

Parliamentary briefing: Immigration and Asylum Bill second reading - Part 5 on Modern Slavery Protections

Summary

The Immigration and Asylum Bill will significantly weaken the UK's response to trafficking and modern slavery. It will deny access to identification, protection, support and recovery to many survivors. This approach punishes survivors, will embolden traffickers and in doing so enable exploitation to thrive, harming individuals, communities and our economy.

This Bill continues a destructive approach of prioritising an immigration control agenda over safeguarding survivors of a serious crime. The government has used hostile and unevicenced narratives of system "misuse" and misleading language of "last-minute modern slavery claims" to 'justify' weakening modern slavery protections. This creates distrust and scepticism that puts survivors at risk, drives this crime underground and emboldens traffickers.

This briefing focuses on *Identification and support of victims* (clauses 35 to 43). The most damaging clauses are:

- **Clause 36:** Establishes a list of arbitrary and punitive factors deemed to damage a victim's credibility when making an identification decision.
- **Clause 37:** Cuts off support as soon as a negative Conclusive Grounds decision is received, even if it is during the 30-day recovery and reflection period.
- **Clause 38:** Makes public order disqualifications mandatory rather than discretionary, excluding survivors from NRM support and protection, and now very explicitly identification.
- **Clause 39:** Removes the duty to grant temporary leave to remain for recovery purposes.
- **Clause 43:** Removes the Secretary of State's duty to provide assistance to children and alternative support to survivors whose support has been withdrawn.

This Bill poses a risk to everyone that comes to the UK to seek protection, victims and survivors of trafficking and modern slavery, to the wider migrant community and their families. **We reject this Bill and we urge the parliament to reject it in its entirety.**

Identification and support of victims

Clause 36. Deciding if a person is a victim: credibility

What it does:

Puts into law a list of factors deemed to damage credibility that the decision makers must take into account when making a negative or positive identification decision. This includes any delay in disclosing information or providing relevant information or providing information that is “strikingly similar” to that provided by another person.

Additionally, Clause 11 of the Bill introduces claim notices: an expectation to disclose information about their exploitation (historic or ongoing) within a deadline, with failure to meet this deadline considered a credibility issue.

Why it is harmful:

- Late disclosure does not mean someone is ‘lying’. It is a normal, well-documented response to trauma as acknowledged by the government's [own modern slavery statutory guidance](#) (Paragraph 13.18). Survivors may delay because of [shame, fear, poor mental health](#), or because they don't feel safe enough yet or are not sure what is relevant to disclose.
- People often don't self-identify: they do not recognise that what they have experienced is modern slavery, and will not be familiar with complex legal definitions
- Lack of training and resources for First Responders coupled with lack of access to timely and quality legal advice means that many people with indicators will be missed. Survivors should not be punished as a result of failures within the systems designed to identify, protect, and support them.
- There are multiple [barriers to disclosure in immigration detention](#). Immigration [detention is a traumatising setting](#) and victims are expected to disclose to employees of the body detaining them. The wording used to elicit disclosure in the asylum screening interview is often not understood or is assumed to refer solely to sexual exploitation.
- This clause places the burden of proof and onus on the victim to self-identify rather than the state - but it is the state who has a duty to identify under the European Convention on Human Rights (ECHR) and Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).

Clause 37. Recovery period to end on making of negative conclusive grounds decision

What it does:

- Currently, once a positive reasonable grounds decision has been received, survivors are entitled to a recovery and reflection period of either 30 days or until a Conclusive Grounds (CG) decision is received. This clause would bring a sudden end to the recovery and reflection period as soon as a negative decision is received, even if it is within the 30-day period.
- Contravenes Article 13 ECAT, which states that the length of the recovery and reflection period has to be at least 30 days.

Why it is harmful:

- Poor NRM decision making is common. Recent years have seen both a high rate of negative conclusive grounds decisions and high rate of those decisions being overturned when reconsidered. From January to March 2026, [88% of conclusive grounds decisions which were reconsidered received a positive outcome](#).
- Under these proposals victims who have been trafficked but have received a negative decision due to being seen not to meet the evidence threshold for a positive decision, face being left without protection, accommodation or support on the same day they receive this decision. This can result in individuals being placed at risk of homelessness and destitution and facing additional barriers [to challenge the negative decision in practice](#), placing them at risk of further harm. Even where individuals may be entitled to alternative forms of support, these arrangements can rarely be put in place on the same day, creating additional pressure on already stretched support services.
- It risks undermining the government [homelessness strategy](#).

Clause 38. Disqualification from protection

What it does:

1. **Expands the scope and application of public order disqualifications**
 - It makes the application of public order disqualifications (which exclude potential victims of human trafficking or modern slavery from receiving vital recovery support, protection from removal and right to remain in the UK) **a duty** instead of a discretionary power.
 - It removes the obligation to make a conclusive grounds identification decision if someone is disqualified, alongside removing all other protections, rights and entitlement.
 - Excludes children on the basis of their immigration status.
 - It expands the scope to survivors in receipt of a suspended sentence.
 - It expands the categories of people who are deemed a threat to public order, defining non-exhaustively a 'risk to the national security of the United Kingdom'.
 - Contravenes Article 13(3) ECAT. The Group of Experts on Action Against Trafficking in Human beings (GRETA) [guidance note](#) states that disqualification on the grounds of public order should always be considered on a case-by-case basis and are intended to apply 'in very exceptional circumstances and cannot be used by States Parties to circumvent their obligation to provide access to the recovery and reflection period'. Article 13(3) ECAT clearly only applies to the recovery period, yet the UK is explicitly now applying it to identification.

Why it is harmful:

- Public Order Disqualifications are a blunt tool that can penalise survivors for convictions incurred during the course of exploitation.
- To date, Public Order Disqualifications have [disproportionately affected survivors of criminal exploitation](#) who have committed crimes as a result of the exploitation, but this has not been considered in practice at point of disqualification. This is often because of failures in the application of the non-punishment principle, including victims poorly represented or ill-advised during criminal trials, pleaded guilty to offences, instead of having effective access to the Section 45 defence.

- The expanded scope and mandatory nature of public order disqualifications will leave many more survivors of trafficking unable to be identified as a victim under the NRM, unable to access support and protection, and put at risk of further exploitation and re-trafficking.
- While children with either the right of abode in the United Kingdom or leave to remain other than under section 65 NABA will be excluded from this provision, it will continue to apply to children with insecure immigration status. The Government's own Explanatory Notes state that this safeguard is intended to "reflect the need for enhanced protection of children within the modern slavery framework." If enhanced protection is necessary for children, it must apply to every child. A trafficked child's access to protection under the modern slavery framework should never depend on their immigration status.

What it does:

2. Defines what circumstances constitute 'bad faith' disqualifications

- This includes if someone discloses to be a survivor of modern slavery at a time when they were due to be removed from the UK or if they knowingly use fabricated information/evidence.

Why it is harmful:

- This penalises late disclosure, unless compelling reasons apply. However, it is unclear what would constitute a "compelling" circumstance. This provision overlooks the well-documented systemic barriers and the impact of trauma, which may delay or prevent disclosure or identification of their exploitation. This is exacerbated by barriers to accessing timely and quality legal representation.
- Some individuals, including children, are provided with fake documentation by their traffickers or are told to give false information to avoid scrutiny and pass border checks under threat of penalty.

Clause 39. Removal of duty to grant leave to remain to assist recovery

What it does:

- Currently, following a Conclusive Grounds decision, a grant of Temporary permission to stay (also known as leave to remain or VTS leave) is considered for non-British survivors on three grounds: for the purpose of psychological or physical recovery; or to enable the person to cooperate with criminal proceedings or to seek compensation if it is necessary for them to be in the UK to do so. This clause removes the duty to grant leave for the purpose of assisting with psychological or physical recovery.
- Contravenes Article 14 ECAT, which requires leave to remain to be granted where a survivor's personal situation makes it necessary.

Why it is harmful:

- Grants of 'temporary permission to stay' are already rare: [In 2024, just 4% of those eligible were granted temporary permission to stay](#). Rather than addressing the existing problems with VTS leave, this clause proposes to further restrict the circumstances in which temporary

leave to remain must be granted, limiting it solely to cases where a survivor is cooperating with a criminal investigation or is applying for compensation.

- Grants of temporary permission to stay have been made predominantly for recovery purposes. In 2024, 96% of those grants were to assist with recovery. Stability and safety is crucial for recovery and for the prevention of further exploitation or re-trafficking. Secure immigration status is vital for access to employment, housing, healthcare and a route to settlement. It is impossible for survivors to recover and rebuild their lives while living with insecurity. Without stability, survivors are often unable to make decisions such as cooperating with police investigations, limiting the ability to achieve successful investigations and prosecution.
- While some survivors of trafficking may be able to secure permission to stay in the UK as refugees, the government is at the same time eroding refugee rights, including by halving the leave to remain granted to them.
- For children, the proposals move even further away from the standards set out in ECAT, which provides that residence permits for child victims should be issued in accordance with their best interests. Children with insecure immigration status face heightened risks of going missing and being re-trafficked, amplified trauma, and limited access to education and employment.

Clause 42 Further amendments relating to the independent child trafficking guardians (ICTG)

What it does:

- Removes the obligation of the Secretary of State to lay down a report on the implementation of section 48 of the Modern Slavery Act concerning the ICTG service and replaces the affirmative procedure for regulations with general commencement powers.

Why it is harmful:

- Removes Parliament's ability to scrutinise the implementation of the ICTG service. Given that the service has yet to be fully rolled out across England and Wales despite long-standing commitments, continued parliamentary oversight remains essential to ensure accountability and effective implementation.

Clause 43. Assistance and support for potential victims

What it does:

- It removes the duties of the Secretary of State to secure the necessary assistance and support for potential victims during their initial recovery period and any subsequent recovery periods:
 - For children;
 - For survivors who had their support withdrawn under modern slavery support or alternative services as a result of not compliance with service requirements.
- Contravenes Article 12 ECAT, which requires state parties to assist victims in their physical, psychological and social recovery.

Why it is harmful:

- The Explanatory Notes state that removing the Secretary of State’s duty to provide support for child victims reflects operational practice, as this responsibility is typically discharged by local authorities. In practice, many child victims are already failing to receive the assistance they are entitled to under ECAT and, in some cases, receive little or no support from children’s services. Additionally, this provision could create a cliff edge in support for children who are transitioning to adulthood and are not entitled to leaving care support or age disputed children.
- Removing support from survivors who may have no access to alternative assistance risks pushing them into destitution, increasing their vulnerability to further exploitation. Trauma can manifest in different ways and may significantly affect an individual’s ability to engage consistently with support services.

Rebutting hostile and misleading narratives and selective data

The NRM has strong checks and balances against potential misuse and places an exceptionally high evidential burden on survivors.

Individuals cannot submit a ‘modern slavery claim’; they cannot self-refer to the Home Office for identification. Instead, they must rely on a First Responder to identify indicators of trafficking and exploitation and make a referral to the Home Office’s two-stage decision-making process, the NRM, to be formally identified as a victim. It is important that the Bill not shift responsibility and accountability away from the organisations with responsibilities to identify and protect survivors.

Survivors face many barriers accessing an NRM referral. This is particularly the case for survivors in immigration detention which, due to the prison-like conditions survivors are held in; limited access to legal advice; and no access to a non-statutory First Responder, is not a setting conducive to either disclosure or positive identification.

Each year the number of potential adult victims who are identified by a statutory First Responder as a potential victim of trafficking but do not consent to enter the NRM (Duty to Notify process) is growing, [in part due to fear of immigration authorities](#).

We are concerned by the Home Office’s apparent selective use of data in the Impact Assessment (paragraph 8, ‘strategic case for proposed regulation’) - justifying the significant and harmful changes in the Bill on the basis of [nine months of unpublished data from 2022](#) falls far short of robust evidence-based law making.

Suggested parliamentary questions about the Bill

1. To ask the Secretary of State for the Home Department, what published or unpublished evidence supports the Government’s position that the National Referral Mechanism is subject to significant abuse; and whether she has made an assessment of the impact of such statements on the identification and protection of victims of trafficking and modern slavery.
2. To ask the Secretary of State for the Home Department, if and when they plan to publish quality assured data on the issue of late disclosures before removals from the UK. Will the

Secretary of State plan to publish data on removals, disaggregated by the reason an individual's return or removal was unsuccessful.

3. To ask the Secretary of State for the Home Department, (1) what is the strategic framework guiding the modern slavery reforms contained within the Immigration and Asylum Bill, (2) what plans does she have to update the 2014 Modern Slavery Strategy, and (3) what assessment has been made as to the suitability of reforming victim identification and support without an updated strategy.
4. To ask the Secretary of State for the Home Department, what assessment she has made of the impact of Clause 43, which removes support duties from the Home Office, on children who are not receiving support from a local authority, those transitioning into adulthood, and those who are not eligible for leaving care support; and what mechanisms will be put in place to oversee and monitor the implementation of these changes to ensure that no child or young person experiences a cliff edge in support.
5. To ask the Secretary of State for the Home Department, what assessment she has made of the compatibility of proposals to expand the public order disqualification provision (clause 38) and to remove the provision of leave to remain on recovery grounds for confirmed victims of modern slavery (clause 39) with the UK's obligations under domestic legislation and article 13 and 14 respectively of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).

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The [Anti-Trafficking Monitoring Group](#) (ATMG) is a coalition of fifteen UK based anti-trafficking organisations, established in 2009 to monitor the UK's implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).

The [Detention Taskforce](#) works to build a better system for survivors of trafficking in immigration detention and ensure no victim of trafficking is further harmed by detention. Established by Focus on Labour Exploitation in 2019, the Taskforce is comprised of 18 expert organisations working with, or for, victims or survivors of trafficking.