy of victimhood'*

24. The anti-trafficking sector recognises that victims and survivors are often subject to multiple forms of exploitation that only become apparent later in their journey and in a manner that is difficult to distil into clear cut forms of exploitation. This is often the case with sexual exploitation where trauma and social stigma can hinder disclosure. As such, responses to human trafficking must cover all forms of exploitation without prioritisation and hierarchy.

**Q3: To what extent do support services meet the needs of victims who have been trafficked in or to the UK?**

25. Whilst considerable issues exist in relation to the identification and referral of victims and survivors into the NRM, the NRM suffers from considerable limitations that produce risks of trafficking. There is significant evidence that without a structure which enables independence and sustainable freedom through supporting access to decent work for survivors who are ready, as well as leave to remain following a Conclusive Grounds decision, survivors of slavery go through the NRM yet remain vulnerable to exploitation.<sup>28</sup>
26. An increasing number of individuals are actively refusing their consent to enter the NRM,<sup>29</sup> likely due to the already limited support and protection available. 2022 marked a 43.57% increase from 2021 in the number of people actively refusing their consent to enter the NRM - this was the highest annual number since the NRM began in 2009. This will be an underestimate as it does not take into account people who were identified by non-statutory First Responders or those who were unable to access a First Responder in the first place.<sup>30</sup> It should be no surprise that many people do not consent to enter an identification system which does not appear to work in their best interests; identification decisions are intended to take around 6 weeks. In fact it is not unusual to meet people who have been

<sup>27</sup> <https://unchecked.uk/wp-content/uploads/2021/11/Labour-Market-Enforcement-Gap.pdf>, p.6.

<sup>28</sup> See: '<https://research.stmarys.ac.uk/id/eprint/3883/>'; '<https://www.antislaverycommissioner.co.uk/media/1259/day-46.pdf>'; '<https://www.antislaverycommissioner.co.uk/media/1260/life-beyond-the-safe-house.pdf>'.

<sup>29</sup> Public authorities have a statutory duty to notify the Home Office when they come across potential victims of modern slavery. When individuals refuse to be entered into the NRM, public authorities record this in a Duty to Notify report (DtN).

<sup>30</sup> <http://www.kalayaan.org.uk/wp-content/uploads/2023/01/Public-Announcement-30-01-2023.pdf>

waiting in the system, in limbo, for years. Those who do not have the appropriate immigration status are not given permission to work during this time.<sup>31</sup> The majority of people in the NRM only access outreach support, so are dependent on asylum or other accommodation during this time. Those who are housed in safe house accommodation are often moved to where accommodation is available, uprooting them from any support networks they may have developed or even away from services and legal support. The system expects people who may be in debt bondage or who have been pushed into exploitation due to poverty to put their lives on hold indefinitely, compounding the impact of their trafficking and their trauma. Survivors describe being housed in rural areas where they have no community and being unable to work, with little to do and no option to move on and rebuild their lives after exploitation.

27. Further, only 7% of confirmed victims were granted leave to remain between April 2016 and June 2021.<sup>32</sup> A recurrent issue is that leave is frequently only granted when a person is in therapy or receiving a particular treatment which ‘medicalises’ the process rather than looking at the persons ‘personal situation’ as required by Article 14 of ECAT. It also ignores that a person may not be in such treatment due to lack of availability or not yet being ready rather than this being a reflection of a lack of need. The failure to grant leave results in victims being subject to the hostile environment, leaving them without the right to seek lawful employment, rent property or secure benefits to support them. A grant of leave entitles a person to social welfare, access to the labour market, education and training. These avenues of support and provision of space and time would assist them in recovering from their experiences of trafficking and reduce their risk of being re-trafficked or exploited further.

#### *First responder capacity*

28. Additionally, the ability to access such support measures has been significantly limited by the capacity constraints faced by First Responder Organisations (FROs).<sup>33</sup> As highlighted in their February 2023 report, Kalayaan have noted that the NRM is currently at breaking point.<sup>34</sup> The largest FRO, the Salvation Army, recently confirmed that they will temporarily stop accepting new referrals, due to an inability to keep up with the current need.<sup>35</sup> Given the frequent lack of trust in public authorities such as law enforcement, non-statutory FROs are an essential part of the referral system, as victims and survivors often feel that charities are the only body they can come forward to without fear of repercussion. As a

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<sup>31</sup> [http://www.kalayaan.org.uk/wp-content/uploads/2021/03/Coalition\\_AccessToWork\\_report\\_v3.pdf](http://www.kalayaan.org.uk/wp-content/uploads/2021/03/Coalition_AccessToWork_report_v3.pdf)

<sup>32</sup> <https://www.scottishrefugeecouncil.org.uk/new-fois-reveals-chronic-slowness-of-the-uks-asylum-system/>

<sup>33</sup> A ‘first responder organisation’ is an authority that is authorised to refer a potential victim of modern slavery into the National Referral Mechanism.

<sup>34</sup> [http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN\\_REPORT\\_UPDATED20FEB-2.0.pdf](http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN_REPORT_UPDATED20FEB-2.0.pdf)

<sup>35</sup> <https://www.theguardian.com/law/2023/feb/13/modern-slavery-survivors-could-be-retrafficked-in-uk-charities-warn>

result of this capacity strain, victims and survivors risk continued exploitation or re-trafficking as they struggle to avail of support and protection.

29. Issues with accessing the NRM have been compounded by the increase in the evidence threshold for preliminary reasonable grounds decisions within the Modern Slavery Statutory Guidance.<sup>36</sup> This will mean that the increasingly few victims/survivors who enter the NRM will face an often impossibly high threshold to receive a positive decision. This will result in FROs being required to undertake additional casework to try to obtain such evidence. As capacity is already strained, this will mean that issues outlined above will be exacerbated. The raised evidence threshold also increases the need for access to legal advice and representation at this early stage, but this is out of scope for legal aid for the vast majority of victims and survivors.
30. If the 'Illegal Migration' Bill is enacted in its current form these issues will be compounded with all victims who enter or have entered the UK irregularly excluded from identification and corresponding entitlements and support.
31. There is a chronic lack of available resources to support victims of trafficking, in particular for those who are experiencing homelessness. Glass Door Homeless Charity previously relied on the Salvation Army to act as a First Responder. As an independent charity, with a referral process that was easily navigated and accommodating, the Salvation Army were a safe and uncontroversial choice for guests of their service, many of whom have a distrust of statutory bodies in particular the police, the Home Office and social services.
32. Given the temporary closure of the Salvation Army's referral line and their reduced capacity resulting from their shift to a volunteer First Responder Organisation, Glass Door Caseworkers now have to 'shop' around for alternative First Responders. If the victim happens to be a 'verified' rough sleeper in Westminster, they can be referred to the innovative anti-slavery project for the homeless at The Passage, where they will receive tailored support and secure accommodation pending a Reasonable Grounds decision. An example of best practice, The Passage works in partnership with Westminster Council and statutory services utilising a multi-agency partnership framework that acknowledges and responds to the multiple and complex needs of survivors who are homeless.
33. For other guests who are not Westminster based, the situation is difficult. Individuals affected by homelessness, in particular EU and non-EU nationals with insecure immigration status, are more averse to approaching statutory services to disclose experiences of trafficking and ask for help. The repercussions of successive hostile environment policies that have directly affected this particularly vulnerable group has been a lack of trust and a pervasive suspicion of statutory services, for example the (now-

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<sup>36</sup> The first stage of decision-making regarding entry into the NRM.

deemed unlawful and discriminatory) Home Office policy of detaining and administratively removing rough sleepers who they saw as in violation of treaty rights. The risk of re-exploitation for people experiencing homelessness is high, therefore each case requires swift intervention and the immediate provision of safety for individuals off the streets.

#### *Legal aid*

34. Access to legal advice and representation is critically important for survivors of trafficking. It is the key to being formally recognised as a victim, accessing safe housing and support, upholding rights, and accessing justice and remedy. Yet, an October 2022 report by the Anti Trafficking and Labour Exploitation Unit (ATLEU), *'It has destroyed me': A legal advice system on the brink*, reveals a legal advice crisis for survivors of trafficking and modern slavery. There is a huge gulf between demand and supply with the result that survivors are not able to access timely and quality legally aided advice and representation when they need it, with devastating consequences.
35. A staggering 90% of support workers surveyed by ATLEU had struggled to find a legal aid immigration lawyer for a survivor in the past year, with devastating impacts: 55% of respondents said it left survivors in destitution or unable to access appropriate accommodation or support; 97% said it caused survivors stress, anxiety or contributed to poor mental health; 64% said it resulted in the survivor being unable to meet a deadline in their case, for example with the Home Office; 57% said it left survivors in a position where they were unable to claim asylum, and others shared experiences of survivors being detained or at risk of removal; and 29% said it had left survivors in a situation of exploitation. Significant capacity within the anti-trafficking support sector is spent on searching for legal representation, detracting from their ability to support the core needs of survivors.
36. The primary cause of this legal advice crisis is the legal aid funding system. Trafficking cases are uniquely complex, long-running and costly, and as such are ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out. The fixed fee structure also deters the development of specialist expertise, and actively encourages legal aid advisors to restrict the level of work they carry out on a case, which often leads to poor quality advice and representation. The legal aid billing process for immigration cases is the most complex in civil legal aid at controlled work level and acts as a significant deterrent to taking on these cases.
37. In addition, three important areas of advice are currently excluded from the scope of legal aid for most survivors: pre-NRM advice, advice about trafficking identification, advice on the Criminal Injuries Compensation Scheme (CICS). The Legal Aid Means Test is complex and bureaucratic and excludes many survivors from accessing advice across all civil categories of law, despite their inability to afford it otherwise. There is also a lack of clear



accessible guidance on what the Legal Aid Agency (LAA) considers to be in or out of scope for legal aid funding and a lack of clarity in the application of the rules governing these complex and diverse cases.

38. Access to legal advice on compensation matters is particularly challenging. As highlighted, advice on the CICS is out of scope for legal aid in England and Wales. Despite their considerable complexity, compensation claims on legal help files fall in the ‘miscellaneous’ category and the low rates of pay mean there is little business case for a provider to undertake trafficking compensation claims. There is no specific legal aid contract for compensation claims. LAA decision making is poor and adversarial, ATLEU see frequent and incorrect refusal of funding applications. Additionally, the avenues for compensation are very complicated, and there is no civil remedy for trafficking and modern slavery which would simplify the recovery of unpaid wages and compensation from traffickers.

**Q4: What evidence is there, if any, that the National Referral Mechanism process is being exploited by individuals seeking asylum in the UK?**

39. The Government is currently promoting an environment of distrust and hostility towards victims and survivors of trafficking and modern slavery, by creating and spreading a false narrative that the Modern Slavery Act and the NRM are being misused. In recent months, a number of unsubstantiated claims about individuals submitting ‘bogus’ claims or ‘late’ claims in order to access immigration status or avoid deportation have been made in the media and at public events by Government officials including the Prime Minister, current Home Secretary Suella Braverman MP, her predecessor as Home Secretary Priti Patel MP, and Home Office officials. Survivors of trafficking and modern slavery are increasingly being depicted as criminals seeking to abuse the system.
40. The government’s un evidenced claims and inflammatory rhetoric have been roundly criticised by a number of United Nations Special Rapporteurs; the former Independent Anti-Slavery Commissioner Dame Sara Thornton; the Office for Statistics Regulation, the Gangmasters and Labour Abuse Authority and by the anti-trafficking sector.<sup>37</sup> The UN experts said: “*There is little evidence to support these claims and generalising them is dangerous and regressive,*” while noting that requests for corroborating evidence by civil society had gone ignored on multiple occasions.<sup>38</sup> The Statistics Regulator publicly reprimanded the Home Office for misusing modern slavery data, following a sector-wide letter,<sup>39</sup> stating that the available figures did not support the claim that people were

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<sup>37</sup> <https://www.labourexploitation.org/publications/un-experts-express-alarm-coalition-calls-government-end-hostility-towards-survivors>

<sup>38</sup> <https://www.ohchr.org/en/press-releases/2022/12/uk-un-experts-condemn-attacks-credibility-slavery-and-trafficking-victims>

<sup>39</sup> <https://osr.statisticsauthority.gov.uk/correspondence/maya-esslemont-and-anna-powell-smith-to-ed-humpherson-modern-slavery-data/>

'abusing' the UK's framework for recognising trafficking survivors.<sup>40</sup> Similarly, the Chief Executive of the GLAA stated that "*We don't see people gaming the system. That's not our experience... What we see is vulnerable people who are being exploited by opportunists and criminals.*"<sup>41</sup> Further, the former Independent Anti-Slavery Commissioner held that the Government are "*totally misguided in attacks on rights of slavery victims.*"<sup>42</sup>

41. Unevidenced claims made by the Government about the misuse of the UK's identification and protection systems, an alleged 'low evidential threshold' for a positive identification under the NRM, and late disclosure as a tactic to delay removal, do not bear any relation to known evidence, nor our experiences working with victims and survivors; indeed, they contradict the Home Office's own findings.<sup>43</sup>
42. Despite claiming that Albanians are 'abusing' the NRM system, rather than being genuine victims and survivors of trafficking, the Government's own statistics demonstrate that Albanians are the second highest nationality referred to the Home Office under the Duty to Notify (where individuals have indicators of being trafficked but have refused their consent to enter the NRM), which had already increased by 43% in 2022.<sup>44</sup> As such, there is clear evidence that many Albanians are not consenting to enter the NRM, and thus missing out on formal identification and protection, despite having been identified by a First Responder as a likely victim of trafficking. Moreover, the Home Office's own statistics find that the majority of Albanian asylum claims succeed.<sup>45</sup>
43. The Government's unevidenced claim that reporting instances of trafficking is a tactic to avoid removal and access immigration status fails to recognise the incredibly low rates for leave to remain in the UK for victims, with only 7% of confirmed victims of trafficking being granted leave to remain between April 2016 and June 2021.<sup>46</sup> Only 2% of confirmed child victims of trafficking were granted discretionary leave to remain between 2019 and 2020.<sup>47</sup> Additionally, it is not possible to refer yourself into the NRM. Rather, you must be referred

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<sup>40</sup> <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-jennifer-rubin-use-of-national-referral-mechanism-statistics/>

<sup>41</sup> <https://www.theguardian.com/uk-news/2022/oct/09/watchdog-disputes-bravermans-claim-migrants-gaming-slavery-laws>

<sup>42</sup> <https://www.standard.co.uk/news/politics/government-sara-thornton-suella-braverman-home-secretary-home-office-b-1030251.html>

<sup>43</sup> The Modern Slavery Act 2015, Section 49 Statutory Guidance on "Identification and Care" recognises the impact of trauma as a reason why a person may not self-identify and/or be reluctant to disclose their situation of exploitation.

<sup>44</sup> <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022#:~:text=In%202022%2C%20the%20NRM%20received,the%20NRM%20began%20in%202009.>

<sup>45</sup> *Id.*

<sup>46</sup> <https://www.scottishrefugeecouncil.org.uk/new-fois-reveals-chronic-slowness-of-the-uks-asylum-system/>

<sup>47</sup> <https://www.ecpat.org.uk/news/new-data-obtained-from-the-home-office-shows-only-2-of-child-victims-of-trafficking-are-given-discretionary-leave-to-remain-in-the-uk>

by a designated First Responder Organisation after they have identified them as a potential victim of trafficking. Further, in 2019 the UK Courts found that the Home Office had acted ‘disingenuously’, ignoring its own finding that an individual was a victim of trafficking in order to pursue their deportation.<sup>48</sup> Acts such as this demonstrate the Home Office’s disregard of victims’ and survivors’ wellbeing and an incessant focus on removal, regardless of their impacts. From the experience of LEAG member, Glass Door Homeless Charity, no one ever comes to Glass Door asking for modern slavery assistance. It is usually not something that individuals are aware of, and they may not even recognise themselves as victims of modern slavery when it is discussed with them. It is always something that Glass Door identify, not something that guests of their service themselves are suggesting.

44. We are deeply disturbed by the current legislative, policy and political environment in the UK. There appears to be a concerted campaign by the Government to use unevidenced claims and inflammatory language to delegitimise and demonise victims and survivors of human trafficking, their legal representatives, and to undermine public sympathy for their support and protection in order to justify the removal of their rights. Unfounded comments including the terms ‘anti-British’<sup>49</sup> and ‘small boat-chasing’ lawyers,<sup>50</sup> also amplify the hostile rhetoric towards human rights lawyers and organisations working with victims and survivors of trafficking and modern slavery or on their cases. Concerns have been raised in the past that Home Office language has put legal professionals at risk of harm,<sup>51</sup> with such statements continuing this worrying trend. The ‘Illegal Migration’ Bill has been enabled by such rhetoric. The Bill is inhumane, cruel and will worsen issues of exploitation.

**Q5: How can legislation, including the Modern Slavery Act 2015, policy and criminal justice system practice be improved to prevent and address human trafficking?**

*Visa routes and labour market inspectorates*

45. All migrations routes to the UK should be safe and offer a fair deal to workers. This must include routes into low-paid work. Routes should be planned, recognising and responding to the continued demand for labour migration into jobs and sectors like food manufacturing, construction and hospitality. Workers on these visas must be able to access employment rights in practice, with the ability to change employer and renew their visa. Such a response would demonstrate a commitment to the prevention of modern slavery.

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<sup>48</sup> <https://www.independent.co.uk/news/uk/home-news/home-office-modern-slavery-victim-damages-unlawful-detention-deportation-a9161946.html>

<sup>49</sup> <https://www.lawgazette.co.uk/news/minister-slams-anti-british-lawyers-for-thwarting-rwanda-plan/5114201.article>

<sup>50</sup> Daily Express (2022), Suella Braverman's full speech at Tory Party Conference. Available at: <https://www.youtube.com/watch?v=yWlzZTdAOZc>

<sup>51</sup> <https://www.lawgazette.co.uk/news/lawyers-at-risk-of-physical-attack-after-patel-speech-says-law-society/5105879.article>

46. The enforcement of existing labour standards should be strengthened, focusing on sectors with low pay and high rates of insecure work. This will require evidence-based resourcing of labour inspectorates, so they have the staff and capacity to proactively enforce workplace standards, as well as a review of their powers and remit. At a minimum, the Government should repeal the No Recourse to Public Funds (NRPF) policy, which has been shown to create and exacerbate extreme poverty and inequality, to ensure a baseline access to social protection. People whose employment rights are being breached must be able to challenge this early on and access support to enable them to ultimately leave exploitative work. Support should not require people to be at the point of destitution, homelessness, or experiencing exploitation so severe that it meets the threshold for modern slavery.
47. The Government should revise regulation and administrative practices in order to protect the human rights of domestic migrant workers, in particular reinstate the pre-2012 Overseas Domestic Worker visa which allows domestic workers to change employer and the linked and required right to renew the visa and when eligible apply for settlement. We call on the Government to ratify ILO Convention 189 (the Convention on Domestic Workers, formally the Convention concerning Decent Work for Domestic Workers).

*Secure reporting & hostile environment policies*

48. The criminalisation of irregular work and the failure to separate labour market enforcement from immigration enforcement creates conditions in which migrant workers are made more vulnerable to forced labour and human trafficking. These policies have been shown to negatively impact not only irregular migrants, but also those with regular status. As a result of the Illegal Working Offence, for instance, a much larger number of migrant workers in the UK are reluctant to report abuse when investigations could result in them losing their right to work.<sup>52</sup> While there is no evidence that the Illegal Working Offence and other 'hostile immigration' policies are effective at deterring irregular migration into the UK, there is significant evidence showing how these policies prevent people from reporting crimes and unsafe working conditions to the authorities,<sup>53</sup> which further drives risks of exploitation.
49. The Illegal Working Offence should be repealed and secure reporting channels introduced to enable all workers to report workplace abuse and exit exploitative situations regardless of their immigration status. We urge the government to introduce secure reporting

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<sup>52</sup> <https://www.labourexploitation.org/publications/risky-business-tackling-exploitation-uk-labour-market>;  
<https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>

<sup>53</sup> <https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>

pathways and procedures (including within primary legislation) to establish a clear separation of powers and prevent automatic data sharing between statutory services and Immigration Enforcement.

### *'Illegal Migration' Bill*

50. Provisions contained in this Bill are in violation of ECAT, the ECHR and the UN Refugee Convention 1951, and will act as a 'Traffickers' Charter', empowering traffickers, who will have an additional weapon in their arsenal to coerce victims. If the Bill passes in its current form anyone who enters the UK irregularly will never have an asylum claim processed in the UK, nor, with the exception of those covered by Clause 21(2) of the bill due to an investigation into their case, will they be identified as a victim of trafficking, or ever able to get status in the UK. Clause 21(2) will not provide reassurance to victims too fearful to come forward. As explained above, they risk being seen as immigration offenders rather than victims and even if recognised as a victim there is no guarantee the police would investigate. In any case many will not feel safe enough to give evidence against a trafficker when they have no guarantee of safety in the UK. We have seen how exploiters use the threat of immigration control and removal in relation to the children who were coerced into exploitation directly through reference to the removal schemes that the Government is seeking to extend through this Bill. Speaking in relation to the children who went missing from Home Office run accommodation earlier this year, one source stated that "*traffickers tell them they'll be sent to Rwanda if they stay in the hotel.*"<sup>54</sup> Further, while there is no published data on how many people seeking asylum are survivors of trafficking nor on how many are in both the asylum system and NRM, but 93% of Helen Bamber Foundation clients who are survivors of trafficking are in both systems.<sup>55</sup> As such, any provision that impinges on the right to asylum will have a direct effect on survivors of trafficking as well.
51. For more information on the trafficking implications of the Bill, please see the Taskforce on Victims of Trafficking in Immigration Detention's briefing for second reading.<sup>56</sup> We call for the Bill to be scrapped in its entirety, and for the Government to create safe routes to reduce the vulnerability to trafficking and exploitation.

### *Retained EU Law Bill*

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<sup>54</sup> <https://www.theguardian.com/uk-news/2023/jan/21/they-just-vanish-whistleblowers-met-by-wall-of-complacency-over-missing-migrant-children>

<sup>55</sup> Of the 83,236 people that arrived in the UK on 'small boats' between 1 January 2018 and 31 December 2022, 7% (6,210 people) were referred to the NRM. Most of these individuals (5,897 or 95%) also had an asylum claim lodged. See: <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022/irregular-migration-to-the-uk-year-ending-december-2022>

<sup>56</sup> <https://www.labourexploitation.org/publications/taskforce-victims-trafficking-immigration-detention-%E2%80%98illegal-migration%E2%80%99-bill-second>



52. Many of the rights which are under threat in the Retained EU Law Bill are relied upon by workers who are at particular risk of exploitation, including low-paid, women, migrant and BAME workers. For example, FLEX's research into the risks of labour exploitation in the cleaning sector showed that the majority of cleaners work part-time: 73% of those surveyed said they work part-time.<sup>57</sup> Secondary retained EU law includes rights for part-time workers to equal treatment to full-time colleagues. Owing to these rights, part-time workers cannot be paid less (pro rata) or given fewer benefits and opportunities than full-time workers doing the same or similar job. Under this Bill, these rights are liable to be scrapped or weakened, putting part-time workers in low-paid sectors such as cleaning at risk of worsening conditions and exploitation. This Bill threatens to weaken workers' rights to rest breaks, including rest periods during a shift, each day and each week, plus paid holiday days. It is workers in low-paid and precarious work, in which women and migrants are overrepresented, who are most at risk of being denied adequate rest or paid time off and feeling unable to take action. The Home Office's Statutory Guidance on the Modern Slavery Act 2015 recognises excessive overtime as an indicator of forced labour. The weakening of these rights would only increase risks of exploitation for these workers.
53. Besides these employment rights, the Bill puts at risk important protections for victims of trafficking which are derived from the Trafficking Directive (2011/36/EU), including provisions for the non-prosecution of victims. As in many other areas, there is a lack of clarity as to the precise impact of the sunset clause on these protections because aspects of the Directive are interwoven with domestic law.

#### *Legal aid*

54. Immigration legal advice on trafficking and modern slavery cases should be paid on an hourly rate basis and rates for civil legal aid should be raised to a sustainable level. Survivors of trafficking and modern slavery should receive non-means tested legal aid. Legal aid should be available for all survivors of trafficking and modern slavery in the following areas that are currently 'out of scope': pre-NRM immigration advice; advice on identification as a victim of trafficking and modern slavery; and advice on the Criminal Injuries Compensation Scheme. The Government should establish a legal aid contract for trafficking and modern slavery compensation claims and a civil remedy for trafficking and modern slavery to simplify avenues to compensation. The Ministry of Justice and Home Office should publish a clear and unequivocal statement which sets out the legal aid entitlement of survivors in England and Wales. We call on the Government to introduce an efficient, streamlined process for opening, reporting and billing legal aid matters to replace the overly complex, burdensome bureaucracy that deters so many legal aid providers.

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<sup>57</sup> <https://www.labourexploitation.org/publications/if-i-could-change-anything-about-my-work%E2%80%9D-participatory-research-cleaners-uk>, p.13.

*First responder capacity*

55. LEAG calls on the Government to consider and decide on existing applications from specialist front line organisations to become a First Responder Organisation; to establish a recruitment process without further delay for prospective organisations to apply; to develop and maintain a nationwide training programme for both statutory and nonstatutory First Responder Organisations; and to provide funding for First Responder Organisations to carry out their roles.<sup>58</sup>

*Victim centred identification and support*

56. As explained above, the NRM is not working in victims and survivors' best interest. It relies on victims coming forward, disclosing trauma and waiting for a decision without any guarantees around timing, access to work, or leave to remain even if they are conclusively found to be trafficked. Survivors who are in the NRM struggle to access Article 12 entitlements as part of their recovery entitlements. Rather than address these issues access to the NRM is being narrowed, with changes to the statutory guidance introduced 30 January 2023 increasing the initial decision making threshold. As set out earlier access will be denied for anyone who entered the UK irregularly under the 'Illegal Migration' Bill, even if they were being trafficked at the time. The NRM should be reformed in consultation with people with lived experience of the NRM to ensure it works to inform disclosure and support recovery through prioritising the safety and security for survivors and provides options to work and move on.

**For more information on the issues contained in this briefing, please contact:**  
[peter.wieltschnig@labourexploitation.org](mailto:peter.wieltschnig@labourexploitation.org)

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<sup>58</sup> See: [http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN\\_REPORT\\_UPDATED20FEB-2.0.pdf](http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN_REPORT_UPDATED20FEB-2.0.pdf)