

MARCH 2025

MODERN SLAVERY RECONSIDERATIONS

FACT SHEET



The Anti Trafficking
Monitoring Group



About this fact sheet

Recent changes in UK law have seen stricter decision-making on modern slavery survivors' cases, potentially making it harder for victims to access identification and support. Crucially, where survivors have been wrongly rejected, there is now a much shorter timeframe for them to ask decision makers to look at their case again. The reconsideration deadline is now set at 30 calendar days, leaving survivors and their advocates little time to get the paperwork, evidence, or even legal help needed to request a reconsideration. Survivors may not be informed of their right to ask for a reconsideration upon receiving a negative decision either because they may not be served the decision, may not receive it in a timely manner, or may not be accessing specialist support.

This fact sheet explores recent changes to the process for deciding modern slavery cases, the National Referral Mechanism (NRM), the reconsideration process, the human impact of poor decision-making, and what needs to change.

Authors

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Contributors

We are very grateful for the knowledge and frontline expertise shared by the following organisations who have contributed to this work:

- ATMG members: Anti-Slavery International, Bawso, ECPAT UK, Flourish Northern Ireland, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Hope for Justice, Just Right Scotland, Kalayaan, Scottish Refugee Council, Snowdrop Project, TARA service and UNICEF UK
- Bindmans LLP
- Causeway
- City of Westminster
- Duncan Lewis
- Hammersmith & Fulham Council
- Human Trafficking Foundation
- Migrants Organise
- Royal Borough of Kensington and Chelsea
- Southwell & Partners



What is modern slavery?

'Modern slavery' is a severe form of exploitation including [1]:

- human trafficking,
- sexual exploitation,
- labour exploitation,
- criminal exploitation,
- domestic servitude, and
- organ harvesting

Modern slavery can occur in any industry. [2]

Exploiters use different tactics to instil fear and keep victims in exploitative situations, such as threatening harm against the victim or their loved ones, controlling survivors through bogus or real debts, and taking advantage of the trust a victim places in them as a family member, friend, or romantic partner. These complex methods of control have a long-lasting impact, and many survivors need specialist support to recover.

How do survivors get help?

In the UK, survivors of modern slavery have the right to access entitlements including:

Safe and secure housing



Advice and legal support



Mental health support and healthcare



Access to compensation



This support is vital, as survivors are more likely to suffer mental and physical poor health, financial hardship, homelessness, immigration insecurity or threats from their offender(s). These rights exist under article 12 of the European Convention on Action Against Trafficking in Human Beings ('ECAT').

In England, Wales and Northern Ireland, survivors need to be referred by a first responder such as the police, a local authority or recognised charity, to a process called the National Referral Mechanism (NRM). Once in the NRM, the Home Office decides whether the survivor has 'Reasonable Grounds' (RG) in a modern slavery case. With a positive RG decision, the survivor is recognised as a 'potential victim' and able to access support. In some but not all cases, support may be available earlier if they are at risk of re-trafficking, likely to be destitute or based in Scotland.

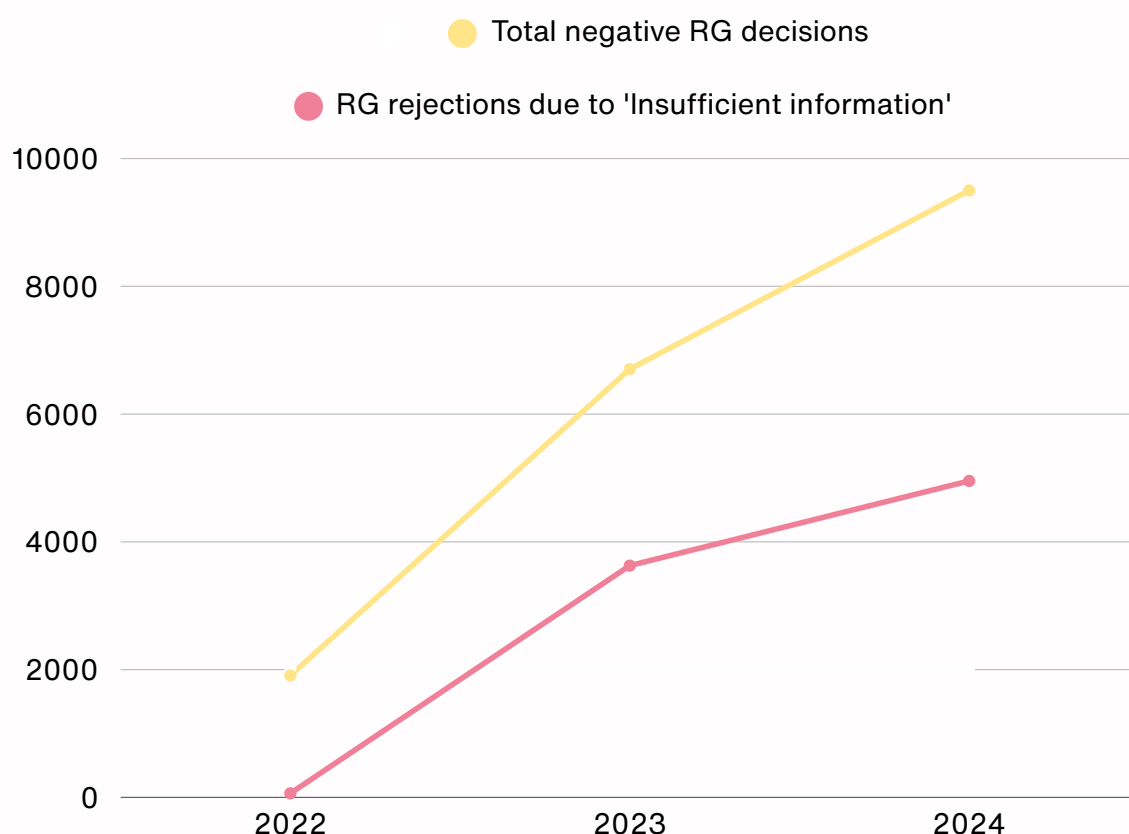
At least 30 days later, the Home Office decides whether to recognise the survivor as a victim by deciding whether there are 'Conclusive Grounds' (CG) in their modern slavery case. This final decision can help survivors access continued support (through a Recovery Needs Assessment) or be considered for immigration leave. Survivors **rejected from the NRM** at either RG or CG stage may be left without the ring-fenced support and without 'official' confirmation of what they have been through. Sometimes, ongoing treatment such as counselling is disrupted.

Evidence burden

Despite the human impact of being turned away from the NRM, refusals are now more common. This is due to a higher evidential threshold, introduced under the Nationality and Borders Act (NABA) 2022,[3] requiring survivors to present 'objective evidence' to prove they are victims of modern slavery. The evidential threshold was slightly amended following a Judicial Review, [4] but remains higher than in 2022.[5]

Our analysis shows that, in 2023 and 2024, **more than half of RG rejections** were made on the grounds of "insufficient proof", compared to only 3% in 2022.[i]

Advocates report that some forms of evidence expected by decision-makers are almost impossible to secure within legal aid rates, such as psychiatric or medico-legal reports from good-quality medical professionals. Survivors exploited overseas or trafficked, along with victims of historic exploitation, face additional disadvantage due to a lack of paper evidence of exploitation.



Organisations interviewed as part of this fact sheet report inconsistencies in decision-making, where some cases with huge amounts of evidence are being demanded and dismissed at the first, RG, stage before victims can access NRM support or advice.

Others report that the Home Office is refusing cases for lacking 'sensory' information, despite guidance (para 14.11) acknowledging that people who have experienced trauma are not always able to recall these details from distressing events.

Organisations reported rejections which were not trauma-informed. In some cases, victims of sexual exploitation were told that their failure to list how many clients they saw in a day resulted in their refusal.

On paper, the Home Office is responsible for gathering evidence on a modern slavery case and using this to make a decision.[6] In reality, it is up to caseworkers and survivors themselves to gather what is needed to prove they have been exploited.

Silvia Nicolaou Garcia, Associate at Bindmans, explains: *"In my experience, medical evidence, letters from support workers or from a GP are things the Home Office doesn't get themselves ...we're now seeing more [NRM] decisions made with less evidence."*



Reconsiderations

[An NRM refusal] is very demoralising. It comes as a surprise, because that person has only just started accessing support and trusting the process. To submit a reconsideration, they have to very quickly disclose a lot about their trafficking history, which can be very traumatising, especially when it has to be done in a month. Often, the client is too unwell to share more information.

Silvia Nicolaou Garcia, Associate at Bindmans

Survivors often face hardship if their NRM case is negative at either the first, RG, or final, CG, stage. If a survivor is rejected from the NRM, the support provided through the Modern Slavery Victim Care Contract (MSVCC) is stopped **within 14 days** and they cannot access support or protections associated with their status as a victim or potential victim of modern slavery.

Survivors may have counselling or specialist support abruptly ended, be evicted from safe housing or other forms of accommodation, lose access to a support worker, or face deportation. Victims forced to commit criminalised activity may not be sentenced according to the Crown Prosecution Service modern slavery guidance unless they have a positive NRM decision.[9]

A majority of NRM cases are positive when reviewed a second time, underscoring the importance of the reconsideration process. In the year 2024, approximately 70% of reconsidered cases received a positive decision.[ii]

*“The overwhelming majority of reconsideration request submissions are being challenged on the basis of the decision maker **not following the statutory guidance**.*

Almost all the submissions are accepted for a reconsideration and then being overturned to a positive decision within a few weeks. This process is distressing for service users, due to no fault of their own.”

Spokesperson, Causeway

Barriers to accessing a reconsideration

Whilst any survivor is principally able to submit a reconsideration request, in reality, very few have the information, means, expertise or support needed to do so.

Only 8% of survivors granted a negative RG decision go on to request a reconsideration, whilst only 4% with a negative CG do so.^[iii]

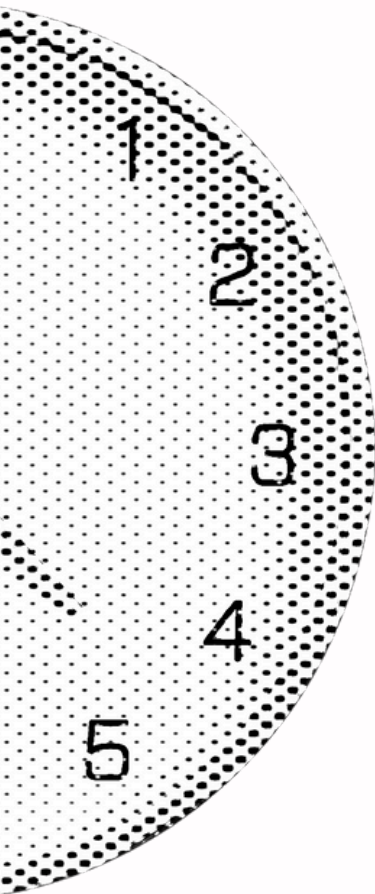
Survivors can only submit one reconsideration request, unless they can provide “good reasons” for why the decision should be reconsidered again.

Multiple ATMG members, including Kalayaan, a designated first responder charity, report that reconsideration extensions can take a long time to be granted, leaving survivors struggling with the uncertainty.

1. Shorter time limit

The deadline for a survivor of modern slavery to submit a reconsideration request has now been shortened from three months to only 30 calendar days as of February 2024. One month is an extremely limited time for survivors to share all the details relevant in their case, many of which are traumatic, and to gather the relevant paperwork, evidence, letters or witness statements needed.

Organisations interviewed as part of this research reported that survivors awaiting a reconsideration request are now being denied support beyond the extension request of 14 days. Support organisations are now under intense pressure to secure NRM decision minutes, additional evidence in relation to mental and physical health, and access legal advice to be able to submit a reconsideration request within this timeframe to ensure support continues. However, this is often not possible and further impacts the capacity of first responders, including charities.



In order to request evidence, practitioners and survivors usually need to use a personal data mechanism called a Subject Access Request (SAR). However, the deadline for complying with a SAR is 30 days, and [months-long delays](#) across government departments, agencies, and healthcare in providing a SAR response are commonplace. Securing historic paperwork in non-recent cases, or translated documents where exploitation takes place overseas, also prevents survivors from being able to gather a majority of their personal information within 30 days.

*“The time limit of a month is **quite draconian**. That is a really tight timeframe, even for someone with a lawyer. Evidence from public bodies like GPs, the NHS, the Crown Prosecution Service often take more than a month to obtain.”*

**Philippa Southwell, Barrister and Managing
Director of Southwell & Partners**

2. Limited support + capacity

First responders, including designated charities, do not receive additional funding for referring victims of modern slavery or for requesting a reconsideration on their behalf. Some agencies, including the Home Office and police, do not routinely support victims to request a reconsideration at all. For this reason, many survivors slip through the net after an initial refusal because of the agency they first engage with.

“Police reconsiderations are rare, if it has ever happened. It becomes the responsibility of charities. Once the police issue that [NRM] referral – as far as they’re concerned – that’s pretty much it.”

**Phil Brewer, Specialist Advisor at
Human Trafficking Foundation**

3. Psychological barriers

It takes survivors time to share their experiences due to both practical and psychological factors. Survivors have often been made to feel shame about what they have experienced and fear of what will happen if they talk to the authorities about their exploiter(s).

Survivors are likely to disclose details in 'piecemeal' over time as they process the abuse, due to the re-traumatising nature of reliving every detail of the exploitation with a lawyer or charity.

Members of the ATMG, who support survivors directly, report that 30 days is not enough time to build a relationship with a new client and secure evidence in a trauma-informed way. Where victims are rejected from the NRM, survivors are left feeling disbelieved and unsupported, as they face being exited from support. They are then expected to provide additional information in the short timeframe of 30 days.

4. Lack of information

Home Office guidance does not ensure, in practice, that every survivor is informed if they have been turned away from the NRM, nor does it clarify how survivors are contacted with information about how to request a reconsideration. To make matters worse, survivors do not have automatic access to a copy of their original NRM referral,[11] making it difficult to request a reconsideration due to ambiguity surrounding what evidence has and, has not, already been submitted. Decision letters are only generated in English, and there are no resources provided in other languages. ATMG members reported cases where victims have reached out in distress after receiving Home Office emails, unaware of what was expected of them.

The charity Snowdrop reports that they sometimes receive referrals for survivors who are unaware of their NRM status, leaving caseworkers to seek more information on the case from the Home Office. Survivors are not consistently told where they are in the process, that they have been refused, or even that they have been referred into the NRM in the first place, raising questions about whether they have given informed consent to be referred.

“ In the last few months, I have received confirmation of several negative RG decisions which were far outside the reconsideration time limit, and two where the decision was 'served to file' so the survivor had not been served the decision and remained therefore unaware of it.”

Rachel Mullan Feroze, Head of Operations, Snowdrop Project

Due to long waits and inconsistent support, survivors may fall out of touch with the charity or agency that submitted their NRM for a number of months or years before they receive a CG decision, making it difficult to track the survivor down.

Since April 2024, ATMG member TARA has received an influx of requests from the Home Office for additional information in order to make a conclusive NRM decision with a deadline of only 14 days. More than half of the cases were closed by TARA two or more years earlier. Not all first responders have the capacity or expertise to get back in touch with survivors and secure their consent, assess their situation and arrange legal advice, all within the 14-day time limit. In their experience, the process is creating distress for survivors and overwhelming front-line services.

Other support providers report being contacted by the Home Office for additional evidence to be shared within 14 days, as part of the reconsideration process, but not being told what information they are looking for.

5. Lack of legal advice

Organisations highlighted a legal advice crisis, affecting survivors' ability to get a lawyer for reconsiderations. Changes are needed to legal aid funding, in order to address scarcity. As a consequence of the overwhelming gulf between demand and supply, many survivors are unable to access specialist legal advice when they need it, including on reconsiderations. Even where legal support is secured, victims are not guaranteed advice on the reconsideration process if they are turned away from the NRM.

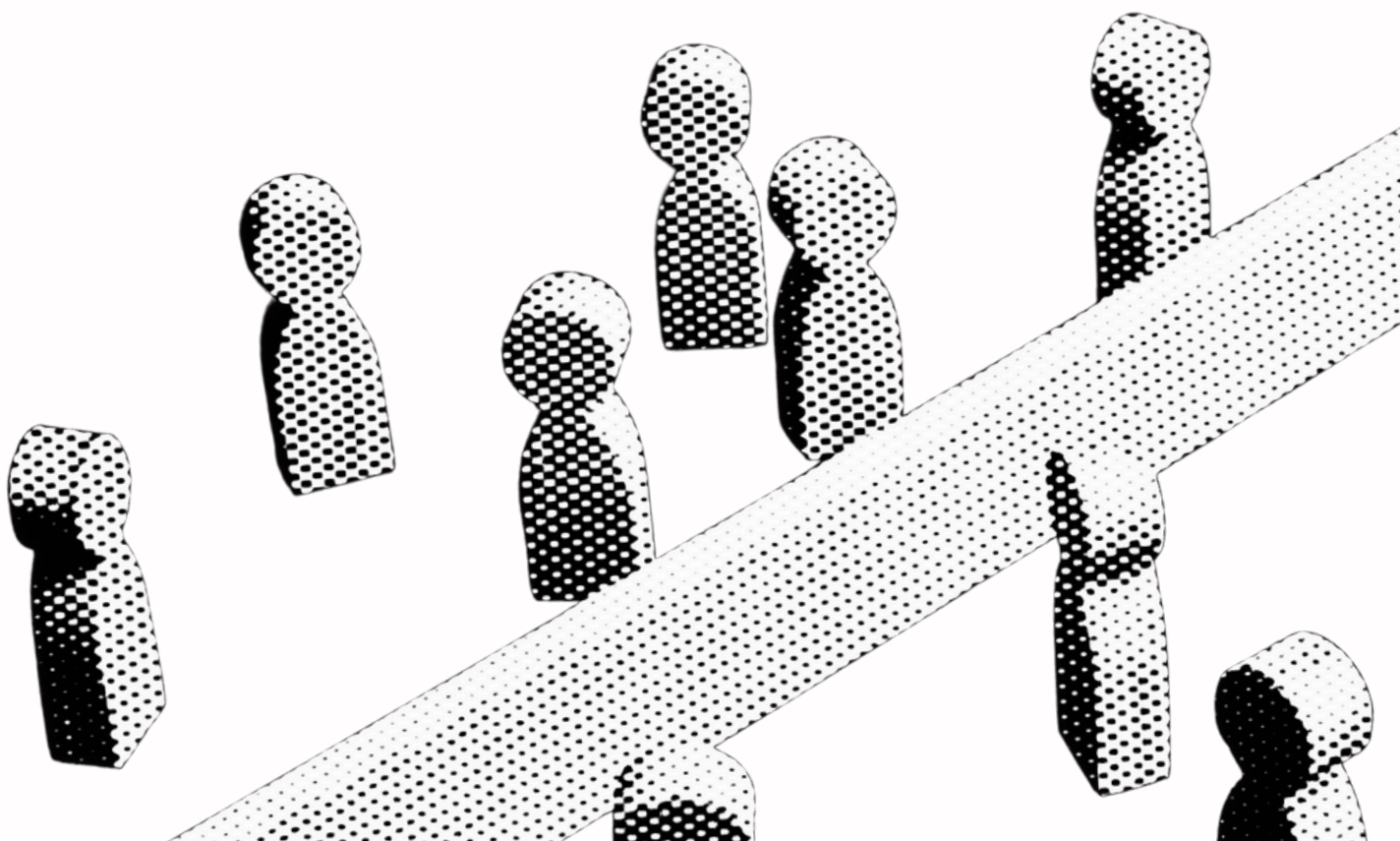
“For survivors who are proactive... you go to a lawyer and say ‘what about this’ [reconsideration process] and a solicitor would talk you out of it if they don’t have technical knowledge. It comes down to the experience of [the] lawyer.”

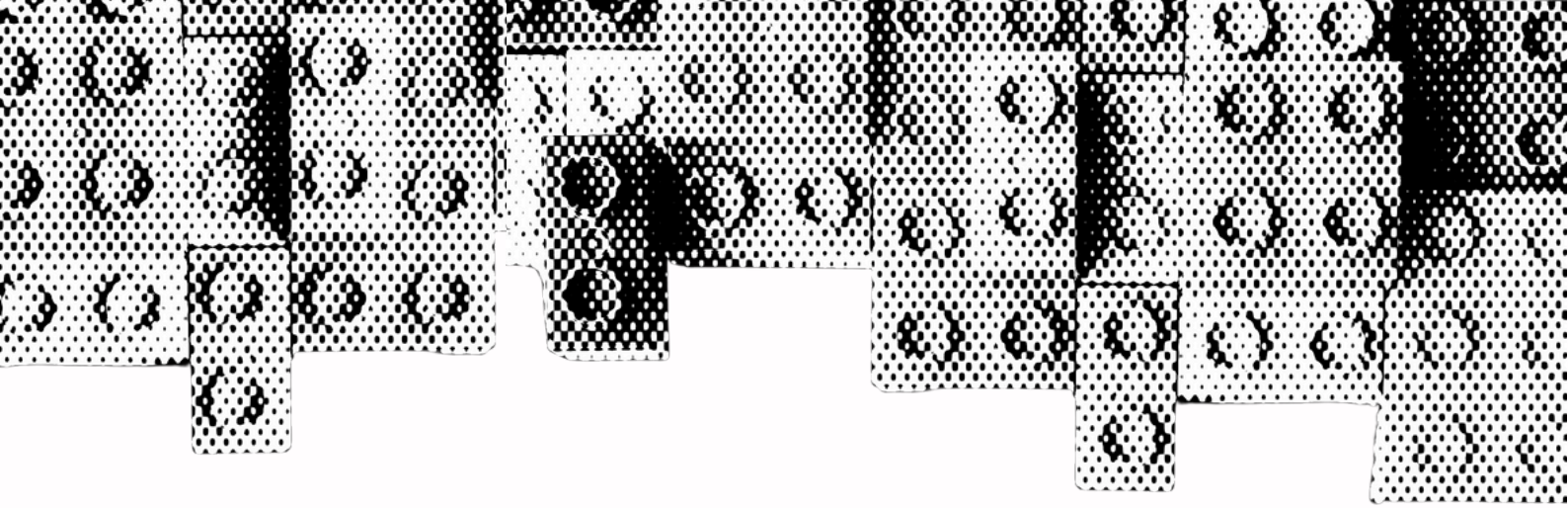
**Phil Brewer, Specialist Advisor at
Human Trafficking Foundation**

6. Bias in decision-making

In 2021, the Home Office introduced a separate decision-making body to consider the NRM cases of survivors subject to certain forms of immigration control, the IECA. Most cases continue to be reviewed by the Single Competent Authority (SCA). Outcomes are poorer where a case is passed to the IECA compared to when it remains in the SCA.[12]

Reconsiderations by the IECA are also significantly more likely to be negative (46%) than those made by the SCA (21%).[iv] Between May and December last year, the IECA was allocated 3,758 ‘legacy’ cases referred before the IECA was introduced in 2021. [13]





7. Barriers for children

Children rejected from the NRM need to have a reconsideration submitted on their behalf, and are subject to the 30-day time limit in spite of their age. However, due to the number of processes and agencies involved in their case, which may include the asylum system, the National Transfer Scheme (NTS), and local authorities, a child sometimes has multiple referrals submitted on their behalf due to lack of communication between the parties, who may not be informed of the NRM decision.

Whilst children should have access to an Independent Child Trafficking Guardian under section 48 of the Modern Slavery Act 2015, and equivalent in the devolved nations, [14] to help them navigate the NRM, not all children have access to one because the service is not present where they live. Those who have a figure of parental responsibility may receive indirect support through a Regional Practice Coordinator (RPC).[15]

Many children also face additional barriers to reconsiderations, such as having their age unfairly disputed, creating unnecessary re-traumatisation and putting them at risk of re-trafficking and abuse. [16]

Additionally, children who are transitioning to the adult NRM face a cliff-edge in support, potentially preventing them from remaining in the NRM.[17]

The ongoing legal aid crisis also affects child victims, with delays in accessing representation making it harder to get a reconsideration in time. Statutory guidance should be amended to reflect delays in appointing a legal representative as an exceptional circumstance when requesting an extension.

After reconsideration

Survivors do not always get support or financial subsistence ‘backdated’ when payments have been paused during a reconsideration period, or never instated in the first place due to a wrongful refusal.

Backdated subsistence payments or support access tend to be sought when a decision is refused a second time at reconsideration stage, and is then taken to court, as lawyers can request this in their submissions.

“We had a survivor where the reconsideration was accepted, but back payments aren’t standardised. Usually, if they do agree, the payment only starts from the day they agree to reconsider the case.”

Silvia Nicolaou Garcia, Associate at Bindmans



Recommendations

- **Access to reconsiderations:** Ensure all survivors can access reconsiderations by removing the time limit for the submission of a reconsideration request after a refusal as well as the restrictions to the submission of one reconsideration.
- **Realistic timeframes:** Repeal the 14 days timeframe and allow more flexibility to provide consistent opportunities for advocates, First Responders and solicitors to submit further evidence before issuing a CG decision.
- **Fairer decision-making:** Reduce the number of NRM rejections made in error, by repealing the higher evidence threshold introduced through statutory guidance by the Nationality and Borders Act, and reintroducing Multi-Agency Assurance Panels (MAAPs) to review reasonable and conclusive ground refusals.
- **Continuing support:** Without exception, NRM entitlements should continue to be available to victims and potential victims whilst awaiting the outcome of a reconsideration.
- **Transparency:** Survivors should have automatic access to copies of their NRM referral, including the contact details recorded for them in the case of an NRM refusal. The Home Office must record any instance in which a survivor could not be contacted with the outcome of an NRM case.
- **Legal representation:** Ensure every survivor can access quality legally aided advice and representation by addressing poor legal aid funding driving the availability crisis. Survivors of modern slavery should receive non-means tested legal aid.
- **Backdating subsistence:** Ensure that where a survivor is wrongly rejected from the NRM, subsistence payments are backdated from the date entitlements stopped rather than when a reconsideration was granted.

References

[1] Council of Europe. (2005). *Council of Europe Treaty Series - No. 197. Council of Europe Convention on Action against Trafficking in Human Beings*

[2] Home Office. (October 2017). *A typology of modern slavery offences in the UK*

[3] ATMG, BIICL, HTF. (25 June 2024). *Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On*, p.28

[4] Home Office. (6 March 2025). *Modern Slavery: NRM and DtN statistics, end of year summary 2024*

[5] Duncan Lewis. (28 June 2023). *SSHd withdraws new evidential test for ‘Reasonable Grounds’ decisions in Modern Slavery Statutory Guidance*

[6] Home Office. (16 January 2025). *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*. P.132

[7] Independent Chief Inspector of Borders and Immigration. (11 December 2024). *Inspection report published: An inspection of the Immigration Enforcement Competent Authority (January - June 2024)*. Pp.16; 66; 70-75

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[9] CPS. (22 October 2024). *Modern Slavery and human trafficking: offences and defences, including the section 45 defence*

[10] Helen Bamber Foundation. (12 July 2023). *New test for ‘Reasonable Grounds’ decisions in modern slavery guidance withdrawn*

[11] <https://afterexploitation.com/wp-content/uploads/2024/05/a-can-of-worms-challenges-and-opportunities-in-accessing-modern-slavery-evidence-digital.pdf> pg 59

[12] 14.222 statutory guidance <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

[12] Taskforce on survivors of trafficking in immigration detention. (1 July 2024). *Immigration Enforcement Competent Authority*.

[13] Home Office. (6 March 2025). *Modern Slavery: NRM and DtN statistics, end of year summary 2024*

[14] Section 11 of the the Human Trafficking and Exploitation (Scotland) Act 2015 and section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

[15] Home Office. (8 August 2024). *Annex: Independent child Trafficking guardianship statistics, year ending March 2024*

[16] Refugee and Migrant Children’s Consortium. (March 2025). *Lost Childhoods: the consequences of flawed age assessments at the UK Border*

[17] ATMG. (May 2024). *Breaking Barriers: supporting young victims of trafficking transitioning to adulthood*

[i] Number of negative RG decisions issued because of insufficient information

Year	Total number of negative RG decisions	Insufficient information to meet the standard of proof required
2024	9,501	4,954 (52%)
2023	6,704	3,628 (54%)
2022	1,908	63 (3%)

[ii] Outcome of reconsideration requests across both Competent Authorities

Decision type	Outcomes	2021	2022	2023	2024
Reasonable grounds	Positive	130	167	389 (62%)	513 (70%)
	Negative	28	42	241 (38%)	224 (30%)
	Total	158	209	630	737
Conclusive grounds	Positive	38	64	88 (67%)	243 (68%)
	Negative	5	42	44 (33%)	113 (32%)
	Total	43	85	132	356

[iii] Comparative data between number of negative decisions and reconsideration requests lodged in 2024

	Reasonable grounds rejections	Conclusive grounds rejections
Outcomes	9,501	7,566
Reconsideration requests lodged	740	338

[iv] Outcome of reconsideration requests by Competent Authorities in 2024

Decision type	Outcomes	Single Competent Authority	Immigration Enforcement Component Authority	Total
Reasonable grounds	Positive	372 (80%)	141 (52%)	513
	Negative	93 (20%)	131 (48%)	224
	Total	465	272	737
Conclusive grounds	Positive	132 (75%)	111 (62%)	243
	Negative	44 (25%)	69 (38%)	113
	Total	176	180	356
Disqualification	Disqualified	0	13	13
	Not disqualified	0	1	1
	Total	0	14	14

Data tables extracted from *Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 15th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-15>*

