

Recovery and reflection period

Amendment

Clause 37, page 39, leave out Clause 37.

Member's explanatory statement

This amendment would remove Clause 37 from the Immigration and Asylum Bill.

Background

Clause 37 amends section 61 NABA, to define that the recovery and reflection period and associated protections end on the day a negative conclusive ground decision is made. The recovery and reflection period can be terminated before the end of the 30-day recovery and reflection period or on the day a conclusive ground decision is made after this period. Additionally, this clause also amends section 62 NABA to apply the same approach to additional recovery and reflection periods that could be granted as a result of a further referral into the NRM.

The provisions introduced through clause 37 (subsection 2) will allow the Secretary of State to end the recovery and reflection period before the minimum of 30 days, which is incompatible with **Article 13 ECAT** as it provides for the grant of a recovery and reflection period of at least 30 days.

This clause also enables Competent Authorities to make and serve conclusive ground decisions during the recovery and reflection period, including negative decisions. As a result, survivors may be required to gather and submit the evidence necessary to inform a conclusive grounds decision while still trying to recover from the trauma and impact of their exploitation. Those who receive a negative decision could be removed from support immediately, potentially exposing them to destitution, homelessness, and an increased risk of further harm and exploitation.

Existing implementation of the recovery and reflection period

At present, the recovery and reflection period begins on the date an individual receives a positive reasonable grounds decision. Since the commencement of Section 61 of the Nationality and Borders Act 2022 in January 2023, this period has lasted for a minimum of 30 days and continues until a conclusive grounds decision is made, whichever is later.

During this period, survivors are entitled to support measures contained in **Article 12 (1) and (2) ECAT** and protections from removal. The primary purpose of the recovery and reflection period is to allow victims of human trafficking to recover from their exploitation by ensuring they can access a safe environment and the necessary support to break the circle of

exploitation and begin rebuilding their lives. This period also provides survivors with an opportunity to decide whether they wish to cooperate with authorities.

Following the submission of a National Referral Mechanism (NRM) referral, a survivor's needs are assessed and, where an adult consents to support, they are referred to the Salvation Army, the prime contractor for adult victim support in England and Wales, or to the equivalent support provider in the devolved nations. Child victims will either already be receiving support through local authority safeguarding and child protection arrangements or, where they are not yet known to the local authority, should be referred promptly for appropriate protection and support.

During the recovery and reflection period, survivors should not be expected or pressured to disclose information for the purpose of informing a conclusive grounds decision. This period is intended to provide individuals with the time and space needed to access specialist support, begin their recovery, establish a degree of stability, and develop an understanding of the processes and decisions affecting them.

Allowing Competent Authorities to make and serve conclusive grounds decisions during the recovery and reflection period could have a devastating impact on survivors' wellbeing and recovery.

Furthermore, this approach may reduce the amount and quality of evidence available to inform decision-making. Survivors may not have had sufficient time to understand the process, build trust with support providers, or access legal advice. Given the complexity of many cases and the evidential requirements often associated with conclusive grounds decisions, including the need for medical or mental health assessments reports, many individuals may find it difficult to obtain and submit the necessary evidence within such a short timeframe.

While an efficient decision-making system is essential to enable individuals to move forward, this should not come at the expense of the duty to investigate and high-quality decision-making. Prioritising speed over accuracy risks leading to incorrect outcomes, with potentially serious consequences for survivors. There is a significant risk that survivors could receive negative decisions because they have not been able to access the support and evidence needed to engage with the process.

Currently, when a person receives a negative decision, they receive 14 days move on period, which can be extended to 28 days where needed.

Instead, clause 37, is going to introduce a provision to allow for the immediate discharge from support, which will expose survivors to destitution, homelessness and further harm. It would also place additional pressure on frontline organisations and alternative support services, where these are available, as individuals who receive negative decisions will require urgent support.

As survivors will be immediately discharged from support, they will face additional barriers to challenge the negative NRM decision. These barriers are already present, but this clause will further exacerbate them. Since the commencement of NABA, many survivors are receiving negative decisions and are excluded from accessing specialist support.¹ Many rejections, driven by the higher evidential threshold, failures in the duty to investigate by authorities, and other systemic barriers, mean many survivors must submit a reconsideration request. Exclusion from support can significantly exacerbate existing barriers to seeking a reconsideration.² Official NRM data shows that 79% of reasonable grounds decisions and 77% of conclusive grounds decisions in 2025 were positive.³ This highlights the importance of ensuring survivors have access to appropriate support and that authorities follow robust information-gathering processes to reduce the risk of incorrect decisions and a sudden cliff edge in support.

Conclusion

If retained, clause 37 would greatly weaken the support and identification system for survivors of modern slavery by favouring decision-making speed over accuracy and survivor-centred support. It will harm survivor recovery, potentially impacting on survivor capacity to share the necessary information to support their identification as well engaging with any other relevant process that may interact with their exploitative situation, harm their opportunity to recover and potentially weaken their capacity to cooperate with police where they would need time to do so.

¹ ATMG, BIICL and HTF. (25 June 2024). *Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On*

² ATMG and After Exploitation. (March 2025). *Modern Slavery reconsiderations*

³<https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2025>