

Analysis:

Trafficking decisions on non-EU nationals 'nearly five times more likely' to be rejected than British claims

The UK's modern slavery framework rejects nearly five times more trafficking claims from non-European Union nationals than it does Brits, figures show. What will happen to 'rejected' survivors living with immigration insecurity during the pandemic?

This month, a widely-reported data [release by Government](#) revealed that a staggering 10,627 potential victims of human trafficking were identified by 'first responders' last year. In a 12-month period, the number of [potential human trafficking victims referrals has doubled](#).

The term 'potential victim' refers to people who are identified by the authorities, such as social workers or police officers, as having indicators of exploitation. Once potential victims are identified, they are subject to two further stages of decision-making via a framework called the National Referral Mechanism (NRM). The NRM, currently managed by the Home Office, is the only route to accessing basic support relating to trafficking, such as safe housing, medical attention and, in some cases, an allowance of £65 per week.

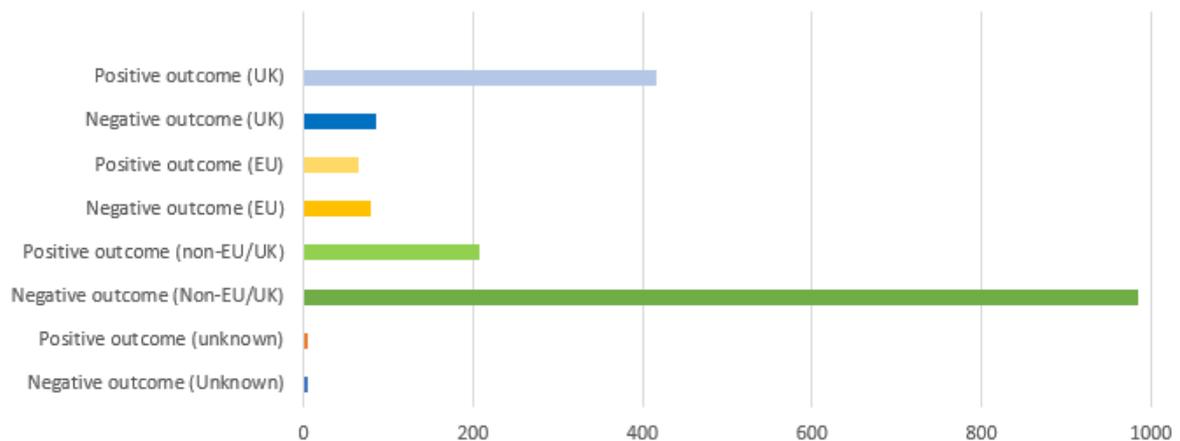
The data shows that potential victims belonging to certain nationalities are much less likely to be recognised as survivors, and will therefore face specific challenges in accessing support. During the pandemic, these barriers could pose a serious threat to rejected victims.

Breaking down the data

Overall, whilst the number of potential trafficking victims referred for decision-making has gone up, the percentage of final decisions which recognise victims with a positive outcome has nearly halved.

[After Exploitation's analysis](#) of the latest government data on modern slavery decision-making shows that potential victims receiving a final NRM decision were successful 37% of the time, compared to [61% of 'final' decisions reported in 2018](#). The Annual Slavery Report released in 2019 outlined 2,266 final NRM decisions, of which 693 were assigned a positive 'conclusive grounds' decision. Meanwhile, the statistics accounting for the calendar year of 2019 shows that of 1,847 final decisions, only 693 were positive conclusive grounds.

Nationality & NRM decisions



Decision status	EU National	Not Known	Other	UK National	Total
Negative Conclusive Grounds	9	1	73	7	90
Negative Reasonable Grounds	70	4	912	78	1064
Positive Conclusive Grounds	65	5	207	416	693
TOTAL	144	10	1192	501	1847
TOTAL: final decision positive (%)	45%	50%	17%	83%	38%
TOTAL: final decision negative (%)	55%	50%	83%	17%	62%

Extracted from Home Office's NRM Statistics End of Year Summary – 2019 Tables (Table_28). Note that Positive Reasonable Grounds decisions have been discounted, as these can be considered as 'pending Conclusive Grounds' which are not finalised decisions.

Whilst we know more potential victims are being rejected, on average, certain nationalities are at a significant disadvantage. In 2019, the NRM recognised 416 British people as trafficking victims out of 501 referrals – an acceptance rate of 83%. In comparison, only 17% of the 1,192 people from outside of the EU who were suspected of suffering trafficking were found to be victims.

The NRM also deemed 65 out of 144 EU nationals to be trafficking victims (45%). Some of the top source countries for trafficking, such as China, Vietnam, Nigeria and Albania, fall outside of the UK or EU. However, in an ideal world, the Government would release disaggregated data on trafficking outcomes of specific nationalities, so that researchers could more comprehensively understand the ways in which the immigration insecurity associated with each nationality interacts with survivor outcomes.

Why are victims rejected from the NRM?

It is difficult for many trafficking victims navigating the lengthy NRM process to provide evidence of their experiences, for which there is rarely a paper trail. Historically, charities have argued that non-EU victims are less likely to reach the final, 'conclusive grounds' stage of the NRM with the same success as EU and UK nationals, despite [many of the top source countries for trafficking falling outside the EU](#).

Fears of a possible nationality bias were briefly addressed in a 2014 [review](#) of the NRM by the independent anti-slavery commissioner. Some argue that nationality discrepancies can be attributed to [“how and when victims are identified and lack of evidence of a crime”](#). The review found that the proportion of potential victims that received a “positive grounds” decision among the top 10 countries of origin in 2013 were “fairly similar” and “do not suggest a nationality bias”. However, again, a nation is recognised as a ‘top source’ country based purely on the number of initial referrals to the NRM received from front-line staff. The nationalities of recognised potential victims, who do not consent to enter the NRM, are not published. This is why After Exploitation will be submitting feedback to the Home Office asking for all cases of potential trafficking, including those beyond the cases logged through the NRM, to be published. Given the latest statistics, and the lack of clarity on its causes, it is clear that further research in this area is needed.

The importance of NRM decision making cannot be overstated. Official recognition via the NRM is vital, as this is the only way that many victims can access consideration for immigration security, safe house accommodation, medical, legal and mental health support relating to exploitation.

Against the backdrop of a global pandemic, this begs the question: how are we protecting victims of slavery, including those rejected by the NRM and made doubly vulnerable by immigration insecurity?

What can be done?

First of all, the Government must recognise that any response intended to support trafficking victims must appreciate that victims exist beyond the NRM. For example, After Exploitation has reported that [thousands of potential trafficking victims have](#) been held in immigration detention between 2018 and 2019 before being recognised by the NRM. Yet the Government rarely acknowledges that policies intended to punish undocumented migrants and asylum seekers will also punish slavery survivors.

For this reason, we argue that it is likely that victims of trafficking are being held in close quarters in detention during this highly contagious, and potentially lethal, viral outbreak. Government must back calls by Detention Action, Women for Refugee Women, and others, to [suspend the use of Immigration Removal Centres during this Covid-19 outbreak](#). For victims recognised by the NRM, calls by slavery coalition Free For Good must be heeded, [with a minimum of 12 months reprieve from detention or removal being offered to victims](#). This is vital, as even recognised victims [may struggle](#) to access housing or benefits in the absence of certain forms of Leave.

Secondly, the Government must acknowledge that as a result of frequent rejections from the asylum or NRM process, victims with insecure immigration status may have no recourse to public funds (NRPF). This is why, as part of any response to safeguard modern slavery survivors, the Government must also subscribe to calls by Medact, the Joint Council for Welfare of Immigrants, and more than 60 other NGOs, [to introduce a ‘fire wall’ to prevent NHS Trusts from sharing data on patients for immigration purposes](#). This measure is vital, as it means that vulnerable people such as trafficking victims will be able to access medical help without fear of immigration enforcement. This is even more essential during the current pandemic.

People with NRPF status are also made vulnerable through restrictions to their access to certain forms of accommodation or support, even amongst those living in abject poverty. It is vital that the gains secured for other vulnerable groups, allowing them to [self-isolate in appropriate accommodation](#) and access subsistence, are unequivocally made available to those with NRPF status.

Whilst those already engaged [with accommodation through the NRM will be exempt from evictions](#), it is unclear what safety nets, if any, protect those who have already been rejected by the NRM prior to guidance release today. We join a number of organisations in calling for the Government to re-evaluate the suitability of the Home Office acting as the sole arbitrator of vulnerability in trafficking cases and detention gate keeping. This is because of the [conflict of interest between the Home Office’s loyalty to immigration enforcement and its responsibility to recognise vulnerable people](#).

Lastly, we need to evaluate the level of dignity afforded to victims in peace time, and remedy these during this national crisis. Currently, eligible victims of trafficking receive cash payments of £65 each week, partially in recognition of the fact that those without immigration security [do not always have the right residency documents to open a bank account](#).

Whilst we have already joined similar calls for a modest but vital raise in section 4 asylum seeker's allowance [via Freedom From Torture's campaign](#), it is vital that the trafficking allowance is also raised at the same rate of other benefits of its kind (bringing it to £85 per week as opposed to [the much higher £102.50 afforded via Universal Credit](#)), and that access to banking is made universally available to victims in recognition of government guidance around [grocery shopping online where possible](#).

Whilst we welcome the release of higher quality data since this project's launch, more must be done. We still have no idea [how many rejected or confirmed trafficking victims later secure immigration security](#). Yet, the little information we do have is enough to cause concern around objectivity in decision-making, and the impact of wider immigration policy on survivors.



About After Exploitation

After Exploitation is a data-mapping project using varied data sources to understand the outcomes facing survivors of trafficking, slavery, and exploitation in the UK. Using data obtained from sources including Freedom of Information (FOI) requests, official statistics, and figures held by various agencies, we work to examine the barriers to justice and support facing exploited people. In 2019, After Exploitation used FOI requests to prove the scale of wrongful detention and deportation of trafficking survivors known to UK authorities. We continue to collect and examine data in order to contribute to a more accurate understanding of slavery amongst researchers, journalists, politicians and members of the public.

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