

Maya Esslemont
After Exploitation

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CMS Ref: TO131-269109

7 January 2021

Dear Maya,

Thank you for your email of 18 October to the Prime Minister about victims of modern slavery on behalf of the advocates, researchers, experts and all signatories. I am replying as the Minister for Safeguarding.

This Government is committed to tackling the appalling crime of modern slavery; ensuring that victims are provided with the support they need and that those responsible are prosecuted through the Modern Slavery Act 2015 (MSA). We recognise that the UK cannot tackle this crime alone and we must work with our international partners to deliver on our priorities. The UK continues to demonstrate international leadership, driving action towards the long-term ambition of eradicating modern slavery.

We have made significant progress in reforming the way we support victims, including launching the Single Competent Authority (SCA) to handle all National Referral Mechanism (NRM) cases and a new digital system making it easier for those on the front line to refer victims into support. In March, we published statutory guidance on the identification and support of victims of modern slavery, and following an open procurement exercise, we have successfully awarded the new Modern Slavery Victim Care Contract.

I want to reassure you that we are carefully considering the issues raised in the Modern Slavery (Victim Support) Bill. We are doing so in the context of our ongoing work to improve the existing support system for victims, as well as the legislative framework in place for tackling modern slavery more broadly.

The Government does not, however, support the Modern Slavery (Victim Support) Bill in its current form. The Government does not agree that victims should automatically be granted leave to remain for 12 months. Immigration decisions for victims of modern slavery are made on a case-by-case basis, considering the individual circumstances of the case.

In addition, the Government believes an individually assessed approach is more appropriate, focussing on the needs of the victim. The Government recognises that all victims are individuals with their own personal recovery needs arising from their

modern slavery experiences. In 2019 the Recovery Needs Assessment was introduced in order to ensure that individual needs are considered and supported with a tailored move-on plan, rather than a blanket approach to victim support.

The UK has a proud history of providing protection to those who need it. As a signatory to the Refugee Convention and European Convention on Human Rights we are legally obliged to consider all asylum claims lodged in the UK so that we do not remove anyone who faces persecution or serious harm on return to their country of origin, irrespective of how they arrived or when they claimed asylum.

Every asylum claim is carefully considered on its individual merits, including those made by survivors of modern slavery, by assessing all the evidence provided by the claimant against a background of published country information from the Foreign, Commonwealth and Development Office and a wide range of recognised and publicly disclosable sources, including the media and non-governmental sources, such as the UNHCR, Amnesty International and Human Rights Watch. As you've noted, there are some types of behaviour that must be regarded as potentially damaging to a persons' general credibility in the context of any decision, and decisions makers are aware they must fully explore this during the interview and give the person the opportunity to explain their actions.

Asylum decision makers receive extensive training on considering asylum claims and must follow published Home Office policy guidance. This includes guidance on assessing credibility and refugee status which is available on gov.uk at: <https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>. It also includes guidance on Modern Slavery which describes the signs that someone may be a victim, the support available, and the process for determining whether someone is a victim which is available at: <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims>

Your letter also raises particular concerns about the use of detention. The primary purpose of immigration detention is to facilitate an individual's removal from the UK. The Government does not have an absolute exclusion from detention for any particular group. However, it is accepted that some groups of people can be at particular risk of harm in immigration detention. This is the exact basis of the Adults at Risk in immigration detention policy (AAR), which strengthens the presumption against detention for vulnerable people.

When an individual's circumstances engage the AAR (and this would include when Potential Victims of Modern Slavery (PVMS) indicators are identified), and a decision has been taken to the effect that detention is still appropriate, approval will be obtained at the appropriate level and that decision recorded before formal approval is given. Cases assessed as engaging level one, two or three of the AAR require authority from, respectively, a Higher Executive Officer, a Senior Executive Officer, and a Grade 7 manager.

The Government is committed to using immigration detention only when necessary and ensuring that all decisions to detain are well made with adequate safeguards and support in place. As in all cases, PVMS are detained only when there is a

realistic prospect of removal within a reasonable timescale. Decisions on the appropriateness of an individual's detention are made on a case-by-case basis. PVMS who are identified whilst in immigration detention are, where appropriate, released.

I hope the information in this response is helpful.

Yours sincerely,

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive, flowing style.

Victoria Atkins MP