

Briefing note: Anti-Slavery International's response to the Home Office's 'New Plan for Immigration'

Introduction

The Home Office has proposed a 'New Plan for Immigration' that would make substantial changes to the country's legal framework for tackling modern slavery. In this briefing note, we want to explain why we object to many points in the Government's proposals, and to highlight areas where we agree on the need for reform. This document sets out how we will be responding to the Government's consultation on its proposals – and we hope it will be useful if you, too, wish to respond. **You can respond to the consultation online at www.gov.uk/government/consultations/new-plan-for-immigration by 6 May 2021.**

The best way to tackle slavery is by preventing it from happening in the first place. This involves understanding what makes people vulnerable to exploitation, and addressing the structural issues which stop people from challenging or reporting abuse. Reforms to the anti-slavery system need to offer people practical options to seek support. We agree with the Government that the current system needs reform – **but we have grave concerns that proposals in the 'New Plan for Immigration' fall short of what is needed, and will actually make things worse** – driving exploited people underground, and handing additional tools to those who want to exploit them. We are especially worried about proposals as they relate to children and young people. **As currently presented, the 'New Plan for Immigration' reflects poorly on the UK as a country that says it wants to tackle modern slavery.**

Our understanding of modern slavery

Slavery comes in many forms. During the last decade the UK has significantly improved its understanding of slavery, moving away from stereotypes about victims and exploiters. More people now know that exploitation can take many forms, and that people in slavery may not self-identify as a victim; some might even feel loyalty or gratitude to their exploiters. **The Home Office's 'New Plan for Immigration' and the rhetoric surrounding it risks undermining much of this hard-won learning.**

The very fact that the Government's proposed changes to anti-slavery laws are set in an immigration policy document unhelpfully links migration and slavery when these issues need to be tackled on their individual merit. It also ignores the fact that the most common nationality of people referred into the **UK's identification system in recent years have been British nationals**, who would have had no immigration issues. It's incredibly disappointing to see the Government muddle these issues: for people who may have been exploited and who also have immigration issues, this blurred approach can make them feel wary of coming forward for fear of having their data shared with immigration enforcement and ending up in immigration detention. This, of course, plays into exploiters' agendas- enabling them to create vulnerability by making sure victims have (or believe they have) insecure immigration status. This is increasingly a problem following the UK's departure from the EU, and because of the increase in restrictive visas such as the Overseas Domestic Worker visa with the expansion of the Seasonal Worker Visa – such schemes have been shown to restrict workers' options to challenge poor treatment.

The Home Office's proposals use divisive language and make assertions that aren't backed up with evidence. These include the claim that the UK's 'Modern Slavery System' is 'abused'. This is not something we recognise. Our experience is of survivors saying the existing systems do not work for them, compound their trauma and prevent them from recovering. **Survivors' voices must be heard in any attempt to reform the system**, or they might continue to be discouraged to come forward.

Other mentions in the Home Office's proposals of 'genuine' versus fraudulent victims risk further undermining trust, and dissuading people from coming forward for fear they will be branded as liars who are trying to 'abuse' the system. If people who have a history of criminality, or who have been forced to commit a crime as part of their exploitation are blocked from identification and support, there is no doubt that these are the very people exploiters will target. **For this reason, we are worried that the 'New Plan for Immigration' could actually lead to more exploitation, more victims and more suffering.**

Reforms are needed

There is widespread agreement that the anti-slavery support system does need reform. For too long it has not served survivors' needs, and there is no clear pathway for survivors to rebuild their lives and move on from their experiences. In the UK we still have no solid information as to what happens to survivors who have been identified and gone through the system. This is **why any reforms to the UK's modern slavery system must start by putting survivors' needs at the centre of policy decisions.** Survivors are clear that they want the Government to understand the outcomes and shortcomings of the current system, and to adopt a brave, survivor-centred vision for reform. This must prioritise survivors' security, and support them to rebuild their lives. Instead, right now we do not even know who the Home Office consulted while developing its 'New Plan for Immigration', and its public consultation on the plan is limited and over a short time period. **This is a lost opportunity to learn from experience in order to create an effective system that the UK can be proud of.**

Proposals

The proposals as set out are high-level, so it is not possible to comment on the detail or many of the practical implications as to how they will work – **this is a poor way to conduct a public consultation.**

Pending sight of any detail, **we welcome the Government's commitment to review the Modern Slavery Strategy.** Any review needs to build on the expertise of people with lived and professional experience, and must focus on prevention, protection and rebuilding lives. **We also broadly welcome the commitment to improve training for First Responders, and to quicker decision making** – as long as this is based on the system remaining fair and accessible for all potential victims of modern slavery, and not prejudiced against certain cases where individuals might also have insecure immigration status. This must be accompanied by funding and a recognition of the importance of the initial identification stage.

We oppose any increase in the initial decision threshold. This would be a disaster for victims, and would shut out those most at need – including those who don't self-identify as trafficked, are not familiar with the language of slavery and trafficking, and have been so controlled that they feel indebted or grateful to their exploiter.¹ This means there is a significant risk of victims being dismissed as not credible, simply because their trauma has been so significant that they cannot recall information about key events. We need to make sure people can enter the system, which is why the initial identification threshold must stay low so that people can access the security they need to be able to talk about their experiences.

We welcome efforts to make sure resources are used more effectively for survivors, and a commitment to making sure the UK fulfils its ECAT obligations. However, we think the Government's focus should be on tackling slavery's root causes so that people never need to access support, rather than making an ill-founded distinction between 'genuine' claimants and 'abusers of the system'. We need immigration, law enforcement and workplace inspection structures that enable people to challenge exploitation early on. This should be combined with actively promoting recovery and a move to independence from early on, including through **access to work** and education. Immigration detention is hugely costly and undermines recovery. Detention centres – prison-like settings – have been consistently proven to worsen trauma, physical and mental health, and are evidently not appropriate

¹ [The Vita health network](#) has explained how psychological trauma causes profound disturbances to normal brain function and memory, including memory loss and inconsistencies in their stories or experiences.

or compassionate places for victims to start to recover. In addition, the threat of immigration detention and being criminalised undoubtedly prevents many people from coming forward, trapping them in exploitation and seriously impairing their ability to seek justice and remedy for their experiences.

We are pleased by the recognition that leave to remain is crucial to the recovery of many adult survivors, and would like to see the UK learn from the United States' T visa, which understands the importance of sustainable freedom and belonging so includes a route to settlement and family reunification. However, the Home Office proposal is short on detail and practicality, and doesn't explain how it differs from the current options around leave to remain for victims of modern slavery. We look forward to seeing more detail about this as soon as possible.

We strongly object to the Government's proposals as they relate to children and young people.

A growing number of children are being identified as victims, with figures from 2020 showing that 43% of referrals into the UK's identification system in 2020 were for the exploitation of children or minors. Despite this, young people face significant barriers to protection, including their inability to regularise their immigration status upon becoming adults. The UK has a duty to protect trafficked children under a number of international Conventions, including the United Nations Convention on the Rights of the Child, (UNRC). The Government's proposals appear to diminish children's' rights further. Currently, the UK operates a policy that grants discretionary leave for victims outside the immigration rules but this has been found to be poorly implemented with just 28 child victims granted discretionary leave to remain in the UK between 2016-19.²

In cases of children, leave to remain should be provided in line with their best interests. But the Government's proposals fail to take these crucial considerations into account and are a backwards step in the protection and safety of trafficked children.

Children are set to face further barriers in the form of a revised age assessment process. The Government is proposing a National Age Assessment Board whose job would be to fix centralised standards and processes in determining the age of asylum seekers who claim to be under 18. The board would look to encourage and promote "scientific age assessment methods". These are highly invasive, and will fail to provide the certainty the Government is seeking. We are deeply concerned by proposals to allow immigration officers instead of social workers to make age assessments – these significantly fail to adopt a child centred, rights based approach.

Conclusion

This briefing note focuses on the modern slavery support proposals and other areas that will impact on child victims of trafficking as a result of the 'New Plan for Immigration'. It is important to note that, more broadly, proposed immigration changes that restrict options for seeking safety and categorise people into 'good' or 'bad' depending on how they arrive in the UK – a factor which for many is outside of their control – risk enabling exploitation by driving people underground, leaving them unable to access mainstream services.

While it is clear that reform is needed, this must start and finish with the needs of people directly affected by slavery. This means building security and earning trust rather than a focus on any perceived minority who 'abuse' the system. We won't end slavery until we offer people in exploitation a practical and sustainable way out.

Have your say: Please respond to the Government's consultation by 6 May 2021.

www.gov.uk/government/consultations/new-plan-for-immigration

² www.ecpat.org.uk/news/government-failing-child-victims-of-trafficking-exclusive-data-reveals