

KALAYAAN

Justice for migrant domestic workers



THE NATIONAL REFERRAL MECHANISM: NEAR BREAKING POINT

**PROGRESS REPORT:
2024
ONE YEAR ON**

PUSH

ACKNOWLEDGEMENTS

Our thanks to members of the Anti-Trafficking Monitoring Group for their insights, the International Organization for Migration for their analysis of NRM data and the Latin American Women's Rights Service for their case study.

Both case studies included have been anonymised to protect the identify of the survivors.

The views and opinions contained in this briefing do not necessarily reflect the views of our funders.

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RISK OF RE-TRAFFICKING

In January 2023, the UK Government was put on notice that the National Referral Mechanism (NRM) was at breaking point with the numbers of slavery survivors far exceeding the capacity and resources of the current number of First Responder Organisations.

This briefing seeks to re-iterate once more the pressing need for the Government to train and recruit more First Responder Organisations.

Over a year ago, Kalayaan sought to warn the Government of the dangers in failing to act: survivors denied access to the NRM and the protections it provides would be put at risk of re-exploitation in the UK.

This risk has now been realised and continues every day.

TERESA'S STORY. PROVIDED BY THE LATIN AMERICAN WOMEN'S RIGHTS SERVICE



Teresa and her child were trapped in extremely precarious living and working conditions with no options to flee. After some months, they became overstayers during her exploitation. She was repeatedly told that she would not be able to find a job or receive any help because of her immigration status. Eventually, Teresa met another woman who invited her to come and live with her.

Teresa and her daughter are now living with this woman. They are sleeping in her living room. Teresa is not working and has no money.

Teresa was given LAWRS' number by someone at a food bank who explained to her that she had been a victim of modern slavery. LAWRS is helping Teresa get a referral into the NRM, but facing a huge backlog from First Responders. An NRM referral request was submitted to Non-Statutory **First Responder 1** in early December 2023 and LAWRS has yet to receive a response to this referral. Whilst LAWRS was trying to secure support for Teresa, a tenant at the host's house tried to rape Teresa in front of her child.

Teresa disclosed the assault to her host and said she wanted to report the tenant to the police. The host told Teresa not to do this as she was undocumented and they would deport her. As a consequence, Teresa is afraid of any engagement with the police including for a referral to the NRM. The host also asked Teresa and her child to leave as she didn't want any trouble. With Teresa and her daughter at risk of destitution, LAWRS referred them to Children Social Services under section 17 of the Children's Act, but CSS have not responded to the referral. CSS were notified that Teresa was a victim of modern slavery, but they have not made a referral to the NRM. NRM referral requests sent to the local authority have also gone unanswered. Non-Statutory **First Responder 2** accepted an NRM referral request for Teresa two months after LAWRS began searching for a First Responder to support her. The NRM referral has been recently submitted.

The difficulties Teresa is facing in accessing the support she is entitled to as a victim of modern slavery is making her feel desperate, putting her at severe risk of destitution and re-exploitation.

UNABLE TO HELP

The capacity of the current number of non-statutory First Responder Organisations remains a pressing issue that needs to be urgently addressed by the Government.

Changes introduced following the Nationality and Borders Act 2022, specifically the upping of the Reasonable Grounds decision threshold, has had a significant impact on the available capacity and resources of non-statutory First Responder Organisations who now need to spend more time with each potential survivor in order to meet the evidentiary standard required. These changes have only increased the pressures already facing First Responder Organisations.

The legislative changes in question took effect on 30 January 2023. Since this date, there has been a significant increase in the number of negative reasonable grounds decision. Analysis¹ of NRM data by the International Organization for Migration demonstrates this trend in decision making and also identifies the stark difference in decisions made on UK nationals versus foreign nationals. Again, this increase in negative decisions only adds to the pressures and lack of capacity of First Responder Organisations as they are then tasked with assisting people issued negative decisions with preparing reconsideration requests. Challenging negative decisions means delays in accessing support for survivors, including safe housing provision and mental health services.

In the meantime, these First Responder Organisations are unable to assist other survivors who (along with those supporting them) cannot access support and are faced with some impossible choices as they try to gain access to the NRM.

FIGURE 1: NRM REASONABLE GROUNDS DECISIONS MADE BY BOTH COMPETENT AUTHORITIES BY QUARTER, OUTCOME AND AGE AT EXPLOITATION

Year	Quarter	Adult (18 or over)			Child (17 or under)			Not specified or unknown			Total				
		Negative reasonable grounds	Positive reasonable grounds	Adult (18 or over) Total	Negative reasonable grounds	Positive reasonable grounds	Child (17 or under) Total	Negative reasonable grounds	Positive reasonable grounds	Not specified Total	Negative reasonable grounds	Negative RG %	Positive reasonable grounds	Positive RG %	Total
2021		693	5656	6349	409	4916	5325	87	744	831	1189	9.51	11316	90.49	12505
	Q1	133	1258	1391	87	1250	1337	16	125	141	236	8.23	2633	91.77	2869
	Q2	189	1318	1507	84	1241	1325	21	163	184	294	9.75	2722	90.25	3016
	Q3	183	1506	1689	109	1200	1309	25	248	273	317	9.69	2954	90.31	3271
	Q4	188	1574	1762	129	1225	1354	25	208	233	342	10.21	3007	89.79	3349
2022		1097	7669	8766	689	6250	6939	141	911	1052	1927	11.50	14830	88.50	16757
	Q1	188	1790	1978	148	1273	1421	26	213	239	362	9.95	3276	90.05	3638
	Q2	244	1902	2146	109	1468	1577	28	233	261	381	9.56	3603	90.44	3984
	Q3	301	2024	2325	186	1794	1980	45	254	299	532	11.56	4072	88.44	4604
	Q4	364	1953	2317	246	1715	1961	42	211	253	652	14.39	3879	85.61	4531
2023		3454	2408	5862	1082	3106	4188	378	242	620	4914	46.05	5756	53.95	10670
	Q1	998	1011	2009	282	947	1229	95	101	196	1375	40.04	2059	59.96	3434
	Q2	1248	461	1709	394	1241	1635	110	37	147	1752	50.19	1739	49.81	3491
	Q3	1208	936	2144	406	918	1324	173	104	277	1787	47.72	1958	52.28	3745

Statistics taken from the Home Office’s “Modern Slavery: National Referral Mechanism and Duty to Notify Statistics - UK Q3 2023” (Table 16), available at: <https://assets.publishing.service.gov.uk/media/65451bbe9c3709000d14677e/national-referral-mechanism-statistics-uk-quarter-3-2023-jul-to-sep-tables.ods>.

The values in the “Total” block have been calculated by Kalayaan on 12 February 2024 using the data in the previous three blocks.

¹ Dr Patrick Burland, IOM UK, Modern slavery: what the numbers tell us about how survivors are identified, presentation delivered as part of the Modern Slavery PEC lunchtime seminar, February 2024, <https://www.youtube.com/watch?v=t0nx63BjBEk>

CAROLINE'S STORY

'Caroline' approached Non-Statutory **First Responder 1**, Kalayaan, in late March 2023 by walk-in. Kalayaan advised they did not have capacity to take her case on in the immediate future and signposted her to call Non-Statutory **First Responder 2** for assessment and advice as they believed she needed support sooner than Kalayaan could give.

Caroline called Non-Statutory **First Responder 2**. Caroline asked for an interpreter but they were unable to find one in her first language so Caroline said they would try in English. She was then directed by Non-Statutory **First Responder 2** to Non-Statutory **First Responder 3**. They told Caroline that this was for an NRM referral, but Caroline did not know what the NRM was or what this meant.

Caroline called Non-Statutory **First Responder 3**, as instructed. Non-Statutory **First Responder 3** then directed Caroline to call Non-Statutory **First Responder 4**. They did not give a reason for this, they just told Caroline this was how she was going to get a referral. Caroline called Non-Statutory **First Responder 4** who instructed her to call Non-Statutory **First Responder 5**.

Caroline called Non-Statutory **First Responder 5**. Non-Statutory **First Responder 5** gave Caroline the number for the person who screens referral intakes. Caroline rang this number but received no response, so she left a voicemail.

Caroline did not receive a response to the voicemail so she rang Non-Statutory **First Responder 3** again. Non-Statutory **First Responder 3** told Caroline that they would need to go to a local police station for an urgent NRM referral, but she was not comfortable with engaging with the police so did not.

Kalayaan checked in with Caroline three days after she had first contacted Kalayaan to see if she had been able to access assessment from another First Responder. Caroline said they had not been able to receive support but she was unable to explain this in English.

Despite lacking capacity to take new referrals, Kalayaan arranged an appointment with Caroline and an interpreter to find out the above. Caroline did not know the names of all of the different organisations she had been signposted to but had written down in order each of the numbers she had been told to call in turn.

Kalayaan explained to Caroline in detail what the NRM was and what support she could be entitled to, as it became clear she had been unable to access this pre-NRM advice elsewhere. Caroline agreed for Kalayaan to support her to engage with the Local Authority for a referral as she needed accommodation and financial support as soon as possible. Kalayaan sought assurances from the Local Authority that they would not share information with the Home Office in order that Caroline would feel comfortable speaking to a statutory First Responder about their experiences.

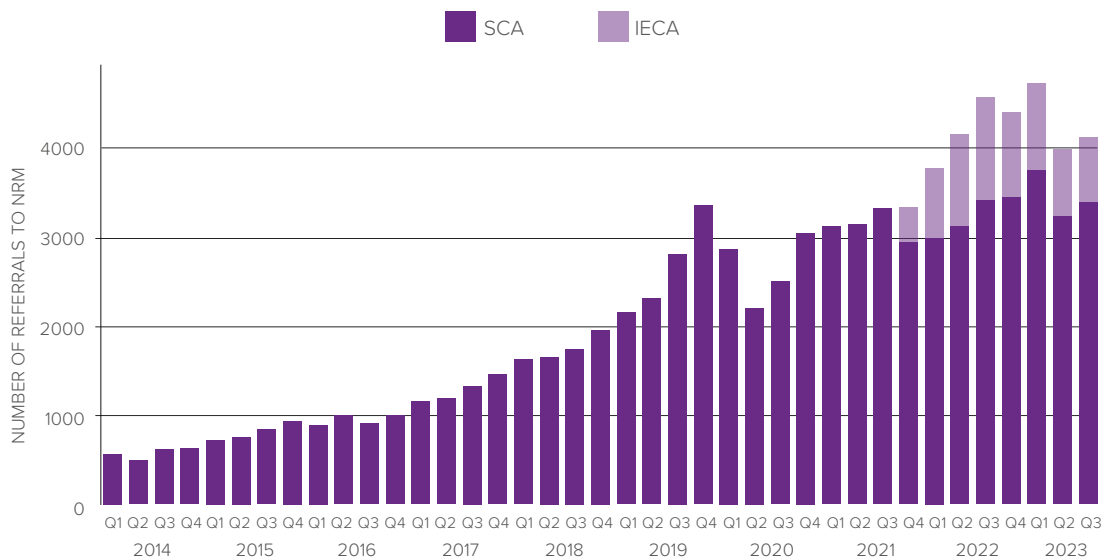
Caroline was eventually referred to the NRM by the Local Authority after several attempts to access a First Responder.

A GROWING PROBLEM

Statistics produced by the Government demonstrate the growing number of survivors entering the NRM quarter on quarter. There is every chance this trend will continue, despite recent legislation barring survivors from NRM protections if they arrived in the UK via irregular means.

2022², the last full year of data currently made available by the Government, confirms that 16,938 people were referred to the NRM, **the highest annual number since the NRM was established in 2009**. This marks a 33% increase compared to the preceding year, when 12,706 referrals were made.

FIGURE 2: NUMBER OF QUARTERLY NRM REFERRALS BY COMPETENT AUTHORITY



Source: Single Competent Authority (SCA), IECA

Notes(s): Excludes data pre-2014 due to data reliability. The IECA took on referrals from November 2021 onwards.

² Home Office, Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022, published 2 March 2023, <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

A YEAR IN REVIEW

- January 2023:** Kalayaan issues a Public Announcement³ warning that the NRM has become overwhelmed and is at breaking point. We issued four recommendations to the Government including, deciding existing applications from specialist front line organisations and establishing a recruitment process for prospective organisations to apply. Changes to the evidential requirement at the reasonable grounds stage also take effect, under provisions in the Nationality and Borders Act 2022.
- February 2023:** Kalayaan published a report⁴ in which we laid bare the pressures facing the NRM and First Responder Organisations. A copy of the report was provided to the Deputy Director of the Modern Slavery Unit at the Human Trafficking Foundation's Forum at Linklaters⁵.
- March 2023:** Kalayaan met with the Modern Slavery Unit to discuss our report and recommendations. With legislation⁶ passing through Parliament at the time, it was agreed to review after Easter.
- June 2023:** The US State Department publish their 2023 Trafficking In Persons Report⁷. The UK retained its Tier 1 status but the US urged the UK Government to make a number of changes relating to survivor care, including the need to increase the number of First Responder Organisations able to make referrals into the NRM.
- July 2023:** The Statutory Guidance was updated⁸ following a Judicial Review of the decision to require survivors to provide objective evidence at the reasonable grounds stage, a requirement which placed additional strain on First Responders supporting survivors. Unfortunately, the number of negative reasonable grounds decision only marginally decreased following the change in policy (50% in Q2 to 48% in Q3 2023, when the proportion had been 12% in Q3 in 2022), thus not alleviating the strain on First Responder Organisations in any meaningful way.

³ Kalayaan, BREAKING POINT: Why the UK Government needs to act NOW to protect slavery survivors, 30 January 2023, <http://www.kalayaan.org.uk/wp-content/uploads/2023/01/Public-Announcement-30-01-2023.pdf>

⁴ Kalayaan, The National Referral Mechanism: Near Breaking Point, 22 February 2023, <http://www.kalayaan.org.uk/campaign-posts/report-launch-the-national-referral-mechanism-near-breaking-point/>

⁵ Kalayaan, Speech delivered at Linklaters, 22 February 2023, <http://www.kalayaan.org.uk/wp-content/uploads/2023/02/Kalayaan-speech-22-02-2023-v3.pdf>

⁶ Illegal Migration Act 2023, <https://www.gov.uk/government/collections/illegal-migration-bill>

⁷ US State Department, Trafficking In Persons Report: United Kingdom, June 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-kingdom/>

⁸ Home Office, 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, July 2023, https://assets.publishing.service.gov.uk/media/65c1ffaf63a23d000dc8225c/Modern_slavery_v3.7.pdf

December 2023: The Home Affairs Committee published their report⁹ into Human Trafficking, finding that the Home Office is not presently accepting applications for more First Responder Organisations, nor improving the resources which existing First Responders have in order to overcome capacity issues. The Committee strongly recommended that the Home Office recommences immediately considering applications from specialist front line organisations to become a First Responder Organisation.

February 2024: At time of report drafting, the Government's response to the Home Affairs Committee was outstanding.

⁹ Home Affairs Committee Inquiry, Human Trafficking Report, 8 December 2023, <https://publications.parliament.uk/pa/cm5804/cmselect/cmhaff/124/summary.html>

RECOMMENDATIONS

Kalayaan again urges the UK Government to act NOW and suggest the following:

Recommendations for urgent consideration

- Consider and decide on existing applications from specialist front line organisations to become a First Responder Organisation
- Establish a recruitment process without further delay for prospective organisations to apply
- Develop and maintain a nationwide training programme for both statutory and non-statutory First Responder Organisations
- Provide funding for First Responder Organisations to carry out their roles

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