KALAYAAN
justice for migrant domestic workers

House of Lords Amendment to the Border Security Asylum and Immigration Bill

Report Stage

The Right to Work in the National Referral Mechanism

BRIEFING

Amendment 43 has been tabled by Lord German:

> ***"Granting the right to work to potential victims of human trafficking and modern slavery***
>
> *The Secretary of State must, within three months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the "immigration rules") under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for potential victims of human trafficking and modern slavery with a positive reasonable grounds decision in the National Referral Mechanism to take up employment if they have waited more than three months for a conclusive grounds decision to be made."*

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How is this amendment different to the right to work for asylum seekers?

While there is some overlap between some people in the National Referral Mechanism (NRM) and those seeking asylum, the criteria for these profiles are very different. Most notably, a migrant survivor of human trafficking and modern slavery will have come to the UK unwillingly or through having been deceived.

Moreover, whereas an asylum seeker can apply for asylum independently or through a lawyer, a survivor of trafficking and modern slavery can only enter the NRM after a two-step verification process. A First Responder Organisation (usually a statutory body) identifies indicators of trafficking and modern slavery and refers the individual to a Home Office competent authority that decides if there are Reasonable Grounds to believe that the individual is a victim of modern slavery. A survivor cannot self-refer, and neither can their lawyer.

Despite these clear differences, the issue of granting the right to work to these survivors gets conflated with the right to work for those seeking asylum, and opponents of the campaign raise the issue of the pull factor in relation to both systems. In addition to the pull factor argument being un-evidenced, it does not apply for survivors of trafficking.

<u>There is no pull factor for the NRM</u>: survivors largely do not come to the UK willingly (or if they do, they were brought here by means of deception), and they can only enter the NRM after a two-step verification process performed almost exclusively by statutory bodies.

It is therefore crucial for the success of this campaign to distinguish the calls for the right to work in the NRM and in the asylum system, and to explain how the pull factor does not apply for survivors of trafficking.

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Why is the right to work crucial for potential victims of trafficking?

The National Referral Mechanism (NRM) provides essential support and security to many survivors of trafficking and modern slavery in the United Kingdom. However, for thousands who do not have a valid visa when they enter the NRM (often because of their traffickers) and who do not have grounds to seek asylum, the NRM fails to empower them and fails to help them recover from their experience. The time that these individuals spend waiting in the NRM for a Conclusive Grounds decision on their status is excessively long[i] and, for those who cannot work, this enforced long-term unemployment causes disproportionate harm.

Detrimental effect on health and mental health

Testimonies of individuals in the NRM without the right to work show the devastating financial, medical, psychological and social effects of the UK's current policy preventing this workforce from participating in the UK economy. Survivors talk about the worsening of their mental health due to a lack of purpose and agency,[ii] and long-term unemployment is known to deteriorate health and mental health.[iii]

Destitution and risk of re-exploitation

Those who rely exclusively on financial support in the NRM can only cover the most basic of essentials. These survivors will often become destitute due to having to support their families back home (which is the reason why most of them accepted to come to the UK to work). Some become destitute after paying for legal representation due to a scarcity of Legal Aid lawyers. This leads to some taking irregular work, which puts them at risk – again – of being exploited, all while they are in a system that should be *protecting* them from exploitation.[iv]

The drive to remove the backlog is not enough

The Government is working towards removing the NRM backlog, but this will not be done until the end of 2026, leaving many of those currently in the NRM in this ongoing limbo. Even if the backlog is eventually cleared, there has been no indication as to what the waiting times will be going forwards. With an increase of referrals into the NRM year-on-year, it is possible that waiting times will remain excessive.

Survivors will continue to fall through the cracks unless we grant them agency and dignity.

This is not sustainable. However, as well as tackling these issues, granting the right to work will benefit the UK and not cost anything to taxpayers.

Financial benefits for the UK and its economy

A simple change in policy would grant the right to work to thousands at no cost to the Government and result in an increase in revenue from income tax and National Insurance contributions amounting to an estimated **£36 million per year**.[v] This number does not even take into account the increased purchasing power of survivors who would be able to spend more in the UK.

Moreover, allowing survivors to work enables the UK to reap the benefits of a pool of willing workers. Indeed, most migrant survivors, whether they entered regularly or not, believed they would find work in the UK. Most of them have the qualifications to work in sectors currently facing labour shortages, such as the social care sector and the hospitality sector. If survivors

were able to work, a vast majority of them would be contributing to the economy and paying taxes instead of relying on financial support, thus providing a net benefit to society.

Support for survivors in the NRM is already in place

By effectively supporting survivors in their new working environment through the Modern Slavery Victim Care Contract (to be replaced by the Support for Victims of Modern Slavery contract in 2027), the UK will have fewer individuals relying on public services such as mental and physical health services, it will substantially reduce the risk of re-exploitation of these individuals, and it will be able to recruit from a ready, willing and able workforce already in the country.

This change in policy would be a step towards the UK becoming, once again, a pioneer in the fight against human trafficking and modern slavery – just as it did when it became one of the first countries to legislate against modern slavery through the Modern Slavery Act 2015.

* * *

What has the Government's response been to the campaign to date?

On 14 February 2025, 11 members of the House of Lords sent a letter to the Home Secretary, to which the Minister for Safeguarding and Violence Against Women and Girls responded on 24 March 2025. On 30 April 2025, 20 members of the House of Lords replied to the Minister, and she responded on 4 June 2025. Both responses from the Minister covered similar ground, and the main responses that she makes are set out below:

1. The Government is looking to reform the NRM.

The Government acknowledges that such reform will take time. The concern with such a response is that it fails to appreciate how the current system affects those currently in the NRM without the right to work. Granting the right to work now does not prevent reform down the line.

2. The Government's priority is to reduce backlog to shorten waiting times.

Their aim is to clear the backlog by December 2026.[vi]

Reducing the backlog is helpful since a key concern for those without the right to work in the NRM is that they spend years in the NRM without work, purpose or the ability to plan for their lives. Reducing the waiting times will help with this.

However, there are several serious issues that arise from the Government's statement around this:

They have not stated target waiting times post-December 2026

Despite being asked about target waiting times for Conclusive Grounds decisions, the Government has failed to provide an answer.[vii]

This is concerning since it allows the Government to brush off any questions about this issue, based on no policy, no strategy and no long-term budget that would suggest that they will retain the high number of decisionmakers to keep up with demand. Indeed, the number of referrals into the NRM increases year-on-year, and so even if the Government were to retain

its current number of decisionmakers, the waiting times are bound to increase as the number of people awaiting a Conclusive Grounds decision increases.

> *They do not consider the situations of survivors currently in the NRM still waiting for their Conclusive Grounds decision.*

While clearing the backlog is welcome, this is not expected to occur until December 2026. This is still almost a year and a half away, meaning that many survivors may still be waiting for excessively long periods before getting a Conclusive Grounds decision. The messaging around the backlog continues to fail to acknowledge this, despite this issue being raised directly with the Home Office and Minister Phillips in the 30 April letter from Peers.

Another aspect of this that is worth noting is that many First Responder Organisations have seen that most of the new referrals into the NRM since Spring 2025 are receiving Conclusive Grounds decisions at or just after the 30-day minimum period. This is very unusual and did not occur in previous years. We suspect that there is a policy internally to prioritise new referrals, possibly to lower the median waiting times.

By prioritising new referrals, the Home Office is thus de-prioritising survivors already in the NRM who may be waiting until December 2026 (i.e. 1.5 years from now) for a decision. It seems that the policy prioritises average figures for the purposes of rhetoric, rather than prioritising the lives of the individuals concerned.

> *The narrow focus on clearing the backlog fails to consider the recovery needs of survivors*

While excessively long waiting times are damaging to the wellbeing of survivors, rapid decisions that do not consider the needs of the survivors can be just as negative.

While in the NRM, a survivor can access support, including access to mental health services in the NHS. As many Britons will know, waiting lists for these are very long and so it is unlikely for a survivor to access this service within a couple of months of referral. At the same time, the Home Office appears to be aiming for Conclusive Grounds decisions to be made just outside of the 30-day minimum period from a Reasonable Grounds decision. However, in such short waiting times, it would be virtually impossible for a survivor to access the health support they would need for their recovery journey.

Moreover, once a Conclusive Grounds decision is made, and if it is positive, survivors whose right to be in the UK lapses when they exit the NRM are assessed for the Temporary Permission to Stay (TPS) which would allow a survivor to remain in the UK and access services after a Conclusive Grounds decision has been made. The criteria for TPS are narrowly interpreted and will require, among other things, medical evidence that the survivor needs to remain in the UK to access services for their recovery journey. If the survivor has not been able to see a mental health professional by the time they receive a Conclusive Grounds decision and are assessed for the TPS, then it will be impossible for them to prove that they meet the criteria for TPS. Not only will they no longer be able to access that support, but they will be sent home, having had no time to recover from their experience as a trafficking and slavery victim.

A system that prioritises only the shortest possible waiting times fails to acknowledge, understand and contribute to the recovery needs of the survivor. The Government needs to consider the damage they are likely to cause on vulnerable individuals who are in a system

that is ostensibly there to protect them and help them recover, not just identify them as a victim of human trafficking and modern slavery.

Conclusion

While reducing the waiting time is important, the blinkered approach by the Government to achieve this goal and this goal only, is likely to be detrimental to survivors of human trafficking and modern slavery and would undermine the UK's position as a champion for victims' protection.

The Government must find a balance in the NRM that allows survivors to access support to recover from their experiences, while not allowing them to languish in a system that is too restrictive. The time some survivors need in the NRM might be longer than others, and instead of focusing only on the waiting times, focus should be put onto the best way to help survivors recover their health, wellbeing and dignity. To achieve this, the Government must consider granting the right to work at least to those survivors who would benefit from it.

Waiting a year before granting the right to work (like is the case currently for asylum seekers) will be counterproductive. Indeed, a year without work is long-term unemployment, and by this stage, the Government acknowledges, the harm caused by aimlessness and lack of purpose will have already had its negative effect on the survivor. Therefore, the right to work ought to be granted as soon as possible after the survivor enters the NRM.

The Government may argue that there is no benefit for employers and survivors in short-term work. This would be a highly hypocritical response from a government that continues to offer short-term (i.e. 6-month) visas. If they can find good reason to retain these visas, then they must accept that an employer and a survivor wanting to work may strongly benefit from short-term work too.

3. If the survivor is also an asylum seeker whose case has been outstanding for more than one year, they can work a job on the shortage occupation list.

The first issue here is that the one-year waiting time for asylum seekers to get work is too long. This campaign is outside the scope of this briefing but based on Kalayaan's research for the right to work in the NRM campaign, the DWP acknowledges that long-term unemployment (i.e. one year and more) is detrimental to a person's mental health and ability to re-enter the workforce.[viii]

The second issue with this argument is that being an asylum seeker and being a victim of human trafficking and modern slavery are not the same. While for some survivors there may be some overlap, these are fundamentally different issues, and many survivors will not have asylum claims. Using the fact that a basic right is available for one group to justify not giving that same right to another group seems nonsensical.

4. "Many victims"-
    a. already have the right to work in the NRM (i.e. British survivors and those with current right to work)
    b. have access to public funds (i.e. British survivors and those on leave that allow recourse to public funds)

The Government does not collate and release data about the immigration status of survivors in the NRM.[ix]

This has made it very difficult for us to demonstrate how many survivors are affected by the inability to work. This also means that when the Government claims that "many victims" in the NRM do have the right to work and do have access to public funds (which is different from the stipend survivors receive under the Modern Slavery Victim Care Contract), they cannot back this with numbers and so this comment doesn't hold much weight.

Furthermore, this response tries to side-step the issue: we know that "many victims" can work, but we are talking about victims who cannot and who are – because of the very same immigration status that prevents them from working – far more vulnerable to being re-exploited once in the NRM.

5. Survivors in the NRM get support under the Modern Slavery Victim Care Contract (MSVCC), including accommodation, financial support, access to mental and physical health support under the NHS

This is correct. However, not everyone enjoys the same access to that support. Indeed, the support offered is not one-size-fits-all. In the case of domestic workers, for example, most Kalayaan clients will chose to live within their own community rather than take up accommodation in an unfamiliar area of the UK, far from their support systems.

Moreover, we need to consider the purpose of this support. The financial support offered, notably, is meant to provide the basic support to survivors, and it does not allow them to save or send money to their families back home (which is the very reason they came to the UK).

Survivors are not asking for more support, but instead to be granted the dignity to support themselves and their families through work and contributing to the economy. The Government's argument that they do not "need" to work because they get this support is faulty. It doesn't understand that what a survivor "needs" when they are recovering from exploitation and abuse extends beyond covering basic necessities. It ought to include restoring their agency and dignity and getting the survivor to a position where they will not be in a situation to be exploited again. It is also worth highlighting that the UK has a duty under the Palmero Protocol to prevent exploitation, human trafficking and modern slavery – not just a duty to protect the victims.

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The recent series of reports produced by Kalayaan clearly lays out the argument for this group of individuals to be given the right to work. These reports can be accessed here: https://www.kalayaan.org.uk/campaign-posts/ready-willing-able-series-of-reports-published-making-the-case-to-grant-all-survivors-in-the-nrm-the-right-to-work-with-just-a-simple-change-in-policy/.

For any additional information, please contact
Sophie Levack
(Immigration Lawyer, Policy Officer and M&E Manager)
sophie@kalayaan.org.uk

[i] The median waiting time for individuals who received Conclusive Grounds decision in 2024 was 637 days (1.75 years), up from 526 days (1.44 years) in 2023 (Official Statistics. Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024. Published 6 March 2025. Available at: https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2024).

[ii] See Kalayaan, November 2024, "Ready, Willing and Able: The cost of not allowing survivors in the NRM to work - Report 3: Enabling Recovery", available at: https://www.kalayaan.org.uk/wp-content/uploads/2024/11/Ready-Willing-Able-Report-3-Nov-2024.pdf

[iii] "*[U]nemployment is bad for health and well-being*" See Public Health England's Guidance, January 2019, "Health matters: health and work", available at: https://www.gov.uk/government/publications/health-matters-health-and-work/health-matters-health-and-work

[iv] See Kalayaan, December 2024, "Ready, Willing and Able: The cost of not allowing survivors in the NRM to work - Report 4: Preventing Re-Exploitation", available at: https://www.kalayaan.org.uk/wp-content/uploads/2024/12/Ready-Willing-Able-Report-4-Dec-2024.pdf

[v] See Kalayaan, November 2024, "Ready, Willing and Able: The cost of not allowing survivors in the NRM to work - Report 2: The Economic Benefits", available at: https://www.kalayaan.org.uk/wp-content/uploads/2024/11/Ready-Willing-Able-Report-2-Nov-2024.pdf

[vi] Written questions and answers, Slavery: Victims, April 2025, Question asked by Lisa Smart MP and answered by Jess Phillips MP: https://questions-statements.parliament.uk/written-questions/detail/2025-04-25/48206/

[vii] Ibid.

[viii] "*Unemployment is bad for health and well-being*" See Public Health England's Guidance, January 2019, "Health matters: health and work", available at: https://www.gov.uk/government/publications/health-matters-health-and-work/health-matters-health-and-work

[ix] Written questions and answers, Slavery: Victims, June 2025, Question asked by Lord Alton of Liverpool and answered by Lord Hanson of Flint: https://questions-statements.parliament.uk/written-questions/detail/2025-06-16/hl8466