

Modern Slavery Strategy Review: ATMG Written Evidence Submission

1. Overview

The Anti-Trafficking Monitoring Group (ATMG) is a coalition established in 2009 to monitor the UK's implementation of European anti-trafficking legislation. The group examines all types of human trafficking, including internal trafficking and the trafficking of British nationals.

ATMG operates according to a human rights-based approach to protect the well-being and best interests of victims of human trafficking. It comprises seventeen leading UK-based anti-trafficking organisations: Anti-Slavery International, Ashiana Sheffield, Bawso, ECPAT UK, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Kalayaan, Law Centre (NI), the Snowdrop Project, the TARA service, JustRight Scotland, UNICEF UK, the Children's Law Centre, Flourish Northern Ireland, the East European Resource Centre, the Scottish Refugee Council and Hope for Justice.

Given the ATMG's focus on victim support, and belief that victim support is one of most effective tools for the prevention of trafficking and modern slavery, this submission focuses on the overarching question: *How the strategy can build on the substantial reforms to the National Referral Mechanism which have taken place over recent years and ensure continued sustainable and effective identification and needs-based support for victims, both adults and children.*

Within this, there are three major concerns for the ATMG regarding the different stages of the identification and NRM process:

- Concerns over the quality of first responders and the lack of NGO first responders across the UK;
- Changes needed to Multi Agency Assurance Panels (MAAPs) to make sure they are able to fully bolster the National Referral Mechanism (NRM) decision making process and are included at the Reasonable Grounds stage; and
- Access to work for those awaiting a conclusive grounds decision
- Changes needed to the Overseas Domestic Workers Visa.
- The Creation of the Immigration Enforcement Competent Authority

Members of the ATMG have noted frequent concerns with first responders. This includes a lack of NGO first responders; poor geographical spread of those that are available, the need for in-depth training for first responders and the increase in the number of negative reasonable grounds decisions. Many trafficking victims are too scared to engage with statutory organisations like the police or the Home Office and therefore will not access the NRM if they cannot go through an NGO. However, in many parts of the UK there are no third sector organisations which trafficked people can turn to for advice and to be referred into the NRM.

In 2019 the ATMG produced a review of [Multi-Agency Assurance Panels](#)¹, assessing the extent to which they contribute to robust and transparent decision making in the NRM. This report found that at present, MAAPs do not adequately assure the NRM decision making process. This is primarily because MAAPs' lack decision-making powers and are not involved in the reasonable grounds stage of the NRM. The ATMG is not aware of any policy basis for not giving MAAPs access to negative reasonable grounds decisions when these are the gateway decisions to support and enable a survivor to exit exploitation. This means there is no automatic review of refusals through which poor decision making could be identified and corrected. At times, the evidence reaching the

¹ This report can be accessed in full here: [MAAPs_report_final.pdf \(antislavery.org\)](#)

panels is minimal and of poor quality, revealing a lack of standardised process for information gathering.

All NRM decisions should be made by a multi-agency decision-making panel. In the absence of this, all negative decisions at reasonable grounds, as well as conclusive grounds stage, should be reviewed by a multi-agency panel which must have the power to overturn decisions. On top of this there needs to be a clear appeal process which has long since been advocated for at both reasonable and conclusive grounds decision with access to legal aid for these processes.

2. First Responders

Over the last five years, the number of people being identified as potential victims of trafficking and referred into the National Referral Mechanism (NRM) – the body responsible for formally assessing their cases – has more than trebled (reaching 10,613 people in 2020). However, more than two thousand potentially trafficked people each year are either unable to access the NRM or do not agree to be referred into it once identified.

The three main obstacles to accessing support and protection within the NRM are outlined below:

Accessing first responders

Trafficked people can only enter the NRM through a referral from designated first responder organisation. First responders are primarily made up of Government immigration agencies within the Home Office, the police and local authorities. Currently there are only 11 NGOs that are recognised as first responders:

- the Salvation Army,
- Migrant Help,
- Medaille Trust,
- Kalayaan,
- Barnardos,
- Unseen,
- Tara Project,
- NSPCC,
- BAWSO,
- New Pathways and
- Refugee Council

Consequently, in 2020, just eight per cent of referrals into the NRM came from NGOs. A number of organisations have applied for first responder status but have been advised that they cannot be granted status until new guidance on NGO first responder applications has been released. While we welcome transparency in the application process this guidance has not been published and has now been outstanding for 3 years. Continuing the issues created by the poor geographical spread of NGO first responders.

A key concern for members of the ATMG is the lack of NGO first responders and the poor geographical spread of these organisations. This is because many trafficking victims are too scared to engage with statutory organisations like the police or the Home Office and therefore will not access the NRM if they cannot go through an NGO. However, the lack of NGO first responders means that in many parts of the UK there are no third sector organisations to which trafficked people can turn to for advice and to be referred into the NRM.

“He was understandably too fearful to approach the Home Office to disclose the exploitation because he was worried, he would be detained and removed. I contacted [...] to ask if they would act as the First Responder and they declined and instead said he should go to the Police Service Northern Ireland and request that they act as First Responder. However, this young man was even more frightened about going to the police than he was about speaking to the Home Office”

Furthermore, members of the ATMG have reported increasing difficulties in being able to access first responders – including some local authorities and NGOs - to make referrals to the NRM.

This issue is also being reported by other organisations across the sector. For example, following changes to the Victim Care Contract in January 2021, the Salvation Army now says it is unable to act as a first responder when a different agency is available (e.g. the police, the Home Office, or a local authority) or to assist potential victims who remain in their place of exploitation. Even when it does agree to carry out an assessment of a potentially trafficked person it can take up to six weeks to access this service / complete a referral.

The consequences for a trafficked person of not being able to access a First Responder promptly are extremely serious. It may mean that they: miss their opportunity to ask for help; remain in a situation of exploitation while waiting for a referral; or lose confidence in the system altogether and remain unidentified and unassisted.

The Northern Ireland Law Centre was recently contacted about a young Eritrean man who was too frightened to approach the Home Office or the police PSNI to disclose the exploitation. In Northern Ireland, adults who have been trafficked normally have to rely on these agencies to get referred into the NRM because of the lack of NGO first responders. The Eritrean man was only able to access the NRM because his solicitor contacted the Home Office who then agreed to refer him. The Law Centre noted that they were:

“... struck by what an imperfect system it is. The man was very close to ‘going to ground’. I am pretty confident that he will get a positive conclusive grounds decision through NRM... however, as this example highlights, the NRM is all very well, but you have to be referred into it first!”

The Home Office has previously consulted with the sector to produce guidance for NGO on becoming first responders, but this has not progressed further. The ATMG understands the Home Office has created a dedicated forum earlier this year in which they are considering procedures for which specialist NGOs can apply – and indeed step down – as a First Responder. The ATMG recommends that this forum be increased beyond those who currently hold First Responder status to allow the views and concerns of other specialist services across the UK to be heard.

Not being recognised as a trafficked person

In the first six months of 2021, over 600 people who were referred to the NRM as potential victims of trafficking were given a negative “reasonable grounds” decision, an increase of 2% compared with 2020. This is concerning as there is no formal right of appeal against a negative reasonable ground’s decision. As noted above, the ATMG is not aware of any policy reason or basis for MAAPs not to be able to review negative reasonable grounds decisions. While it is possible to ask for a decision to be reconsidered, few trafficked people are aware of this or have the support to enable them to do so. This is crucial when considering, in the year to June 2019, of those cases that were reconsidered 92% were then given a positive decision thereby allowing access to specialist support.

This indicates that even once referred to the NRM, significant numbers of trafficked people are not being properly identified or accessing the support and protection they need. This is illustrated by the

following case study from the Helen Bamber Foundation which involves X, a woman from Cote D'Ivoire. X was exposed to sexual violence and prolonged trauma from a very young age and then trafficked to the UK where she was forced into prostitution for around 10 years:

“She failed to disclose her trafficking experience in the UK in some of her early interactions with the Home Office. These inconsistencies contributed to her receiving a negative conclusive grounds decision on her trafficking claim. X’s initial non-disclosure should be understood in the context of her prolonged exposure to trauma at an early age. By the time she arrived in the UK, her PTSD symptomatology was complex and entrenched. Her symptoms include involuntary numbing, avoidance, dissociation and shame. The fear of reprisals by her traffickers and the stigma associated with her experience, meant she felt unable to disclose her experience to those whom she trusted, let alone immigrations officials or solicitors. It was only once X had built a trusting relationship with a female caseworker at a charity, was she able to describe her experience in the UK and be referred to the NRM. X has subsequently been granted leave as a victim of trafficking.”

Insufficient training of both first responders and decision makers within the NRM, and the lack of advice – both pre and post NRM referral - available to trafficked people about the NRM process, are part of the reason why some survivors of modern slavery are not being properly identified.

The Eastern European Resource Centre (EERC) described the difficulties they had in trying to get a local authority in Luton to refer their client LN, a Romanian woman who they considered to be a victim of domestic servitude and forced labour, into the NRM. Which in part is due to the substantial resource problems experienced by local authorities.

It took the local authority three weeks to assess her and then they refused to make the NRM referral. The reason provided was that they thought she could not have been a victim of modern slavery because she hadn't been physically constrained. The EERC noted that the local authority:

“... did not understand what modern slavery/human trafficking is and they had no idea what NRM is. The safeguarding manager was asking us what NRM is and how can they do a referral.”

The impact on LN was dramatic. Previously she had been willing to speak about her experiences and was very cooperative. After the experience with the local authority she refused to speak about her exploitation, her mental and physical health deteriorated, and she became less trusting and harder to work with. The EERC stated:

“We believe the NRM might be the only option for her, but LN is refusing to speak about her exploitation at the moment. We are extremely worried that she might be exploited again but the local authority keeps ignoring that fact. We strongly believe that with a better first responder this whole situation would have been avoided.”²

Distrust of the authorities

Case Study Hope for Justice:

K is from West Africa and was brought to the UK under the false pretense of a shopping trip using a fake passport. Once K arrived in the UK, she was forced into a sham marriage and domestic servitude, receiving no payment. She escaped this situation only to arrive in a similar situation in which she was forced to perform domestic chores in a “marriage” with an exploiter who reminded her that her situation in the UK was tenuous, particularly without any passport or visa. Any non-compliance may result in her being instantly deported as an over-stayer. She felt trapped in a situation where she became totally reliant on her exploiter. In a third similar situation, K was subject to physical and sexual abuse.

² All case studies referred to in this section were collected in October 2021 from ATMG members.

As highlighted above, many survivors of modern slavery may refuse to contact First Responders who are from the Home Office or the police, either because they are scared of their traffickers and what the consequences might be for them or their families or because they fear and/or distrust the authorities themselves.

This may also explain why so many trafficked people refuse to enter the NRM even when a first responder is willing to refer them. In 2020, more than 2,000 adults who were identified as suspected victims of trafficking refused to enter the NRM. In 93% of these cases the first responders were either government agencies or the police.

Survivors' concerns about engaging with the authorities are not without foundation, trafficked people, particularly those with irregular immigration status, can be subject to detention and prosecution, including for offences that were committed as part of their exploitation.

There are also measures in the current Nationality and Borders Bill which introduce new penalties that can be applied to trafficked people (e.g. for submitting information late, for making applications in "bad faith"; for illegal entry into the UK or for having a convictions of one year or more). This is likely to result in more trafficked people being criminalised once the Bill becomes law.

Other reasons members have identified include that many victims may struggle to access the NRM is that the system has not been properly explained to the potential victim and often they have heard negative reports about care from other victims who have entered the system.

3. Multi Agency Assurance Panels

Since its introduction in 2009, the National Referral Mechanism has been subject to various pilots regarding alternative decision-making models for victims, in addition to changes regarding decision-making, most notably the establishment of the Single Competent Authority (SCA). ATMG has called for alternative decision-making models in the NRM since 2010. In 2014 the Monitoring Group published 'A proposal for a Revised National Referral Mechanism (NRM) for Adults and Children'³. We believe the models proposed in this publication would meet the Government's goals of:

- Quicker and more certain decision-making in which stakeholders and victims have confidence.
- Improved support for adult victims before, during and after the NRM;
- Improved identification of victims; and
- Improved support to child victims of modern slavery, who are supported outside the NRM⁴

Multi-Agency Assurance Panels (MAAPs) were part of a range of reforms to the NRM announced in 2017. This tranche of reforms was announced following the NRM review commissioned by the Home Secretary in 2014.

The review provided key recommendations such as establishing new multi-disciplinary panels, headed by an independent Chair, with a view to replacing the decision-making roles of UK Visas & Immigration (UKVI) and the UK Human Trafficking Centre (UKHTC) with a Single Competent Authority (SCA).

³ Proposal for a Revised National Referral Mechanism (NRM) For Adults, The Anti-Trafficking Monitoring Group, 2013, available at: http://www.antislavery.org/wp-content/uploads/2017/01/atmg_national_referral_mechanism_for_adults.pdf

⁴ Published Home Office correspondence to Meg Hillier MP, Chair, Public Accounts Committee. 23 July 2018, https://www.parliament.uk/globalassets/documents/commons-committees/public-accounts/Correspondence/2017-19/Letterfrom-Phillip-Rutnam-to-Meg-Hillier-MP-response-to-committee-hearing-on-27-June-180718_.pdf

This was in recognition of ATMG's research⁵ in 2013, that demonstrated discriminatory decision-making between EEA and non-EEA nationals. To implement these reforms, the Government stated it would:

- Create a single, expert case-working unit in the Home Office to handle all NRM cases and provide high quality, timely decisions for all victims regardless of their nationality – this unit would replace the competent authorities in the National Crime Agency, and UK Visas and Immigration and would be separate from the immigration system. The Single Competent Authority (SCA) now assumes this role
- Set up an independent panel of experts to review all negative conclusive grounds decisions, adding significantly to the scrutiny such cases already received.¹⁰

In 2015, the Home Office launched a pilot to test the review's recommendations in consultation with civil society and operational delivery partners in two locations: West Yorkshire police force and The South West (Avon and Somerset, Devon and Cornwall, Dorset, Wiltshire and Gloucestershire) police force. The pilot established two new roles:

- Slavery Safeguarding Leads (SSL) – A number of individuals from local statutory agencies were identified as Slavery Safeguarding Leads in the pilot areas.
- Regional multi-disciplinary panels ('the panel') – consisted of a number of representatives from statutory agencies (Local Authorities, police, NHS, UK Visas, and Immigration) and NGOs. Each panel was chaired by an individual appointed by the Home Office. The panels made decisions on whether an individual was a confirmed victim of modern slavery. The Chairs of the panels were also responsible for reviewing negative decisions made by other panels. Panels were the Competent Authorities for the conclusive ground's decision in pilot areas.

In 2019, the ATMG produced a review of Multi-Agency Assurance Panels, assessing the extent to which they contribute to robust and transparent decision making in the NRM.⁶ This report found that at present, MAAPs do not adequately assure the NRM making. This is primarily because MAAPs' lack decision-making powers and are not involved in the reasonable grounds stage of the NRM. The ATMG knows of no policy basis / reason for this. This means there is no automatic review of refusals through which poor decision making could be identified and corrected. At times, the evidence reaching the panels is minimal and of poor quality, revealing a lack of standardised process for information gathering.

The briefing concludes that MAAPs do not sufficiently strengthen the current model of decision-making and as a result, confidence in the system is not improved. As shown in this report and evidenced in previous ATMG research⁷, decision-making models, which historically were shown to be discriminatory, continue to be flawed.

Consequently, the ATMG makes the following recommendations to improve the NRM decision-making process:

1. All NRM decisions should be made by a multi-agency decision-making panel. In the absence of this, all negative decisions at reasonable grounds, as well as conclusive grounds stage, should be reviewed by a multi-agency panel who have the power to overturn the decision.

⁵ Hidden in Plain Sight: Three years on: updated analysis of UK measures to protect trafficked, The Anti-Trafficking Monitoring Group, 2013, available at: <https://www.antislavery.org/hidden-plain-sight>

⁶ This report can be accessed in full here: [MAAPs_report_final.pdf \(antislavery.org\)](#)

⁷ Wrong Kind of Victim, The Anti-Trafficking Monitoring Group, 2010, available at: http://www.antislavery.org/wp-content/uploads/2017/01/full_report.pdf

2. In order to achieve much needed transparency on NRM decision-making, the government should commit to publishing:

- A breakdown of the MAAP panels make up by sector;
- A breakdown of MAAP recommendations in relation to SCA decision-making. This should be divided by nationality and age range of the victim and type of primary exploitation.
- The number of recommendations made by MAAPs taken forward by the SCA;
- The number of MAAP recommendations rejected and the reasons why. This information should reflect individual decisions taken by different sector panellists, (e.g. NGO, Police, Local Authority) to understand where decisions and opinions are similar or differ between subject-matter experts.

3. All relevant evidence which has been shared with consent to inform an NRM decision should be disclosed to panels, with any redactions reserved only for information that could identify an individual, in line with General Data Protection Regulation (GDPR).

ATMG urges the Government to consider the ways in which the standard of information sharing can be improved across all statutory agencies as part of the NRM Transformation programme. Statutory agencies should be compelled and funded to provide the Single Competent Authority with any and all relevant information pertaining to a potential victim's case, as long as the potential victim has consented to this. There is a need for standardised information sharing protocols that allows for swift information to be shared including on care where the victim has consented to the sharing of information.

To further improve the identification of victims of modern slavery, ATMG recommends that clear guidance on the rights and entitlements of potential victims of trafficking in prisons and immigration detention centres is produced.

4. Access to work for those in the National Referral Mechanism

Earlier this year, a coalition of specialist NGOs providing both front line and policy expertise, together with the Coop, produced a briefing setting out the importance of survivors having access to work to assist in their recovery and reduce the risk of re-trafficking. NRM decision making can be slow. In 2017 the National Audit Office found that the average time taken to make a final Conclusive Grounds decision within the NRM was 132 days.⁸ A December 2020 High Court judgment states that in 2017 the average number of days to a Conclusive Grounds decision was 356, rising to 462 in 2019 with a backlog of 9,000 cases⁹. Providing access to work during this period would help ensure that this time spent in the NRM is one of rebuilding lives and moving on from exploitation, rather than being a period of uncertainty and limbo, without the autonomy and the options so many of us take for granted.

By the time a positive Reasonable Grounds decision is made giving entry to the NRM, each person will have already gone through two stages of scrutiny to determine whether they may be a victim of trafficking: firstly, a government designated First Responder has assessed them as having indicators of trafficking and referred them into the NRM; and secondly, the Single Competent Authority has determined there are Reasonable Grounds to suspect they may be a victim.

This system does not currently work in the best interests of survivors. Without access to work, time spent in the NRM can feel like a time of limbo, leading to practical difficulties and a deterioration in

⁸ 3 'Reducing Modern Slavery' (2017) National Audit Office, <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf>, page 6

⁹ 4 EOG v Secretary of State for the Home Department [2020] EWHC 3310 (Admin) para 26. <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3310.html>

the mental health of survivors¹⁰. Workers who need to provide for their families do not feel able to consent to a referral into a system which could leave them in limbo for years.

Morally, economically, and practically the UK needs to make sure the NRM works for survivors. Providing access to work and education during this time would transform the NRM, meaning that survivors could use this time, when they are supported by caseworkers, to access decent work and begin to prepare for independence.

Enabling people in the NRM to access work is a simple process which can be achieved by changing the Immigration Rules and without the need to amend primary legislation.

Survivors have described their time spent in the NRM as a time of deep anxiety, uncertainty and limbo, and some report feeling punished by the system designed to protect them. This is exacerbated by the long delays in decision-making. It is not uncommon for survivors to spend two years or more waiting for a Conclusive Grounds decision. Without access to work, survivors are unable to move on with their lives. This has a significant impact on their mental wellbeing. Survivors have described spending most of their waking hours with little to do, which has been found to aggravate mental distress and has been linked to feelings of anxiety, sadness, fear and hopelessness.¹¹

Work also shapes people's feeling of social integration and acceptance¹². Long periods without work and lack of control over their personal finances are seen to lead to a loss of confidence and skills, which together with a lack of employment references (if previous work has been exploitative) affect individuals' ability to find employment.¹³ This is compounded by the long delays in NRM decision-making which has been described by survivors as an extension of their experience of slavery, impacting on their recovery and resilience.

One survivor described the years of waiting while unable to work and move on as "emotional torture [...] I nearly went mad".¹⁴

Granting survivors access to work would have many benefits. Work has been shown to provide survivors with structure and opportunities for integration, building community links and networks as well as the important practical option of meeting their own needs and providing for any dependents.

Expert evidence has shown that rehabilitation prospects "depend upon victims being or becoming able to build and maintain healing relationships with others", especially to those who have suffered complex trauma.¹⁵ Another study found that employment helps improve work and language skills, enhancing capacity for economic independence and fostering participation in and contribution to the wider community.¹⁶

Evidence from the Philippines supported these findings. It concluded that safe and supportive workplace environments can contribute to the healthy reintegration of human trafficking survivors. Organisations supporting survivors in work have highlighted that access to work helps strengthen a sense of purpose, allowing survivors to maintain and develop skills which provides them with choices and pathways out of exploitation.

¹⁰ 7 See, for example, Cockayne J, 2021 OPINION: Agency is key to reducing slavery – and boosting post-COVID growth, Thompson Reuters Foundation news <https://news.trust.org/item/20210201154709-54ea3>

¹¹ Fleay, C, Hartley, L. (2015) 'I feel like a beggar': Asylum Seekers Living in the Australian Community Without the Right to Work

¹² Jannesari, S et al 'What effects the mental health of people seeking asylum in the UK? A narrative analysis of migration stories, (2019)

¹³ Bright Future' An Independent Review, (2019), University of Liverpool

¹⁴ Lewis et al 'Faith responses to modern slavery, 2020, University of Sheffield, University of Leeds

¹⁵ OSCE Office of the Special Representative and Co-ordinator for Combatting Trafficking in Human Beings in partnership with the Ludwig Boltzmann Institute of Human Rights and the Helen Bamber Foundation, Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment, Occasional Paper Series no. 5, (2013), <https://www.osce.org/cthb/103085?download=true>

¹⁶ Fleay, C, Hartley, L. (2015) 'I feel like a beggar': Asylum Seekers Living in the Australian Community Without the Right to Work

It also improves mental well-being by empowering them to be forward looking with hope for a different future. Finally, it equips survivors with current and relevant work experience and means they can move on from employment gaps which can be difficult to explain to prospective employers.

employment also provides them with a safer and more sustainable exit strategy from the NRM and its associated support, helping the UK achieve its aim to support survivors to recover from exploitation and achieve independence and sustainable freedom.

Furthermore, it creates options to leave exploitation and prevents re-exploitation. Workers who need to send remittances home (for example to pay for school fees or medical care) may have no option but to enter or stay in exploitative work if a referral into the NRM could prevent them from providing for their families, possibly for several years.

A recent comparative study undertaken in the UK has shown that survivors with permission to work while in the NRM were financially independent and able to provide for their families, whereas those without permission were drawn into destitution and left vulnerable to further harm and exploitation¹⁷.²³ Another study supports these findings stating that access to work allows survivors to continue paying off medical bills and other debts and send remittances home to support family members. It also helps reduce the risk of family members being targeted by debt collectors.¹⁸

University of Nottingham Rights Lab report [The benefits and the barriers to accessing employment](#) states that: *“On-going financial vulnerability is a risk factor for exploitation. If a survivor is not able to access employment, they are unable to be financially independent and are at risk of becoming re-victimised. This can lead to survivors choosing risky jobs to make ends meet. It is important to listen to survivors, and to understand their desires and needs from an economic point of view. Most victims cannot afford to wait for income generating activities; they may be supporting family members and/or be in debt that they are under pressure to pay off.”*

Evidence from Ghana concluded that improving the economic well-being of trafficking survivors is key to reducing re-exploitation and providing them with stability to rebuild their lives.¹⁹ Access to work is seen to help prevent re-exploitation by empowering survivors to meet their financial needs, lessening their dependence on government support and helping build resilience from exploitation.

In the absence of access to work, survivors are made dependent on the state. As shown, access to work empowers survivors to become financially independent. It also generates benefits to the state through tax contributions from their employment and would likely reduce government expenditure on NRM support costs and later interventions to address re-exploitation.²⁰

During the period between the Reasonable Grounds and Conclusive Grounds decision, survivors have access to a support worker. To be able to re-enter the workforce while this support worker is available would make use of their time to help manage any issues associated with starting work, following exploitation. This would include support to address any issues which trigger trauma, make sure there is a clear understanding around the conditions of the employment, and address practical issues like securing a National Insurance number, opening a bank account, and providing information around work entitlements or negotiating leave to attend court or a doctor's appointment. Ultimately, a support worker is well placed to ensure that starting work goes as smoothly as

¹⁷ http://www.kalayaan.org.uk/wp-content/uploads/2019/10/Kalayaan_report_October2019.pdf

¹⁸ See 'Precarious Lives' (2013) Lewis, Dwyer, Hodkinson and Waite

¹⁹ David Okech, Stephen Vandiver McGarity, Nathan Hansen, Abigail C Burns & Waylon Howard (2018) Financial Capability and Sociodemographic Factors among Survivors of Human Trafficking, Journal of Evidence-Informed Social Work, 15:2, 123-136, DOI: 10.1080/23761407.2017.1419154

²⁰ See University of Nottingham's costs benefit analysis 2019 of the Modern Slavery (Victim Support) Bill

possible, is a positive part of the recovery process and to make sure that the work is not exploitative and will support the survivor in their life after trafficking.²¹

The NRM has been in place almost 15 years, yet little is known about the extent to which it enables sustainable recovery and independence. What is clear is that preventing survivors from working while in the NRM can compound the trauma of trafficking, leaving people vulnerable to re-exploitation and even trap people who depend on these earnings in exploitative work²². In contrast, providing access to work for people in the NRM is an opportunity to enable sustainable freedom and independence.

All potential victims of modern slavery or trafficking who are in the NRM should have access to work. To be effective, access to work must not be restricted and should be granted automatically at the Reasonable Grounds decision stage so those who are ready can start work.

There should be no restriction upon the type of work people who are in the NRM can undertake. Nor should there be any expectation to work if this is not appropriate for the individual. Access to work gives survivors in the NRM the option to work if this is right for them.

As the government looks to embark on the NRM Transformation Programme and reflects on how best to support survivors in a way that is 'sustainable and centred on their needs', we trust that allowing access to work during the recovery and reflection period between Reasonable and Conclusive Grounds decision, will be given careful and immediate consideration. Access to work will discourage dependence on the NRM as a temporary support structure and only serves to assist survivors in their recovery and with their journey beyond the NRM.

A recent report from the Rights Lab recommended that²³:

- 1. Through the Modern Slavery Victim Care Contract, the UK government should develop an evidence base to better understand the skills, qualifications, work interests, and work histories of survivors in the National Referral Mechanism.*
- 2. In collaboration with survivors and the wider UK anti-slavery sector, a standardised suite of modules should be developed to form an accredited work preparation curriculum.*
- 3. In conjunction with survivors and the wider anti-slavery sector, the UK government should draft an overarching reintegration strategy for survivors of modern slavery. The strategy should provide reintegration pathways and durable solutions for survivors who remain in the UK as well as those who return to their home country.*
- 4. The UK anti-slavery sector should undertake further research to address urgent data and evidence gaps related to the right to work.*

²¹ The Bright Future Programme has found that support from a charity partner is vital for the success of a placement. https://www.antislaverycommissioner.co.uk/media/1176/the-co-op-s-bright-future-programme_an-independent-interim-review.pdf

²² [https://www.duncanlewis.co.uk/InthePress/Home_Office_unlawfully_failing_to_protect_trafficking_survivors_from_hostile_environment_says_High_Court_\(Multiple_Sources\).pdf](https://www.duncanlewis.co.uk/InthePress/Home_Office_unlawfully_failing_to_protect_trafficking_survivors_from_hostile_environment_says_High_Court_(Multiple_Sources).pdf)

²³ [Independent Anti-Slavery Commissioner - New research on benefits and barriers to work for survivors of slavery](https://www.antislaverycommissioner.co.uk/independent-anti-slavery-commissioner-new-research-on-benefits-and-barriers-to-work-for-survivors-of-slavery)
([antislaverycommissioner.co.uk](https://www.antislaverycommissioner.co.uk))

5. Reducing vulnerability to trafficking and modern slavery - Changes needed to the Overseas Domestic Workers Visa.

Prevention is a key component of the Government anti-trafficking programme. However, the Overseas Domestic Worker visa as it exists increases vulnerability to abuses by restricting migrant domestic workers to a non-renewable six-month visa, against the recommendations of an independent review commissioned by the Government²⁴.

This renders the right to change employer inaccessible. Such concerns have been brought to the UK Government's attention numerous times and most recently via the Modern Slavery Strategy Implementation Group (MSSIG) on Prevention²⁵²⁶ as well as communications sent by front line organisations²⁷ and 3 United Nations human rights experts.²⁸ ATMG member Kalayaan understands that the Government's intention is to now 'understand the nature of exploitation' with officials in the Home Office 'developing proposals to reform the route from next year'. This is despite numerous pieces of evidence over the past 10 years detailing the abuse suffered by workers, accompanied by the clear recommendation that the best way to protect workers and prevent their abuse escalating to modern slavery is by reinstating the terms of the original Overseas Domestic Worker visa, in place from 1998 - 2012.

Changes to ODW policy announced by the Government in 2016 which had the potential to be positive have not been implemented. Safeguards during the visa application process are still not being applied and it has now been confirmed that information sessions to inform all ODW visa holders of their entitlements will not go ahead²⁹. No safeguards were put in place for workers pending the outcome of the tendering process which closed in 2018.

ATMG calls for the Government to centre the experiences of migrant domestic workers in their review of the Modern Slavery strategy and signal their commitment to preventing exploitation of this group by reinstating the terms of the original Overseas Domestic Worker visa. This visa has been recognised nationally and internationally as the best way of protecting and preventing abuse of this group of workers.

6. The Immigration Enforcement Competent Authority

The creation of the Immigration Enforcement Competent Authority is a backwards step and reverses, without justification, progress which had been made to build trust in NRM decision making and support victims to engage in the system. After the establishment of the National Referral Mechanism in 2009 there were two designated Competent Authorities: The Home Office division responsible for visas and immigration and the UK Human Trafficking Centre within the National Crime Agency. In February 2014, the Anti-Trafficking Monitoring Group published a five-year review of the NRM, which identified a serious disparity in the percentage of positive Conclusive Grounds decisions made for British and EU/EEA nationals by the UKHTC (80%) and the Home Office (less

²⁴ Independent Review of the Overseas Domestic Worker Visa, December 2015:

<https://www.gov.uk/government/publications/overseas-domestic-workers-visa-independent-review>

²⁵ Kalayaan's briefing for UK's MSSIG Meeting on Prevention, September 2019:

<http://www.kalayaan.org.uk/wp-content/uploads/2019/09/Briefing-MSSIG-meet-11-September.pdf>

²⁶ Government stakeholder group members make statement on Overseas Domestic Worker visa, November 2019:

<https://www.labourexploitation.org/news/government-stakeholder-group-members-make-statement-overseas-domestic-worker-visa>

²⁷ Open letter to UK government demanding reinstatement of the original Overseas Domestic Worker visa, March 2021:

<http://www.kalayaan.org.uk/wp-content/uploads/2021/03/Letter-to-ministers-18-03-2021.pdf>

²⁸ Special Rapporteurs' communication to the UK government on protections needed for migrant domestic workers, May 2021:

<http://www.kalayaan.org.uk/wp-content/uploads/2021/07/SR-letter-to-UK-govt-27-05-2021.pdf>

²⁹ Parliamentary Question, answered 29 April 2021:

<https://questions-statements.parliament.uk/written-questions/detail/2021-04-27/h115280>

than 20%). In addition to these stark differences in decision making, it identified a discriminatory 'culture of disbelief' in Home Office decision-making processes. It did not work to support victims.

Following the government's own review of the NRM in November 2014, which found *'concerns over the conflation of human trafficking decisions with asylum decisions, elongated timeframes for decisions, lack of shared responsibility and provision of relevant information for decision-making, [and] the complexity of the system and thresholds for decision-making'*, it was announced that a single, expert unit completely separate from the immigration system would be formed to undertake the NRM decision-making function. The Single Competent Authority for all NRM decisions was established as recently as 2019.

Although we remained concerned about the Single Competent Authority's lack of independence from the Home Office, the creation of the Immigration Enforcement Competent Authority takes us backwards and reinstates a system of two decision making bodies, which has been shown not to work for victims, and to muddle and undermine the identification process. In her letter on the change, the Independent Anti-Slavery Commissioner stated that she is: *"extremely concerned that by introducing the IECA and returning to a dual system approach, we are taking a step backwards in our response to modern slavery with considerable implications for victims"*.