

## FACTSHEET 1: THE NATIONAL REFERRAL MECHANISM – PROCESS AND SUPPORT

Kalayaan has expertise in identifying and supporting victims of human trafficking and modern slavery.

If you think you are a victim please get in touch with us by email at [info@kalayaan.org.uk](mailto:info@kalayaan.org.uk) or by calling us on 0207 243 2942.

### THE NRM: A TWO-STAGE PROCESS

The National Referral Mechanism (NRM) was introduced in the UK to identify, support and protect people who enter the country, but are then exploited or are at risk of being exploited. This can include cases where individuals come to the UK on an Overseas Domestic Worker Visa to work in the household of their private or diplomatic employer, but are then exploited or at risk of being exploited by their employer.

To enter the NRM, you must be referred by a **First Responder**<sup>1</sup>. **First Responder** are selected organisations, trained to recognise victims and explain the NRM process to them. A First Responder will assess a potential victim of trafficking, and then (if appropriate) complete an NRM referral form summarizing the evidence for believing that person to be a victim of trafficking and/or modern slavery.

Kalayaan is a First Responder. Other First Responders include the police, Local Authorities and the Home Office. There are also a number of charities who hold First Responder status including The Salvation Army and Refugee Council. An individual victim can decide which First Responder should refer them to the NRM.

All adult victims need to consent to a referral to the NRM, so it is important you fully understand the process.

Once you provide your consent, your details, including how you were exploited, will be sent to a decision maker called the **Single Competent Authority (SCA)**. The SCA is part of the Home Office.

You will then receive two decisions.

Please refer to the **NRM DIAGRAM**, which provides a visual outline of the process.

### STAGE ONE – The Reasonable Grounds decision

Once the SCA receives a NRM referral, they will review the information and use it to decide whether at this first stage, they believe you **may** be a victim. This is known as the **reasonable grounds** stage. The SCA generally make this decision based on the information contained in the referral, although they may also consider other evidence they have available to them.

Reasonable grounds decisions must be made within 5 working days. If you are waiting longer than 5 days, you should seek advice.

The test for a Reasonable Grounds Decision is that the decision maker “**suspects but cannot prove**” the person is a victim of human trafficking, slavery, servitude, and forced or compulsory labour. They must consider “whether a reasonable person having regard to the information in the mind of the decision maker, would think there are reasonable grounds to believe the individual had been a victim”.

## Positive Decision

If you are issued a positive reasonable grounds decision you will be entitled to further help and assistance. This includes:

- Safe accommodation
- Financial support
- Use of the NHS<sup>ii</sup>
- Legal representation (go to **FACTSHEET 2: LEGAL REPRESENTATION** for more detail about how to find a lawyer)
- A support worker from The Salvation Army to help guide you through the process

In accordance with international law, victims with a positive reasonable grounds decision are given a minimum of 45 days in which to 'recover and reflect' and make decisions on what you would like to happen next with your case.

On average, the men and women Kalayaan support in the NRM process, can wait 2 years to receive the second decision, which is the final decision on their NRM case from the SCA.

Whilst you are in the NRM, your lawyer will work with you to provide more evidence in support of your NRM referral. Further evidence will be required for the SCA to make their final decision. (See **FACTSHEET 2: LEGAL REPRESENTATION**)

## Entitlement to work

Overseas domestic worker are allowed to continue working whilst their trafficking case is being considered so long as they are referred into the NRM AND receive a Positive Reasonable Grounds Decision, within the 6 month period they were initially admitted to the UK. They can only take up employment as a full-time domestic worker in one private household, as per the terms of their Overseas Domestic Worker Visa.<sup>iii</sup>

If an overseas domestic worker is referred into the NRM and issued a positive Reasonable Grounds Decision after the expiration of their visa, they are not permitted to work in the UK while their case is under consideration. (See **FACTSHEET 5: RIGHT TO WORK**)

## STAGE TWO – The Conclusive Grounds decision

The second and final decision under the NRM is known as the **conclusive grounds** decision. This is where the SCA will accept or reject your claim to be a victim.

The standard of proof for this decision is the 'balance of probabilities' meaning that having reviewed all of the evidence, you are more likely than not to be a victim.

If a positive conclusive grounds decision is made, the SCA will proceed to make a separate decision on whether to grant non British nationals a period of leave in the UK called **Discretionary Leave to Remain** (see **FACTSHEET 4: DISCRETIONARY LEAVE TO REMAIN AND LEAVE TO REMAIN** for further detail on the criteria).

Once in receipt of a positive conclusive grounds decision, the SCA will also look to see if they can safely exit you from the NRM framework. This process is referred to as the **Recovery Needs Assessment**. (See **FACTSHEET 3: EXITING THE NRM** for how this assessment is conducted).

## NEGATIVE DECISIONS

If you receive a negative **reasonable grounds** or **conclusive grounds decision**, you can challenge this decision by a process called **Reconsideration**. You request, in writing, that the decision is reconsidered. You would need to consider the basis for this request, and explain this in your letter or email to the decision maker.

Reconsideration requests can be made by your First Responder, your Salvation Army support worker, or your lawyer.

If your reconsideration request is refused, you will need to speak with an immigration lawyer quickly to prepare an application to court for **Judicial Review**.

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<sup>i</sup> <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

<sup>ii</sup> <https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide#main-messages>

<sup>iii</sup> [http://www.legislation.gov.uk/uksi/2016/948/pdfs/uksi\\_20160948\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/948/pdfs/uksi_20160948_en.pdf)