

Rt Honourable Priti Patel

Cc: Rt Honourable Robert Jenrick, Victoria Atkins

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27 November 2020

Dear Secretary of State,

We write as charities, trade unions, lawyers and local authorities working with potential and confirmed victims of exploitation, including modern slavery and human trafficking, or who support people experiencing homelessness across the United Kingdom. We write to raise urgent concerns regarding changes to the Immigration Rules to enter into force on 1 December making rough sleeping grounds for removal of non-UK nationals¹ which we believe will have severe consequences for confirmed and potential victims of modern slavery. The proposed changes will have a significant impact on the Government's Modern Slavery Strategy and undermine the United Kingdom's position as a global leader in the fight against Modern Slavery.

Under the new rules, permission to stay can be refused or even cancelled if the Home Office is satisfied a person has been rough sleeping. By definition this means "sleeping" or "bedding down" for example in streets and doorways. These are situations of human deprivation and want, which victims often find themselves forced into beyond their control. The breadth of the rough sleeping rule undermines the Government's claim that the provision will be used 'sparingly'. The potential operation of the rules is also troubling particularly where a predecessor rough sleeping policy affecting EU victims was struck down as unlawful.^{2/3}

The links between destitution and exploitation are well known.⁴ The new rules are likely to affect both victims before they have been identified and those facing homelessness or destitution after being confirmed as victims but not yet granted status and struggling to access support. The rules will increase the number of cases where victims of modern slavery

¹ Statement of Changes in Immigration Rules Presented to Parliament 22 October 2020 (HC 813) Section 4 Additional grounds for refusal of permission to stay, Rough sleeping in the UK rules 9.21.1 and 9.21.2. This letter is without prejudice to concerns raised about the changes more widely.

² The Government's response to concerns raised by the London Mayor's Office and 70 homelessness organisations: <https://www.crisis.org.uk/about-us/latest-news/over-seventy-homelessness-organisations-sign-letter-urging-government-to-reconsider-dangerous-new-immigration-rules-targeting-people-sleeping-rough-for-deportation/>

³ Gureckis, R (On the Application Of) v Secretary of State for the Home Department [2017] EWHC 3298 (Admin) at [127]

⁴ See research of the Independent Anti-Slavery Commissioner, together with the charity The Passage: <https://www.antislaverycommissioner.co.uk/media/1115/understanding-and-responding-to-modern-slavery-within-the-homelessness-sector.pdf>, and the TILI project, a collaboration between the charities Crisis, Hestia, BAWSO, Belfast Women's Aid and Shared Lives; Scottish Parliament's Equality and Human Rights Committee: <https://www.crisis.org.uk/ending-homelessness/project-tili/>

are wrongly arrested, detained and removed from the UK without being identified – sometimes to be re-trafficked to the UK or elsewhere.⁵

The rules risk facilitating abuse whereby exploitative employers will use the threat of destitution to coerce and exploit workers. In our experience, many migrant victims already face barriers coming forward because they fear that authorities will prioritise their immigration status over their experience of exploitation. Thus, the rules play into the hands of traffickers because the threat to victims that they will be detained and removed if they escape is a real one.

The rules will likely increase the risk of exploitation of the wider migrant homeless population including care leavers, who may feel they have no choice but to accept exploitative work and living conditions to avoid rough sleeping. The rules aggravate hostile environment policies including tying victims to exploitative employers under tied visa rules, and now by making a potential escape route to the street unlawful and risky.

The introduction of these rules in the midst of a global pandemic is extremely concerning, since many workers, including migrant workers, are being affected by large scale dismissals and unemployment linked to the economic downturn. Many migrants face restrictions accessing state support which puts them at great risk of destitution and homelessness since they have little to no safety net to assist them and their families during these difficult times.

In short, the rules punish rough sleeping, force people into riskier and exploitative situations to avoid it and are likely to put victims in a revolving door of abuse and revictimization and at increased risk of detention and removal.

As organisations and lawyers working with adults and young people vulnerable to exploitation and homelessness, we value the joint working between our sectors and the commitment from the UK Government to protect the most vulnerable in our society.

We strongly urge that you revoke the rough sleeping rules to avoid aggravating the already precarious situation that many victims find themselves in and the potential negative impact on the current Modern Slavery Strategy.

Yours Sincerely,

1. Jasmine O'Connor, OBE, Chief Executive Officer, Anti-Slavery International
2. Lucila Granada, Chief Executive Officer, Focus on Labour Exploitation (FLEX)
3. Kate Roberts, Chair, The Anti-Trafficking Monitoring Group
4. Anna Sereni, Co-Chair, Modern Slavery Strategy Victim Support Group
5. Tamara Barnett, Co-Chair, Modern Slavery Strategy Victim Support Group
6. Philipa Roberts, Director of Legal Policy, Hope For Justice
7. Jon Sparkes, Chief Executive Officer, Crisis
8. Andrew Wallis, OBE, Chief Executive Officer, Unseen
9. Minh Dang, Survivor Alliance
10. Avril Sharp, Policy Officer, Kalayaan
11. Simpson Millar Solicitors
12. Karen Anstiss, Service Manager, Bhakita House
13. Lara Bundock, Chief Executive Officer, The Snowdrop Project
14. Dorian Leatham, Chief Executive Officer, Migrants' Rights Network

⁵ See research by the Labour Exploitation Advisory Group on the immigration detention of victims of human trafficking in the UK: <https://www.labourexploitation.org/publications/detaining-victims-human-trafficking-and-uk-immigration-system>

15. Amber Bauer, Chief Executive Officer, Donate4Refugees
16. Grainne Farrell, Co-ordinator, Refugee Info Bus
17. Major Kathy Betteridge, Director Anti-Trafficking & Modern Slavery, The Salvation Army
18. Jonny Willis, Chief Executive Officer, Refugee Youth Service
19. Maddie Harris, Director, Human for Rights Network
20. Mel Steel, Director, Voices in Exile
21. Gisela Renolds, Executive Director, Global Link
22. Chai Patel, Legal Policy Director, Joint Council for the Welfare of Immigrants (JCWI)
23. Warren Lee, Early Action Development Worker, Southwark Day Centre for Asylum Seekers
24. Beth Wilson, Director, Bristol Refugee Rights
25. Clare Mosseley, Chief Executive Officer, Care4Calais
26. Kate Smart, Chief Executive Officer, Settled
27. Nazek Ramadan, Director, Migrant Voice
28. Kat Lorenz, Director, Asylum Support Appeals Project
29. Lee Baron, Regional Secretary, Trade Unions Congress Midlands
30. Priya Thamootheram, Head of Centre, Highfields Community Association
31. Josie Naughton, CEO, Choose Love
32. Indre Lechtimiakyte, Legal and Migrant Support Manager, Samphire
33. Toni Soni, Centre Director, Coventry Refugee and Migrant Centre
34. Veronica Deutsch, Executive Director, Nanny Solidarity Network
35. Kerry Smith, Chief Executive, Helen Bamber Foundation
36. Alexandra Simmons, Co-founder, TimePeace
37. Sian Summers-Rees, Chief Officer, City of Sanctuary UK
38. Loraine M Mponela, Chair, Coventry Asylum and Refugee Action Group (CARAG)
39. Dr Mohamed Nasreldin, Director, North of England Refugee Service
40. Charlie Fraser, Co-founder, TERN
41. Rose Njoroge, Casework Coordinator, Slough Refugee Support (SRS)
42. Michael Collins, Coordinator, Right to Remain
43. Patrick Ryan, Chief Executive Officer, Hestia
44. Phil Ishola, Chief Executive Officer, Love146
45. Celia Clarke, Director, Bail for Immigration Detainees (BID)
46. Nicole Francis, Chief Executive, Immigration Law Practitioners' Association
47. David Ford, Chief Executive Officer, Expert Link
48. Pam Orchard, Chief Executive of The Connection at St Martin's
49. Elizabeth Griffith, Senior Research and Policy Officer, Law Centre Northern Ireland
50. Kate Garbers, Independent Consultant
51. Maya Esslemont, Director, After Exploitation
52. Amber Cagney, Development Manager, West Midlands Anti-Slavery Network
53. Caroline O'Connor, Chief Executive Officer, Migrant Help
54. Trafficking Awareness Raising Alliance, Glasgow (TARA)
55. Mick Clark, Chief Executive Officer, The Passage
56. Jill Robinson, Flourish, Northern Ireland
57. Nicola Lambe, Chief Executive Officer, Ashiana Sheffield
58. Stephen Hale, CEO, Refugee Action
59. Eleanor Brown, Managing Director, Community Action for Refugees and Asylum Seekers (CARAS)
60. Tess Berry-Hart, Director, Citizens of the World Choir
61. STOP THE TRAFFIK
62. Nick Harborne, CEO, Reading Refugee Support Group

63. Sharon Burgess, London Modern Slavery Leads Network Chair, London Borough of Enfield
64. Cllr Helen Dennis, Cabinet Member of Social Support and Homelessness, Southwark Council
65. Cll Leo Pollak, Cabinet Member for Housing, Southwark Council
66. Cll Sue Lukes, Executive Member of Community Safety, Labour Councillor for Highbury East
67. Leila Zadeh, Executive Director, UK Lesbian & Gay Immigration Group
68. Barbara Drozdowicz, CEO, East European Resource Centre
69. Jeremy Thompson, Manager, Restore, a project of Birmingham Churches Together
70. Sarah Teather, Director, Jesuit Refugee Services UK
71. Anna Pincus, Director, Gatwick Detainees Welfare Group
72. Felix Hupay, Chairperson, Entraide
73. Phil Clayton, CityHearts
74. Freek Spinnewijn, European Federation of National Organisations Working with the Homeless (FEANTSA)
75. Ali McGinley, Director, Association of Visitors to Immigration Detainees (AVID)
76. Renae Mann, National Director, NACCOM
77. Garry Smith, Chief Executive Officer, Medaille Trust
78. Sebastian Rocca, Founder and CEO, Micro Rainbow
79. Dominique Muller, Policy Director, Labour Behind the Label
80. Bharat Mehta, Chief Executive, Trust for London
81. Phoebe Dimacali, Assistant Housekeeper, Filipino Domestic Workers Association (FDWA)
82. Diana Holland, Assistant General Secretary, Unite
83. Gisela Valle, Director, Latin American Women's Rights Service (LAWRS)
84. Rosario Guimba-Stewart, CEO, Lewisham Refugee and Migrant Network
85. Sally Daghlian OBE, Praxis CEO
86. Bini Araia, Regional Projects Manager, Investing in People and Culture
87. Nicolas Hatton, CEO, 3million
88. Frances Mapstone, Chief Executive Officer, JustForKids Law
89. Independent Workers of Great Britain (IWGB)
90. Carita Thomas, Solicitor, Head of Legal Practice, The Anti-Trafficking Exploitation Unit, ATLEU
91. Nola Leach, Chief Executive, CARE
92. Isabella Mosselmans, Joint-CEO, Here for Good
93. Sophie Neuburg, Executive Director, Medact
94. Dr Jacob Berkson, Trustee, Thousand 4 1000
95. Marissa Begonia, Director, The Voice of Domestic Workers
96. Bella Sankey, Director, Detention Action
97. Matthew Evans, Director, AIRE Centre (Advice on Individual Rights in Europe)
98. Stephanie Harrison, QC, Garden Court Chambers
99. Tara Mulcair, Solicitor, Birnberg Peirce Ltd
100. Sarah Kellas, Solicitor, Birnberg Peirce Ltd
101. Sumiya Hemsî, Solicitor, Birnberg Peirce Ltd
102. Jessie Brennan, Solicitor, Bindmans LLP
103. Rachel Harger, Solicitor, Bindmans LLP
104. Housing and Social Welfare Team, Doughty Street Chambers
105. Anti-Trafficking Team, Doughty Street Chambers
106. Martin Westgate QC, Barrister, Doughty Street Chambers
107. Laura Dubinsky, Barrister, Doughty Street Chambers

108. Catherine Meredith, Barrister, Doughty Street Chambers
109. Joe Middleton, Barrister, Doughty Street Chambers
110. Krishnendu Mukherjee, barrister, Doughty Street Chambers
111. Zoe Harper, Barrister, Doughty Street Chambers
112. Simon Cox, Barrister, Doughty Street Chambers
113. Michelle Knorr, Barrister, Doughty Street Chambers
114. Shu Shin Luh, Barrister, Doughty Street Chambers
115. Rowena Moffatt, Barrister, Doughty Street Chambers
116. Jamie Burton, Barrister, Doughty Street Chambers
117. Alasdair Mackenzie, Barrister, Doughty Street Chambers
118. Sandra Akinbolu, Barrister, Lamb Building Chambers
119. Bojana Asanovic, Barrister, Lamb Building Chambers
120. Gemma Loughran, Barrister, Garden Court Chambers
121. Frances Lipman, Solicitor, Deighton Peirce Glynn
122. Raza Husain QC, Matrix Chambers
123. Samantha Knights QC, Matrix Chambers
124. Ayesha Christie, Barrister, Matrix Chambers
125. Zoe McCallum, Barrister, Matrix Chambers
126. Victoria Laughton, Barrister, One Pump Court Chambers
127. Eleri Griffiths, Barrister, One Pump Court Chambers
128. Emma King, Barrister, One Pump Court Chambers
129. Gilda Kai, Barrister, One Pump Court Chambers
130. Natalie Csengeri, Barrister, One Pump Court Chambers
131. Priya Solanki, Barrister, One Pump Court Chambers
132. Michael Marsh-Hyde, Barrister, One Pump Court Chambers
133. Amean Elgadhly, Barrister, One Pump Court Chambers
134. Sonal Ghelani, Solicitor, Islington Law Centre
135. Juliane Heider, Solicitor, Islington Law Centre
136. Anita Vasisht BSc, Partner, Head of Immigration Department, Wilson Solicitors, LLP
137. Giulia Tranchina, Associate Solicitor, Wilson Solicitors LLP
138. Rachael Despicht Solicitor Birnberg Peirce
139. Neena Acharya, Senior Solicitor, Coram CLC,
140. Nina Rathbone-Pullen, Partner, Wilson Solicitors LLP
141. Katherine Bryant, Lead of European Engagement for Walk Free
142. Lucy Abraham, CEO, Glass Door Homeless Charity
143. National Safeguarding Adults Board Chairs Network.
144. Fiona Bateman, Independent Chair, Sutton and Barnet Safeguarding Adults Board
145. Dr Ruth Van Dyke, Centre for the Study of Modern Slavery
146. Cllr Joe Ejiofor, the Leader of Haringey Council
147. Dr Will Maimaris, Director of Public Health, Haringey Council
148. Gloria Saffrey, Director of CARIS Haringey
149. Leyla Laksari, CEO of Living Under One Sun
150. Lucy Nabijou, Coordinator of Haringey Welcome