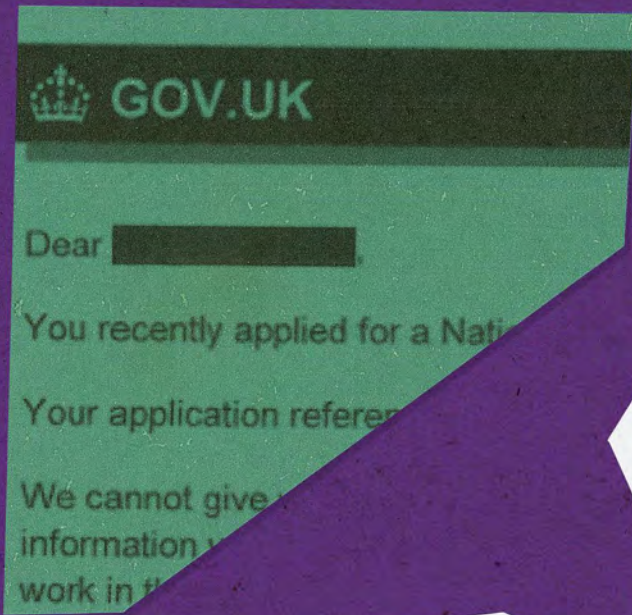


READY, WILLING & ABLE

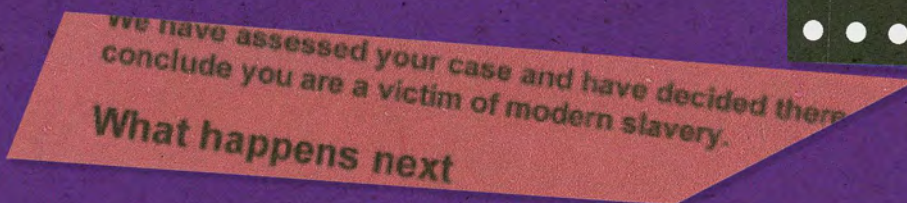
The cost of not allowing survivors in the NRM to work



October
2024



Report 1
Granting the right to work
for all in the NRM



KALAYAAN
justice for migrant domestic workers

Why we have decided to focus on those in the NRM who are prevented from working



Sophie Levack
Immigration Lawyer & Policy Officer
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Caroline Lewis
Employment Lawyer
Saltworks Law

Issues of immigration are top of the current government's agenda.

This series of reports does not aim to answer those larger political questions; instead, they focus on those potential victims of trafficking and modern slavery languishing in the National Referral Mechanism (NRM) who cannot work. We have chosen to look into the plight of these individuals, because not allowing them to work during such extensive wait times in the NRM is tortuous, pointless and a waste of human resources. Yet the issue is often overlooked by policymakers who determine that once in the NRM these survivors' needs are being adequately met.

They are not.

We hope that these reports will show how just a small change in legal policy allowing survivors of trafficking and modern slavery to work while in the NRM could have a huge positive impact on them, the economy and the country more generally.

Moreover, this policy change would **cost nothing** and take up very little of parliamentarians' time.

We acknowledge that the NRM system has its flaws (for example, one criticism is that it fails to address and prevent the causes of labour exploitation) and that other migrants and refugees in the UK (such as asylum seekers) also languish without work and purpose due to excessively long wait times. We congratulate all those who have already worked so hard to highlight these problems, and we encourage many more to continue to raise such issues and call for change.

In this series, however, we have chosen to give a voice to survivors waiting for years, essentially stuck in the NRM, who can often be overlooked among the wider discourse.

Acknowledgements

Thanks to the **International Organization for Migration (IOM)** for their support with analysis of data from the National Referral Mechanism. IOM's NRM data briefings are available at <https://unitedkingdom.iom.int/national-referral-mechanism-analysis-briefs>.

Thanks to **Matt Reynolds** for his support with analysing Kalayaan's data.

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Kalayaan is producing a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in the NRM who do not currently have the right to work, to do so.

This report is the first in the series, examining the current “state of play” for those potential victims of trafficking and modern slavery in the NRM who do not have the right to work while awaiting their Conclusive Grounds decision.

Who has the right to work while in the NRM?

An individual enters the NRM by being referred into it by a First Responder organisation and receiving a positive Reasonable Grounds (RG) decision from the Single Competent Authority (SCA) or the Immigration Enforcement Competent Authority (IECA). At this stage, the individual is recognised as a *potential* victim of trafficking and modern slavery and must wait for the SCA or IECA to make a Conclusive Grounds (CG) decision as to whether or not they are a *confirmed* victim. All potential victims have the right to remain in the UK and cannot be removed until 28 days after they receive a CG decision.

Workers who are UK nationals, have settled status or a valid working visa while in the NRM, will be allowed to work while they await their CG decision.¹ If their visa expires while they are in the NRM and they cannot renew it, then **they can no longer work**. The exception is for holders of the Overseas Domestic Worker (ODW) visa whose right to work under the terms of that visa is extended until 28 days after they receive a CG decision, only if they receive a positive RG decision before the expiration of their visa (by virtue of the Immigration (Variation of Leave) Order 2016²).

Many potential victims of trafficking or modern slavery, however, enter the NRM as migrants with an expired working visa, or having arrived in the UK on a visitor visa. These individuals may be in this situation for many reasons, often through no fault of their own. For example, because they were promised a legitimate job in the UK but were deceived by their recruiter and entered the UK on a visitor visa (or in some cases through illegal channels); because their employer deceived them into believing that their visa had been renewed; because their employer has psychologically or physically coerced them into staying in the UK after their visa has expired; or because the worker ran away and, based on practices in other countries, they were so scared of the retribution they might face that they were afraid to seek help and their visas have subsequently expired. **All these workers are not allowed to work in the NRM.**

Largely, these individuals came to the UK hoping for an opportunity to work and support their families back home. **They did not come here expecting to live off hand-outs and they are motivated to work, regardless of their immigration status.** One might wonder whether it is not only irrational, therefore, but somewhat immoral to prevent these individuals from working while they are legally allowed to remain in the UK, arguably punishing them for being exploited.

¹ See paragraph 15.109, Modern Slavery: Statutory Guidance (version 3.10, May 2024) (available at: https://assets.publishing.service.gov.uk/media/6659a22316cf36f4d63ebcc3/Modern+Slavery+Statutory+Guidance+_EW_+and+Non-Statutory+Guidance+_SNI_+v3.10.pdf)

² Available at: https://www.legislation.gov.uk/ukxi/2016/948/pdfs/ukxi_20160948_en.pdf

Excessively long wait times in the NRM

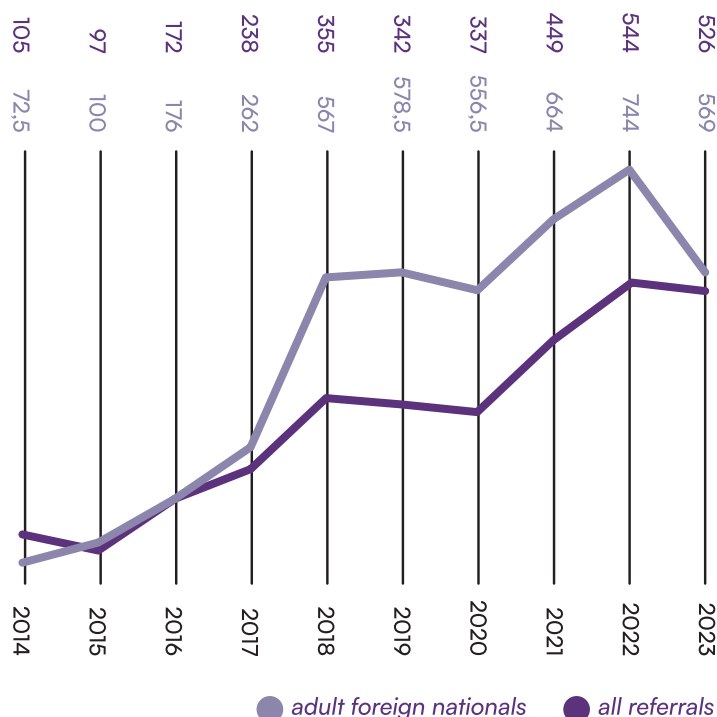
The Home Office's analysis of NRM data finds that the median waiting time for a CG decision made in 2023 was 526 days (17.53 months or 1.44 years).³ Analysis of the disaggregated NRM data shows that for an adult foreign national, the wait was 569 days (18.97 months or 1.56 years).⁴

This is an excessive amount of time for someone to be prohibited from working. Not only is the time that adult foreign nationals awaiting a CG decision longer than the overall median waiting time for all those in the NRM, but the overall trend is that these waiting times are getting longer year-on-year. Waiting times are also longer for women. The Home Office data shows that in 2023, men waited a median 532 days (17.7 months, 1.45 years) for a CG decision while women waited a median 904 days (30.1 months, 2.48 years).⁶

Unsurprisingly, Kalayaan clients, who are adult foreign nationals and mainly women, experience even longer waiting times than the national average. Based on Kalayaan's data from 6 October 2016⁷ until 1 October 2024, **the median wait time between an RG decision and a CG decision was 973 days (32.6 months, 2.68 years).**

The longest wait for a CG decision was experienced by a service user who entered the NRM on 4 May 2018 and to date still has not received a CG decision. As at 1 October 2024 she has been waiting over 2,342 days: 6 years and 5 months. Indeed, the median waiting times do not take into account service users who have still not received CG decisions. For example, **over 79% of Kalayaan's clients who received positive RG decisions in 2021 have yet to receive a CG decision, thus waiting for over 45 months (3.75 years) and counting.**

These excessively long wait times result in many people languishing **without purpose** for years on end, thus impeding their recovery, and preventing them from becoming financially more independent. The evident negative effect of this lack of agency over such a long period, cannot be ignored.



Graph 1: Comparison of median wait times in days for all referrals and for adult foreign nationals in the NRM ⁵

³ Home Office, Modern Slavery Research & Analysis. (2024). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 13th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-13>

⁴ Ibid.

⁵ Ibid.

⁶ IOM, April 2024, *UK National Referral mechanism, Data Analysis Briefing, 2023 Annual Review* (available at: <https://unitedkingdom.iom.int/sites/g/files/tmzbd11381/files/documents/2024-04/iom-uk-nrm-2023-annual-review.pdf>).

⁷ When the right to work was first granted to migrant domestic workers in the NRM with the coming into force of the Immigration (Variation of Leave) Order 2016 (available at: https://www.legislation.gov.uk/uksi/2016/948/pdfs/uksi_20160948_en.pdf)

How many people does this affect?

The Home Office does not disclose how many individuals in the NRM have the right to work, and how many do not. We do know from the Home Office’s statistics that adult foreign nationals have consistently represented the majority of referrals into the NRM. In 2023, for example, 58% of all referrals into the NRM were adult foreign nationals (see Graph 2 below).

At Kalayaan, based on our clients referred into the NRM, since October 2016, when the right to work was first granted to migrant domestic workers in the NRM, **about 46% of Kalayaan’s clients in the NRM had the right to work, and 49% did not** (with 5% whose status was unclear).

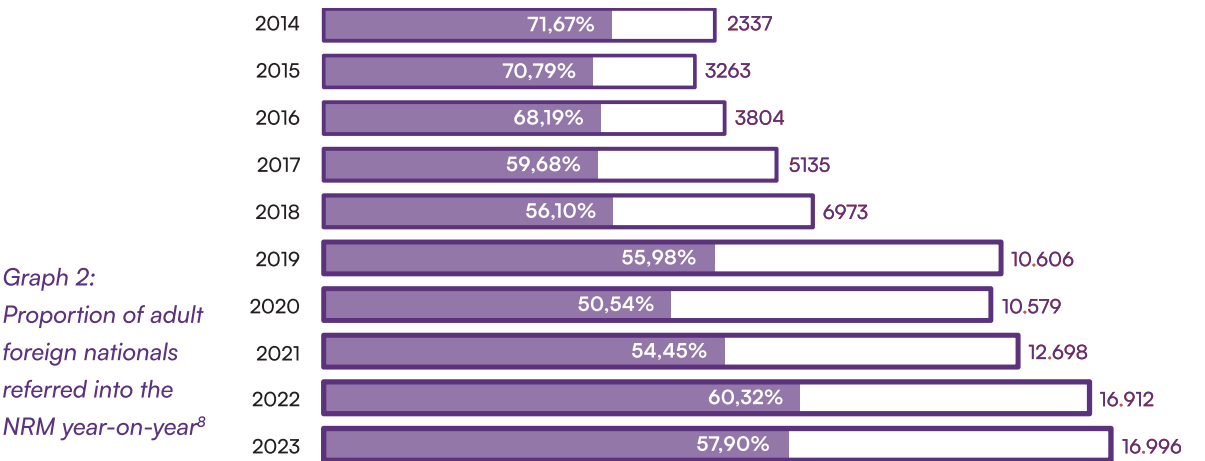
Kalayaan clients will generally have entered the UK on the ODW visa and therefore will not be representative of other adult foreign nationals in the NRM. Many of the latter group might not have entered the UK on a working visa or would have entered the UK on another working visa which does not enable them to extend their right to work while they are in the NRM, such as the Seasonal Worker visa which is 6-months’ long and non-renewable.

However, without any data provided by the Home Office, we suggest extrapolating from Kalayaan’s data and making the assumption that about 50% of adult foreign nationals in the NRM will have the right to work and 50% will not.

Data extracted on 4 July 2024 determined that there were 23,300 cases in the NRM that had “positive Reasonable Grounds” recorded as their current decision status.⁹ Analysis of the NRM data published on the UK Data Service finds that those cases included 14,224 foreign nationals who were an adult when they were referred to the NRM.¹⁰

If 50% of those did not have the right to work, then we can assume that **this issue affects 7,112 adult foreign nationals**, with more being referred into the NRM every day.

However, we believe that this number is highly conservative and we understand that actually a vastly higher proportion of adult foreign nationals will not have a valid working visa while in the NRM and will therefore not have the right to work while they await their CG decision. We therefore suspect that **the number of people affected is closer to 10,000**.



⁸ Home Office, Modern Slavery Research & Analysis. (2024). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 13th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-13>

⁹ Ibid.

¹⁰ Ibid.

Why everyone in the NRM ought to be given the right to work

Granting all adults in the NRM the right to work while they await a CG decision would not only prevent thousands from ‘stagnating’ in a system ostensibly designed to support them, but would also provide tangible positive outcomes (financially, emotionally and in terms of health indicators) for survivors, for the UK economy and British society as a whole.

The remaining four of the five Kalayaan ‘mini reports’ will cover different perspectives that make this case:

Report 2: Granting potential victims of trafficking the right to work makes sense economically.

If adult foreign nationals in the NRM were permitted to work between 30 and 40 hours per week, and paid the National Minimum Wage, the potential additional tax revenue would be over £36 million per year.

Moreover, in 2022, PBE and Hestia found that of those survivors interviewed, 96% wanted to work, 23% were educated to university graduate level or above and 50% had experience of paid work in industries currently facing labour shortages in the UK, including health and social work, accommodation and food services, and construction.¹¹

Report 3: Being allowed to work would facilitate recovery and diminish health and mental health issues.

As recognised and accepted by the Department for Work & Pensions and the Department of Health & Social Care, long-term unemployment has serious negative effects on health and mental health.^{12,13} Moreover, the Royal College of Psychiatrists considers work and employment as key areas to be given priority by mental health services, stating that it is “an important part of a person’s recovery journey.”¹⁴

Allowing all potential victims of trafficking the temporary right to work while in NRM, could result in them becoming active participants in the UK economy with subsequent improvements in self-esteem, self confidence and psychological recovery, as well as save healthcare intervention costs further down the line, on an already overstrained NHS.

Report 4: Granting potential victims of trafficking the right to work could reduce their risk of re-exploitation.

There are many workers who cannot sustain a living on the £70 or so a week provided to those in the NRM. This pressure forces individuals into irregular work in order to make up the shortfall, resulting in them more likely to fall back into exploitative conditions, and unable to seek help, even as they are recognised as a potential victim of trafficking, supported under the NRM.

Report 5: The solution is simple and will not cost anything.

A simple amendment of policy would allow this discrete group of individuals to work under a temporary work or resident visa for the period of time that they are in the NRM and vastly improve their predicament.

Survivors in the NRM who have the ‘right’ immigration status can, currently, access the labour market, education and vocational training. The employment support is therefore already in place and standardised, and so no substantial reform needs to be implemented to extend this right to all survivors.

The four remaining Kalayaan reports will be produced this year. **Report 2: The Economic Benefits will be available on Wednesday, 13th November 2024.**

¹¹ Hestia and Pro Bono Economics, October 2022, *Underground Lives: Aspirational Britain: Survivors of Modern Slavery Want to Work Too* (available at: <https://www.hestia.org/Handlers/Download.ashx?IDMF=8d6b66d0-3224-440e-a50f-9d69278570eb>)

¹² DWP research report no. 994: *A study of work and health transitions: analysis of Understanding Society* (2021) (available at: <https://assets.publishing.service.gov.uk/media/60f1891e8fa8f50c7a1b9fbb/a-study-of-work-and-health-transitions-analysis-of-understanding-society.pdf>)

¹³ Wilson H., Finch D., 2021, *Unemployment and mental health: Why both require action for our COVID-19 recovery*. The Health Foundation (available at: <https://www.health.org.uk/sites/default/files/2021-04/2021%20-%20Unemployment%20and%20mental%20health.pdf>)

¹⁴ Ibid.



KALAYAAN
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READY, WILLING & ABLE

The cost of not allowing survivors in the NRM to work

November
2024

Report 2
The Economic
Benefits



Why we have decided to focus on those in the NRM who are prevented from working



Sophie Levack
Immigration Lawyer & Policy Officer
Kalayaan



Caroline Lewis
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Saltworks Law

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This series of reports does not aim to answer those larger political questions; instead, they focus on those potential victims of trafficking and modern slavery languishing in the National Referral Mechanism (NRM) who cannot work. We have chosen to look into the plight of these individuals, because not allowing them to work during such extensive wait times in the NRM is tortuous, pointless and a waste of human resources. Yet the issue is often overlooked by policymakers who determine that once in the NRM these survivors' needs are being adequately met.

They are not.

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Moreover, this policy change would **cost nothing** and take up very little of parliamentarians' time.

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Thanks to **Causeway and the Bright Future Co-operative** for their support.

SOPHIE HAYES
FOUNDATION

CAUSEWAY

Kalayaan is producing a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in the National Referral Mechanism (NRM) who do not currently have the right to work, to do so.

This report is the second in the series, examining the benefits to the economy and the labour market that will result from granting the right to work to all survivors in the NRM.

Granting the right to work would increase tax revenue

If adult foreign nationals were permitted to work between 30 and 40 hours per week, on the national minimum wage¹ they would be making between £17,846.40 and £23,795.20 a year, thus contributing £1,055.28 to £2,245.04 in income taxes every year. On that same salary they would be making between £1,629.12 and £2,925.95 in National Insurance contributions.²

This is £2,684.40 to £5,170.99 in additional tax revenue per worker.

Not every survivor in the NRM will want or be in a position to work. However almost all survivors surveyed showed a willingness to work. Indeed, the 2022 Hestia report found that 96% of those surveyed wanted to work³, and at Kalayaan up to 100% of clients ask their caseworkers about whether they can work while in the NRM.

Based on a conservative estimate of adult foreign nationals who are currently not allowed to work while in the NRM as set out in Report 1, **we are looking at a potential loss of £36 million per year in additional tax revenue for the UK government by not allowing these individuals to work while in the NRM.**

This additional revenue could help improve the UK's public services such as healthcare, housing and infrastructure, all of which are in urgent need of additional funding.

Granting the right to work to all survivors could help ease the UK's labour shortage

Labour shortages in the UK have been an issue for businesses and the economy since the pandemic. In November 2022, 35% of businesses in accommodation and food services, and 13.3% of all businesses surveyed by the ONS, reported experiencing a shortage of workers.⁴

¹ On the April 2024 rate of £11.44 for workers 21 and over.

² These values include both the employee's NI contributions as well as the employer's, and they are calculated on the 2024-2025 rates for a Category A employee.

³ Hestia and Pro Bono Economics, October 2022, Underground Lives: Aspirational Britain: Survivors of Modern Slavery Want to Work Too (available at: <https://www.hestia.org/Handlers/Download.ashx?IDMF=8d6b66d0-3224-440e-a50f-9d69278570eb>)

⁴ Office for National Statistics (ONS), December 2022, Business insights and impact on the UK economy, 14-27 November 2022 (available at: <https://www.ons.gov.uk/economy/economicoutputandproductivity/output/datasets/businessinsightsandimpactontheukeconomy>)

Moreover, the CBI/Pertemps survey of 2023 found that labour shortages had affected 71% of businesses, and that 54% of those businesses had been unable to grow and respond to new business opportunities despite demand.⁵

In the most recent CBI/Pertemps survey, labour shortages continue to be a concern for businesses, with 58% of those surveyed perceiving labour shortages as a future threat to labour market competitiveness.⁶ Moreover, while the ONS' latest report shows some improvement, current job vacancies remain higher than before the pandemic.⁷

In order to deal with these labour shortages, the UK recruits workers from abroad. While this is a sensible solution, this report argues **that there are already workers in the UK able to fill these vacancies but who are prevented from working due to arbitrary immigration rules.**

As set out in Report 1, in 2023, adult foreign nationals spent a median 1.56 years in the NRM, with many waiting much longer periods. These individuals therefore have plenty of time to be recruited, trained and fully contribute to a new job while they await a decision on their status as a confirmed victim of trafficking and modern slavery.

In 2022, Hestia published a report in which they surveyed 228 individuals in the NRM. They found that 96% wanted to work, 23% were educated to university graduate level or above, and 50% had experience of paid work in industries currently facing labour shortages in the UK, including health and social work, accommodation and food services, and construction.⁸

By granting the right to work to these survivors, British employers could tap into a 'ready made' pool of workers in the country who are willing to work hard and contribute to the economy.

That same Hestia report spoke to businesses willing to hire from this talent pool, with one employer stating:

“We currently have more job vacancies in the country than we have unemployed people. The idea that we are stopping people from working who want to work and to build a life seems to me to be absolutely bizarre. It's such a waste of human capital, such a waste of talent.”⁹

⁵ CBI, November 2023, The UK's Labour Market: Strength or Strain? The 2023 CBI/Pertemps Employment Trends Survey results (available at: https://www.cbi.org.uk/media/qoocdgvw/12848-employment-trends-survey-2023-report_final-draft.pdf)

⁶ CBI/Pertemps, September 2024, Employment Trends Survey 2024 (available at: <https://www.cbi.org.uk/media-centre/articles/cbipertemps-employment-trends-survey-2024/>)

⁷ Office for National Statistics (ONS), September 2024, ONS website, statistical bulletin, Labour market overview, UK: September 2024 (available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/latest>)

⁸ Hestia and Pro Bono Economics, October 2022, Underground Lives: Aspirational Britain: Survivors of Modern Slavery Want to Work Too (available at: <https://www.hestia.org/Handlers/Download.ashx?IDMF=8d6b66d0-3224-440e-a50f-9d69278570eb>)

⁹ Ibid.

Many businesses in the UK have already successfully hired survivors of trafficking. Trauma-informed hiring and employment practices have been put in place by these companies through their employment of survivors of trafficking and modern slavery that have the right to work. Survivors working under these schemes have seen a significant increase in their wellbeing, their contribution to society and integration into the local community.

Bright Future Co-operative is a shining example of an initiative committed to finding safe, stable and high-quality employment for victims of trafficking and modern slavery. Its members include formidable employers such as the Co-op Group, Midcounties Co-op, Currys, Pilgrims, Balfour Beatty, Greencore and Morrisons. Not only does this coalition show that businesses are keen to hire survivors, but they have also shared success stories, even launching a jobs website for modern slavery survivors this year.¹⁰

“My experience with Bright Future has been excellent. [Eric] came in nervous at first, at the very beginning, and then once [Eric] had actually left, he was excited, really keen to start. [...] He just wants to learn and get on. [...] What a fantastic opportunity it is, not just for the company, but for also the people that wouldn't have had the chance to find full-time employment. Gives them that opportunity to be able to learn and grow within a safe environment. Definitely recommend other companies should take up the chance.”

- Roy, Currys Warehouse Manager¹¹

In the NRM, potential victims who have the right to work are currently entitled to support to access the labour market, vocational training and education.¹² They access this support primarily through their support worker under the Modern Slavery Victim Care Contract (MSVCC). Many organisations provide support in this area. One such is Sophie Hayes Foundation (SHF) which provides long-term support programmes aiming to build sustainable freedom for women survivors of modern slavery and trafficking. One key programme they offer is their Employability Programme that empowers survivors to find work through skills-development, training and education, and work placements. SHF has been building pathways to employment for their service users since 2011, and they have had huge success in finding work for survivors.

¹⁰ Bright Future Co-operative, June 2024, From Exploitation to Employment: The UK's First Jobs Website for Modern Slavery Survivors (available at: https://www.youtube.com/watch?v=G1qmcSwZh_w)

¹¹ Bright Future Co-operative, March 2024, Eric's Story: From Exploitation to Employment with Bright Future Co-operative (Full) (available at: <https://www.youtube.com/watch?v=5stMzQ3nCaQ>)

¹² See paragraph 15.109 of the Modern Slavery: Statutory Guidance (version 3.10, May 2024) (available at: https://assets.publishing.service.gov.uk/media/6659a22316cf36f4d63ebcc3/Modern+Slavery+Statutory+Guidance+_EW_+and+Non-Statutory+Guidance+_SNI_+v3.10.pdf)

“Offering a Right to Work scheme as part of the NRM, would provide survivors with the critical ability to work to support their independent lives, but in a coordinated, controlled, and supported framework. Through collaboration with civil society partners such as SHF and Kalayaan who are already working with survivors on employability and skills, survivors can have a supported introduction to work, which enables them to thrive independently once out of the NRM. Otherwise if this introduction only takes place post-NRM, it is highly likely that it would be in an unsupported way, meaning survivors may still struggle to find and stay in work, but would only then find themselves in the benefits system rather than supported by services who are already doing this work; or alternatively may return to exploitative working environments.”

Emily Death, CEO, Sophie Hayes Foundation

Clearly the workforce, the willingness to hire and the support mechanisms, are there. The only obstacle is an arbitrary immigration policy.

Granting the right to work would have huge overall benefits for the UK economy

In addition to increasing tax revenue and easing labour shortages in the UK, **allowing all individuals in the NRM to work would have many indirect benefits on the UK economy.**

The obvious first benefit would be a **lessened reliance on benefits by these survivors**, as they are freed up to be able to make a living, pay for rent, cover their expenses and save money.

Indeed, in 2022, Pro Bono Economics estimated that extending the right to work to all potential adult survivors of modern slavery while they wait in the NRM could generate **net economic benefits of £10m to £41m per year.**¹³

Other less obvious benefits include the human capital benefit on economic growth and the intergenerational wealth effects of allowing these individuals to work in the UK. These benefits are more difficult to calculate but cannot be overlooked.

Finally, the health and wellbeing benefits arising from employment, as well as a renewed sense of independence, confidence and purpose, would certainly lessen the pressure on the UK's health and mental health services. These benefits are discussed in more detail in the next issue: **Report 3: Enabling Recovery, available on Wednesday 27 November 2024.**

¹³ Pro Bono Economics, October 2022, Paving their way: Extending the right to work to all survivors of modern slavery (available at: <https://www.probonoeconomics.com/Handlers/Download.ashx?IDMF=819f8707-5617-43c2-9401-fd9be5e25e46>)



KALAYAAN
justice for migrant domestic workers

READY, WILLING & ABLE

The cost of not allowing survivors in the NRM to work

November
2024

Report 3
Enabling
Recovery

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Justice for migrant domestic workers



Why we have decided to focus on those in the NRM who are prevented from working



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Moreover, this policy change would **cost nothing** and take up very little of parliamentarians' time.

We acknowledge that the NRM system has its flaws (for example, one criticism is that it fails to address and prevent the causes of labour exploitation) and that other migrants and refugees in the UK (such as asylum seekers) also languish without work and purpose due to excessively long wait times. We congratulate all those who have already worked so hard to highlight these problems, and we encourage many more to continue to raise such issues and call for change.

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ATLEU

ANTI TRAFFICKING AND
LABOUR EXPLOITATION UNIT

Kalayaan is producing a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in National Referral Mechanism who do not currently have the right to work, to do so.

This report is the third in the series, examining the effect of unemployment on wellbeing and recovery and how both can be improved by giving survivors in the NRM, the right to work.

The purpose of the NRM is to enable recovery

According to the Home Office, *“The National Referral Mechanism (NRM) is the UK’s system for identifying and providing access to support for potential victims of modern slavery. The aim of the NRM is to lift victims out of a situation of exploitation, provide them with a period of intensive support to assist with their recovery, and get them to a position where they can begin to re-build their life.”*¹

Therefore, ensuring that potential survivors of trafficking and modern slavery are provided with the support and opportunity to recover is essential to the aim of the NRM. It follows that should the NRM impede recovery, or even fail to provide the required support, then it is not fit for purpose.

Long-term unemployment has serious negative effects on health and mental health

The negative health impacts of long-term unemployment² have been confirmed through extensive research.³ These include a deterioration in a range of physical health outcomes as well as in mental health. Indeed, studies have shown that being continuously unemployed is associated with elevated depression, psychological distress, and anxiety.⁴ These findings have been recognised and accepted by the Department for Work & Pensions and the Department of Health & Social Care.⁵

In addition, the Royal College of Psychiatrists (RCP) considers work and employment as key areas to be given priority by mental health services. The RCP highlights the non-financial gains of a person’s ability to work, including *“identity and status, social contacts and support, a means of structuring and occupying time, activity and involvement, and a sense of personal achievement”*.⁶

¹ Home Office (2024) Recovery Needs Assessment (RNA) (Version 8) (available at: <https://assets.publishing.service.gov.uk/media/65fadce2703c42001158f06a/FINAL+Recovery+Needs+Assessment+v8.pdf>)

² i.e. 12 months or more according to the ILO and OECD.

³ Wilson H., Finch D. (2021) Unemployment and mental health: Why both require action for our COVID-19 recovery. The Health Foundation (available at: <https://www.health.org.uk/sites/default/files/2021-04/2021%20-%20Unemployment%20and%20mental%20health.pdf>)

⁴ Cantor J.C., Van Horn C., Mouzon D.M., Walkup J. (2023) Unemployment and Mental Health: An Important Opportunity for Cross-Sector Action. Milbank Memorial Fund (available at: <https://www.milbank.org/2023/10/unemployment-and-mental-health-an-important-opportunity-for-cross-sector-action/>)

⁵ DWP research report no. 994: A study of work and health transitions: analysis of Understanding Society (2021) (available at: <https://assets.publishing.service.gov.uk/media/60f1891e8fa8f50c7a1b9fbb/a-study-of-work-and-health-transitions-analysis-of-understanding-society.pdf>)

⁶ The Royal College of Psychiatrists (2017) Employment and Mental Health (Occasional paper OP101). RCPsych. (available at: <https://www.rcpsych.ac.uk/docs/default-source/mental-health/work-and-mental-health-library/op101-final.pdf>)

Crucially, the RCP states: *“In general, work is considered beneficial to health and well-being. It can be an important part of a person’s recovery journey.”*

It is evident from the above, therefore, that long-term unemployment has an undeniably negative effect on an individual’s mental health and recovery. Preventing survivors of trafficking in the NRM from working, while they wait for a Conclusive Grounds decision, is resulting in a system meant to support these survivors, in fact impeding their recovery.

By granting all survivors in the NRM the right to work, we could enable victims to recover and rebuild their lives just as the NRM was meant to do - rather than prolong their suffering.

Unemployment causes a strain on the NHS and the UK’s health system

The NRM provides support for survivors of trafficking and modern slavery, which includes psychological and other medical support for those who need it. Many potential victims will need this support because of the traumatic experiences they have had during their trafficking and enslavement. It is likely, however, that a lot of the distress experienced by these survivors may be due to a sense of aimlessness they experience while they wait for their Conclusive Grounds decision, or as a result of more serious issues as highlighted in the studies mentioned above.

If that is the case, then, granting all survivors in the NRM the right to work may well alleviate the need for psychological and medical support, and allow for these resources to be redistributed and better targeted to those individuals freshly emerging from exploitation that are recovering from the trauma of trafficking and modern slavery. In other words, granting all potential victims the right to work while in the NRM would remove any unnecessary strain on the NHS’s resources.

⁷ Ibid.

Being able to work will facilitate the recovery of survivors

Kalayaan and its partners in the sector continuously hear from their clients and service users about the benefits that working has or would have on their wellbeing and their mental and physical, as well as, financial, recovery. Below, we share some testimonials of survivors:

CLAIRE* IS NOT ALLOWED TO WORK IN THE NRM:

"If I'm working, I'm busy. Because if I'm not working, my mind is thinking too much about this. I have a lot of stress and then I go in my GP they say my blood pressure become high. Because they said maybe you're thinking too much. That's why your blood pressure, it's very high. Then she said to me, stop worrying.

Every morning when I wake up my head, it's very pain. I have headache. [The GP tells me to sleep more but] every hour I wake up.

I need to work, so that I have my own money. Even I can save. Because if I have my own money, maybe [I can save for when I'm] sick. But you don't have money, maybe your friend can help, but not every time.

I'm waiting. Waiting."

PADMA* IS NOT ALLOWED TO WORK IN THE NRM:

She doesn't have enough money to spend on food:

"I am sick so much. It is now one year. I get £73 from the Government and it is always going to the medicine, I'm using the money for medicines.

Working, it makes me strong. My body, little strength. No, now still no strong.

Little happiness come myself working. I'll take that. Buy myself food, [with my] money, I'm happy."

PATRICIA* HAD A VERY COMPLICATED CASE AND WAS NOT CORRECTLY REFERRED INTO THE NRM.

Instead, she waited for six years after seeking help from the Home Office before she was formally recognised as a victim of human trafficking. Her testimony highlights the psychological effects and emotional hardship of not being allowed to work during that protracted period.

"I was told, 'you're not allowed to work, so you have to wait until your case has been sorted from Home Office'. But then nothing happened... I was just crying. Using medicine to sleep. I end up to the hospital like [I was] crazy... I was just stuck in one place. For me, I was feeling, I had to follow the law, yeah? ...

Stress, lots of stress. I didn't even have a phone even to contact my family back home. [Even after my support worker gave me a phone,] just [waiting for] her to call me, for key workers calling me. I can't have money to top up my phone to contact anyone.

And it's too much. I'm human beings, you know. I have a plan of my life. I wanted something good to happen to my life. But I've been locked in one place. I'm not able to do anything. I can't work. I can't do anything.

And you can't even feel positive things and negative things.

And then I became very skinny. I couldn't even be able to eat. I was given milk from Boots just to be able... I couldn't hear because the energy was like when I'm so stressed, I don't eat. So I used to be very skinny. Because I can't even have communication with my family.

There, it's very hard. The confidence I had before that I don't think that we can come later affected.

I don't trust myself."

"I think waiting for so long is affecting you, your experience. [Even when you eventually do get the right to work], you can't even explain.

You don't know where to start. Everything comes back. It's very hard. You can't even explain why [you haven't been working]... Obviously we haven't worked for so long. So now we end up with being on benefits... I can't find a job right now that they've given me the right to work. Thank you, but I've been waiting for so long now that it's like, 'go to work now'. They're asking for experience but there's [nothing in my] CV.

*[If I had been able to work], I could be able to plan my life, study, work hard. Things could be different. My mental health wouldn't be affected. You know, **before I had been affected mental health, before losing my confidence, I was able to do a lot of things at the early age and before everything went wrong.***

TWINN* WAS IN THE NRM FOR OVER 4 YEARS WITHOUT THE RIGHT TO WORK.

She still feels the effects of that today.

"If I had the right to work, then I think it would help my mental health. So reverse that affected my mental health. I have a big family: I have nine children. And for me to be away from my nine children not having a job that I could support them has destroyed me completely. There's no words to describe how I felt just being at home with no job most of the time... What really takes me down, like really far, it's knowing I can't provide. I can't work. I can't do anything, but yet I would be faced with another challenge from home. They completely destroyed me, you know. Money is not all of it, but it goes a long way. You can solve most of the problems that you have, especially when kids are involved.

***My mental health was crushed.** I end up not communicating with people because I have too much going on to talk to anybody... Because I have something just really bothering me at this time, and I end up being at home, I'm not coming outside my house. I'm not talking to anybody. I'm not taking part in any activities. There's nothing that you could tell me to put a smile on my face because that doesn't involve me supporting my children. And that's all my mind and I end up staying in your room, not communicating, not coming out. Doesn't even want to take a shower. Not eating.*

At times when the call from home comes in, it becomes so distressful that I feel like I should just end the call, because if I'm here and I can't do anything for myself.

I can't do anything for the kids. Sometimes I feel like I could just maybe go outside and maybe across the middle of the road, you know, get run over like, you know, maybe..."

"Most of the time I can't sleep up to this present day. I have this limited amount of sleep and I think that my body was just rewired. It's ongoing: every day, every night... If I had had the right to work, I wouldn't have the time staying inside to be thinking about this..."

There's some point where I feel so depressed... With PTSD, anxiety and then my past traumas also, everything just come mixing on a daily basis. And then you sit down not going out, not talking to anybody, not doing anything because everything that they want me to participate in does not contribute to what I'm going through."

*"If I was working then most of those things wouldn't have been a problem. I would have been able to solve those problems before it affected me mentally. If I had the possibility to work, I try to make good use of every minute that I spend because I know I have all these kids to take care of. I think my mind would have been so occupied doing what I want to do. **I don't think that I would have been diagnosed with PTSD. I don't think I would have been depressed to that stage where I wanted to take my own life.** All these things would have been erased; they would have never been there in the beginning. So I would say that this system is [what] created all those things that you now have to sit down and take medication and go to counselling. **They rather spend money to get you better when they are the ones who put you in a situation.**"*

MIA* IS ALLOWED TO WORK IN THE NRM:

She considers what it would be like if she couldn't work:

"It is difficult. Maybe if [you're] not allowed to work, because if you have work, you feel busy. Your mind is relaxing. If maybe [if you're] not allowed to work, maybe sometimes it's difficult [because] your mind is scrambled.

Because if you work then you do not remember about what happened."

A lot of the pressure leading to this decline in mental health comes from the financial pressures on survivors who came to the UK in the hopes of supporting their families back home. The current financial support provided in the NRM is not sufficient to meet that need, and so many survivors without the right to work end up taking irregular and often unsafe work despite being advised against doing so by their support workers. We explore this issue further in the next instalment of this series.

Report 4: Preventing re-exploitation will be available on Wednesday 11 December 2024.

*All the names have been replaced by pseudonyms to protect the individuals' identities.



KALAYAAN
justice for migrant domestic workers

READY, WILLING & ABLE

The cost of not allowing survivors in the NRM to work

December
2024

Report 4
Preventing
Re-exploitation



KALAYAAN
justice for migrant domestic workers

Why we have decided to focus on those in the NRM who are prevented from working



Sophie Levack
Immigration Lawyer & Policy Officer
Kalayaan



Caroline Lewis
Employment Lawyer
Saltworks Law

Issues of immigration are top of the current government's agenda.

This series of reports does not aim to answer those larger political questions; instead, they focus on those potential victims of trafficking and modern slavery languishing in the National Referral Mechanism (NRM) who cannot work. We have chosen to look into the plight of these individuals, because not allowing them to work during such extensive wait times in the NRM is tortuous, pointless and a waste of human resources. Yet the issue is often overlooked by policymakers who determine that once in the NRM these survivors' needs are being adequately met.

They are not.

We hope that these reports will show how just a small change in legal policy allowing survivors of trafficking and modern slavery to work while in the NRM could have a huge positive impact on them, the economy and the country more generally.

Moreover, this policy change would **cost nothing** and take up very little of parliamentarians' time.

We acknowledge that the NRM system has its flaws (for example, one criticism is that it fails to address and prevent the causes of labour exploitation) and that other migrants and refugees in the UK (such as asylum seekers) also languish without work and purpose due to excessively long wait times. We congratulate all those who have already worked so hard to highlight these problems, and we encourage many more to continue to raise such issues and call for change.

In this series, however, we have chosen to give a voice to survivors waiting for years, essentially stuck in the NRM, who can often be overlooked among the wider discourse.

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Thanks to **Latin American Women's Rights Service (LAWRS)** for their support and contribution.

ATLEU
ANTI TRAFFICKING AND
LABOUR EXPLOITATION UNIT



Kalayaan is producing a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in National Referral Mechanism who do not currently have the right to work, to do so.

This report is the fourth in the series, and examines how the inability to work and support oneself and one’s family may lead some survivors to take irregular work and risk being re-exploited, all while being ostensibly protected in the NRM.

Many survivors of trafficking entered the UK believing they would be working here

The Home Office doesn't provide statistics about the immigration status or the way migrant survivors in the National Referral Mechanism (NRM) entered the UK.

While some survivors will have been taken to the UK by force and have been made to work against their will, this will be extremely rare. **Most survivors in the NRM are workers who came to the UK to work and provide for their family.** The nature of their trafficking and their experience of modern slavery will most likely have involved financial coercion, deception, debt bondage, and control via threats.

For these individuals, being able to work is essential. Many have left their families at home in order to provide for them. Such a sacrifice is not taken lightly and the worker will often feel that being so far from their loved ones is worth it if they can send home money so that their children can go to school, or to pay their parents' medical bills, or even to put food on the table.

MIA* IS ALLOWED TO WORK IN THE NRM.

She misses her family but works here to support them:

"It's hard for me to work here, but I will sacrifice for that. They always telling for me: 'Come, come, come, I will maybe not see you, and then maybe I will pass away?.' I told them 'No, because I can pay for your debt. I buy your insulin, everything you need.' For my sister, I told her: 'I will support you. Even your children who are studying, I will cover this. That too, going to college. I will cover it until they've done their study.' I tell them 'You pray always for me and for being strong.'"

For many in the NRM, not working is not an option

Once in the NRM, potential victims receive financial support of £70 to £76 per week. For context, this amounts to £3,640 to £3,952 per year. This is meant to cover food, toiletries, travel costs, clothes, and any other expenses they might incur. However, for most survivors, this is not enough. The NRM provides free accommodation, but this is often shared and the individual cannot choose which region they will be sent to.

ROSE* IS NOT ALLOWED TO WORK IN THE NRM.

She hasn't been able to find a Legal Aid solicitor:

"£75.65 is not enough. I already paid my solicitor from that. I have a private solicitor and I already paid him. I need my money for myself."

PADMA* IS NOT ALLOWED TO WORK IN THE NRM.

She knows she can get accommodation in the NRM, but she would have to leave London and all the people she knows there:

"I want to have money for my room. I live in my friend's room. If I get the job, I will say 'I can pay money for you'. I'm always asking people for help. Help help. They will look for me very badly. I'm asking too much, but it is not enough. Some days I'm asking for some food, some clothes, but they don't like me asking.

They give me no life. I have no family here. Here I'm alone, but I'm changing houses so many times. Moving always. I can't stay in one place.

Every day I feel bad. I feel shame. I ask Jesus: 'What is my life?' I cry for so many days."

CLAIRE* IS NOT ALLOWED TO WORK IN THE NRM:

"I need money to support my family. It's useless if I don't work. I can work now because I'm already 55. That's why: I'm older already. That's why I want to work now."

TWINN* WAS IN THE NRM FOR OVER FOUR YEARS..

Prevented from working, she couldn't support her family back home.

"I have a big family: I have nine children. And for me to be away from my nine children not having a job that I could support them has destroyed me completely...

They have to be moving from house to house. Feeding my children takes quite a lot, so they would go to school without food, then go to bed without food, and every time that happens, it sends the trigger back to me.

I feel like I can't do anything... If I can't do it, I don't want to be here because I don't want to face it. I don't want to live with it.

The majority of what I have and give it to the kids. I don't have anything, but I can't go to anybody and say I don't have enough because they're gonna tell me 'I give you something. It was meant for you'. So I've been forced to go out there and survive."

ANDREA* IS NOT ALLOWED TO WORK IN THE NRM.

She has a young daughter. Andrea receives weekly financial support of £75.65 for herself and £49.18 for her daughter. Andrea and her daughter live in accommodation provided by the NRM..

“The money we receive from the NRM covers food, but it doesn’t stretch to things like clothes or items for my daughter. She sometimes gets sick, and occasionally we’re not attended to at the GP, or she quickly outgrows her clothes, and sometimes the charity shop doesn’t have what we need. If I had the right to work, I could buy the essentials for both of us.

I would like to work so I don’t have to constantly worry about meeting my daughter’s basic needs.

[This has affected our health:] my daughter lacks some vitamins, and I likely do too. I can’t afford to buy more meat or iron-rich foods for her because it’s too expensive, and the money just isn’t enough.

If I had the right to work, I wouldn’t feel so restricted in buying things for my daughter. I could get her essential items like clothes, food she enjoys, such as cereals and yoghurt, and even shoes.

Having the right to work would give me a sense of security that there would be no more abuse. With this assurance, I could work hard to meet my daughter’s needs and perhaps even save up to buy things that we often go without.”

“Not having the right to work allows people to take advantage of you and your situation, manipulating your emotions and mental state. They make you feel small.

Because of everything I’ve been through, I wouldn’t take a job. I am afraid that people will take advantage of me again. If the government supported us by giving us the right to work, it would be a form of validation, showing that we have their confidence and protection, and that we have rights that prevent exploitation. Having the right to work would make me feel protected; without it, I wouldn’t feel safe.”

While potential victims understand that they are in breach of the law by working when they do not have the right to do so, many organisations supporting these victims have confirmed that it is fairly common practice for potential victims to take irregular jobs even when advised against doing so. Indeed, of the survivors we spoke to, to prepare and promote this series of reports, **of those who did not have the right to work, more than 70% admitted to having worked while in the NRM.**

Sadly, and as highlighted by Andrea in her testimony above, by taking irregular jobs, these potential victims place themselves in a vulnerable position in which it is easy for an unscrupulous employer to exploit them, all while they are in the NRM, a system ostensibly set up to protect them from further exploitation.

PADMA* IS NOT ALLOWED TO WORK IN THE NRM.

She has been working on and off to make ends meet, taking work covering her friends who go on holiday. In one job, she worked in someone's garden for 5 hours a day, for £20 a day. As she was always outdoors, Jaya often got ill. In another job, Jaya worked inside the house: cooking, cleaning and doing the laundry. She would work 10 hours a day for £25 per day. She slept on the carpet, which gave her a rash and worsened her allergies.

TWINN* WAS IN THE NRM FOR OVER FOUR YEARS AND WAS NOT PERMITTED TO WORK.

"I started thinking about ways that I could try to do something, just trying to think about every possible solution to support my children.

I was working in a home for patients with mental health issues for at least £4.16 an hour because I had to do a 24-hour shift for £100. **The job is like you being a slave all over again.** Because it's me alone for 24 hours looking after four people with mental health issues, so you have to clean, you have to wash, you have to cook, you have to do everything. And I was attacked once by one of them.

Would I go back to doing that job? Yes, because it put food on the table for the kids. It helped me in some way that I could take some of the stress off of me and put it down, even though I've only been paid that tiny bit of money. In as much as it was not a good experience, I would say it helped me.

Did I feel safe? No. Would I come back, still? Yes. I'm just trying to paint a picture to show that even though you feel like you're in danger, **even if you feel like it's not safe, you go there because you're still under pressure for something that you can't get from the government.**"

The only effective way to prevent re-exploitation is by granting the right to work

The current laws attempting to prevent irregular work are, clearly, incredibly punitive on victims of trafficking and modern slavery, and in many instances, counterproductive. When these individuals need to make ends meet, and to do so, work illegally, employers use the law, holding it over their workers, as a threat, in order to control them. The re-exploitation cycle then starts all over again.

As the waiting times for potential victims in the NRM are excessively long and are expected to remain so for the next two years at least, while the Home Office works on clearing the backlog, the only solution against the risk of such re-exploitation is to grant all potential victims a temporary right to work while in the NRM. Doing so will not cost anything and involves a simple change in policy. We set out this solution in the final installment of this series:

Report 5: The Solution which will be available on 8 January 2025.

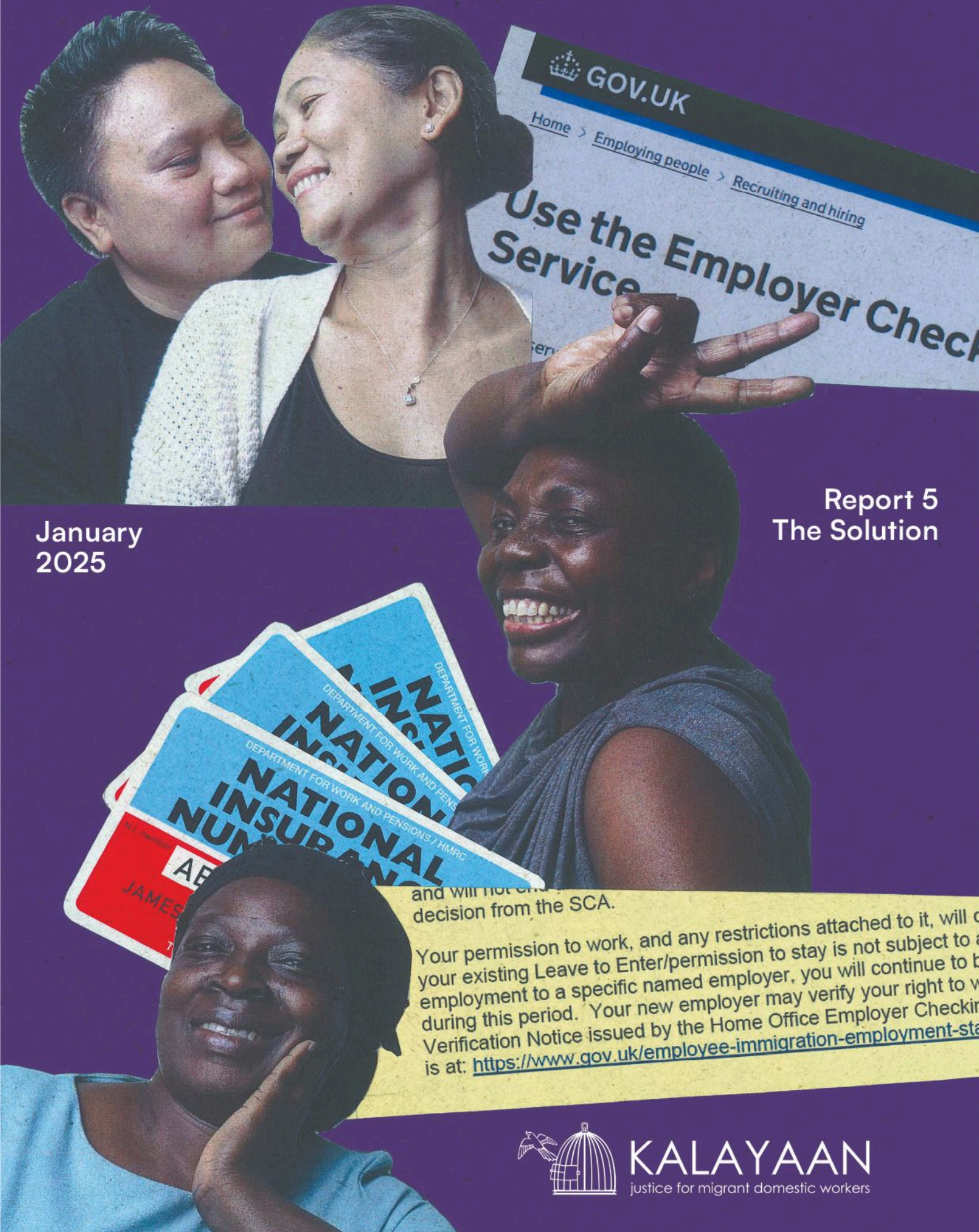
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KALAYAAN
justice for migrant domestic workers

READY, WILLING & ABLE

The cost of not allowing survivors in the NRM to work



January
2025

Report 5
The Solution

and will not end
decision from the SCA.

Your permission to work, and any restrictions attached to it, will continue to be subject to your existing Leave to Enter/permission to stay is not subject to a new permission to enter employment to a specific named employer, you will continue to be subject to a new permission to enter during this period. Your new employer may verify your right to work by checking the Home Office Employer Checking Service. The URL for the Employer Checking Service is at: <https://www.gov.uk/employee-immigration-employment-status>



KALAYAAN
justice for migrant domestic workers

Why we have decided to focus on those in the NRM who are prevented from working



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Issues of immigration are top of the current government's agenda.

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They are not.

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ATLEU

ANTI TRAFFICKING AND
LABOUR EXPLOITATION UNIT

Kalayaan has produced a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in National Referral Mechanism (NRM) who do not currently have the right to work, to do so.

This report is the fifth and final report in the series, providing an overview of the measures that could be taken to allow all those in the NRM to work whilst they await a Conclusive Grounds decision.

The status quo

The Modern Slavery Statutory Guidance already states that victims are entitled to support to access the labour market, vocational training and education, provided that they have the immigration status that allows for this.¹ In addition, support providers should signpost information regarding education, training or accessing the labour market, provided the victim has the right to work.² The Guidance also states that local anti-slavery partnerships should have up to date information and advice on pathways into work.³

Therefore, survivors eligible to work in the UK may be assisted to seek employment, but those who are not currently eligible to seek work will not be offered such support. The situation thus arises, where **two very similar individuals who are both potential victims of slavery and trafficking, e.g. as a result of labour exploitation, are left in a position where one can work and the other cannot.** The only difference between the two is likely to relate to the dates they escaped their exploitation, were referred into the NRM, and received their initial Reasonable Grounds (RG) decision.

MIA*

- Left home to find work that could support her family
- Her family continues to rely on her for financial support
- Worked overseas as a domestic worker and entered the UK on the Overseas Domestic Worker visa
- Was exploited by the employer who brought her to the UK
- Escaped her employer and sought help from Kalayaan
- Kalayaan determined that she was likely a victim of human trafficking and modern slavery, she received a positive Reasonable Grounds decision, and is currently in the NRM
- Entered the NRM before her visa expired, and as allowed to work by virtue of The Immigration (Variation of Leave) Order 2016
- Has found a new employer and sends money home to her family
- **Feels that the sacrifice she made by leaving her family behind to provide for them may save them**

CLAIRE*

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- Entered the NRM ~~before~~ **after** her visa expired, and ~~is allowed to work by virtue of The Immigration (Variation of Leave) Order 2016~~ **is not allowed to work**
- ~~Has found a new employer and sends money home to her family~~ **Is not able to send money home to support her family**
- **Is stressed and anxious, has sleepless nights and tension headaches, and feels that her poor mental health is deteriorating further**
- **Feels that the sacrifice she made by leaving her family behind to provide for them may save them was futile**

¹ See paragraph 15.109 of the Modern Slavery: Statutory Guidance (version 3.10, May 2024) (available at: https://assets.publishing.service.gov.uk/media/6659a22316cf36f4d63ebcc3/Modern+Slavery+Statutory+Guidance+_EW_+and+Non-Statutory+Guidance+_SNI_+v3.10.pdf)

² See paragraph 15.112, *ibid.*

³ *Ibid.*

*Names have been replaced by pseudonyms to protect the individuals' identities.

Change is needed

For years, calls have been made by organisations in the anti-slavery sector to grant all survivors in the NRM a form of temporary permission to stay, following a positive RG decision, in order to enable access to work. Support workers under the Modern Slavery Victim Care Contract (MSVCC) are well placed to assist a survivor's transition into work as well as to help manage any issues associated with starting work.⁴ For example, support to address issues which trigger trauma, as well as ensure a clear understanding around conditions of employment and practical issues like securing a National Insurance number, opening a bank account and providing information around work entitlements. A support worker could make sure that the work is not exploitative and would support the survivor in their life after trafficking. Through the MSVCC, the UK government could also develop an evidence base to better understand the skills, qualifications, work interests and histories of survivors in the NRM.

Previous reports, including this series of reports, have cited research suggesting that survivors' mental and physical health (and therefore their recovery) would hugely benefit from being able to work whilst they are waiting for their Conclusive Grounds decision.

When in the NRM, survivors are not liable to immigration removal for the many years it takes the NRM to process their cases, but are prevented from working to support themselves and their families and to aid their recovery. Their lives are therefore put on hold. **Morally, economically, and practically the UK needs to make sure the NRM works for survivors.** Providing access to work during this period would transform the experience of the NRM for them, meaning that survivors could use the time to access decent work and begin to prepare for independence. **Enabling people in the NRM to access work is a simple process which could be achieved by a single change in policy and without the need to amend primary legislation.**

The Solution

By the time a positive RG decision is made, a survivor has already gone through two stages of identification; first, identification by a government designated First Responder at the referral stage and second, identification by the Single Competent Authority or the Immigration Enforcement

Competent Authority (both part of the Home Office) who issue the first stage RG decision. **Any concerns therefore about access to work acting as a ‘pull factor’ would be unlikely to materialise, since each survivor would already have passed through the government’s own vetting system.** Although the previous government brought in statutory provisions to bar from the NRM, those who claim to be victims of trafficking in bad faith, there was never any evidence that this was or is happening to any real extent.

Bail

Practically, permission to work can be given to those on bail. ‘Bail’ is the status held by those in the UK who are awaiting decisions from the Home Office but who do not currently have permission to stay. In the NRM there are individuals who are on immigration bail, usually because they have claimed asylum, and those who are not (usually because they have not claimed asylum).

Just as with those asylum seekers granted permission to work who initially entered the country not being allowed to work, the position was reversed by simply removing the condition from their bail that prohibited them from working. The government could extend immigration bail in the same way to those in the NRM who do not currently have the right to work, and **allow them an unrestricted and immediate right to work.**

We do not see that there is any sense, as currently happens with asylum seekers, in limiting the work that they can do here, for example, only skilled work or jobs on the Immigration Salary List (formerly known as the Shortage Occupation List), as this bars most from working. If those in the NRM were granted immigration bail to allow them to work, we would also urge the Home Office to remove any restriction on the kind of work they could perform.

To effect this change, no provision needs to be put into statute, nor any amendment made to the Immigration Rules. **The change could be dealt with by policy alone.** Section 24B(9) Immigration Act 1971, which criminalises working in the UK without permission, caters for those entitled to work whilst on bail at section 24B(9).

⁴ Kalayaan, Anti-Slavery International, ATLEU, Anti-Trafficking Monitoring Group, Coop, FLEX, The Sophie Hayes Foundation and Survivor Alliance, ‘Access to Work for Survivors of slavery to enable independence and sustainable freedom’ (March 2021) (available at: http://www.kalayaan.org.uk/wp-content/uploads/2021/03/Coalition_AccessToWork_report_v3.pdf)

Conclusion

There is an immediate opportunity here for the government to act now to support the recovery of survivors of modern slavery and trafficking, by opening up access to employment **to all** whilst in the NRM. This change in approach could **tap into a rich supply of labour and skills that these survivors possess**. Although numbers are small, it would provide a contribution to meeting current UK labour shortages.

While a few survivors in the NRM, who have claimed asylum, can benefit from the inclusion of care workers and home carers on the Immigration Salary List, this is limited to trafficking survivors who have made an asylum claim that is more than 12 months outstanding, and to the few who have the skills and experience and ability to take up these specific roles. Being a victim of trafficking and being an asylum seeker are distinct issues, and the fact that some overlap exists does not mean that it is an adequate solution for all survivors in the NRM.

Unrestricted access to work for all would create more employment options for survivors of trafficking and would enable them to recover and contribute to the UK economy. The escalating time taken in processing cases in the NRM is causing years of delays for many survivors, making this a matter of urgency for the government and one that should be a priority for policy and practice change. **Whilst we acknowledge that the current government wants to accelerate the time for processing individuals in the NRM, we are still a long way from reducing the many years it currently takes for victims to receive their Conclusive Grounds decision and to be able to leave the NRM. It is simply common sense that while they wait for this decision, while they are in the NRM, they be given the chance to provide for themselves and preserve their dignity and are allowed to work.**



KALAYAAN
justice for migrant domestic workers

READY, WILLING & ABLE

The cost of not allowing survivors in the NRM to work

October
2024

Annex
Summary of previous reports



KALAYAAN
justice for migrant domestic workers

Kalayaan is producing a series of five ‘mini reports’, highlighting the benefits to be gained and costs saved in allowing those in the National Referral Mechanism (NRM) who do not currently have the right to work, to do so.

This is a summary of reports that have previously covered the issue. Part of the motivation for Kalayaan to spearhead this project was to bring attention back to an issue which is the top concern of Kalayaan’s clients and other survivors in the NRM, and to remind policymakers of all the work that has already been done in the sector to highlight the urgent need for change in policy, and the notable benefits such change would result in.

Below, we summarise these recent reports in order to provide context to Kalayaan’s current initiative.

Underground Lives: Aspirational Britain: Survivors of Modern Slavery Want to Work Too

Hestia and Pro Bono Economics, October 2022 ¹

Hestia and Pro Bono Economics (PBE)'s collaboration for this report, found that of the 228 survivors they surveyed in the NRM, 96% wanted to work and many were highly skilled – 1 in 4 had qualifications at university level or above. But they were caught up in a system where bureaucracy and red tape prevented them from unlocking their potential, with 1 in 3 waiting more than three years for a Conclusive Grounds decision. During that time, the report noted that survivors were reliant on subsistence payments, donations and food banks. Analysis by PBE estimated that allowing survivors to work during this time in the NRM could generate a net economic benefit to society of £10m to £41m per year. This approach was backed by employers who, with the right support, were keen to make use of those skills. According to one employer: "We currently have more job vacancies in the country than we have unemployed people. The idea that we are stopping people from working who want to work and to build a life seems to me to be absolutely bizarre. It's such a waste of human capital, such a waste of talent." One of the report's recommendations was that the Home Office grant all survivors entering the NRM the right to apply for a temporary right to work on receipt of a Reasonable Grounds decision.

Those who needed to seek asylum as a consequence of their enslavement also could not work, unless they were one of the very few who met the requirements of the government's Shortage Occupation List, mostly at university graduate level or above and only then after they had been seeking asylum for over a year. Those survivors originally arriving in the UK on work visas (such as the Overseas Domestic Worker visa) usually found that these had often expired during their enslavement and could not be renewed.

The report noted that while previous research had looked at the economic benefits for survivors after they had left the NRM, there had been no estimate of the economic benefits generated to society, if the right to work were extended to all survivors of modern slavery whilst within the NRM. Using Hestia's survey data from this research, PBE conducted an independent analysis of the economic costs and benefits of reforming the current system.

PBE found that of an estimated 24,000 adults and children stuck waiting for a Conclusive Grounds decision to be made at the end of 2021, 12,000 were adults and of those, an estimated 7000 did not currently have the right to work in the UK. Giving the right to work to those 7000 adult survivors while they waited in the NRM, could generate net benefits to society of £10m-£41m per year which could be broken down into benefits of £8m-£32m to the individuals via take-home pay and £2-£8m to the taxpayer through reduced subsistence payments and increased tax revenue.

Survivors of modern slavery who do not have the right to work were (at the time the report was written) entitled to a support payment from the government of £40.85 per week, increasing to £65 per week if they were also seeking asylum in the UK. However, according to the report's research, survivors saw this financial dependence on the state as a double punishment – being punished for escaping exploitation and being punished by the system for the crimes of others. Achieving financial independence was therefore the most important positive impact for survivors who wanted to work, even if they were doing work well below their skill/ qualification level. Any paid work was well worth doing as it freed them from financial dependence on the state and what they saw as charity handouts; it gave them self-agency and autonomy which was fundamental to their recovery. Survivors felt very strongly about wanting to play active roles as contributors to, rather than dependants on the public purse and wanted to pay their fair share.

In turn, employers highlighted that enabling more survivors to work would contribute positively to the workforce and to the economy. As well as contributing towards addressing recruitment shortages, businesses would also be able to meet other targets including corporate social responsibility, diversity and inclusion objectives; demonstrate proactive modern slavery response activity; enhance brand profile and support wider recruitment and retention. Many employers expressed a level of frustration at the potential waste of unused labour and skill available in the UK, especially while employers in many sectors were simultaneously having to recruit from abroad at additional cost.

¹ Available at: <https://www.hestia.org/Handlers/Download.ashx?IDMF=8d6b66d0-3224-440e-a50f-9d69278570eb>

Benefits & barriers to employment: Considerations for modern slavery survivors

University of Nottingham's Right Lab, May 2021 ²

This report noted that only a minority of survivors, primarily UK nationals, are able to work whilst being supported in the NRM; the majority are prevented from accessing the labour market due to their immigration status. This highlighted a pressing issue that due to significant delays experienced in NRM decision-making, survivors could have a gap of many months or even years before they re-entered the labour market, experiencing a significant loss of work-related skills and confidence in the meantime. The report called for the government to grant people in the NRM a residence permit or a temporary form of leave to remain following a positive Reasonable Grounds decision, to enable access to work. During the NRM, as survivors are not subject to immigration removal, such temporary grants to work could be given.

The report cited research showing that work can play a vital role in all survivors' lives, adding meaning and purpose, routine and stability and offering financial independence. Employment provides a route out of poverty, prevents social exclusion and is generally good for physical and mental health and well being. Conversely, unemployment can be detrimental to an individual's mental and physical health, leading to lower self-esteem and higher rates of anxiety, depression and even mortality. In the case of those in the NRM, being unable to work can be a significant factor in their re-exploitation, forcing them to work illegally in order to be able to subsist and in some cases, send remittances back to their families.

The authors considered that time in the NRM should be used more productively to develop skills, prepare for employment, financial independence and economic resilience and agency. Yet there is currently no standard approach to assessing survivors' work history, ambitions and talents, nor is there a curriculum to build skills and support survivors into employment. Pathways to employment for survivors of modern slavery are based on the individual's immigration status rather than their status as a recognised victim. The support survivors are entitled to under the NRM is standardised and yet their ability to re-enter employment is not.

NRM statistics show that most referrals are for potential victims of forced labour, which indicates that people can work and want to work (albeit not necessarily in the sector they were exploited in). Whilst survivors may not have been afforded the opportunity of having decent work during exploitation that has allowed them to sustain themselves, contribute to society or benefit from the physical, psychological or financial advantages that work can provide, these benefits were likely what they were hoping for when they agreed to the work offered.

The report found in terms of getting victims of human trafficking or slavery (VTS) and potential victims of human trafficking or slavery (PVT) ready to work, all six sub-contractor organisations considered that over 75% (three-quarters) of the survivors they had supported would be in the position to re-enter employment. Yet, all the programmes offering employment opportunities were only able to offer support to survivors who had the right to remain and work in the UK, it being assumed that survivors with no right to work in the NRM would have little or no access to work and so it would not be identified as a support need.

The report concluded that this indicates that the period in which survivors are being supported in the NRM is not being used effectively to assist them to prepare and develop the skills needed to enter employment in the future and that this needs to change if the UK is to meet its objectives set out in the Home Office Modern Slavery Strategy, to assist survivors to reintegrate effectively.

² Available at: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/may/rights-lab-access-to-work-pathways-final.pdf>

Access to Work for Survivors of slavery to enable independence and sustainable freedom

Kalayaan, Anti-Slavery International, ATLEU, Anti-Trafficking Monitoring Group, Coop, FLEX, The Sophie Hayes Foundation and Survivor Alliance, March 2021 ³

This report produced by a coalition of organisations who either provide direct services and advocacy to survivors or work on relevant policy noted that the system does not currently work in the best interests of survivors. Without access to work, time spent in the NRM can feel like a time of limbo, leading to practical difficulties and a deterioration in the mental health of survivors. Workers who need to provide for their families do not feel able to consent to a referral into a system which could leave them in limbo for years.

The report considered that morally, economically and practically the UK needs to make sure the NRM works for all survivors. Providing access to work during this time would transform the NRM, meaning that survivors could use this time, when they are supported by caseworkers, to access decent work and begin to prepare for independence. Enabling people in the NRM to access work would be a simple process which could be achieved by changing the Immigration Rules and without the need to amend primary legislation.

Survivors interviewed for the report, described their time spent in the NRM as a time of deep anxiety, uncertainty and limbo and some reported feeling punished by the system designed to protect them. Without access to work, they were unable to move on with their lives and described spending most of their waking hours with little to do, which aggravated mental distress. Long periods without work and lack of control over their personal finances led to a loss of confidence and skills. Long delays in NRM decision-making was described by survivors as an extension of their experience of slavery, impacting on their recovery and resilience.

As with the other reports summarised above, organisations supporting survivors, highlighted that access to work helped strengthen a sense of purpose, allowing them to maintain and develop skills, providing pathways out of exploitation, improving mental well-being and equipping them with relevant work experience to make up for the employment gaps which could be difficult to explain to prospective employers. Access to work empowered survivors to become financially independent.

It also generated benefits to the state through tax contributions from their employment and would likely reduce government expenditure on NRM support costs and later interventions to address re-exploitation.

The report found that workers who needed to send remittances home (for example to pay for school fees or medical care) would have no option but to enter or stay in exploitative work if a referral into the NRM could prevent them from providing for their families, possibly for several years. The Kalayaan report *Dignity not Destitution* (detailed below), in a comparative exercise, showed that survivors with permission to work while in the NRM were financially independent and able to provide for their families (as well as reduce the risk of family members being targeted by debt collectors), whereas those without permission were drawn into destitution and left vulnerable to further harm and exploitation.

This report noted that not only could a temporary leave to remain and work be granted easily to all those in the NRM, but also, during the period between the Reasonable Grounds and Conclusive Grounds decision, survivors had access to a support worker. To be able to re-enter the workforce while this support worker was available would make use of their time to help manage any issues associated with starting work, following exploitation. This would include support to address any issues which triggered trauma, making sure there was a clear understanding around the conditions of the employment and deal with practical issues like securing a National Insurance number, opening a bank account and providing information around work entitlements or negotiating leave to attend court or a doctor's appointment. Ultimately, a support worker would be well placed to ensure that starting work goes as smoothly as possible, would be a positive part of the recovery process and ensure that the work was not exploitative and would support the survivor in their life after trafficking.

³ Available at: http://www.kalayaan.org.uk/wp-content/uploads/2021/03/Coalition_AccessToWork_report_v3.pdf

Dignity not Destitution

Kalayaan, October 2019 ⁴

This report provided a good comparative study, looking at the specific issues facing overseas domestic workers who seek opportunities abroad in the hope they will be able to provide for their relatives who depend on their remittances for essentials including food, shelter, medicines and education. Many workers endure abuse and exploitation if it means they can at least send some money home to their struggling families.

Coming from outside the EU, these migrant domestic workers must be granted an Overseas Domestic Worker ('ODW') visa to accompany or join their employer in the UK. The visa is granted for a maximum of six months with no right to renewal beyond this time. As of 2016, workers on an ODW visa can change employers but only during the six-month period for which they were originally admitted. This right was introduced to safeguard against abuse and provide workers a route out of exploitation although the report considered it was ineffective in practice given workers have little or no time left on their visa to find work. The only exception that allowed for these workers to be granted an extension of their leave and right to work applied to those workers identified as potential victims of trafficking or modern slavery who entered the NRM and were given a Reasonable Grounds Decision. There is a crucial distinction however, depending on their visa status at the date this decision is made, which was key to the issue addressed by this report. If the worker's initial six-month visa was still valid at the date of the Reasonable Grounds decision, they would have the right to work while in the NRM. If the worker's initial six-month visa had expired by the date of the Reasonable Grounds decision, they did not have the right to work whilst they waited for a Conclusive Grounds decision. Kalayaan is a first responder to the NRM. In 2017-2018, Kalayaan identified 72% of workers who registered for advice and support as presenting with indicators of trafficking. Despite suffering abuse at the hands of their initial employer, workers told Kalayaan that they wanted to find another employer who would offer decent work and a workplace free from violence and harassment.

For many, their focus remained on being able to provide for their families and remit money home. This report looked at the experiences of 21 workers who had been identified as potential victims of trafficking and modern slavery and referred into the NRM by Kalayaan since October 2016.

It addressed the impact of their employment status on their lives in the UK and their families back home whilst they awaited a final decision on their trafficking claim. All these workers were, at the time of interview, waiting for a Conclusive Grounds decision to be made. Of the 21 workers interviewed, 10 did not have permission to work in the UK as a result of their ODW visa having expired at the date of their Reasonable Grounds decision..

From Kalayaan's interviews, it emerged that without permission to work, workers in the NRM were drawn back into destitution and left vulnerable to further harm and exploitation. Limited financial assistance was provided by the Salvation Army who run the MSVCC. In contrast, workers with permission to work were financially independent and able to provide for their families. All interviewees in this research told Kalayaan that they wanted to use their skills and work and not be made reliant on government support. The report argued that extending the right to work to all migrant domestic workers in the NRM would allow them to live in dignity as they could support themselves and their families, prevent them falling into destitution and the risk of re-exploitation and improve their mental health.

⁴ Available at: http://www.kalayaan.org.uk/wp-content/uploads/2019/10/Kalayaan_report_October2019.pdf



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