



# At risk: exploitation and the UK asylum system

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A PARTICIPATORY ASSESSMENT BY UNHCR AND THE BRITISH RED CROSS



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# GLOSSARY

The following key terms are used throughout this report and are defined as follows:

- **Asylum Accommodation and Support Services Contracts (AASC)**  
In 2019, new Asylum Accommodation and Support Services Contracts were developed following engagement with local authorities, potential providers and non-governmental organizations (NGOs). Seven regional contracts were awarded to three providers: Clearsprings Ready Homes, Mears Group and Serco.
- **Asylum Intake Unit (AIU)**  
A place where asylum-seekers can register their application for asylum. There are various locations across the UK.
- **Asylum-seeker**  
An individual who has left their country of origin to seek asylum in another country and whose claim has not yet been finally decided on by the country in which the claim is submitted.
- **Asylum process**  
The UK government process for determining whether a person seeking international protection is considered a refugee under UK law. The Home Office is responsible for making decisions on who qualifies as a refugee.
- **Asylum support**  
Asylum support is statutory housing and/or financial support provided to asylum-seekers in the UK whilst they are waiting for their asylum claim to be decided by the Home Office. The provisions of asylum support are detailed in sections 4, 95 and 98 of the Immigration and Asylum Act 1999 and subsequent regulations.
- **Asylum Support Application Form (ASF1)**  
A form which asylum-seekers and refused asylum-seekers are required to complete to apply to the Home Office for asylum support.
- **Discretionary Leave to Remain (DL)**  
A category of Leave to Remain that is granted outside the Immigration Rules in accordance with Home Office policy. It cannot be granted where a person qualifies for asylum or humanitarian protection or for family or private life reasons. Victims of modern slavery with a positive Conclusive Grounds (CG) decision may be entitled to a grant of DL. This usually confers the right to work and to remain in the UK for a limited time.
- **Destitution**  
Not having access to the essentials needed to eat, stay warm and dry, and keep clean without the support of others. This includes lack of access to food, shelter, suitable clothing and basic washing facilities.
- **European Convention on Action against Trafficking in Human Beings (ECAT)**  
The Council of Europe Convention on Action against Trafficking in Human Beings, often referred to as the European Convention Against Trafficking (ECAT), was adopted in 2005. It sets out a series of rights for victims of trafficking, including the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period, to be granted a renewable residence permit, and to receive compensation for damages suffered. The UK signed the Convention in 2007.

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1 GOV.UK (2019), *New asylum accommodation contracts awarded*, available at: [www.gov.uk/government/news/new-asylum-accommodation-contracts-awarded](https://www.gov.uk/government/news/new-asylum-accommodation-contracts-awarded)

- **Exploitation**  
The act of taking advantage of something or someone for personal gain. In the context of this report exploitation refers to protection risks which include forced and compulsory labour, sexual exploitation and forced criminality.
  - **First responder**  
An organization or body with responsibility to identify and refer a potential victim of modern slavery into the National Referral Mechanism (NRM). There is a range of agencies that are authorized as anti-trafficking first responders, including the police, Local Authorities, parts of the Home Office and several voluntary sector organizations.
  - **Immigration Enforcement Competent Authority (IECA)**  
One of the UK's decision-making bodies responsible for making decisions concerning potential victims of modern slavery referred into the NRM. The IECA was introduced in late 2021 and is responsible for a specific cohort of adult cases.
  - **Multi Agency Risk Assessment Conference (MARAC)**  
A meeting to facilitate effective information-sharing between professionals. Attendees at a MARAC may include representatives of local police, and probation, health, child protection and housing practitioners, as well as other specialists from the statutory and voluntary sectors.
  - **Modern slavery and human trafficking**  
An umbrella term which encompasses human trafficking, slavery, servitude and forced or compulsory labour. Modern slavery is defined as “as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation”.
- Human trafficking is defined under the Palermo Protocol as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability”<sup>3</sup>. Human trafficking is a form of modern slavery.
- In this report, ‘victim of modern slavery’ and ‘victim of trafficking’ are used interchangeably.
- **Modern Slavery Victim Care Contract (MSVCC)**  
A contract that is part of the UK government’s response to its international obligations laid out in the European Convention Against Trafficking (ECAT). Through contracted providers, it gives accommodation and tailored support, advocacy and sign posting to adult victims of human trafficking and modern slavery who have entered the NRM and consented to support. The aim is to assist in the physical, psychological and social recovery of modern slavery victims.
  - **Multi-agency working**  
Multi-agency and partnership working refers to several organizations working collaboratively, in cooperation with one another.
  - **National Referral Mechanism (NRM)**  
The framework for formally identifying and supporting victims of modern slavery, including those who have been trafficked. It was introduced in 2009 to meet the UK’s obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (2005).
  - **Post-Traumatic Stress Disorder (PTSD)**  
An anxiety disorder caused by stressful, frightening or distressing events. Someone with PTSD often relives the traumatic event through, for example, nightmares and flashbacks, and may experience feelings of isolation, irritability and guilt.

2 Public Health England (2017), *Modern slavery and public health*, available at: [www.gov.uk/government/publications/modern-slavery-and-public-health/modern-slavery-and-public-health](https://www.gov.uk/government/publications/modern-slavery-and-public-health/modern-slavery-and-public-health)

3 UN General Assembly (2000), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, available at: [www.refworld.org/docid/4720706c0.html](https://www.refworld.org/docid/4720706c0.html)

- **Reasonable Grounds and Conclusive Grounds decisions**

The NRM involves a two-part decision-making process. The first stage is to decide if there are reasonable grounds (the ‘RG’ decision) to believe that an individual referred into the NRM may be a victim of modern slavery. The second stage considers if there are conclusive grounds (the ‘CG’ decision) to believe that an individual referred into the NRM may be a victim of modern slavery.

- **Refugee**

An individual who is defined in the 1951 convention relating to the status of refugees as someone who is outside of their country of origin or habitual residence, and who is unable or unwilling to return to their country due to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group.

- **Refugee status**

Refugee status is a form of protection granted to a person that the Home Office has determined to be a refugee.

Refugee status gives a person five years Leave to Remain in the UK. This includes the right to work, permission to work and study, and access to the NHS and benefits. Refugees also have the right to seek family reunion in certain circumstances.

A recognized refugee within the context of this report refers to someone who has been granted refugee status in the UK.

- **Research contributors**

There were three distinct groups of persons who provided expert information and support during the research for this report. They are referred to throughout the report as focus group participants, interview participants or people with lived experience.

*A focus group participant* in this report is a person who works with asylum-seekers, refugees or those refused asylum and/or victims of modern slavery, and who has bilateral and multilateral contact with the UK government. Participants worked across voluntary and statutory sectors, but not all were frontline workers or operated in client-facing roles; some worked in senior management and policy.

*An interview participant* in this report is a person who has specific knowledge, experience and/or expertise related to the research but did not have lived experience.

*People with lived experience* in this report are people who have had first-hand experience of the UK asylum system, and/or first-hand experience of modern slavery and human trafficking or who were, and may remain, at risk of exploitation.

- **Slavery Exploitation Risk Assessment Conference (SERAC)**

An alternative model to MARAC. Established by Nottingham City Council, SERAC is a monthly meeting to co-ordinate the city council’s modern slavery team. It brings professionals together to review cases of modern slavery and provides a space to discuss suspected or known cases of exploitation.

- **Single Competent Authority (SCA)**

The UK’s decision-making body responsible for making decisions concerning potential victims of modern slavery referred into the NRM. The SCA is the competent authority for all cases referred to the NRM, which includes all child cases, that the IECA do not manage.

- **Trauma informed approaches**

Also sometimes referred to as “trauma informed practice” or “trauma informed care”. There are many definitions, but for the purpose of this research a trauma informed approach refers to support initiatives that provide an environment in which people who have experienced trauma can feel safe and build trust, as well as considering the impact that trauma can have on someone.



## EXECUTIVE SUMMARY

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***“My worry is particularly for vulnerable people who haven’t got the voice or the ability to advocate for themselves. How many are suffering in silence? How many know what they need to do to raise a concern? How many people even recognize what’s happening to them as exploitation?” (Interview participant)***

When people are forced to flee, they leave behind more than just their homes. They often lose their community support networks and end up socially and culturally isolated. They lack access to basic resources and opportunities to work and support themselves and their families. Depending on where they are seeking safety, they may not have a secure immigration status and the safety that can bring.

These and other factors leave refugees and people seeking protection at serious risk of exploitation. The risk not only increases in times of conflict and displacement, but can also be a dangerous and harmful reality for refugees and asylum-seekers even after arriving in the UK.

The aim of this research is to better understand the risks of exploitation for refugees and asylum-seekers in the UK. By understanding these risks and the factors that contribute to them, and drawing on existing good practice in the UK, the report makes recommendations for government aimed at reducing the risk of exploitation for people going through the asylum system.

The research finds that people going through the asylum process remain at risk of exploitation and that particular UK government policies and practices can contribute to risks of exploitation

for asylum-seekers. The primary finding of the research is that an over-reliance on people self-identifying as victims of modern slavery and a lack of effective vulnerability screening at all stages of the asylum process means opportunities to identify and address risks and onward support needs are frequently missed. Certain policies and practices can also drive risks of exploitation such as requirements for potential victims of modern slavery to report to immigration enforcement in person at the same time and place, failure to provide safe-house accommodation or policies that increase risks of destitution and homelessness. This has left people seeking protection in the UK feeling unsafe, unable to disclose experiences of modern slavery and forced into domestic servitude, sexual and labour exploitation and forced criminality.

The research was carried out in partnership between UNHCR and the British Red Cross from February 2021 to October 2021. It involved focus groups across the UK with professionals working with asylum-seekers, refugees or those refused asylum and/or victims of modern slavery, as well as interviews with people with specific knowledge, experience and/or expertise, such as academics or experts in the field. Interviews were also conducted with people with lived experience of the UK asylum system and/or experiences of exploitation.

# KEY RECOMMENDATIONS

Detailed recommendations are listed throughout the report and include the following:

The Home Office should:

- 1. Screen for vulnerabilities:** Improve vulnerability screening at all stages of the asylum system, including in the asylum support assessment and allocation process. The UNHCR/IDC Vulnerability Screening Tool (VST) provides a framework for this and could be adapted to the UK context.
- 2. Prioritize safety over enforcement:** Ensure that the Home Office responds to indications that an asylum-seeker is missing as a safeguarding concern rather than an immigration compliance and enforcement issue.
- 3. Provide safe accommodation:** Ensure risk and needs assessments under Modern Slavery Statutory Guidance are carried out to inform appropriate onward support, and do not automatically place victims of modern slavery in asylum support accommodation.
- 4. Make efficient decisions:** Address delays in both National Referral Mechanism and asylum decision-making, through improving efficiency and reducing the backlogs.
- 5. Support people to move forward:** Review the support offered to newly recognized refugees under the AIRE contract with respect to outcomes achieved, such as safe transitions to alternative financial support, employment and accommodation and publish the results of this evaluation.

# KEY FINDINGS

## ■ Identification of modern slavery indicators and exploitation risks

■ **Opportunities for identifying indicators of modern slavery and risks of exploitation are being missed at critical junctures in the asylum journey** including on arrival and at screening and substantive interviews. Questions relating to exploitation in the screening interview are often not asked in a way that facilitates disclosure. The research found that a lack of confidence, knowledge and expertise among Home Office staff to obtain information on sensitive issues like exploitation and respond to trauma means that opportunities for identification can be missed.

■ **There is an over-reliance on victims self-identifying in the asylum system.** While published Home Office guidance recognizes people are not always able to self-identify as victims or disclose exploitation, there remains an over-reliance on victims self-identifying in the asylum system. Barriers to disclosure identified include a lack of time, support and safe spaces to allow people to build trust and make informed decisions about their future. In order to shift away from a reliance on self-identification, the UNHCR/IDC VST could assist in designing screening and routing forms that help identify situations of vulnerability to inform a range of decisions.



■ **The focus on immigration enforcement rather than identification and protection of victims means that opportunities to identify and address risks of exploitation are being missed.** A clear example of this is people who go missing being treated as immigration absconders rather than people at risk. Delays in reporting missing persons and a lack of communication between services can increase risks of exploitation. Requirements for people to report in person to the Home Office at specified times and dates also heightens risks of exploitation. There was evidence of traffickers being aware of this requirement and targeting people at reporting centres.

■ **There is a lack of collaborative working between the Home Office and other organizations to identify potential victims of modern slavery,** despite guidance setting out that partnerships and multi-agency work are fundamental to ensure victims are identified, protected and safeguarded. This can result in missed opportunities to share information where asylum-seekers are at risk. The research highlights examples of multi-agency models being pioneered in different parts of the UK which demonstrate clear benefits of partnerships and multi-agency working.

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## ■ Asylum support and risks of exploitation

■ **Risks of exploitation arise at key transition points in the asylum support system,** including before entering the asylum support system, during dispersal and when exiting asylum support. The period immediately prior to entering the asylum support can be a particular risk point due to lack of information and support, and destitution experienced when attempting to access support.

■ **The application process for asylum support fails to identify indicators of past, or current, exploitation.** The application form and decision-making process does not currently consider vulnerabilities to exploitation unless the person self-identifies as a victim of modern slavery. This lack of screening for risks of exploitation continues throughout the asylum support process, including in temporary accommodation services and decisions on longer-term dispersal accommodation.

■ **Asylum accommodation is often unsuitable for victims of modern slavery.** This can be for a variety of reasons, including issues associated with sharing bedrooms, lack of secure location and a lack of gender sensitivity. Though some victims of modern slavery are placed into safe-house accommodation, the research found that most asylum-seekers who have been trafficked are automatically routed into asylum support accommodation. The research suggests that there is little to no consideration of the specific risks and needs of victims of modern slavery

when allocating accommodation, including the location or type of accommodation provided.

■ **Inappropriate asylum accommodation and inadequate responses can increase risks of exploitation.** The research found evidence of visible, large-scale accommodation in hostels, hotels and houses of multiple occupancy being targeted by traffickers. A lack of welfare and vulnerability assessments involved in the allocation of accommodation was found for people with protected characteristics and for others vulnerable to exploitation. Where safeguarding risks were raised, action was often not taken early enough to prevent risks escalating.

■ **Low levels of financial support and the lack of the right to work combined mean that some people take up informal work in exploitative conditions.** Participants described struggling to live on just over £5 a day and how prolonged periods of living in financial hardship led them to take up offers of employment which in some cases became situations of exploitation.

■ **People refused asylum face particular risks of exploitation as they have few support options.** The research found evidence of people refused asylum experiencing destitution, homelessness and various forms of exploitation, including sexual exploitation.

## ■ The nexus of asylum and modern slavery decision-making

### ■ **Asylum-seekers may not understand the NRM or the difference between asylum and the NRM.**

The research found that informed consent was not always obtained from potential victims of modern slavery before they were entered into the NRM meaning some people did not understand the implications of that decision or even that they were entering into a separate system at all. Legal advice was not always accessible or offered to individuals prior to claiming asylum or entering the NRM and others received poor quality legal advice.

■ **Entering the NRM causes delays in asylum decision-making.** The research found examples of asylum-seekers withdrawing from the NRM as a way to avoid delays to their asylum decision.

■ **Delays in decision-making can lead people to accept offers of employment or support that amount to exploitation.** The prolonged inability to work, to provide for themselves or their family, or

to start to move on with their lives meant that some people were more likely to take up work in exploitative conditions and to disengage from support offered through the asylum system or the NRM.

■ **The lack of support and residence rights for recognized victims of modern slavery can leave people at risk and questioning the purpose of the NRM.** Despite an asylum-seeker being recognized as a victim of modern slavery, their support through the NRM stops and the lack of any consistency in granting leave to remain leaves people in limbo. Without the right to work or recourse to public funds, many were left reliant on asylum support or on others and questioned the value of the NRM.

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## ■ Recognized refugees and risks of exploitation

■ **The short period people are given to start a new life after being granted refugee status can give rise to risks of exploitation.** The 28 day move-on period from asylum support was found to increase risks of destitution and homelessness as well as causing anxiety and confusion. The inability to access support options immediately following the timing out of the 28-day period was found to leave people at risk of exploitation and more likely to take up unsafe offers of employment or housing.

■ **Newly recognized refugees may struggle to secure safe alternative housing after leaving asylum support, leaving them at risk of exploitation.** The research found examples of acquaintances or private landlords offering refugees accommodation in exchange for sex or labour. The absence of a formal mechanism for asylum support to handover critical information, knowledge and documents to the mainstream housing and social welfare system can lead to important risks and indicators can be missed by local authorities and others when considering a refugee's request for homelessness support.

■ **Risks of debt bondage can emerge or re-emerge at the move-on stage.** The research found evidence of traffickers contacting people after they received refugee status to call in outstanding 'debts' as well as exploiting people in new ways, including welfare benefit fraud. Risks also emerged for people entering into debt to meet the new costs they faced, such as borrowing money to bridge the gap before receipt of Universal Credit, to pay their rent and associated costs, or to meet the costs of family reunion.

■ **Refugees are not supported to find safe work after they receive the right to work.** The lack of time to find employment before being evicted from asylum support, and the lack of support around transitioning into work in the UK means that refugees continue to take up work in informal arrangements which can result in exploitation.



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# 1. INTRODUCTION

Across the world, over 80 million people are displaced from their homes, with an estimated 26.4 million refugees and 4.1 million asylum-seekers worldwide.<sup>4</sup> In the UK, 48,540 people claimed asylum in 2021, and many more were waiting for a decision on their asylum claim from previous years. The eight most common nationalities of people claiming asylum in the UK are people from Iran, Iraq, Eritrea, Albania, Syria, Afghanistan, Sudan and Vietnam.<sup>5</sup>

When people are forced to flee, they leave behind more than just their homes. They often lose their community support networks and end up being socially and culturally isolated. They lack access to basic resources and livelihood opportunities. Depending on where they flee to, they may lack a regular status.

These and other factors contribute to a serious risk of exploitation for refugees and other forcibly displaced people. In this context exploitation can include various forms of modern slavery and human trafficking including forced and compulsory labour, sexual exploitation and forced criminality. The risk of exploitation not only increases in times of conflict and displacement. It can also be an unfortunate reality for refugees and asylum-seekers *after* they arrive in the UK.

Against this backdrop, the overall aim of the research was to understand the risks of exploitation for refugees and asylum-seekers in the UK. By understanding these

risks and the factors that contribute to them, and by drawing on existing good practice in the UK, this report makes a number of recommendations for government aimed at reducing the risk of exploitation for those individuals going through the asylum system.

The research was carried out in partnership between UNHCR and the British Red Cross between February 2021 and October 2021. The findings will be used to advocate and inform improvements to how the UK asylum system protects asylum-seekers and refugees from exploitation in the very place where they sought safety.

While previous research has explored factors that may contribute to risks of exploitation in the UK such as homelessness,<sup>6</sup> destitution<sup>7</sup> and other risk factors,<sup>8</sup> there exists a gap in research on the impact of UK government policies on asylum-seekers, refugees and refused asylum-seekers and their risk of exploitation. This research aims to address this gap and explore the risks of exploitation for people at key points in the asylum system including before, during and after an asylum claim and for those asylum-seekers navigating the UK's identification system for victims of exploitation.

4 UNHCR (2022), *Global Trends Forced Displacement in 2021*, available at: [www.unhcr.org/flagship-reports/globaltrends/](http://www.unhcr.org/flagship-reports/globaltrends/)

5 Home Office (2022), *How many people do we grant asylum and protection to? Immigration statistics, year ending December 2021*, available at: [www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/how-many-people-do-we-grant-asylum-or-protection-to](http://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/how-many-people-do-we-grant-asylum-or-protection-to)

6 Hestia (2019), *Underground Lives Homelessness and Modern Slavery in London*, available at: [www.hestia.org/Handlers/Download.ashx?IDMF=7c01ce39-fded-468f-bca3-6163ed16844e](http://www.hestia.org/Handlers/Download.ashx?IDMF=7c01ce39-fded-468f-bca3-6163ed16844e)

7 Kalayaan (2019), *Dignity Not Destitution. The Impact of Differential Rights for Migrant Domestic Workers Referred to the National Referral Mechanism*, available at: [www.antislaverycommissioner.co.uk/media/1325/kalayaan\\_report\\_october2019.pdf](http://www.antislaverycommissioner.co.uk/media/1325/kalayaan_report_october2019.pdf)

See also: "Destitution means not having access to the essentials needed to eat, stay warm and dry, and keep clean without the support of others. This includes access to food, shelter, suitable clothing and basic washing facilities." See: Fitzpatrick, S., Bramley, G., Sosenko, F., Blenkinsopp, J., Wood, J., Johnsen, S., Littlewood, M. and Watts, B. 'Destitution in the UK' (2016), available at: [https://pureapps2.hw.ac.uk/ws/portals/portal/10599861/Destitution\\_FinalReport.pdf](https://pureapps2.hw.ac.uk/ws/portals/portal/10599861/Destitution_FinalReport.pdf)

8 University of Bedfordshire et al (2019), 'Between Two Fires': *Understanding Vulnerabilities and the Support Needs of People from Albania, Vietnam and Nigeria who have experienced Human Trafficking into the UK*, available at: [www.beds.ac.uk/trafficking/](http://www.beds.ac.uk/trafficking/)

## ■ 1.1. Policy context and background

Since the foundation of the UN Refugee Convention in 1951, countries have formally welcomed and given protection to people seeking asylum. Refugee status is a legal status granted to someone who is unable to return to their country of origin due to fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group.

To seek asylum in the UK, a person must be physically present in the country. They can make their asylum claim either at the location where they arrive in the UK, such as an airport or land border, or at an Asylum Intake Unit (AIU) after entering the UK. Applications for asylum are decided by the Home Office asylum casework team and usually involve a two-stage interview process: first, a screening interview; and then a longer substantive interview as well as submissions of supporting evidence in writing.

The UK has a separate system for identifying and supporting potential victims of modern slavery, called the National Referral Mechanism (NRM). It was introduced in 2009 to meet the UK's obligations to identify victims of human trafficking under the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).<sup>9</sup>

Unlike applying for asylum, people cannot apply to the NRM on their own behalf and instead need to be referred into the NRM by a designated "first responder" such as the police, local authorities, the Home Office or specific voluntary sector organizations. Decisions on whether someone is recognized as a victim of trafficking through the NRM are made by the Home Office acting as the Single Competent Authority (SCA) and, following changes in late 2021, a new Immigration Enforcement Competent Authority (IECA).

It is possible for a person to be going through both the asylum system and the NRM at the same time. In some cases, there may be overlap between someone's grounds for claiming asylum and their experiences of modern slavery, or these

may be entirely separate. Some victims of modern slavery may qualify for refugee status under the 1951 Refugee Convention. As set out in UNHCR's Guidelines on International Protection No. 7 – "The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked"<sup>10</sup> – victims of trafficking or potential victims of trafficking will qualify for refugee status under the 1951 Convention in certain circumstances. Examples include:

- a) *victims who have been trafficked abroad seeking international protection as a refugee in the State in which they are currently present*
- b) *victims who have been trafficked inside their own country and then fled abroad seeking international protection as a refugee*
- c) *persons who, although having never been trafficked, fear becoming a victim of trafficking in their country of origin and have fled abroad in search of international protection as refugees.*

This research was carried out at a time when the UK government had announced wide-ranging changes to the UK's asylum and immigration system and the NRM through the *New Plan for Immigration*.<sup>11</sup> Since then, the UK has passed the Nationality and Borders Act 2022<sup>12</sup> which brings into force several of the proposals set out in the *New Plan for Immigration*. The Act includes powers that focus on potential victims of trafficking who have also made a claim for international protection. For example, Part 5 of the Nationality and Borders Act 2022 gives the Home Secretary the power to serve "a slavery or trafficking information notice" on someone applying for asylum or humanitarian protection. This requires them to provide the Home Office with any relevant information for the purpose of identification as a victim of trafficking, and makes delayed compliance with this notice damaging to their credibility.

There have been extensive concerns raised by parliamentarians and others, including the British Red Cross and UNHCR, about the provisions in the

9 Council of Europe (2005), *Council of Europe Convention on Action against Trafficking in Human Beings*, available at: <https://rm.coe.int/168008371d>

10 UNHCR (2006) *Guidelines on International Protection: The application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*, available at: <https://www.refworld.org/docid/443679fa4.html>

11 GOV.UK (2001) *New Plan for Immigration*, available at: [www.gov.uk/government/consultations/new-plan-for-immigration](http://www.gov.uk/government/consultations/new-plan-for-immigration)

12 Legislation.gov.uk (2022), *Nationality and Borders Act 2022*, available at: [www.legislation.gov.uk/ukpga/2022/36/contents/enacted](http://www.legislation.gov.uk/ukpga/2022/36/contents/enacted)

*New Plan for Immigration* and the impact of the Nationality and Borders Act 2022 on the rights and safety of asylum-seekers, refugees and victims of trafficking in the UK. These include concerns that changes introduced through this legislation will increase risks of exploitation for asylum-seekers and refugees.<sup>13</sup>

## ■ 1.2. The scale of the issue

In recent years, there has been growing recognition of the challenges of defining the scale of exploitation in the UK, including with regards to modern slavery and to human trafficking.<sup>14</sup> The number of potential victims of modern slavery identified and referred to the authorities has been steadily increasing year on year. In 2021, 12,727 people were referred to the authorities as potential victims of trafficking. Of those referred, 77% were male and 23% were female; 50% were exploited as adults and 43% as children.<sup>15</sup> Most people who are referred into the NRM report being exploited in the UK.

The most common nationalities referred into the NRM in 2021 were people from the UK, Albania and Vietnam. There were also significant numbers of people from Eritrea, Sudan, Iran, Romania, Iraq and Afghanistan. The number of people from Eritrea referred as victims of trafficking in 2021 was double the number in 2020.<sup>16</sup>

If public authorities encounter a person who they suspect to be a victim of modern slavery but the person does not consent to enter the NRM, they are under a “duty to notify” the Home Office of this refusal.<sup>17</sup> In 2021 there was nearly double the number of people identified as potential victims by public authorities who refused to be referred to the NRM compared to 2020. The two most common nationalities who did not consent to enter the NRM were Albanian and Eritrean.<sup>18</sup>

The Home Office does not publish data on the numbers of people in the asylum system who have also been referred to the authorities as potential victims of trafficking. The significant overlap in the most common nationalities who were referred as victims of trafficking and who claimed asylum above indicates that there may be a high level of cross-over between these two systems. As the Home Office does not publish a break-down of a person’s nationality alongside the location where they were exploited, it is also not possible to verify how many people from nationalities with high rates of asylum applications were exploited in the UK, or whether exploitation happened before they arrived in the UK.



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13 UNHCR (2021), *UNHCR Observations on the New Plan for Immigration policy statement of the Government of the United Kingdom*, available at: [www.unhcr.org/uk/60950ed64/unhcr-observations-on-the-new-plan-for-immigration-uk](https://www.unhcr.org/uk/60950ed64/unhcr-observations-on-the-new-plan-for-immigration-uk)

14 Independent Anti-Slavery Commissioner Annual (2021), *Independent Anti-Slavery Commissioner Annual Report 2020–2021*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1001925/CCS001\\_CCS0521518548-001\\_Independent\\_Anti\\_Slavery\\_Commissioner\\_ARA\\_2020-21\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001925/CCS001_CCS0521518548-001_Independent_Anti_Slavery_Commissioner_ARA_2020-21_Web_Accessible.pdf)

15 Home Office (2022), *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2021*, available at: [www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021](https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021)

16 Ibid.

17 From 1 November 2015, specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter in England and Wales. See: *National Referral Mechanism guidance: Adult (England and Wales)*, updated 19 May 2022, available at: [www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)

18 Ibid.

### ■ 1.3. UNHCR and British Red Cross mandates

UNHCR has a mandate for providing international protection to asylum-seekers and refugees, and for seeking durable solutions to displacement and statelessness. UNHCR's mandate also includes asylum-seekers, returnees, stateless persons and, under specific circumstances, internally displaced persons. UNHCR has a responsibility to protect refugees and other persons of concern from falling victim to human trafficking. UNHCR also has a responsibility to ensure that individuals who have been trafficked and whose claim to international protection falls within the refugee definition contained in the 1951 Convention are recognized as refugees and afforded the corresponding international protection.

The British Red Cross is part of the world's largest humanitarian movement the International Federation of the Red Cross Red Crescent Societies, with 192 National Red Cross and Red Crescent Societies worldwide. In the UK, the British Red Cross is the largest independent provider of support and advice for refugees and asylum-seekers. Every year, British Red Cross services in 58 towns and cities across the UK support over 30,000 people at all stages of the asylum process, including people who are refused asylum. The British Red Cross also has a dedicated anti-trafficking team working in the UK and internationally to provide and strengthen care, to offer support and protection programs for victims of modern slavery, and to address the severe humanitarian harm that results from human trafficking and modern slavery.

### ■ 1.4. Research aims and methodology

This research aimed to:

- Explore whether specific government policies and practices (including welfare support, subsistence and accommodation, delays in decision-making, and the move-on period) increase the risk of exploitation of asylum-seekers, refused asylum-seekers and refugees;
- Understand the types of exploitation experienced by asylum-seekers, refused asylum-seekers and refugees, and the situations and circumstances that lead to them being exploited in the UK;
- Explore whether there are barriers to the identification and safeguarding of asylum-seekers, refugees and refused asylum-seekers that may have a history of exploitation or be at risk of exploitation;
- Explore good practices to increase the identification and safeguarding of people that have experience of the asylum system and who may be at risk of exploitation; and
- Develop a set of recommendations on how the asylum system, including the move-on period when refugees receive status, can be improved to reduce the risk of exploitation.

This qualitative research is grounded in UNHCR's Participatory Assessment methodology. A Participatory Assessment is a process of building partnerships with refugees by promoting meaningful participation through structured dialogue. A Participatory Assessment provides asylum-seekers, refugees and other persons of concern to UNHCR with an opportunity to explain the protection risks they face and to participate as partners in the design of responses to issues affecting their lives (see Appendix A).

Fieldwork took place between February and October 2021 and involved interviews and focus groups with a range of contributors: people with lived experience, focus group participants and interview participants. Owing to the COVID-19 pandemic, all interviews and focus groups were conducted online or over the telephone. The interviews were either conducted in English without an interpreter or with an interpreter for those that required it.

#### ■ People with lived experience

Eighteen people with lived experience were interviewed for this research. All had first-hand

experience of the UK asylum system and/or had experiences of exploitation or were vulnerable to the same (for example, some had sought asylum and were working in the low-paid shadow economy in precarious work that sounded like exploitation or had been in the past). People with lived experience did not have to be within or previously referred into the NRM to engage with the research, as it was recognized that some may not have consented to be referred into the NRM, despite experiencing exploitation.

### ■ Focus group participants

Nine regional focus groups were conducted across the UK, comprising 47 participants who worked with asylum-seekers, refugees or those refused asylum and/or victims of trafficking and who had bilateral or multilateral contact with the UK government. Many participants were in client-facing roles such as caseworkers or frontline workers for community based and refugee led organizations, non-governmental organizations, or other organizations such as law firms and statutory bodies such as housing associations or councils. Focus group participants also included chief executive officers, directors and managers, managing teams supporting clients who had been exploited or that

were vulnerable to the same. Others were in policy and research roles in frontline organizations, but did not work directly with clients.

Two nationwide focus groups were also conducted with a total of ten participants from specialist community based anti-trafficking services based in various locations across the UK.

### ■ Interview participants

Twelve interviews were held with participants who had specific knowledge, experience and/or expertise related to the research but did not have lived experience. This included academics or experts in the field, as well as two civil rights specialist solicitors and a former Independent Chief Inspector of Borders and Immigration. Interview participants were not selected prior to the research commencing, but were identified as the research progressed.

A detailed methodology section, as well as a summary of the research ethics and an overview of the limitations and challenges of the research, is available within the appendices to this report (see Appendix A).

Contributor type	Number		Experience
People with lived experience	18	Individual interviews conducted over the phone or online	People with first-hand experience of the UK asylum system and experiences of exploitation or that were vulnerable to the same (for example, some had sought asylum and were working in the low-paid shadow economy in precarious work that sounded like exploitation or had been in the past).
Focus group participant (regional)	47	9 regional focus groups across the UK conducted online	Professionals who worked with asylum-seekers, refugees or those refused asylum and/or victims of modern slavery.
Focus group participant (national)	10	2 national focus groups conducted online	People with specialist knowledge and experience of working with victims of modern slavery.
Interview participant	12	Individual interviews conducted over the phone or online	People with specific knowledge, experience and/or expertise related to the research but without lived experience, such as academics or experts in the field.



## 2. IDENTIFICATION OF MODERN SLAVERY IN THE ASYLUM SYSTEM

To claim asylum in the UK, a person needs to be physically present in the country. Some people claim asylum immediately at the place where they arrive in the UK, and others register their asylum claim at an AIU after entering the UK.

When a person claims asylum, they have an initial screening interview which lasts between 30 minutes and 2 hours and includes questions about the person's identity, family, journey to the UK and reasons for claiming asylum. After the screening interview, the next major stage in the asylum process is the substantive interview, which can last several hours and is when Home Office officials will consider someone's reasons for claiming asylum in detail. Throughout this process, questions should be asked that provide individuals with the chance to be open about their experiences and to disclose any factors that may make them vulnerable to exploitation.

Officials in the Home Office are designated "first responders" who are responsible for and expected to identify and support potential victims of modern slavery. This means that they are expected to identify indicators of exploitation and, where the person gives informed consent, refer them into the NRM. It is important to note that people cannot self-refer to the NRM and must be assessed and referred by designated first responders.



## ■ 2.1. Identification of modern slavery during the asylum process

The Home Office's statutory guidance on modern slavery sets out that first responders and other professionals should work proactively to identify and support victims of modern slavery and that first responders "must not rely on victims to self-identify in explicit or obvious ways".<sup>19</sup> The statutory guidance further sets out that:

- *Victims of modern slavery have been through traumatic events and therefore any professional interaction with victims should be treated as an opportunity to help them progress towards long-term stability.*
- *Victims may be reluctant to, or unable to, self-identify. Some groups are more susceptible to becoming victims of modern slavery, particularly children, former victims, people who are homeless or people with drug and alcohol dependency issues.*
- *Victims may experience post-traumatic stress disorder and anyone interviewing a potential victim should be aware of the impact of trauma on the interviewee, for example difficulty recalling facts.*

### ■ 2.1.1. Identification during interviews

The Home Office guidance on asylum screening and routing clearly sets out that the interviewer's role involves looking for indications of exploitation and asking whether the person identifies as a victim of modern , as well as emphasising that staff conducting initial asylum interviews "may be the first person in authority to have contact with a potential victim of modern slavery in the UK and the claimant may not always feel able to identify themselves as being a victim".<sup>20</sup>

There are two specific instances in the current iteration of the asylum screening form where questions relating to modern slavery may be asked. These are Sections 1.16 and 2.5:

*1.16 Do you feel safe in the accommodation?*

*If no, explore (PVOT)*

*2.5 By exploitation we mean things like being forced into prostitution or other forms of sexual*

*exploitation, being forced to carry out work, or forced to commit a crime.*

*Have you ever been exploited or [had] reason to believe you were going to be exploited?*

*If answer is "yes", please use continuation sheet to get brief details that can be used for an NRM referral (who/where/what/when/how)*

The Home Office guidance on asylum interviews also states that the asylum interview may be the first time that someone discloses experiences of trafficking, and states that "people in these situations may well have had traumatic experiences and you must always ask questions about what happened with sensitivity, respect, cultural awareness and gender awareness".<sup>21</sup>

The research explored experiences of identification through the screening and asylum interview process, including challenges, ways to improve identification and to address barriers to disclosing exploitation.

During interviews and focus groups, concerns were raised that questions about exploitation were not being asked, or were being asked in inappropriate ways in asylum screening and substantive interviews. Focus groups discussed the need to ensure that frontline workers and decision-makers have the tools and training to identify and address situations of vulnerability. This includes understanding the relevance of vulnerability factors to detention decisions, referrals to alternatives to detention, open reception facilities, community-based placement and support options, in the context of asylum and migration procedures and systems.

Focus group participants also raised concerns that Home Office officials were perceived to lack adequate training to recognize signs of modern slavery and human trafficking, or to sensitively ask questions that would facilitate disclosure. People with lived experience described attending screening interviews where they were not asked about exploitation at all, illustrating a clear barrier to disclosure.

***"With the Home Office, I think it starts with the people that do the interview. They need to employ people that understand the law based on trafficking more than anything else."***

(Person with lived experience)

19 Home Office (2021), Modern Slavery: Statutory Guidance for England and Wales (under Section 49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, v.2.5 available at: [www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims](http://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims)

20 Home Office (2020), *Asylum screening and routing*, v.6.0 available at: [www.gov.uk/government/publications/asylum-screening-and-routing](http://www.gov.uk/government/publications/asylum-screening-and-routing)

21 Home Office (2021), *Asylum interviews*, v.8.0 available at: [www.gov.uk/government/publications/conducting-the-asylum-interview-process](http://www.gov.uk/government/publications/conducting-the-asylum-interview-process)

Accounts were also given of asylum-seekers failing to disclose modern slavery during the substantive interview due to the way in which questions about exploitation were phrased. For example, some Home Office interviewers had reframed the question on exploitation in a way that was not relevant to the person's experience, or that the person did not understand.

***"I attended a screening interview with a woman who had been trafficked for domestic servitude and sexual exploitation for about seven years – a really, really long time – and the screening interview officer asked, 'have you ever been made to work in a car wash or something like that?' My client said no because she hadn't been forced to work in a car wash, she hadn't understood."***

(Focus group participant, national)

Focus group participants described how answering "no" to questions about modern slavery resulted in the Home Office ruling out the possibility of exploitation, despite the presence of other indicators of exploitation in the screening interview. This could affect the person's asylum claim later on if the Home Office considered them to have disclosed information late or to have changed their account.

Focus group and interview participants were concerned about the apparent lack of knowledge and awareness of indicators of exploitation and identifying potential victims of modern slavery among first responders in the Home Office. As a person cannot self-refer into the NRM they are reliant on the first responder to complete the referral form appropriately. Lack of knowledge or competency among first responders meant that referrals were not always completed accurately, or that key parts of the narrative were missed.

***"The [Home Office official] who is interviewing them – either at the screening or at the substantive stage – hasn't then flagged them as a risk of trafficking because obviously not a lot of people know the definition of trafficking or are even aware of this."***

(Focus group participant, London and South-East)

Conversely, a number of focus group participants shared experiences of asylum-seekers being identified at screening or substantive interviews and referred into the NRM but receiving no follow-up. In these cases, people were often unaware that they were going through this identification process and

did not receive any support in response to their needs as a potential victim of modern slavery.

***"...we find women are identified as potentially being trafficked at screening or substantive interviews, they get referred to the NRM, but no one gets in contact."***

(Focus group participant, Midlands)

Many focus group participants, interview participants and people with lived experience shared concerns about the insensitive approach of some Home Office interviewers, with examples of individuals being shouted at by interpreters or being laughed at by these Home Office officials. Focus group participants described experiences of being present in Home Office interviews where they had to advocate for breaks or raise concerns about the way interviews were being conducted. Despite requirements to offer a choice of gender for the person conducting the interview, people with lived experience shared examples where the gender of the person interviewing them meant they did not feel comfortable disclosing sensitive experiences.

***"The person that did my interview was a male, so I was not going to open up."***

(Person with lived experience)

Many participants felt that the environment in which the asylum interview takes place is not conducive to victims of modern slavery sharing their experiences. It was felt that victims of modern slavery are particularly unlikely to trust public authorities due to negative experiences in their home country or on their journey to the UK, or due to fear instilled in them by their traffickers or others about being reported, detained or removed by the authorities.

Despite the focus in the official guidance on ensuring that asylum interviews and other encounters are sensitive to the impact of trauma, focus group participants, interview participants and people with lived experience described how encounters with the Home Office were often pressurized and daunting, with an expectation that victims disclose exploitation fully and early on.

***"There's no space for the second time. In fact, it is actually considered negative towards their asylum claim if they do not stick to their initial disclosure."***

(Focus group participant, London and South-East)

One focus group participant provided an example of a woman seeking asylum who, having recently escaped from a lorry with her toddler son, was expected to go into detail about her trafficking abuse straight away, without having legal representation present.

***“We had a pre-NRM client referred to us a couple of weeks ago where she was told that she had to disclose everything straight away. She didn’t***

***have a legal rep; she literally had cut her way out of the back of a lorry with her toddler son and just ran and ran and ran and then ended up calling out for help to a couple who then put her in a taxi to Croydon to claim asylum. So, at that point, she was in a very vulnerable position. She had to disclose all of this trafficking in one go without legal representation and within a very short timescale.”***

(Focus group participant, Midlands)

## Experiences shared by Nabila\*

Nabila is a recognized victim of trafficking who was trafficked to the UK and escaped her traffickers a year later with her young child. After going through both the NRM and the asylum process, she was granted refugee status.

Nabila received international protection within a year of applying for asylum but reflected on the difficulties she faced going through the asylum process, especially how she was treated during her asylum interviews and how difficult she found it to disclose her experiences.

***“I had so many psychological problems, you know, I couldn’t go out, I felt people are chasing me... we have to go through this series of interviews with the Home Office and you know, asking how did that happen? Why did you let it happen, and you know, obviously it’s not your fault, you’re in a vulnerable situation, you couldn’t help yourself at that time.”***

Reflecting on her experiences, Nabila recounted how the disbelief and challenges she faced from the Home Office were so painful and made her feel the Home Office blamed her for what had happened to her which made her start to question why she sought help at all and whether she should have just remained where she was rather than escaping to seek help.

***“The fact that Home Office will tell you at the point, why do not escape on time?... why did***

***you wait till now, you know, before coming? And then showing that we don’t believe you... I think, oh, almost unbelievable that just go back. I think I’m better off being back where I was previously... where was that was being held.”***

Despite asking for a woman to interview her Nabila was told that there were no women available, and she was interviewed by a man. When thinking through what she would change about the asylum process for herself and for others, Nabila emphasized the importance of creating an environment where someone feels safe to disclose their experiences. This includes making sure people have choice over the gender of their Home Office interviewer and that they do not feel blamed for what they have been through.

***“I think first and foremost, especially for ladies like me... because of what I’ve been through, because of my experience in the UK at that time... I would have preferred a female caseworker... I would feel comfortable talking, talking about my experience with women than the man... [and] putting the blame. I think that should stop.”***

Nabila is working hard to move on and build a life in the UK for her family, and is now in her final year of training to be a nurse.

\*Nabila is a pseudonym.

### ■ 2.1.2. Reliance on self-identification

Focus group participants, interview participants and people with lived experience all emphasized how, when interacting with the Home Office during interviews and other stages of the asylum process, the onus was on individuals to self-identify. Several focus group participants described how, in their experience, self-identification was uncommon for asylum-seekers.

***“...in the early stages of identification, there’s still a significant over-reliance on people to self-identify rather than frontline professionals looking at other indicators and beginning to gently try to find out what’s happened to someone.”***

(Focus group participant, Scotland)

Focus group participants emphasized the time it takes for people to feel safe enough to disclose, and stressed how essential it is to build trust and rapport.

***“I’d be hard pressed to think of one person within our organization who has come and said, ‘I think I am being exploited’. That’s just not a thing that happens. What happens is gentle questioning and the building up of trust”.***

(Focus group participant, North-East)

Throughout the research, concerns were raised by participants about people who do not recognize they are being exploited and do not have the

capacity to advocate for themselves. This was understood to be the result of barriers to disclosure, such as fear, anxieties and trauma, or because of victims continuing to be under the direct or indirect control of traffickers.

***“My worry is particularly for vulnerable people who haven’t got the voice or the ability to advocate for themselves. How many are suffering in silence? How many know what they need to do to raise a concern? How many people even recognize what’s happening to them as exploitation?”***

(Interview participant)

### ■ 2.1.3. Challenges of false identity documents

The use of aliases or false identity documents adds another dimension to the challenges associated with identifying potential victims. This can be a barrier to accessing help, protection and support, making an individual more vulnerable to exploitation. It can also be incredibly traumatising for the person concerned, as once they are physically free from their trafficker they can remain emotionally or psychologically tied to them owing to the false identity imposed on them.

For example, the Participatory Assessment was provided with evidence of one victim who had to use the identity given to her by her trafficker after she escaped as her residence permit was issued to her in her trafficked identity.



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## Experiences shared by Li Mei\*

Li Mei is a Chinese national who was subjected to labour and sexual exploitation to pay debts incurred by her stepfather in China. She was kidnapped as a child, taken from her mother, and transported to the UK via another European country. She was found by the police in Scotland five years ago, fleeing her traffickers. She was supported by Trafficking Awareness Raising Alliance, also known as TARA, who work with women impacted by sexual exploitation.

In 2018, Li Mei was positively identified as having been a victim of trafficking in the UK but not all aspects of her account were accepted: her date of birth and identity were not accepted. This meant that she was forced to continue to use the identity that the traffickers had given her to facilitate her entry into Europe. Li Mei was given DL for one year, because of her identification as a victim of trafficking (due to her personal circumstances). This was given to her in her trafficked identity and was due to expire in 2019. She had a concurrent claim for asylum which had been refused on the basis that

there was sufficient protection for her in China. This decision was challenged in the asylum tribunal.

Li Mei had to use an identity that was not her own. The UK authorities did not accept her authentic identity requiring her to continue to use the identity that she had been given by her trafficker. This had a detrimental impact on her mental health, re-traumatising her every time she tried to move on. This false identity was linked to education, employment, housing and her medical treatment, significantly hindering her recovery.

Furthermore, her mother was a key protective factor in her life and Li Mei had lost contact with her and was continuously trying to find her. She was being assisted by the Red Cross family tracing service. Due to being forced to use an identity that was not the one her mother had given her, she was incredibly anxious that her mother would never be able to find her if she was looking for her.

*\*Li Mei is a pseudonym.*

### 2.1.4. Improving identification of victims of modern slavery

When reflecting on their knowledge, experience and expertise in working with victims, focus group and interview participants shared ideas about ways to increase opportunities for identification and about good practice drawn from their own professional experience.

One interview participant stressed the importance of victims of modern slavery having access to professionals – including advocates, interviewing officers and interpreters – who could establish a cultural rapport with them, to mitigate entrenched distrust of the authorities. The use of cultural mediators was suggested as a way to help to build

trust, facilitate disclosure and increase identification. The use of cultural mediators of the same nationality and gender was highly recommended by the Praesidium Project<sup>22</sup> as good practice when interviewing potential victims of trafficking.<sup>23</sup>

***“It’s like many times I would like to ask for help... I am totally alone. I don’t know how to communicate... I think everyone has different needs. For myself, I would like to be able to stay near a Vietnamese person, or just a person who can speak to me, ideally in Vietnamese.”***

(Person with lived experience)

22 UNHCR et al (2012), *Praesidium Project Recommendations and Good Practices in the management of mixed migratory flows by sea*, available at: <https://data2.unhcr.org/en/documents/download/46314>

23 Ibid.

Focus group and interview participants emphasized the need for time and for safe spaces, especially early on in someone's asylum claim and before entering into the NRM, in addition to the need for more trust, compassion, rapport and confidence to be built into both systems.

***“Giving people space and time helps them to build a relationship of trust with a practitioner, that can help them to reveal situations where they may be being exploited. Kindness and compassion is such an important factor.”***

(Focus group participant, Midlands)

The Helen Bamber Foundation's "Trauma Informed Code of Conduct"<sup>24</sup> was developed as a best practice guide for professionals working with victims of modern slavery. It provides guidance on how to establish a mutual relationship of trust and create a safe and secure environment to minimize the risks of causing distress or re-traumatization for victims. Understanding victims' presentation of their trauma, clearly explaining professionals' roles and duties, and working with interpreters and cultural mediators are some examples.

The Trauma Informed Code of Conduct sets out the need for safe spaces and trauma informed approaches to facilitate disclosure and enable victims of modern slavery to make informed decisions about their next steps following disclosure.<sup>25</sup> This includes the need for immediate access to support that allows someone time and space after leaving exploitation to consider their options, such as through the UK government's commitment to introducing "Places of Safety" which, if implemented, would provide three days of immediate accommodation and support for potential victims of modern slavery.<sup>26</sup>

Focus group and interview participants highlighted the NRM Toolkit for First Responders in Scotland<sup>27</sup> as an effective mechanism for increasing the identification and protection of people vulnerable to exploitation. The toolkit was developed to improve the identification of victims through the NRM in Scotland and to ensure that both frontline staff (including first responders) and potential victims are clear on the process and possible outcomes of this national pathway to identification and protection.

Several voluntary sector organizations were involved in the development of the 10 Core Principles<sup>28</sup> that underpin early support provision for victims of trafficking, created to ensure that services providing places of safety and early support for adult victims can demonstrate capacity, capability, competence and compliance in their service provision. The principles are not only a tool to guide service provision, but also a benchmark for good practice.

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24 Helen Bamber Foundation (2021), *The Trauma-Informed Code of Conduct For all Professionals working with Survivors of Human Trafficking and Slavery*, available at: [www.helenbamber.org/sites/default/files/2021-05/Trauma%20Informed%20Code%20of%20Conduct\\_April%202021.pdf](https://www.helenbamber.org/sites/default/files/2021-05/Trauma%20Informed%20Code%20of%20Conduct_April%202021.pdf)

25 Ibid.

26 Home Office (2017), *Modern slavery victims to receive longer period of support*, available at: [www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support](https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support)

27 The Scottish Government et al (2021), *NRM Toolkit for First Responders in Scotland*, available at: [www.migrationscotland.org.uk/uploads/National%20Referral%20Mechanism%20Toolkit%20March%202021.pdf](https://www.migrationscotland.org.uk/uploads/National%20Referral%20Mechanism%20Toolkit%20March%202021.pdf)

28 British Red Cross et al (2018), *Places of Safety report*, available at: [https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5c08f8f54ae2375db96f6713/1544091902062/Places+of+Safety\\_BRC\\_ATLEU\\_HTF\\_ATMG.pdf](https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5c08f8f54ae2375db96f6713/1544091902062/Places+of+Safety_BRC_ATLEU_HTF_ATMG.pdf)

## ■ 2.2. Identification of exploitation risks

The research revealed a number of points in the asylum process where the focus on immigration compliance increased potential risks of exploitation or led to the loss of opportunities to identify and address such risks. This included requirements to make an asylum claim in person at a designated location, responses to someone failing to attend appointments or going missing from accommodation, and requirements to report in person to the Home Office.

### ■ 2.2.1. Making an asylum claim in person

A number of focus group and interview participants shared examples of risks associated with having to travel to the AIU in Croydon from other parts of the UK to register their claim for asylum. One interview participant cited an example of a woman who was required to take a long journey that involved changing trains on the way to Croydon. Upon disembarking at the train station, she did not know where she was or how to ask for help as she did not speak English. She was subsequently approached by someone offering help who went on to imprison her and force her into labour exploitation in the agricultural industry. Later on, the woman struggled to re-engage with the asylum system because she was classed as an “immigration absconder” after failing to attend her screening appointment.

Previously, all asylum claims had to be lodged at the AIU in Croydon for those in England, Scotland or Wales or the AIU in Belfast for those in Northern Ireland. However, during the COVID-19 pandemic the Home Office opened other intake units in Cardiff, Glasgow, Leeds, Liverpool and Solihull.

Focus group and interview participants cited the period immediately prior to someone entering the asylum system as a time involving high risk of exploitation. Failure to identify modern slavery indicators at this early stage was believed to increase an individual’s risk of future exploitation as well as impacting negatively on the outcome of their application for asylum.

Examples were given of people being targeted by traffickers when they were about to claim asylum and, in some cases, accepting these offers because

of a lack of information, advice and support at these initial stages. For example, focus group participants in Wales described supporting a group of Albanian women who had been severely abused before entering the UK and after arrival were approached by someone from their community offering to provide housing and support. They accepted this offer, but it quickly became clear that the offer of help was false, and they were forced into modern slavery.

***“That [time of arrival] is the time when they don’t... have lots of community networks, they don’t know anything, they are extremely vulnerable to everything... They’re just homeless at the beginning so they face lots of challenges.”***  
(Interview participant)

### ■ 2.2.2. Viewing missing persons as absconders

The Home Office guidance on the “non-compliance and absconder process” for immigration enforcement purposes sets out that “*vulnerable adults whose whereabouts are unknown can be treated as either a missing person or an absconder. The deciding factor as to whether an adult should be dealt with as a missing person will be based on the risk to, and the vulnerability of, the adult and whether the adult has capacity to make decisions regarding where they move.*”<sup>29</sup> These vulnerabilities include whether the person may be a victim of trafficking or may be unable to “*protect themselves from significant harm or exploitation*”.

Similarly, Home Office guidance on other aspects of the asylum system presents failure to attend interviews, or absences from accommodation, as an immigration compliance issue resulting in either the person’s asylum claim being treated as withdrawn or their support being withdrawn. At no point in Home Office guidance on “withdrawing asylum claims”<sup>30</sup> and on “conditions of support”<sup>31</sup> does guidance set out welfare or safeguarding responses that should be taken in response to someone not engaging with their asylum claim, such as failing to respond to letters or attend appointments, or where someone is absent from their accommodation for a prolonged period of time.

29 Home Office (2018), *Non-compliance and absconder process*, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679981/non-compliance-and-absconder-process-v8.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679981/non-compliance-and-absconder-process-v8.0ext.pdf)

30 Home Office (2020), *Withdrawing asylum applications*, available at: [www.gov.uk/government/publications/withdrawing-asylum-applications](http://www.gov.uk/government/publications/withdrawing-asylum-applications)

31 Home Office (2021), *Conditions of support*, available at: [www.gov.uk/government/publications/withdrawal-of-asylum-support-where-a-breach-of-conditions-has-occurred-instruction](http://www.gov.uk/government/publications/withdrawal-of-asylum-support-where-a-breach-of-conditions-has-occurred-instruction)

Focus group participants and interview participants shared concerns about asylum-seekers going missing from accommodation provided by the Home Office and after release from detention. In these circumstances, asylum-seekers were often treated as immigration “absconders” by Home Office officials rather than considering the welfare and safeguarding risks involved.

***“It’s quite common for clients to then go missing... and it’s hard to say whether that’s because the client has chosen to leave or whether they’ve been re-trafficked... [and] quite often the asylum system will then class them as immigration absconders, and it can be challenging to get people back into that system.”***

(Focus group participant, Scotland)

Focus group participants and interview participants explained how a lack of proactive approaches to safeguarding and identifying people as missing persons, as well as delays in reporting missing persons, led to failures to identify indicators of trafficking and heightened risks of exploitation. One focus group participant shared an example of an individual going missing for five weeks before the Home Office’s contracted accommodation provider noticed they were missing from their accommodation.

Asylum-seekers who go missing from asylum support accommodation are referred to the Home Office Immigration Compliance and Enforcement team.<sup>32</sup> It is not known whether any assessment of risks of exploitation is carried out by this Home Office team – for example, whether safeguarding flags are automatically raised for those where apparent absconding may in fact be the result of re-trafficking.

Specific concerns were raised by interview participants about the number of Vietnamese nationals being re-trafficked upon release from detention. Factors that contributed to this possibility included a lack of safeguarding in preparation for release, leading some victims to feel they had no alternative but to return to their trafficker; a lack of vetting of accommodation on release; and a lack of safeguards in place during transfers from prison or detention to accommodation after release.

These findings point to the need for more and improved joined-up working between the local authority in the area in which an individual goes missing, the police and the Home Office. This would help ensure that if an individual encountered frontline services or the authorities, they would be flagged as potentially vulnerable and a missing person rather than being treated as absconders by default.

### ■ 2.2.3. Reporting requirements

A person who has made an asylum claim is subject to immigration control and may be required to report to the Home Office regularly at a specified time and date at their nearest immigration office or local police station. During the COVID-19 pandemic, reporting requirements were suspended for many people but have been gradually reintroduced as social distancing and travel restrictions are lifted.

Recent research showed that, even before the pandemic, reporting in person was causing significant harm to victims of modern slavery. Reporting requirements that oblige people to consistently attend the same location, at a set time and on a set day, expose them to risks of being traced or targeted by traffickers or people looking to exploit them. It also increases people’s fear of being detained, resulting in negative mental health impacts, exacerbated by the fact that many victims of trafficking already suffered from PTSD, and it forces victims of trafficking to engage with Home Office staff, some of whom have been reported to be intimidating and aggressive.<sup>33</sup>

Concerns linked to reporting requirements raised by focus group and interview participants echoed these findings, such as how the visibility of reporting centres identifies the individuals attending as potentially vulnerable people. One focus group participant raised concerns about women who had been targeted by traffickers at reporting centres.

***“We were aware of women being targeted when they went to report, not necessarily just for trafficking, but domestic abuse too, because perpetrators had a knowledge that women who are in the asylum system are vulnerable and so they were hanging around outside the reporting centre.”***

(Focus group participant, Scotland)

<sup>32</sup> The Immigration Compliance and Enforcement Team is more commonly known as an ‘ICE’ team.

<sup>33</sup> ATLEU (2021), *A cruel and unlawful burden: Reporting conditions for survivors of trafficking*, available at: <https://atleu.org.uk/news/vulnerable-victim-of-slavery-catches-covid>



## ■ 2.3. Identification through partnership and multi-agency working

Multi-agency and partnership working refers to the practice of organizations working collaboratively, in cooperation with one another. This way of working typically links on three common principles: information-sharing, joint decision-making, and co-ordinated intervention.<sup>34</sup>

The Home Office modern slavery statutory guidance recognizes that, *“Collaborative partnerships, multi-disciplinary and multi-agency working are fundamental to ensure that victims are identified, protected and safeguarded.”*<sup>35</sup>

However, recent research found that Border Force, Immigration Enforcement and UK Visas and Immigration and other government departments continue to work in a siloed and disjointed manner, with little evidence of plans to address this.<sup>36</sup> As set out in the sections above, focus group participants and interview participants raised examples where the lack of partnership and joined-up working between the Home Office, the voluntary sector, local authorities and others to identify exploitation meant that indicators of modern slavery were missed and opportunities to put in place effective safeguarding responses were lost.

Research in 2017 by the then Independent Anti-Slavery Commissioner Kevin Hyland and the University of Nottingham Rights Lab mapped anti-slavery partnerships in the UK, explored gaps in partnership working and made recommendations for how to strengthen trafficking multi-agency work.<sup>37</sup> The recommendations still resonate today. They include the need to evenly distribute leadership, encourage a higher level of engagement with local communities, and ensure that resources and assistance for public sector partners are in place to enable them to meet their statutory responsibilities.

### ■ 2.3.1. Examples of partnership and multi-agency working

Focus group participants gave examples of multi-agency approaches that were successful in better identifying and supporting potential victims of trafficking; the examples given were not exhaustive but point to the benefits and opportunities presented by close collaboration between agencies.

A Multi Agency Risk Assessment Conference (MARAC) is a meeting to facilitate effective information-sharing between professionals. During a MARAC, representatives of local police, probation, health, child protection, housing practitioners and other specialists from the statutory and voluntary sectors come together to share concerns, discuss options for managing risk, and work together to develop a co-ordinated action plan. Traditionally held in relation to high-risk domestic abuse cases, MARACs can also be held in relation to an individual or group of people who have been identified as potential victims of modern slavery.

Focus group participants reported that discussing concerns at multi-agency forums such as this can be an effective way to identify different risks, needs and vulnerabilities.

***“...in terms of making it easy to identify people, I think something that is not particularly talked about – it’s not like a tick box, but it’s really, really important – is intuition and using your gut feeling and professional curiosity. I think it’s really important that those staff, potentially volunteers, on frontline services have got permission to listen to that gut instinct when something is not right.”***  
(Focus group participant, Midlands)

34 Home Office (2014), Multi Agency Working and Information Sharing Project, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/338875/MASH.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/338875/MASH.pdf)

35 Home Office (2021), *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*, v.2.5 available at: [www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims](http://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims)

36 Independent Chief Inspector of Borders and Immigration (2020), *An inspection of the work of Border Force, Immigration Enforcement, and UK Visas and Immigration to identify, investigate, disrupt and prosecute perpetrators of modern slavery and human trafficking*, available at: [www.gov.uk/government/publications/an-inspection-of-the-work-of-border-force-immigration-enforcement-and-uk-visas-and-immigration-to-identify-investigate-disrupt-and-prosecute-perpe](http://www.gov.uk/government/publications/an-inspection-of-the-work-of-border-force-immigration-enforcement-and-uk-visas-and-immigration-to-identify-investigate-disrupt-and-prosecute-perpe)

37 Independent Anti-Slavery Commissioner and the University of Nottingham Rights Lab (2017), *Collaborating for freedom: anti-slavery partnerships in the UK*, available at: [www.antislaverycommissioner.co.uk/media/1186/collaborating-for-freedom-anti-slavery-partnerships-in-the-uk.pdf](http://www.antislaverycommissioner.co.uk/media/1186/collaborating-for-freedom-anti-slavery-partnerships-in-the-uk.pdf)

Bawso, an organization that supports minority ethnic communities in Wales who have been affected by abuse and modern slavery, have been participating in MARACs since 2013.<sup>38</sup> Bawso found a wide range of possible outcomes and benefits of using MARACs that were only possible due to partnership working. These included being able to identify a victim of modern slavery or exploitation from information-sharing and partnership working, allowing for a robust safety plan to be put in place and for ongoing support to be offered on a long-term basis. In addition to this, they also allow local authority and other housing support providers offering emergency accommodation for victims of modern slavery not consenting to the NRM to assist victims to leave their traffickers. Inputting safeguarding measures in the event of a potential victim going missing was also made possible, as well as identifying learning outcomes in the MARAC meetings.

Alternative models to MARAC have been developed and used elsewhere in the UK, such as the monthly Slavery Exploitation Risk Assessment Conference

(SERAC), established by Nottingham City Council to co-ordinate the council's modern slavery team. The SERAC brings professionals together to review cases of modern slavery and provides a space to discuss suspected or known cases of exploitation, facilitating the open exchange of information to support a multi-agency approach.<sup>39</sup>

Nottingham City Council also have a Slavery Exploitation Team (SET), which co-ordinates the SERAC in partnership with Nottingham Police. The SET takes referrals where there are concerns about exploitation, working with partners to support victims and reduce harm. Professionals are encouraged to “refer known or suspected victims of exploitation, slavery or trafficking and share situations where suspicious activity has been highlighted”,<sup>40</sup> prompting them to be alert, proactive and attentive to their own intuition.



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38 BAWSO (2022), available at: <https://bawso.org.uk/en/>

39 Home Office (2020), *Evaluation of the Modern Slavery Local Authority Pathway pilots*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930538/RR\\_-\\_Evaluation\\_of\\_the\\_modern\\_slavery\\_Local\\_Authority\\_Pathway\\_Pilot\\_3\\_final\\_2\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930538/RR_-_Evaluation_of_the_modern_slavery_Local_Authority_Pathway_Pilot_3_final_2_.pdf)

40 Nottingham City Council (2020), *Modern Slavery Statement*, available at: [www.nottinghamcity.gov.uk/media/3372414/modern-slavery-statement-2021.pdf](http://www.nottinghamcity.gov.uk/media/3372414/modern-slavery-statement-2021.pdf)

## 2.4. Conclusion and recommendations

The research has uncovered a number of challenges relating to the identification of modern slavery in the asylum system, including problems with the asylum interview process, an over-reliance on self-identification, and challenges associated with false identity documents. Participants also reflected on examples of good practice and ways to increase opportunities for identification.

The focus on immigration enforcement and compliance measures in the asylum process, at the expense of protection and safeguarding needs, resulted in failures to identify indicators of modern slavery. This included overlooking risks involved at specific points in the asylum process, including

when making an asylum claim at a specified location and reporting requirements. Similarly, viewing people who go missing or stop engaging while in the asylum system as immigration absconders rather than vulnerable individuals meant that risks of exploitation were missed and agencies failed to take action to safeguard people at risk.

Collaboration and multi-agency working provided opportunities to improve identification and mitigate risks of exploitation. However, the Home Office and other organizations were not taking opportunities to work together to identify and safeguard people at risk.

1. The Home Office should introduce prompting questions in all relevant interviews on whether someone feels safe at present in the UK. The UNHCR/IDC Vulnerability Screening Tool provides a framework for this and could be adapted to the UK context.
2. The Home Office should ensure people can apply for asylum at locations throughout the UK by re-introducing the regional AIU's established during the COVID-19 pandemic.
3. The Home Office should ensure that when they are alerted that an asylum-seeker is missing this triggers a safeguarding response, rather than being treated as an immigration compliance and enforcement issue. To this end it should:
  - a. amend guidance on “non-compliance and absconder process” to set out that an asylum-seeker who goes missing requires a safeguarding response.
  - b. amend guidance on “withdrawing asylum claims” to ensure that someone who stops engaging with their asylum claim requires a safeguarding response.
  - c. amend guidance on “conditions of support” to ensure that absence from asylum support accommodation requires a safeguarding response.
4. The Home Office should ensure that people who have been referred into the NRM are not required to report in person.



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### 3. ASYLUM SUPPORT AND RISKS OF EXPLOITATION

In the UK, asylum-seekers are generally not allowed to work or access public funds while they wait for the outcome of their asylum decision. If someone seeking asylum is facing destitution and homelessness, they can apply to the Home Office for “asylum support”. Under the Immigration and Asylum Act 1999, the Home Office has a duty to provide accommodation and/or financial support to anyone applying for asylum who would otherwise be destitute.

Asylum-seekers who can prove they are destitute are eligible for accommodation on a no-choice basis and/or subsistence at £40.85 per week. Where the accommodation is “full board” (e.g., in a hostel or hotel where there are no cooking facilities), they are provided with £8.24 per week in financial support.

Potential victims of trafficking going through the NRM receive an additional £25.37 per week. “Subsistence” support for victims of trafficking has been recognized to mean a level beyond “the minimum sum needed to stave off destitution”. This is because the purpose of the duty to provide material assistance is to assist victims in their physical, psychological and social recovery.

## ■ 3.1. The asylum support application process

To request asylum support a person needs to complete a 33-page form called the Asylum Support Application Form (ASF1), which is available in English only. Applicants are required to provide additional supporting evidence to prove they are “destitute”, meaning they do not have adequate accommodation or any means of obtaining it, or that they have adequate accommodation or the means of obtaining it but cannot meet their other essential living needs.<sup>41</sup> This might include bank statements, or letters from night shelters or acquaintances who have provided a place to sleep.

In 2019, a national contract for a new helpline and support service (AIRE – Advice, Issue Reporting and Eligibility) was awarded to Migrant Help, a voluntary sector organization that manages the application processes for asylum support. Support is primarily provided by telephone or via an online portal. Migrant Help will then submit completed applications to the Home Office asylum support casework team that decides whether to grant accommodation and support. There is usually no face-to-face assessment when someone applies for asylum support.

### ■ 3.1.1. The application form

Interview participants and focus group participants raised concerns that the application process for asylum support is a missed opportunity to identify vulnerabilities to exploitation and potential victims of trafficking. The ASF1 form only has one place where an individual is encouraged to share information about their individual circumstances.<sup>42</sup> This relies on an individual understanding the question or self-identifying as a victim of modern slavery, despite Home Office guidance acknowledging that people often do not consider themselves to be victims of exploitation.<sup>43</sup>

There are currently no references to risks or vulnerabilities on the ASF1 form, other than a list of tick boxes in the section on individual circumstances. The boxes include “Pregnant, Physical health problems, Learning disabilities, Victim of domestic violence, Victim of trafficking, Mental health problems”.<sup>44</sup>

There are no other opportunities in the application form to identify vulnerabilities, therefore if an individual does not identify with any of the tick boxes or has another reason for not ticking the box, additional needs will not be picked up. There is an additional information box at the end of the form, but there is no guidance about what this space is for.

The ASF1 form does not attempt to establish whether an individual felt safe or was being exploited prior to applying for asylum support. Victims of trafficking are often exploited by people they know, including friends or family members. However, the section relating to support received from family or friends makes no reference to whether an individual felt safe when relying on others for support or the conditions they were living in. Additionally, while there is a focus on material and monetary assets throughout the ASF1 form, there is no reference to whether an individual has any debts that could be an indicator of exploitation or risk of exploitation.

### ■ 3.1.2. The asylum support assessment process

***“The asylum support system as it has been structured... is not set up in a way to effectively identify people who are being exploited.”***

(Focus group participant, Scotland)

Focus group and Interview participants raised concerns about missed opportunities to identify risks and potential victims of modern slavery in the asylum support system, as well as a lack of training or competence to identify risks. Some interview participants discussed differences when someone is supported to apply for asylum support by an independent third sector organization, as opposed to going through the process with Migrant Help. Focus group participants highlighted that indicators of exploitation or types of exploitation were often overlooked or misunderstood by asylum support decision-makers. These included connections between different forms of abuse which were missed, such as victims of domestic abuse who were also in situations of exploitation and trafficking.

41 Home Office (2021), *Assessing destitution guidance*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1032155/Assessing\\_destitution.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1032155/Assessing_destitution.pdf)

42 Section 14 which is a tick box and a brief description box as to whether they are a victim of trafficking.

43 The Home Office guidance on asylum screening and routing sets out that potential victims of modern slavery in the UK ‘may not always feel able to identify themselves as being a victim’ Home Office (2020) *Asylum screening and routing*, v.6.0, available at: [www.gov.uk/government/publications/asylum-screening-and-routing](http://www.gov.uk/government/publications/asylum-screening-and-routing). NB Problems with self-identification are explored in Section 2.1.2.

44 For further detail, see Section 14 of the ASF1 form available at: [www.gov.uk/government/publications/application-for-asylum-support-form-asf1](http://www.gov.uk/government/publications/application-for-asylum-support-form-asf1)

**“A lot of people [in this focus group] are trained to look for risk indicators and therefore ask questions. You would know if someone was in the room with somebody else, or didn’t have access to travel documents, that these would be risk indicators. However, Migrant Help are overworked and overloaded and they just want to get the form done. I don’t think they look for risk indicators.”**  
(Focus group participant, South-East focus group)

Focus group participants and Interview participants repeatedly stated the need for specific exploitation training for asylum support caseworkers to enable them to be able to distinguish between different types of exploitation, understand the nuances of exploitation and recognize the variety of ways it can manifest. Both criminal exploitation and financial exploitation were cited as forms of exploitation that were more commonly overlooked, mis-interpreted or misunderstood during consideration of asylum support applications.

**“Financial exploitation is not really picked up on, or fraud and being used... I think it’s just a lack of true awareness of the extent of trafficking and what can be behind that...”**  
(Focus group participant, North-West and Yorkshire)

The lack of effective identification of risks in the asylum support application process had an impact on whether the support provided to the applicant was appropriate, including where they would be accommodated, or the type of accommodation provided. This lack of adequate assessment led to people being placed in inappropriate accommodation, sometimes near, or even with, people who may pose a risk to them.

**“The assessments made on people’s vulnerability are certainly not robust. I don’t think they’re particularly thorough; I don’t think people are identified as either being a risk of being a perpetrator or victim in either case.”**  
(Focus group participant, North-East)

## Using vulnerability screening in asylum support assessments

Ensuring that every opportunity is taken early on in the asylum support application and assessment process to screen for and assess vulnerabilities would mean that Home Office asylum support teams and contracted asylum support providers are able to identify vulnerabilities including risks of exploitation, to manage those identified risks and to take steps to prevent exploitation or re-exploitation.

The VST produced by UNHCR and IDC<sup>45</sup> gives examples of potential questions that decision-makers can adapt in order to assess vulnerabilities and ensure that onward provision of accommodation and support is suitable for the person’s needs. As set out in the VST, this could include the below questions:

- *How does the current living situation impact on the individual’s health and welfare, and what would be the expected impact of the recommended placement option?*
- *What are the available support services with capacity to manage the identified situations of vulnerability?*
- *Which ones are best placed to provide the required support?*
- *Are proposed support services linked to or easily accessed from the proposed placement option?*
- *Has the individual undergone a comprehensive, expert health assessment, and if not when is such an initial assessment to occur?*
- *Will the individual have access to case management advice and support?*
- *Will the individual have access to an independent caseworker or counselling?*
- *Is there evidence to show that the individual would be unable to effectively engage with such supports? If so how will this be addressed? (Consider, for example, the provision of casework assistance and the strengthening of community ties).*

45 UNHCR and IDC (2016), *Vulnerability Screening Tool - Identifying and addressing vulnerability: a tool for asylum and migration systems*, available at: [www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html](https://www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html)

### ■ 3.1.3. Destitution as a vulnerability factor

Previous research has outlined the barriers destitute asylum-seekers can face when trying to access asylum support. These have included incorrectly high thresholds to prove destitution, failure to consider relevant evidence submitted, challenges gathering evidence to prove a person is destitute, delays in decision-making and other factors.<sup>46</sup>

Focus group participants described risks people face when refused asylum support either because the Home Office did not judge them to be destitute or that they did not meet other criteria. Some focus group participants described people being refused asylum support because they were brought to the UK with money in a bank account attributed to them, but were unable to demonstrate that these accounts were controlled by traffickers.

A focus group participant from a specialist anti-trafficking team highlighted how those refused asylum support face a heightened risk of exploitation due to failing to meet requirements under Section 55 of the Immigration and Asylum Act 1999, which states that applicants should claim asylum as soon as reasonably practicable after arrival.<sup>47</sup>

***“We see risks of exploitation where individuals are refused Section 95. Often Section 55 is cited without due regard of why someone has not claimed asylum at port, and no consideration is given to the fact that they were being trafficked [at] this time.”***

(Focus group participant, national)

One interview participant was aware of a number of cases whereby female asylum-seekers had been exploited after being made homeless due to a refusal of Section 98 support. Traffickers then offered them accommodation in exchange for sex. These women were moved between the trafficker’s network of friends on the promise that they would receive accommodation, but in each case were sexually exploited.

Focus group participants and interview participants in the Northern Ireland focus group explained how people waiting for asylum support were being approached by low-wage employers in Belfast.

Additionally, people can be left at risk of exploitation when faced with barriers to travel to asylum support accommodation even after the Home Office has accepted an application. Some focus group participants described supporting people who were granted support but were exploited before they could reach support. In one example, a man who was due to move into new asylum support accommodation was unable to as a result of transport issues.

***“I had a case where an individual missed the bus to his dispersal accommodation as he had got lost on his walk from his Initial Accommodation (IA). The IA staff wouldn’t let him back in or support him to re-arrange transport. He was destitute and was trafficked the next day in to labour and sexual exploitation.”***

(Focus group, national)

46 Asylum Support Appeals Project: ‘Not Destitute Enough: A report documenting UKBA’s failure to apply the correct legal definitions of destitution in asylum support decisions’ (2008), available at: [www.asaproject.org/uploads/not\\_destitute\\_enough.pdf](http://www.asaproject.org/uploads/not_destitute_enough.pdf); ‘No Credibility: UKBA decision making and section 4 support’ (2011), available at: [www.asaproject.org/uploads/no-credibility.pdf](http://www.asaproject.org/uploads/no-credibility.pdf); ‘Destitution: Unchecked, Unbalanced: Home Office decision making on asylum support’ (2015), available at: [www.asaproject.org/uploads/Destitution-Unchecked-Unbalanced-August-2015.pdf](http://www.asaproject.org/uploads/Destitution-Unchecked-Unbalanced-August-2015.pdf); and ‘The Waiting Game: Delays in providing asylum support after appeals’ (2016), available at: [www.asaproject.org/uploads/ASAP\\_-\\_Delays\\_in\\_Accessing\\_Accommodation\\_Report\\_2016\\_FINAL.pdf](http://www.asaproject.org/uploads/ASAP_-_Delays_in_Accessing_Accommodation_Report_2016_FINAL.pdf).

47 Section 55(1) prevents the Secretary of State from providing asylum support unless they are satisfied that an applicant’s claim for asylum was made as soon as reasonably practicable after their arrival in the UK. See: [Section\\_55\\_v12.pdf \(publishing.service.gov.uk\)](http://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/44444/Section_55_v12.pdf)

## ■ 3.2. Living on asylum support

In 2019, seven regional contracts for accommodation and transport (the AASC – Asylum Accommodation and Support Contracts) were awarded to three providers: Clearsprings Ready Homes, Mears Group and Serco. The Statement of Requirements for asylum support providers sets out responsibilities for accommodation providers to be proactive in monitoring and identifying people who are at risk within their care.<sup>48</sup>

### ■ 3.2.1. Suitability of asylum support accommodation for victims of trafficking

Potential victims of modern slavery who are referred into the NRM enter a “recovery period”. The UK government funds support for potential victims through the Modern Slavery Victim Care Contract (MSVCC) which can include accommodation, financial support, information and advice, and may be provided in the form of safe-house provision and wrap-around support or outreach support where the person has suitable alternative accommodation. Home Office guidance sets out that potential victims of trafficking will go through an extensive risk and needs based assessment process to ensure that support meets their needs, including an initial risk assessment, a preliminary risk assessment, a full risk assessment and a needs-based assessment that covers immediate to longer term health and welfare needs and safeguarding risks.<sup>49</sup>

Recently, the Care Quality Commission<sup>50</sup> was appointed by the Home Office to begin independent inspections of safehouses and outreach support provided through the Modern Slavery Victim Care Contract (MSVCC). These inspections do not extend to asylum support accommodation provided to victims of modern slavery, leaving a significant gap in the monitoring and oversight of support to victims.

Previous research has highlighted that asylum support accommodation is unsuitable for victims of trafficking, particularly for women, for a number of reasons, such as allowing guests to visit without clearance and the use of mixed gender accommodation.<sup>51</sup> As set out above, victims of modern slavery should

go through an assessment process that considers appropriate accommodation and support, and any risk factors in the provision of that support. However, focus group and interview participants frequently reported instances of victims of trafficking claiming asylum being placed into asylum support accommodation without an assessment of whether that accommodation was appropriate for them.

***“I think we need to be more ambitious going forward: if you’re a recognized victim of exploitation, it shouldn’t be a given that one automatically goes in – or is often going to go into – asylum accommodation.”***

(Focus group participant, Scotland)

Interview participants gave accounts of victims of modern slavery being placed into mixed-sex hostel type accommodation or in inappropriate locations, such as areas close to where they had been trafficked. One interview participant shared an example of a Vietnamese man who had been kidnapped out of asylum support accommodation and trafficked. Despite his recent and clear vulnerabilities, he was not accommodated in a safe house but was returned to asylum support accommodation where he was then re-trafficked.

***“It’s really scary because essentially in a safe house, they would check who’s coming in, who’s coming out – there are more protections. The fact that not all victims of trafficking are going into those safe houses is quite crazy.”***

(Focus group participant, London and South-East)

One person with lived experience discussed feeling unsafe in asylum support because it was located in an area where there were high levels of drug use and sex work, which made her feel like she was back in the trafficking situation she had escaped from. She felt she had moved from one situation of precarity to another. Focus group participants from the North-East also shared evidence of “cuckooing”<sup>52</sup> where asylum-seekers’ rooms were taken over by perpetrators and used as sites for drug use and sex work.

48 Asylum Accommodation and Support Schedule 2 *Statement of Requirements* (2020) available at: [http://data.parliament.uk/DepositedPapers/Files/DEP2018-1112/AASC\\_-\\_Schedule\\_2\\_-\\_Statement\\_of\\_Requirements.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2018-1112/AASC_-_Schedule_2_-_Statement_of_Requirements.pdf)

49 For a full overview of the risk and needs assessment processes, see pp 63-67 of Home Office (2022), *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*, available at: [www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims](http://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims)

50 The Care Quality Commission is the independent regulator of health and adult social care in England.

51 Hibiscus (2020), *Closed Doors Inequalities and Injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum*, available at: [2020\\_11\\_24-HI\\_Closed-Doors\\_Main-Report\\_FINAL\\_DIGITAL.pdf](http://2020_11_24-HI_Closed-Doors_Main-Report_FINAL_DIGITAL.pdf) ([hibiscusinitiatives.org.uk](http://hibiscusinitiatives.org.uk))

52 Cuckooing is when criminals target the homes of vulnerable adults to use the property for drug dealing and/or other criminal activities.



***“I was staying in [accommodation] and they had a lot of drug addicts and prostitution and stuff like that. So I felt as if I was back... I was back in where I left, where I was trying to escape from... And the support wasn’t that great, so I didn’t feel safe at all.”***  
(Person with lived experience)

Another victim of trafficking described how she opted to stay with someone from her community rather than in asylum support accommodation as she wanted to be with people she could trust rather than amongst strangers in a place where she felt unsafe.

***“I just live with different friends... Like sometimes with one friend I’m living with like one month or four months or like that because I must, I just I must prefer to live in friends... I’m always scared to you know, to the people I’m really scared to trust.”***  
(Person with lived experience)

Focus group participants described how being dispersed to asylum support accommodation across the country, away from their support networks, could cause asylum-seekers to be isolated and at risk of re-exploitation.

***“[When] they are torn away from all of their support networks, and all of their connections, that they had with people, I think that’s a really vulnerable time for people, because when you come to a new area, you start everything again from scratch... I think that feeling of insecurity contributes to them taking opportunities that are presented to them in a way that then might lead to their exploitation...”***  
(Focus group participant, North-West & Yorkshire)

### ■ 3.2.2. Allocation of asylum support accommodation

Asylum support accommodation ranges from houses of multi-occupancy to single occupancy accommodation and various forms of contingency accommodation including hotels, hostels and, more recently, re-purposed military bases. Accommodation is provided on a no-choice basis in different locations across the UK, and adults are usually expected to share a bedroom with another unrelated adult.

During the COVID-19 pandemic, the longer-term use of hotels and hostels as asylum support accommodation became widespread. Several organizations have raised concerns about the use of hotels and hostels as long-term accommodation, citing barriers to registering with schools and GP practices, lack of cooking facilities, inadequate financial support for asylum-seekers living in hotels, and the impact of living for prolonged periods in one small bedroom.<sup>53</sup>

***“Safe accommodation makes a huge difference... even though it might be safe on paper, it might not feel safe to that particular person. I think that having somewhere safe to live where somebody can lock the door at night... that makes a big difference.”***  
(Focus group participant, Midlands)

The use of large-scale accommodation such as hostels, hotels and houses of multiple-occupancy was recognized by focus group participants as a risk factor, due to being easily identifiable as asylum support accommodation. Several participants reported instances of female asylum-seekers living in houses of multiple occupancy being targeted and exploited directly from the building where they lived, due to it being widely known as a site housing asylum-seekers.

***“Home Office asylum-seeker accommodation where it’s mixed and people sharing rooms and things like that... those pieces of accommodation get known... There were issues around sex for beds – those sorts of things. Women were getting massively targeted.”***  
(Focus group participant, North-West and Yorkshire)

People with lived experience also shared examples of people being recruited directly from their asylum support accommodation into exploitation. Accommodation was at times in close proximity to known exploitative labour sites, such as car washes or brothels; this, accompanied with people’s desperation and need for money to support themselves, put people at risk.

***“We were housed in a building next to a car wash in the garage. I knew there were lots of victims of trafficking there... some of them started working at the car wash.”***  
(Person with lived experience)

<sup>53</sup> Refugee Council (2021), “I sat watching life go by my window for so long”. *The experience of people seeking asylum living in hotel accommodation*, available at: <https://media.refugeecouncil.org.uk/wp-content/uploads/2021/04/23053224/I-sat-watching-my-life-go-by-my-window-for-so-long-23rd-April-2021-1.pdf>; British Red Cross (2021) *Far from a home: why asylum accommodation needs reform*, available at: [www.redcross.org.uk/-/media/documents/about-us/what-we-do/far-from-a-home.pdf](http://www.redcross.org.uk/-/media/documents/about-us/what-we-do/far-from-a-home.pdf)

Participants and people with lived experience spoke about specific risks faced by female asylum-seekers as well as lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) <sup>54</sup> asylum-seekers. The use of mixed-gender accommodation was raised as a key concern, particularly for women asylum-seekers. One focus group participant in Scotland described how they had successfully advocated to mitigate this risk:

***“We certainly have a dialogue with [asylum support accommodation provider] that people who have been identified as vulnerable within the hotel environment – particularly around trafficking or victims of sexual violence – of trying to move those people out of hotels quickly and trying to get hotels safer. So, for example, we eventually got all the women moved to the one floor in the one hotel. So, it was more... it was a little bit safer in how it was, rather than spread out in predominantly male environments.”***

(Focus group participant, Scotland)

Focus group participants working with LGBTIQ+ asylum-seekers explained how many experienced homophobia and transphobia within accommodation and therefore looked elsewhere for somewhere to stay. LGBTIQ+ asylum-seekers may not have the same support networks in the community as other asylum-seekers, which can often result in them being homeless or in exploitative situations like domestic servitude. While procedures were typically in place to report instances of discrimination, these were often not widely known about to asylum-seekers and good practice was perceived to vary depending on the provider.

***“There are guidelines for providers on what happens in those circumstances, but they could probably be stronger, better and followed more uniformly throughout each of the providers... That causes a lot of issues with people who are left in really unsafe situations where the response has been far too slow, and we do see that quite a lot.”***

(Focus group participant, national)

One person with lived experience disclosed that the treatment experienced by many LGBTIQ+ asylum-seekers contributed to poor mental health, not only because of the discrimination they faced but also because they did not know where they could go to be safe. They shared their frustration that they and

other LGBTIQ+ asylum-seekers risked so much to start a new life somewhere less dangerous for them to be themselves, but repeatedly find themselves in situations that are still unsafe.

***“You’re coming from somewhere you had to hide, you couldn’t be yourself... And then you come somewhere else and again, it really doesn’t make sense. It’s like I’m breaking out of my comfort zone to get somewhere where I can be more comfortable. But when I get here, the same thing is happening again. So the question comes into where do I go? What do I do?”***

(Person with lived experience)

The Home Office relies on LGBTIQ+ asylum-seekers to make a complaint if instances of harassment or abuse occur, as opposed to assessing vulnerability before allocating accommodation. <sup>55</sup> One focus group participant gave an example of women who were advised by their accommodation provider to report homophobic abuse to the police, but were nevertheless expected by the Home Office to return to the same accommodation where the perpetrator resided, leaving them at even greater risk.

One person with lived experience explained how she would have felt safer in accommodation specifically for LGBTIQ+ asylum-seekers:

***“I, as a lesbian, feel so funny when the old house I was staying in it was with a mixture. You have different ladies in different backgrounds... it was really a hard place to live... you couldn’t be yourself... I [would] change their accommodations and the facilities for lesbians and gay men, transgenders. Yeah, I would love them to be on a different level of places, you know where they cannot be discriminated, where they cannot be harmed.”***

(Person with lived experience)

This was echoed by focus group participants and an interview participant who described how asylum support accommodation was often unsafe for people who identify as LGBTIQ+ due to homophobia and transphobia, including physical, sexual, and verbal abuse.

***“Because their birth certificate said male, they were put in accommodation with men and that resulted in abuse... the same issues continued to happen because it was room sharing***

54 UNHCR (2022) *LGBTIQ+ persons*, available at: [www.unhcr.org/uk/lgbtiq-persons.html](http://www.unhcr.org/uk/lgbtiq-persons.html)

55 Independent Chief Inspector of Borders and Immigration (Feb-June 2018), An inspection of the Home Office’s management of asylum accommodation provision, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/757285/ICIBI\\_An\\_inspection\\_of\\_the\\_HO\\_management\\_of\\_asylum\\_accommodation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757285/ICIBI_An_inspection_of_the_HO_management_of_asylum_accommodation.pdf)

*and room sharing with men who were constantly harassing them about why they looked feminine, or trying to sexually harass them, or trying to get friends to come and sexually harass them.”* (Interview participant)

### ■ 3.2.3. Safeguarding responses in asylum support accommodation

Concerns about safeguarding responses in asylum support accommodation were raised consistently throughout this research. There are safeguarding teams within each housing provider, as well as the Home Office regional Asylum Safeguarding Hubs. However, focus group and interview participants reported that there was a lack of consistency in approaches to safeguarding among housing support providers, including slow response rates and regional variation in practice.

***“Basically support is just getting roofs over people’s heads.”***

(Focus group participant, Scotland)

People living in asylum support are expected to contact Migrant Help if they would like to report concerns about their accommodation including risks connected to their health and wellbeing and safeguarding concerns including domestic abuse, sexual harassment or exploitation.<sup>56</sup> The reliance on a telephone helpline for reporting concerns about accommodation or requesting wider support in relation to risks was raised by focus group participants in Scotland as unsuitable as a way of identifying and responding to safeguarding needs.

***“I do know how helpful helplines can be in certain contexts, but it is fundamentally unsuitable as a means of identifying people who have potentially been exploited or are at risk of exploitation... Over a phone line, you can’t identify signs of malnourishment... you can’t tell if someone’s understanding the information that you give them. You can’t see their facial expressions; you can’t see if they look particularly startled by a particular question.”*** (Focus group participant, Scotland)

A lack of adequate welfare support for asylum-seekers in hotels, hostels and other large-scale accommodation sites was raised by both focus group and interview participants. It was reported that potential safeguarding issues were often overlooked due to inadequate ratios of staff to residents and a lack of awareness among staff.

***“...we’ve also got two hotels being used as contingency initial accommodation, and we’ve had them since March last year... There are not sufficient welfare officer staff from the housing provider there to manage the volume of residents. Again, I think that the awareness within the housing provider staff about what the safeguarding flags are that they should be looking for are not sufficient.”***

(Interview participant)

## Experiences shared by a specialist anti-trafficking caseworker

A specialist anti-trafficking caseworker shared their experiences of struggling to secure an adequate safeguarding response to a safeguarding incident in asylum support accommodation.

The caseworker was supporting an identified victim of modern slavery who had been sexually assaulted while receiving asylum support accommodation in a mixed gender hotel. They raised concerns about the incident and the person’s safety with the Home Office safeguarding hub, with Migrant Help, with the accommodation provider, and with providers under the Modern Slavery Victim Care Contract.

***“That [information] was shared with the safeguarding team and the response was not great. It was acknowledged, but no steps were taken. The [accommodation provider] agreed that any time she wanted to leave her room she could call reception and they could accompany her to wherever she needed to go, but in terms of removing the person who did that or moving her to safe, single-sex accommodation, none of that was done.”***

After a long period of sustained advocacy with the various different organizations involved in her care, the caseworker was successful in getting the person moved out of that accommodation and into alternative asylum support accommodation with women only. The woman was not offered alternative accommodation in a safe house despite being in the recovery period through the NRM.

<sup>56</sup> For an overview of the different helplines run by Migrant Help under the AIRE contract, see: [www.migranthehelpuk.org/pages/category/asylum](http://www.migranthehelpuk.org/pages/category/asylum)

Focus group participants described how serious safeguarding incidents in their areas had led to closer multi-agency working, including sharing of policies and information, which had improved safeguarding. However, they also explained that it had often taken a grave incident and serious case reviews for such changes to be made. Focus group participants emphasized the need for more effective channels for dealing with abuse reported from asylum support accommodation, including the need for transparency about complaints made by asylum-seekers and clearer routes to escalate them.

### ■ 3.2.4. Financial support

***“If you get isolation and you get very high levels of poverty, then that’s another condition for being vulnerable to being exploited... the fact that for nine months people were in hotels across the UK with no money whatsoever... Again, that made people vulnerable to being exploited.”***

(Focus group participant, Scotland)

Financial hardship is a well-recognized factor that makes people vulnerable to exploitation.<sup>57</sup> Research by the British Red Cross and the Refugee Survival Trust found evidence of people in receipt of asylum support experiencing prolonged financial hardship and periods of destitution, often forced to make difficult choices between food and transport, or skipping meals to be able to attend essential appointments.<sup>58</sup>

People with lived experience gave accounts of how financial hardship and destitution while trying to live on the weekly allowance of asylum support had increased their risk of exploitation. For example, one recognized victim of trafficking – a single mother – gave the following account of being unable to afford food for herself and her family:

***“I have found myself in situations where I have to ask for help for milk, or for anything to keep me going until Monday when I get the next funds... [from the] Home Office, but that only puts you in a situation where somebody can mistreat you or... you know, because, as a woman, I might find it easy to get help from a man. But I also understand that’s a very dangerous situation for me... am I***

***going to give them something in return and think that only breaks you and takes you back to the situation you were in previously.”***

(Person with lived experience)

Financial hardship was described by people with lived experience, focus group participants and interview participants as leading to a range of different forms of exploitation including sexual exploitation, labour exploitation such as working in takeaways or in domestic work, and criminal exploitation such as through drug trafficking. One focus group participant talked about women they supported in London being offered £10 a day for domestic work. Despite the clear exploitation this represented, the women they supported felt grateful for this as it was equivalent to one quarter of their weekly asylum support.

## ■ 3.3. Lack of right to work

With a few exceptions, asylum-seekers in the UK are not permitted to work. Research by the OECD has shown that “*legal barriers to employment risk people resorting to informal work*”.<sup>59</sup> Unsafe and illegal work often leads to situations of exploitation as people in these situations do not have access to health and safety measures, regulatory and legal protections or ways to report workplace abuse and exploitation to the police.<sup>60</sup> The Human Trafficking Foundation report evidence of refused asylum-seekers working unlawfully and then being exploited as they lack the protections afforded to legal workers.<sup>61</sup>

***“I would say that the hostile environment is one of the greatest impacts on vulnerability to exploitation within the UK. Every aspect of it creates vulnerability to exploitation, like the financial measures, the fact that people can’t work... Surely that’s one of the single greatest factors that will cause people to fall... the traffickers must circle around that as a vulnerability to exploitation.”***

(London and South-East focus group)

57 Human Trafficking Foundation (2015), *Life Beyond the Safe House For Survivors of Modern Slavery in London*, available at:

<https://snowdropproject.co.uk/wp-content/uploads/2018/02/Life-Beyond-the-Safe-House.pdf>

58 The British Red Cross (2021), *How will we survive? Steps to preventing destitution in the asylum system*, available at:

[www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/exploring-destitution-in-the-asylum-system-and-models-of-prevention](http://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/exploring-destitution-in-the-asylum-system-and-models-of-prevention)

59 OECD (2016), ‘*Making Integration Work*’, available at: [https://read.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-humanitarian-migrants\\_9789264251236-en#page1](https://read.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-humanitarian-migrants_9789264251236-en#page1)

60 Focus on Labour Exploitation (2020), *Opportunity Knocks: improving responses to labour exploitation with secure reporting*, available at: <https://labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>

61 Human Trafficking Foundation, November 2020, “*Taking back control of our borders? The impact of modern slavery*”, available at:

<https://respectinternational/wp-content/uploads/2021/01/Taking-Back-Control-of-Our-Borders-The-Impact-On-Modern-Day-Slavery.pdf>

The research found examples of how a lack of permission to work can lead asylum-seekers to work unlawfully and how this kind of work can lead someone into a situation of exploitation. In particular, people who are working informally do not have the same recourse to report abuse and exploitation or may be afraid to approach the police or other public authorities to report abuse. One interview participant spoke about young women from his community who were trapped in domestic servitude:

***“I’ve seen lots of Eritrean young girls working as domestic workers for households and it is kind of black market and sometimes they would even refuse to pay them after working for them 3-4 months and they wouldn’t say anything because they themselves are not allowed to work in this country.”***

(Interview participant)

Some people with lived experience shared experiences of being drawn into exploitative work as they struggled to live on asylum support and had been waiting for many years for a decision on their asylum application. Jobs included cleaning, DIY work, cannabis cultivation and working in fast food shops and nail bars.

***“How can you survive with £5 per day? How long can you wait to see if the Home Office support you, I’m not sure... Sometimes you have to work to survive.”***

(Person with lived experience)

Another person with lived experience recounted working for a company when he was an asylum-seeker that organized events such as weddings and paid him approximately £60 for a 12-hour shift. He said that he felt he had no alternative as asylum support was insufficient to live on.

Many of the people with lived experience expressed a desire to contribute to society. Some were working on a voluntary basis, for example at charity shops, clothes banks and community-based track and trace schemes, or making community food and medicine deliveries to people in need of support.

***“We are happy to contribute to the country by paying tax. We don’t want our situation at the moment... we are people like others. We are human like others, like them.”***

(Person with lived experience)

## Experiences shared by a victim of modern slavery – Anita\*

Anita, a victim of modern slavery, has been waiting approximately four years for a decision on her asylum case. She was brought to the UK by a previous employer for work, but on arriving in the UK they exploited her, only providing leftovers for her to eat and not allowing her to speak to anyone.

***“My employer from our country just brought me to the UK as their helper and then after moving here they, you know, they treat me very bad. I’m not to speak to anyone, especially in Filipino. I’m not allowed. They never give me a proper food. I’m just only eating the leftover. I don’t have my own room here. Even from the other country, uh, they treated me very bad, but when they brought me to the UK, uh, it’s horrible.”***

While recognized as a victim of modern slavery, Anita has still been waiting approximately four years for her asylum claim. She has four children in her home country who she needs to send money back for. After she was recognized as a victim, the financial support she received through the NRM stopped.

***“I need to earn more money to my children because I have four children... so it’s so hard. You know every day. It’s hard.”***

Not wanting to be a burden to the friends supporting her, she started doing cleaning work for someone in her community. She knows it is illegal, but described how she needed to work to survive and provide for her children. She lives in fear of being imprisoned but feels she has no alternative.

***“My friend brought me to here to her work, we worked for five hours like that, and she only gave me £30, sometimes £20 and done. And we worked for more than 5 hours, 6 hours. She will give me only half because if she gave me all the money, she don’t have anything.”***

Anita has been recognized as a victim of modern slavery in domestic servitude. She now feels she has no choice but to take up domestic work again, regardless of the conditions, because she doesn’t have the right to work.

\*Anita is a pseudonym

### ■ 3.4. Refused asylum-seekers

People who are refused asylum are generally required to leave their asylum support accommodation, and their financial support ceases 28 days after receiving a refusal letter. As people in this situation have no recourse to public funds and no right to work, they have very few options open to them. For some people it is possible to apply for a form of asylum support under Section 4 of the Immigration and Asylum Act 1999. To qualify for this applicants need to meet a set of strict criteria, such as submitting further evidence that amounts to a fresh claim for asylum or demonstrating they are taking all reasonable steps to leave the UK.

***“For people who have been refused but are in UK system for many years... it’s really horrific. They’re totally outside of any notion of law or protection or any kind of support.”***

(Interview participant)

The refusal of asylum can be a catalyst for exploitation. For those with a pending asylum appeal or fresh asylum claim, Section 4 support can provide a nominal safety net. For those who have exhausted their appeal rights and are ineligible for Section 4, there is no accommodation or financial support, leaving them destitute and at high risk of exploitation. Recent research by the Sisters not Strangers coalition found evidence of women refused asylum going hungry, sharing rooms with strangers, and working illegally in exchange for shelter.<sup>62</sup>

***“There is a big, massive gap in terms of protecting those that are very vulnerable in that sort of period of time where they’ve had their asylum exhausted and they’ve got no other financial support either.”***

(Focus group participant, North-West and Yorkshire focus group)

One focus group participant reported how refused asylum-seekers often go on to experience destitution, homelessness and exploitation, describing exploitation as “a condition of life” for people in this situation.

***“We just had someone come into the service last night who was refused asylum – who was destitute, homeless, exploited on the streets – and because they are in that phase they’ve been picked up and exploited.”***

(Focus group participant, Scotland)

Focus group participants highlighted risks faced by women who are refused asylum and find themselves homeless.

***“A woman who was refused protection by the Home Office... she was going to be evicted at the same point. The traffickers – they had been trying to contact her for a while – but at that point she was homeless so she decided to go back and see them. So, then she was working in a brothel in London I think for about a year or two years before she was found during a police raid and she went back into the asylum system at that point.”***

(Focus group participant, Midlands focus group)

Some focus group participants highlighted how restrictions on access to healthcare for people refused asylum could increase people’s risks of exploitation by leading them to seek unsafe alternatives.

***“If someone has been refused asylum – they are told they cannot access certain services in primary care – chances are that they will think of other unconventional ways to get over a problem... This is where some people become vulnerable to faith healers who charge them and lie to them and exploit them even further. Besides asking them to pay financially, they might actually exploit them through other means, including sexual exploitation. This also encourages the community to self-medicate which is also dangerous.”***

(London and South-East focus group)

The period after an individual receives an asylum refusal or where someone’s appeal rights are exhausted and they are ineligible for asylum support stood out in the research as a key period when risks of exploitation are created or compounded.

62 Sisters Not Strangers Coalition (2020), *Hear Us. The experiences of refugee and asylum seeking women during the pandemic*, available at: [www.refugeewomen.co.uk/hear-us/?doing\\_wp\\_cron=1655997076.9665389060974121093750](http://www.refugeewomen.co.uk/hear-us/?doing_wp_cron=1655997076.9665389060974121093750)

The asylum support application process misses opportunities to identify people at risk of exploitation and to mitigate these risks. The lack of proactive identification and screening for risks during the application process continues throughout the asylum support provision with research contributors emphasising the risks caused by inappropriate allocation of accommodation and inadequate safeguarding responses.

People with lived experience and others emphasized that asylum support accommodation is often inappropriate for victims of trafficking but that there appears to be an assumption that any asylum-seekers will go into asylum support rather than there being

an assessment of whether the person should receive support in a safe house under the MSVCC.

Risks of exploitation and re-exploitation particularly arise at key transition points in asylum support and were often connected to destitution and lack of support and advice before entering support, during and after being allocated asylum support accommodation, and for those refused asylum who can no longer access support. However, alongside these transition points, people living on asylum support for prolonged periods of time, in some cases in highly visible locations, struggling to make ends meet on £40.67 a week and without the right to work, also faced risks of exploitation.

1. Drawing on the example of the UNHCR/IDC VST the Home Office should re-design the ASF1 form and review the wider assessment and allocation process for asylum support ensuring that:
  - a. guided questions are introduced into the ASF1 on whether someone felt safe when receiving any previous support
  - b. Home Office asylum support teams and contracted asylum support providers receive training so that they understand how to approach the assessment and management of identified vulnerabilities and protected characteristics
  - c. the Home Office and providers use vulnerability screenings in determining the appropriate allocation of asylum support accommodation.
2. The Home Office Modern Slavery Unit should ensure that victims of modern slavery are not automatically placed in asylum support accommodation, and that risk and needs assessments under modern slavery statutory guidance:
  - a. assess the appropriateness of asylum support accommodation for the person
  - b. communicate the process and outcome of those assessments to the person
  - c. where necessary, share accommodation and support requirements with Home Office asylum support teams so that the support provided meets the person's identified needs including on the location of accommodation.
3. The Home Office and the Care Quality Commission (CQC) should expand the remit of the CQC's inspection of the Modern Slavery Victim Care Contract to include asylum support accommodation provided to victims of modern slavery.
4. The Home Office should review the weekly asylum support allowance to ensure it reflects the real cost of living.
5. The Home Office should allow asylum-seekers to work after they have been waiting for six months for a decision on their claim, and this right to work should not be restricted by the shortage occupation list.
6. The Home Office should review and improve access to asylum support under section 4 of the Immigration and Asylum Act 1999 to prevent destitution and homelessness for people refused asylum.



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## 4. THE NEXUS OF ASYLUM AND MODERN SLAVERY DECISION-MAKING

Victims of trafficking who claim asylum may enter two Home Office decision-making systems in the UK: the asylum system that considers a person's application for refugee protection, and the National Referral Mechanism that is set up to identify and support potential victims of trafficking. Whereas someone makes a claim for asylum, a person cannot self-refer into the NRM and instead is referred in by designated first responders.

In October 2017, the UK Government announced a package of reforms to the NRM that led to the creation of the Single Competent Authority (SCA), designed to improve decision-making for all potential trafficking victims across the UK.<sup>63</sup> These reforms were announced following a review of the NRM commissioned by the Home Secretary in 2014 that highlighted, “concerns over the conflation of human trafficking decisions with asylum decisions, elongated timeframes for decisions, lack of shared responsibility and provision of relevant information for decision-making, the complexity of the system and the thresholds for decision-making.”<sup>64</sup>

<sup>63</sup> Changes to the SCA that were introduced on 8 November 2021 postdate this research, so the findings do not relate to the new Immigration Enforcement Competent Authority (IECA).

<sup>64</sup> Home Office (2014), *Review of the national referral mechanism for victims of human trafficking*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467434/Review\\_of\\_the\\_National\\_Referral\\_Mechanism\\_for\\_victims\\_of\\_human\\_trafficking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/467434/Review_of_the_National_Referral_Mechanism_for_victims_of_human_trafficking.pdf)



## ■ 4.1. Going through the NRM as an asylum-seeker

The NRM and the asylum system involve two separate decision-making processes managed by different Home Office teams. The decision makers under each process make separate decisions with separate burdens and standards of proof. The Helen Bamber Foundation recently set out the profound implications that being referred into the NRM process can have, including:

- impact on immigration status and leave individuals in limbo until a final decision has been made
- impact on housing, welfare and healthcare entitlements
- be traumatic, requiring the disclosure of potentially traumatic events, as well as acting as a reminder of a traumatic past
- be a delayed and prolonged process (which can also delay the outcome of an asylum claim, potentially for years)
- flag engagement with the police who may proceed with criminal justice responses
- in some cases, it can lead to a compensation claim against a trafficker.<sup>65</sup>

### ■ 4.1.1. Informed consent to enter the NRM

When an adult is identified as a potential victim of trafficking by a first responder, they must give consent to enter the NRM. The NRM process is complicated, and adequate time is needed to explain what entering or not entering the process will mean for the individual in question, and to ensure they have properly understood. To make sure the person is able to give informed consent to enter the NRM, a first responder must explain what the NRM is, what support is available through it, and the possible outcomes for an individual being referred.<sup>66</sup> As set out by anti-trafficking experts in the context of the principles that should underpin early support for victims of modern slavery, “*consent is a process, not a one-off event, and victims need to have the opportunity to continually re-evaluate consent.*”<sup>67</sup>

Concerns were raised by focus group participants, interview participants and people with lived

experience about consent to enter the NRM not being obtained properly, or at all, during asylum interviews. Accounts were shared of victims going through the NRM without any real understanding of what that meant for them.

***“In my experience informed consent is the exception not the rule. One issue is seeing NRM referral as a natural safeguarding step: i.e. anyone disclosing trafficking should automatically enter the NRM. On the other hand, mainly through police, is people referring into NRM as it suits their investigations etc. rather than the client’s best needs. While the NRM usually is a positive thing for people, entering into it like this causes confusion, distrust and a lack of proper engagement that increases chances of negative outcomes.”***  
(Interview participant)

Focus group participants, interview participants and people with lived experience felt there was a need for wider understanding about what informed consent is among those that may encounter trafficking victims, especially first responders. Consistency among those working with potential victims about what informed consent looked like in practice, in the context of the asylum and NRM system, was also recommended. There has been extensive work across the anti-slavery sector in working to improve the standards of care for victims of modern slavery and to provide guidance for those working with potential victims. Interview participants recommended that first responders should be working within the definition of informed consent outlined in the Slavery and Trafficking Survivor Care Standards.<sup>68</sup>

### ■ 4.1.2. Legal advice on modern slavery

The UK is obliged to provide and facilitate access to legal assistance and to free legal aid for victims of modern slavery under Article 15 of Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).<sup>69</sup> However, in practice, previous research has identified several barriers to accessing legal advice for victims of modern slavery, such

65 Helen Bamber Foundation (2021), *Mental Capacity and Referral as a Victim of Human Trafficking Disability and Legal Protection Paper*, available at: [www.helenbamber.org/sites/default/files/2021-04/2021.03o-HBF-Mental-Capacity-and-Referral-as-a-Victim-of-Human-Trafficking.pdf](http://www.helenbamber.org/sites/default/files/2021-04/2021.03o-HBF-Mental-Capacity-and-Referral-as-a-Victim-of-Human-Trafficking.pdf)

66 Home Office (2021), *National Referral Mechanism Guidance: adult England and Wales 2021*, available at: [www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales](http://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales)

67 British Red Cross et al (2018), *Places of Safety report*, available at: [https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5c08f8f54ae2375db96f6713/1544091902062/Places+of+Safety\\_BRC\\_ATLEU\\_HTF\\_ATMG.pdf](https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5c08f8f54ae2375db96f6713/1544091902062/Places+of+Safety_BRC_ATLEU_HTF_ATMG.pdf)

68 Human Trafficking Foundation (2018), *The Slavery and Trafficking Survivor Care Standards*, available at: [www.antislaverycommissioner.co.uk/media/1235/slavery-and-trafficking-survivor-care-standards.pdf](http://www.antislaverycommissioner.co.uk/media/1235/slavery-and-trafficking-survivor-care-standards.pdf)

69 Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236093/8414.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf)

as confusion around entitlements to legal aid for victims of modern slavery and difficulties in obtaining the relevant financial information to support the application.<sup>70</sup>

Following the passing of the Nationality and Borders Act 2022, asylum-seekers with an ongoing protection claim will be entitled to additional legal aid before entering the NRM. Sections 66 and 67 of the Act state that people who are already receiving legally aided funded advice on their protection claim will be eligible to additional advice regarding the NRM. However, at the time of writing, it is unclear how this will work in practice given legal practitioners with a background in asylum may well not have knowledge of the NRM. It also excludes those without a current protection claim, or those with a claim who aren't in receipt of advice, from accessing this support.

Accessing legal advice was described by one interview participant as a "post code lottery". Focus group participants also acknowledged that most accessible solicitors did not tend to have any specialism around trafficking or identifying the indicators. The lack of good quality legal advice on modern slavery generally, and human trafficking specifically, meant that asylum-seekers going through the NRM struggled to understand the process or make informed decisions.

***"They've quite often had poor legal advice... immigration solicitors who haven't picked up maybe the trafficking or have been charging them."***  
(Interview participant)

Focus group participants expressed that, in some cases, poor legal advice also had a detrimental impact on the outcome of asylum claims or the identification process through the NRM. Victims of trafficking with poor legal advice may not have understood questions around exploitation and therefore not disclose their experiences, which could follow them through their NRM process and affect their asylum claim.

***"When they have got some legal advice... they're able to share in a more trauma-informed way what has happened to them."***  
(Focus group participant, North-West and Yorkshire)

Several people with lived experience reported not being able to access legal advice prior to claiming asylum or entering the NRM. Other people with lived experience had never heard of the NRM and some received poor quality legal advice, including solicitors who charged them for work despite also claiming legal aid.

***"Before I claimed asylum, no... I got the legal advice after my interview... [caseworker] helped me because I rang around and couldn't get one... I couldn't find one. I tried looking but I couldn't find one and as I was not even mobile enough and everything, it was so difficult."***  
(Person with lived experience)

#### ■ 4.1.3. Person-centred models of advice and support

Focus group and interview participants explained how the various expert anti-slavery organizations have tried to address the difficulties people face in navigating the NRM and the asylum system at the same time. As set out above, this can be made more complicated by challenges accessing good quality legal advice that covers both trafficking and asylum aspects of someone's situation, as well as the poor quality of NRM explanations from first responders.

***"It is a little bit frustrating for organizations that are trying to get things changed with trafficking and then people are so put off by the process that they don't want to go through it... [like] the asylum process, you know, they think it's just going to be the same... like wait another two years and have disappointing results."***  
(Focus group participant, Northern Ireland)

An interview participant gave an example of an anti-trafficking project in Liverpool provided by Refugee Women Connect, which adopted an asylum "early action" approach to delivering key information to women who have experienced exploitation. The project aims to provide women with a degree of legal literacy, pre-emptively, to help them to understand and navigate the asylum process and asylum support system and to help them make informed decisions.

The Helen Bamber Foundation's bespoke Model of Integrated Care was held up as an example of good

70 Anti Trafficking Labour Exploitation Unit (2018), ATLEU, *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Post Implementation Review Briefing and Evidence*, available at: <https://atleu.org.uk/news/2019/2/7/laspo-review-leaves-victims-vulnerable>

practice by focus group participants. This is because the model takes a holistic approach with a range of in-house professionals, medico-legal services, therapeutic care, a medical advisory service, a counter-trafficking programme, housing and welfare advice, legal protection advice and community integration activities and services.

***“[The model] goes a very long way in understanding individuals as holistic human beings whose needs are linked.”***

(Focus group participant, London and South-East)

In June 2021, a new partnership was announced between the British Red Cross, Hope for Justice and the Snowdrop Project that focuses on developing a framework for the accreditation of Independent Modern Slavery Advocates (IMSAs) in the UK. According to the office of the IASC, *“IMSAs seek to empower victims to make informed choices about their options and recovery... By providing advocacy that looks at someone’s social needs and legal rights together, IMSAs provide support that is holistic and tailored to the individual and helps them overcome barriers and navigate complex systems.”*<sup>71</sup>

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## ■ 4.2. Delays in decision-making

The Single Competent Authority does not have a target to make a CG decision within a specific timeframe, and the Home Office does not have a target timeframe for making initial decisions on asylum cases. For the year ending December 2021, there were 104,924 cases awaiting a decision. Of these, 100,564 cases were awaiting an initial decision and 61,864 had been waiting for more than six months for an initial decision.<sup>72</sup> According to NRM statistics for 2021, on average it took more than one year to reach a CG decision. By the end of 2021, there were still 5,421 people who had received a positive RG decision in 2019 who were waiting for a CG decision.<sup>73</sup>

Official statistics show that there are delays in decisions under both the NRM and asylum systems. The recovery period between when a person receives a positive RG decision and a CG decision in England and Wales is set out in statutory guidance as being “at least 45 days,”<sup>74</sup> yet the lack of a due-by date means that people in the NRM system could end up waiting years for the final CG decision.

This research found that asylum-seekers who were recognized as victims of trafficking tended to wait a particularly long time for their asylum decision. Interviewees described how entering the NRM caused further delays in asylum cases because asylum decision-makers typically waited for the NRM decision

to be made. This was often the case even where there was no link with the asylum claim, or the relevant evidence was already with the decision-maker.

### ■ 4.2.1. Impact of delays

Delays in asylum and/or NRM decisions were experienced by the majority of people with lived experience interviewed for this research. People with lived experience described the impact of these delays, which included being trapped in financial hardship, being dependent on others such as the Home Office for accommodation and support, and lacking agency to govern their own lives for long stretches of time. Some people with lived experience spoke about how this could lead someone into taking up offers of work in unsafe and exploitative conditions.

***“She was trafficked, and she went to Home Office, she did the interview and everything they said... She was still waiting over a year, still waiting for the decision... All the money they were given that was barely enough and stuff like that. So this girl had to, you know she’s gone back, she’s like, obviously the Home Office don’t believe me, so why don’t I just go back into prostitution, go back into work into what I was brought here for to do initially... she’s back on the streets again.”***  
(Person with lived experience)

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71 Independent Anti-Slavery Commissioner (2021), *Dame Sara supports new partnership aimed at helping survivors of modern slavery to rebuild and regain control of their lives*, available at: [www.antislaverycommissioner.co.uk/news-insights/dame-sara-supports-new-partnership-launched-to-ensure-access-to-support-for-survivors-of-modern-slavery/](http://www.antislaverycommissioner.co.uk/news-insights/dame-sara-supports-new-partnership-launched-to-ensure-access-to-support-for-survivors-of-modern-slavery/)

72 Home Office (2022), *Asylum and resettlement datasets*, available at: [www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement](http://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement)

73 Home Office (2022), *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2021*, available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021>

74 Home Office (2022), *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1075198/Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v2.9.1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1075198/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.9.1.pdf)

The adverse impact of delays on physical and mental health, as well as family or day to day lives, was repeatedly mentioned by people with lived experience. Prolonged periods of living in financial hardship while living on asylum support and not being able to provide for themselves or their family often led to asylum-seekers and victims of trafficking feeling stuck and doubtful that their situations would change.

***“I want to feel like I’m doing something with my life and not stuck, these things would help me with mental health and just not feeling like I have to be at home and knowing when you have to wake up tomorrow, you know you will not do anything.”***  
(Person with lived experience)

Long delays in decision-making were also the dominant concern expressed by focus group participants and interview participants as factors that can singularly or cumulatively contribute to risks of exploitation by leaving people without ways to support themselves.

***“I know that it’s not an easy fix, but actually just the timeframe of the asylum system itself creates a risk of trafficking because people are waiting for so long and are so stuck in terms of not having the right to work and having very limited income and ability to move forward.”***  
(Focus group participant, North-West)

Waiting for an outcome not only created boredom among those waiting, but also frustration that led in

some cases to people feeling that they had to take action in order to support themselves or their family, even if that meant working illegally. Some participants shared examples of traffickers trying to re-exploit people and approach them with offers of work.

***“We’ve got these young Vietnamese lads who are just so bored of waiting that actually there have been multiple situations where they’ve met people who are trying to re-exploit them in terms of nail bars or cannabis cultivation.”***

(Focus group participant, North-West)

Long periods spent awaiting a decision were reported to create uncertainty and foster distrust in the authorities among asylum-seekers. Findings showed a clear need for managing victim’s expectations around timeframes and delays more effectively, from the point they enter the asylum system and the NRM. Participants suggested this would require improved communication between Home Office asylum decisions makers, NRM case owners and the victims, as well as providing explanations about the reasons for delays.

***“People are left in limbo and it’s really horrible to witness it, to be honest. It’s almost like they can’t move forward with their life. Although they’re... in the recovery and they’re moving forward, it’s almost like there’s a step... or a wall that’s preventing them from moving forward...”***

(Focus group participant, Scotland)

## Using vulnerability screening to address decision-making delays

One way to reduce delays would be the adoption of enhanced vulnerability screening early in the asylum system. The application and use of the prompts and questions as recommended by the Vulnerability Screening Tool developed by UNHCR and IDC<sup>75</sup> would assist interviewers in not only understanding what a person’s vulnerability or vulnerabilities are, but also in managing those identified issues. This would also “frontload” the system, so that vulnerabilities were identified as early on as possible to prevent delays down the line.

If enhanced vulnerability screening were to be adopted more widely across the asylum system, this could be an opportunity not only to reduce delays and identify those vulnerable to exploitation but would also be a way to prevent exploitation in the first place. This approach was successfully tested in the recent Alternatives to Detention pilot in Newcastle where the Vulnerability Screening Tool was customized to generate initial risk assessments and assess the urgent support needs of each person supported through the pilot, with positive results.<sup>76</sup>

75 UNHCR and IDC (2016), *Vulnerability Screening Tool - Identifying and addressing vulnerability: a tool for asylum and migration systems*, available at: [www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html](http://www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html)

76 UNHCR (2022), *Evaluation of ‘Action Access’, an Alternatives to Detention Pilot, Report on an Independent Evaluation*, available at: [www.unhcr.org/61e1709b4](http://www.unhcr.org/61e1709b4)

### ■ 4.2.2. Withdrawing from the NRM

Delays were found to heighten the risk of people disengaging from support and the NRM or the asylum system, with some asylum-seekers withdrawing from the NRM altogether to try to avoid delays to their asylum decision. For example, one caseworker described the case of a young person referred into the NRM when they were under 18 years old. Owing to extensive delays, the young person decided to withdraw their NRM case once they turned 18 years old.

***“The solicitor said it took over six months just to get the [NRM] withdrawal through and the young person had to wait and is still waiting for their substantive interview... These young people don’t know why there’s such a delay... most of the young***

***people don’t really understand why they’re even in the process, because they can’t see any benefit to it.”***  
(Focus group, national)

People with lived experience also mentioned withdrawing their NRM claims at the advice of their solicitors, owing to delays in NRM decisions impacting their asylum claims. They withdrew in the hope that it would speed up a decision on their asylum claims.

***“[My solicitor] said the decision will be quicker when you get out of the NRM and if you would love to, you can go back later for it... [I] agreed... because I was eager to my response... but now yeah, I’m still waiting so it really didn’t make sense.”***  
(Person with lived experience)

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## ■ 4.3. Discretionary Leave to Remain as a victim of modern slavery

The final decision stage under the NRM is called the CG stage. A positive CG decision that recognizes the person as a victim of trafficking may come with a grant of DL. There is no set timeframe that leave to remain is granted for, but it gives permission for the individual to live and work in the UK for a designated period of time.

The policy and criteria for meeting a grant of DL currently sits outside of the immigration rules.<sup>77</sup> However, under the Nationality and Borders Act 2022, victims of trafficking will now be considered for an automatic grant of leave to remain if they meet a set criteria including seeking compensation for exploitation, co-operating with a public authority on an investigation or criminal proceedings or assisting the person in their recovery from any physical or psychological harm arising from the relevant exploitation.<sup>78</sup> There is still no guaranteed time that leave will be granted for, and in practice this has varied from a few months to a couple of years.

The Home Office currently make their decision on whether to grant DL on a case-by-case basis. Recent research reported that the rate of DL grants to identified victims remain low.<sup>79</sup> Focus group and Interview participants confirmed that grants of DL after a positive CG decision whilst awaiting an asylum decision were rare.

Some people with lived experience expressed confusion about being recognized as victims of trafficking but not granted DL. In these circumstances, the value of the NRM and the trauma associated with going through it was questioned by people with lived experience and focus group participants. Victims often failed to see how the NRM had any practical benefits towards recovery longer-term, in the absence of a grant of DL.

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77 Home Office (2020), *Discretionary leave considerations for victims of modern slavery*, Version 4.0, 2020, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/941844/dl-for-victims-of-modern-slavery-v4.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941844/dl-for-victims-of-modern-slavery-v4.0ext.pdf)

78 Legislation.gov.uk (2022), *Nationality and Borders Act 2022*, available at: [www.legislation.gov.uk/ukpga/2022/36/contents/enacted](http://www.legislation.gov.uk/ukpga/2022/36/contents/enacted)

79 University of Liverpool (2021), *An Uphill Struggle: Securing Legal Status for Victims and Survivors of Trafficking*, available at: [www.liverpool.ac.uk/media/livacuk/law/2-research/An.Uphill.Struggle-Currie.and.Bezzano-Research.Report-Feb.2021.pdf](http://www.liverpool.ac.uk/media/livacuk/law/2-research/An.Uphill.Struggle-Currie.and.Bezzano-Research.Report-Feb.2021.pdf)

## Experiences of being denied DL - Maeve\*

Maeve went through the NRM and was recognized as a victim of modern slavery. She expected to receive a decision automatically on her DL, but there was a delay and then she received a negative DL decision followed by a refusal of asylum. Rather than being granted enhanced or specialist support in recognition of being a victim of modern slavery, Maeve had her support stopped and her NRM case was closed. She was left traumatized and confused by two negative decisions after being positively identified as a victim of trafficking.

***“And that impacted me a lot, because how can I get a positive decision for my trafficking case and then instead of me having more support, I actually got all the support from the NRM cancelled because my file was closed with them after that decision and then the asylum comes negative.”***

Maeve and her baby now receive accommodation and financial support through asylum support under Section 4, as an asylum-seeker who has been refused asylum. She has physical health conditions but sometimes misses appointments because she has no one to look after her baby. She also has mental health issues but says she must focus on her appeal.

***“There is either a sitter that you have to pay, which I don't have the funds to, so I cancelled***

***certain medical appointments because there is no one to look after him... My trauma from the past... there's a lot of situations that will come up that will take me right back... But I've put all my medical issues on the side so that I can focus on my appeal.”***

Maeve talked about how the right to work would reduce her dependency on others. If she needs anything for the baby, she must ask the father, who was abusive to her in the past, for help. Had DL been granted, she would have permission to work and be able to access specialist support.

***“Then we don't have to ask for help on the street or to an abusive partner... no matter what the father says to me in an abusive way I still have to go back to him for help... I think certain situations yes can put somebody back into trafficking because it's the only way if I'm not working. If I have no other support... if we could work, even if it's part-time, I could provide for... myself.”***

After being recognized as a victim of modern slavery, Maeve needed support in her recovery. However, she is now in a worse situation than when she was waiting for her decision.

*\*Maeve is a pseudonym*

For those granted DL, this could start to facilitate recovery and prevent further exploitation by giving victims a sense of security, increased self-esteem and some sense of autonomy. Though interview participants explained that it is unlikely for a victim to reach full recovery while they are living on limited leave to remain, as it does not give someone the longer-term security they need to start to rebuild their lives, the benefits of having some limited leave to remain could outweigh the alternative limbo that victims face.

## ■ 4.4. Conclusion and recommendations

Despite reforms to the NRM system, issues such as the lack of adequate advice and support for asylum-seekers going through the NRM, the merging of trafficking decisions with asylum decisions and lengthy delays in decision-making were still prevalent.

1. The Ministry of Justice should seek amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 so that potential victims of modern slavery are eligible for legal advice funded by civil legal aid prior to entering the NRM.
2. The Home Office should give people time to disclose concerns about/experiences of modern slavery throughout the asylum process and should ensure that delayed disclosure does not negatively affect decision-making within the asylum process or the NRM.
3. The Home Office should introduce regular, accessible communication with applicants as they go through the asylum process and through the NRM, such as text message updates on the progress of their application and clear accessible guidance on the different stages of each process.
4. The Home Office should address delays in both NRM and asylum decision-making, through improving efficiency and reducing the backlog. This could be achieved by a number of approaches, including:
  - a. introducing effective triaging and prioritization that takes into account whether an asylum-seeker has also been referred into the NRM – including a move away from standardized Refugee Status Determination for almost everyone claiming asylum in the UK towards more targeted and differentiated responses;
  - b. introducing simplified asylum case processing – including decisions that can be made on the papers without the need for an interview – especially in those cases where a referral into the NRM is in process;
  - c. frontloading the asylum process and the NRM – including robust registration procedures to support the simplified approach and in order to get the decision right the first time.
5. The Home Office should introduce an automatic grant of leave to remain for a minimum of 30 months with recourse to public funds for people leaving the NRM with a positive CG decision.



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## 5. RECOGNIZED REFUGEES AND RISKS OF EXPLOITATION

Being recognized as a refugee means that the Home Office have accepted that a person is fleeing persecution in their home country. People applying for asylum can be granted refugee status or humanitarian protection, both of which provide five years leave to remain in the UK with recourse to public funds and the right to work.

Until this point, asylum-seekers, including those going through the NRM, do not have access to public funds such as Universal Credit<sup>80</sup> or housing from a local authority, and do not generally have the right to work, the right to rent property or to open a bank account. Starting to build a life in the UK after being granted permission to stay, including accessing mainstream welfare support, housing, education, and finding employment, can be a difficult transition for many refugees.<sup>81</sup>

<sup>80</sup> Universal Credit is a means-tested benefit for people of working age who are on a low income or out of work.

<sup>81</sup> NACCOM (2019), *Mind the Gap: one year on continuation report on homelessness amongst newly recognized refugees*, available at: [https://naccomm.org.uk/wp-content/uploads/2019/06/NACCOM-Homelessness-Report\\_2019-06-18\\_DIGITAL.pdf](https://naccomm.org.uk/wp-content/uploads/2019/06/NACCOM-Homelessness-Report_2019-06-18_DIGITAL.pdf); British Red Cross (2014), *The Move-on period: An ordeal for new refugees*, available at: [www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf](http://www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf); British Red Cross (2018), *Still an ordeal: The move-on period for new refugees*, available at: [www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf](http://www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf)





## ■ 5.1. Moving on from asylum support

***“There is this euphoria... that they’ve been granted and relieved and then they hit rock bottom again.”***

(Focus group participant, Scotland)

When an individual is recognized as a refugee, any support they are receiving from the Home Office stops 28 days after they receive their biometric residence permit.<sup>82</sup> This is known as the “*move-on period*”. This leaves refugees very little time to find a new place to live, open a bank account, access alternative financial support and/or find a job – leaving people facing a “*destitution gap*”.<sup>83</sup> Since 2019, the Home Office have funded additional support for newly granted refugees who are moving on from asylum support, including under the Advice, Issue Reporting and Eligibility (AIRE) contracts in recognition of these challenges and with the aim of providing refugees with additional advice and support.

Focus group participants and people with lived experience repeatedly emphasized that the short timeframe refugees are given to leave asylum support can leave them vulnerable to homelessness and destitution, unless they have the support of a third-sector organization to assist them through the process.

***“I didn’t know anything until I volunteered at Citizens Advice Bureau. Once you get status, you need to tell the reality. Procedure is different to the reality. People still need help for 6 months after they are granted status.”***

(Person with lived experience)

One interview participant explained that, before being granted refugee status, the asylum system removes people’s authority over their own lives and effectively infantilizes them by not allowing them to work, earn or study. This means that, when they are recognized as a refugee and have to independently navigate the UK’s welfare and housing systems, they may struggle to cope.

Focus group participants felt strongly that the complex nature of transitioning to the mainstream benefits system necessitated specialist help and advice for refugees, which was often not available.

***“The 28-day move-on period is just not enough... because in that period the people not only need to make a homelessness application, they also need to open a bank account and it’s very hard for people to do... applying for benefits as well – waiting for them to kick in and if you don’t have a bank account you can’t really apply for benefits...”***

(Focus group participant, London and South-East)

<sup>82</sup> The biometric residence permit confirms asylum status and entitlements, provides a key identification document that is necessary to open a bank account and apply for employment and benefits.

<sup>83</sup> British Red Cross (2018), *Still an Ordeal The Move-on period for newly recognized refugees*, available at: [www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf](http://www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/still-an-ordeal-move-on-period-report.pdf). NB. There are several move-on periods tied to the trafficking and asylum system, including moving from IA to asylum support accommodation, moving from safe houses to asylum support accommodation, at the cessation of support when an asylum-seeker has a refusal or a potential victim of trafficking receives a negative RG or negative CG decision. The research for this report focussed on the move-on period for newly recognized refugees, to explore if this was a vulnerability point for exploitation to occur. Evidence was found to suggest that this is a vulnerability point and one in which a number of remedies could be explored to reduce vulnerability or mitigate risk.

## Experiences shared about the move-on period

David\* is a researcher working with refugees and asylum-seekers in the UK and he is a recognized refugee and survivor of human trafficking. From his experience, the initial “move-on period” is the biggest challenge for people who are recognized as refugees as it leaves them without support and at risk of exploitation.

***“They’re entering a new system that they have no idea what it is, and it’s difficult for them to navigate... that’s when they fall into vulnerability, then, a new kind of vulnerability that they have not experienced.”***

David does not think the 28-day move-on period gives people enough time to find housing, employment or apply for alternative financial support. Often, obtaining National Insurance and opening a bank account can take longer than 28 days, and without a bank account people are unable to apply for a job or welfare benefits. David reflected that when the 28-day window finishes, people can end up without support and homeless.

***“After they got their refugee status, and that basically means they are entering into a new community that they have no idea how it looks like... they may not even have like a full information about what services are available for them.”***

David strongly believes community connections can help to mitigate risks. He has been involved in creating a project aiming to help those who have been granted refugee status to make the transition safely and integrate into the local community.

***“When I say community I am not just saying the refugee community. We were trying to bridge this kind of other active community members who are trying to bridge this kind of divide ... and create a support system around the local communities, not just the refugee communities.”***

Working together as a community allowed local community members to see the kind of challenges and risks that refugees, including people arriving

on family reunion visas, are exposed to and arrange a community-led response to this, such as putting refugees in contact with relevant people in the community and support options. David has found that local community-led responses are often able to see dynamics and risks within communities that organizations or local authorities may fail to recognize, and in some cases are able to support people to get help or to prevent risks before they happen.

***“It is difficult to see this kind of exploitative things that are going on within their communities because of their own vulnerabilities and particularly women, young girls are the ones who are struggling in this kind of situation while trapped within this kind of exploitative situation where they will call it domestic violence or trafficking. So it allowed us as community members to see this kind of vulnerabilities and try to organize a kind of a response to this, a community led response, where people try to understand this, what’s happening there and how they could avoid this kind of situation. Also, trying to help this people falling victims to understand the situation and where they can go if they... if that happens to them.”***

From his experience, David believes the Home Office should make sure people can start the process of integration into communities while they are still seeking asylum. He explained if they were able to set up their National Insurance or allowed to work and access other services, it would enable them to establish themselves in an area before they are left without support.

***“If there are ways of starting this system and even employment prior to their recognition as a refugee and that allows people to establish themselves in their local areas... and that would allow them to establish themselves, and that would be easier for them after they get their refugee status to just go to the community and work.”***

*\*David is a pseudonym*

## ■ 5.2. Securing accommodation

Before they are granted leave to remain, asylum-seekers do not have the automatic right to rent property in the UK and many will not have experience of renting or knowledge of their rights as a renter. Refugees who have been living on asylum support up until this point, are by definition, destitute. This means they have no savings, family or friends who could help them with a deposit. The process of trying to secure new accommodation and negotiating the rental market carried risks of exploitation for people in these circumstances.

***“We’ve experienced a couple of clients in terms of move-on with really suspicious landlords who have tried to exploit sexual favours instead of taking deposits.”***  
(Focus group participant, London and South-East)

Many refugees need to approach their local authority to request assistance with finding housing. Focus group participants and interview participants described needing to provide significant support and advocacy to make sure refugees and victims of modern slavery were able to access homelessness support from a local authority.

There is no specific regulatory guidance on whether a refugee or a victim of modern slavery has a priority need for accommodation under the statutory provisions of the Housing Act 1996. Section 189 regulations specify circumstances where someone has a priority need for housing, including because of “old age, mental illness or handicap or physical disability” or “being a victim of domestic abuse,” but do not mention being a victim of modern slavery or a refugee.<sup>84</sup> The Homelessness Code of Guidance sets out that a “person who has been a victim of trafficking or modern slavery may have a priority need for accommodation if they are assessed as being vulnerable,”<sup>85</sup> which requires the person to show additional evidence of vulnerabilities.

Focus group participants raised concerns about the loss of important information about an individual’s vulnerabilities when they leave the asylum or NRM systems. They reported that the lack of any formal mechanism to handover concerns about vulnerabilities to local authorities or other welfare support organizations meant that people were

starting again from scratch and that important risks and indicators could be overlooked.

***“Even if everything works well for somebody whilst they’re in the asylum process, as they leave that process, either because they have a negative or a positive decision, whatever evidence that was gathered around their vulnerabilities is completely lost. So there is no handing over information to the local authority or to whoever it is.”***  
(Focus group participant, North-East)

Some people with lived experience who were able to access homelessness support from their local authority raised concerns about the quality and appropriateness of the accommodation they were provided. One person described being housed in a hostel with multiple other people who had serious substance abuse and mental health issues which made him feel unsafe. Another person described leaving the accommodation she was provided by the local authority because she could not cope with the conditions there, as it reminded her of the place where she had been exploited.

***“After I got my I got my leave to remain... I became a refugee and I was also given another accommodation... which was even worse than the one from the Home Office... So it was a struggle and I’m like, you know what, I just can’t. I can’t deal with this anymore... the Council just gives you any any readily available accommodation. So you’ve got no right to choose, you can’t choose, you can’t say, I can’t stay there, I can’t stay here, you just have to take it.”***  
(Person with lived experience)

Focus group and interview participants reported instances of housing issues pushing refugees that had not previously experienced exploitation into unsafe situations where they were exploited. One interview participant gave the example of being involved in an anti-trafficking operation run by the police where people were recovered from residential address where they were being exploited. Many of the people living there had recently been granted refugee status and had been approached with the offer of work and accommodation, which they accepted as they were struggling to find a job or a place to live.

<sup>84</sup> Legislation.gov.uk (1996) see: Section 189(1)(c) of the 1996 Act, available at: [www.legislation.gov.uk/ukpga/1996/52/section/189](http://www.legislation.gov.uk/ukpga/1996/52/section/189)

<sup>85</sup> Department for Levelling Up, Housing and Communities (2022) *Homelessness code of guidance for local authorities*, available at: [www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-25-modern-slavery-and-trafficking](http://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-25-modern-slavery-and-trafficking)

***“These were people who I wouldn’t have said would ever appear vulnerable to exploitation at any other stage or in their previous lives before coming to the UK, but... they didn’t really understand the benefit system and they just took up this offer.”***

(Interview participant)

Focus group participants gave examples of refugees becoming reliant on support from acquaintances, and how some of these offers of accommodation resulted in situations of domestic servitude. One focus group participant shared an example of a refugee they supported who had contacted a social group from their country of origin for help and accepted accommodation in a flat owned by a landlord from the same social group. They did not have to pay rent and the landlord initially wanted odd jobs in return, but the relationship soon changed and they reported that the landlord was going to take advantage of their “debt” with new requirements including sexual exploitation.

Several focus group participants stressed the importance of safe transitions into appropriate housing to mitigate the risk of someone either returning to a situation of exploitation or finding themselves in a new situation of exploitation. Focus group participants in the North-East highlighted collaboration between local authorities and voluntary sector organizations as a way of ensuring that onward housing and support was in place, including support to help refugees budget appropriately for private rental accommodation and understand where to seek help.

***“The careful management of bed spaces within the local authority can allow somebody to achieve and succeed in those first crucial weeks and not be drawn into different circles and cycles of abuse.”***

(Focus group participant, North-East)

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### ■ 5.3. Risks associated with debt

As Home Office guidance on modern slavery sets out, debt is not only an indicator of trafficking but also a risk factor for trafficking.<sup>86</sup> Traffickers use tactics to control and exploit people – one example is through debt bondage. This is when a person is forced or tricked into working for little or no money to repay a loan that often increases exponentially no matter how many hours they work.

***“You’re indebted to these people forever. They take advantage of it. It’s never ending.”***

(Focus group participant, Scotland)

Focus group participants gave examples of traffickers waiting until someone received leave to remain in order to exploit them in other ways. Focus group participants noted that people from Vietnam often faced situations of debt bondage.<sup>87</sup> One shared an example of traffickers calling in a debt once the person was granted refugee status by requiring the

person to set up a nail bar which was then used to exploit other people from Vietnam.

Another example given was of traffickers reappearing when someone gained refugee status to reclaim a debt through taking their welfare support payments. One focus group participant who had worked on the Modern Slavery Helpline explained that people often phoned to report someone taking a victim’s benefits, and that job centres would also report concerns about a person having their welfare support payments taken by a trafficker.

***“When you think that they’ve broken ties with their traffickers, they actually haven’t. And they’re sitting there waiting until they get status.”***

(Focus group participant, Wales)

Participants also shared examples of situations whereby new sources of debt were incurred after a

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<sup>86</sup> Home Office (2021), *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland*, v.2.5, available at: [www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims](http://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims)

<sup>87</sup> For further evidence on debt bondage faced by people from Vietnam, see ASYLOS (2020), *Asylos and ARC Foundation. Vietnam: Returned victims of trafficking Issues affecting the likelihood of re-trafficking*, available at: [www.asylos.eu/Handlers/Download.ashx?IDMF=46799dc2-689c-48dc-b120-0d0e10bd9b3d](http://www.asylos.eu/Handlers/Download.ashx?IDMF=46799dc2-689c-48dc-b120-0d0e10bd9b3d)

person was granted refugee status that resulted in people entering situations of unsustainable levels of debt or debt bondage. Focus group participants highlighted the various expenses that refugees face on being granted refugee status, such as moving into unfurnished accommodation, managing bills and other start-up or unforeseen costs. Many also need to repay advance payments of Universal Credit and integration loans, all at the same time. This can lead them into seeking quick income such as borrowing from others or further multiple low-skilled jobs. Desperate for money, they can find themselves turning to persons or employers who exploit or take advantage of them. Focus group participants stressed that refugees looking to reunite with family members were at particular risk, as they typically were more willing to take on debt or informal arrangements in their attempts to reunite with their family.

Focus group participants described the shame some refugees felt being associated with accruing debt, and how it could be very difficult for people to seek help. In one example, a young Sudanese man faced unexpected costs relating to his father's funeral and took out informal loans to meet these costs. In order to keep up repayments, he fell into further debt which eventually meant he stopped paying his rent. Despite having support groups around him, he did not seek help.

***“We were trusted throughout his journey – and yet he couldn't [tell us]. He felt ashamed because he borrowed money and he didn't know how to pay it back.”*** (Focus group participant, North-East)

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## ■ 5.4. Finding safe work

Difficulty and delays in accessing support through Universal Credit meant that some refugees were vulnerable to offers of employment that were exploitative. Focus group participants described the urgency and pressure to find employment.

***“Unscrupulous employers... might entice them to say, ‘here is a quick way to get money whilst your things are getting sorted’”.***

(Focus group participant, Northern Ireland)

Focus group participants described refugees being offered unpaid work immediately after they were granted status with the promise of a paid job at the end; this included offers of domestic housework in exchange for accommodation or minimal pay. As these refugees had been previously exploited and were not informed what safe and appropriate working conditions looked like in the UK, many were open to accepting these offers of employment.

***“Had [we] not been working with that person at that time, every single client would have taken that opportunity... All of them wanted to get into work as soon as possible and all of them struggled to understand the risks that were related to the jobs.”***

(Focus group participant, national)

Focus group participants raised examples of organizations working to support people to transition safely into work, such as the Sophie Hayes Foundation employability programme. This programme provides support and preparation to help victims of trafficking find safe entry into employment. The programme involves early integration support through providing essential life skills, confidence building, and skills development for future employment and education.

## ■ 5.5. Conclusion and recommendations

This participatory assessment found that the transition period after someone is recognized as a refugee can pose a risk of exploitation, especially for those who have previously been trafficked and exploited. For refugees in asylum support, the end of that support and difficulties with transitioning into mainstream benefits, employment and housing poses a particular risk of destitution, which can increase existing risks and create new risks of exploitation.

The lack of support for people granted status to quickly find safe forms of work or housing meant that people were at risk of falling prey to perpetrators of human trafficking who took advantage of their situation by making offers of accommodation or employment. Traffickers could also re-emerge when someone was granted leave to remain to call in debts or impose new debts, which was a particular risk as people struggled to transition to new forms of support.

1. The Home Office should extend the time refugees are given to leave asylum support from 28 days to at least 56 days, in line with the recognized period where someone is considered “threatened with homelessness” under the Homelessness Reduction Act 2017.
2. The Home Office should review the support offered to newly recognized refugees under the AIRE contract with respect to outcomes achieved, such as safe transitions to alternative financial support and accommodation and publish the results of this evaluation.
3. The Department for Levelling Up, Housing and Communities should add victims of modern slavery to the list of groups who have a priority need for housing if they become homeless.
4. The Home Office should involve people with lived experience and expert anti-slavery organizations in developing interventions around safe access to employment and wider integration support for refugees committed to the *New Plan for Immigration*.



## 6. MOVING FORWARD: ENSURING THE ASYLUM SYSTEM PROTECTS PEOPLE AT RISK

Throughout the UK's asylum system opportunities to identify victims of modern slavery and address risks of exploitation are being missed. An over-reliance on self-identification and a lack of effective vulnerability screening throughout the asylum process meant that people at risk were often left without adequate support and protection. Aspects of the UK's asylum policies and procedures, such as a focus on compliance rather than safeguarding, inappropriate accommodation, and inadequate financial support were found to create and contribute to risks of exploitation. People known to the Home Office and going through the asylum system and NRM reported that they felt unsafe, unable to disclose experiences of exploitation and at risk of being forced into modern slavery such as domestic servitude, sexual and labour exploitation and forced criminality.

People seeking protection in the UK should be safe from further harm. Our primary recommendation is for the Home Office to improve the ways in which vulnerability is identified at all stages of the asylum process and NRM and ensure that an appropriate safeguarding response is put in place. This includes implementing a vulnerability screening tool across all stages of the process to help guide and inform caseworkers, decision makers and other stakeholders of the relevance of vulnerability factors, the need for proactive identification and the appropriate safeguarding and support mechanisms that need to be put in place. Rather than a focus solely on compliance, policies and practices must keep people safe.

# APPENDICES

## A. Detailed Methodology

This qualitative research is grounded in UNHCR's Participatory Assessment methodology, and the standards contained within the UNHCR Tool for Participatory Assessment in Operations.<sup>88</sup> A Participatory Assessment is a process of building partnerships with refugees of different ages and backgrounds by promoting meaningful participation through structured dialogue. A Participatory Assessment provides UNHCR's people of concern with an opportunity to explain the protection risks they face, and to participate as partners in the design of responses to issues affecting their lives. This Participatory Assessment focused on providing the target group with an opportunity to share their views on specific protection risks faced by them, and the underlying causes, and to hear their proposed solutions. The recommendations in this report have therefore been directly informed by the target group.

This field-tested methodology places asylum-seekers and refugees at the centre of discussions and analysis, enabling them to express their realities and lived experiences and to focus on the problems that they identify as most important to them. Participatory questions were built into the semi-structured interviews – for example, asking people with lived experience to reflect on their experiences of seeking asylum, and what they would change about the system in the UK if they could.

### ■ Literature review

The research began with a review of existing evidence concerning vulnerabilities to exploitation and barriers to accessing support and protection for asylum-seekers, refugees and those refused asylum. The review focused on grey literature such as UNHCR, British Red Cross and NGO reports, UK government policy and guidance, parliamentary

reports and submissions, some academic studies, case law and best practice for identifying, supporting and protecting people who have been trafficked. Findings from the literature review have been integrated into the main report to provide context where relevant.

### ■ Interviews with people with lived experience

A total of 18 people with lived experience were interviewed for the Participatory Assessment, who had experiences of the UK asylum system and experiences of exploitation or that were vulnerable to it. Interviews lasted for 30-45 minutes, and followed a semi-structured approach that asked about their experiences of the asylum process, asylum support and of the NRM (if relevant). People with lived experience were asked to consider aspects of their experiences that helped them feel safe, as well as their views and/or experience of exploitation, and what they would like to change about the system if they could.

People with lived experience were recruited via community based organizations, and identified by caseworkers/support workers, contacts of focus group participants, or through people with lived experience already involved in the research recruiting acquaintances from their networks. Caseworkers/support workers helped experts prepare for interviews, managed their expectations of what their involvement would entail, and debriefed them afterwards in case the interviews brought up anything distressing. People with lived experience did not have to be within or have previously been referred into the NRM to engage with the research, as it was recognized that some people with lived experience may have been exploited but did not consent to being referred into the NRM.

<sup>88</sup> UNHCR (2006), *The UNHCR Tool for Participatory Assessment in Operations*, available at: [www.refworld.org/docid/462df4232.html](http://www.refworld.org/docid/462df4232.html)



## ■ Focus group participants

Nine regional focus groups and two national focus groups were conducted, with a total of 57 participants who worked with asylum-seekers, refugees or those refused asylum and/or victims of trafficking and who had bilateral or multilateral contact with the UK government.

Owing to the COVID-19 pandemic, the regional focus groups took place online with participants from across the UK who mostly worked in community based organizations, including some law centres, and some from local authorities. Participants were identified through key contacts within the trafficking and/or asylum sector. Groups were kept relatively small, with 3-8 participants per group to ease online facilitation. Regional areas included London and South-East, Midlands, North-East, North-West and Yorkshire, Northern Ireland, Scotland and Wales. The national groups were also conducted online and were comprised of participants from specialist community based anti-trafficking services. Discussions were semi-structured and lasted up to 2½ hours.

## ■ Interview participants

Twelve interviews were conducted with participants who had specific knowledge, experience and/or expertise related to the research but did not have lived experience. They included legal representatives, barristers, housing contractors and a former Independent Chief Inspector of Borders and Immigration. Discussions were semi-structured and lasted up to 1 hour. Participants were identified as the research progressed, based on findings and suggestions arising from the literature review and focus group discussions.

A representative from the Home Office asylum support team engaged in dialogue with researchers to discuss some of the key findings, and to share some reflections about efforts going forwards to address some of the challenges.

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## B. Ethics

Before every discussion, interview participants, focus group participants and people with lived experience were briefed on the nature of the research. It was explained that participation was voluntary and consent to take part could be withdrawn at any time.

Interview and focus group participants were told that their contributions would be attributed to the region of the UK in which they work, and that their identity and their organizations would remain anonymous. All people with lived experience remain anonymous, and any names included have been changed to protect identities.

Participants were required to give informed consent either by signing the consent form provided or by giving consent verbally over the telephone or online, given the COVID-19 restrictions in place at the time.

People with lived experience who required help to read the consent form had the form read to them by interpreters, who explained the contents.

As the research touched on sensitive topics, the confidential and voluntary nature of the process was clearly explained to all who took part and the right to withdraw was emphasized at the outset and throughout.

It was made clear to all people with lived experience that speaking to researchers on behalf of the UNHCR and the British Red Cross would not impact their immigration status or entitlements in the UK.

Follow-up to Participatory Assessment interviews was a key part of the Participatory Assessment process. It was also explained that where a researcher identified a concern or risk while interviewing people with lived experience, these would be shared with the key support worker or key focal point within the referring organization, with the consent of the person with lived experience. This ensured support needs were addressed, any risks mitigated, and/or necessary protective interventions established.

## C. Challenges and limitations

The research relied on the perspectives of those who volunteered to take part in interviews. Interview participants were approached who had expertise or knowledge on certain issues. Those who attended focus groups largely comprised frontline professionals involved in identifying, supporting, safeguarding and protecting those that have been exploited or those vulnerable to the same. Focus group participants actively engaged, but some had limited engagement due to operating under the Modern Slavery Victim Care Contract (MSVCC).<sup>89</sup> This is the contract through which the UK government provides a range of assistance to adult victims of modern slavery (including trafficking), and permitted those involved to take part in external research.

A larger number of people with lived experience were intended to be interviewed for the research, covering a wider range of demographics. However, given the unique protection challenges faced by those that have experienced exploitation, or that are vulnerable to the same, it was difficult to locate people with lived experience within the remit and time limitations of the research. Additionally, to

prevent their re-traumatization, the research sought to only interview people with lived experience who were supported by a support organization. This ensured they had a contact point for any follow-up support that might have arisen after taking part. This therefore limited the potential pool of people with lived experience, as there are many persons with lived experience of exploitation in the UK who are not supported by any organization.

Another challenge was that all interviews were conducted remotely, either online or over the telephone, owing to COVID-19 restrictions. This was unavoidable, but may have also served as a potential barrier to disclosure and/or engagement.

Whilst the number of people with lived experience who took part in the assessment is small, the data collected does provide valuable insight into the experiences and risks of exploitation faced by asylum-seekers. Findings from their experiences could be considered indicative of wider patterns, given that they were reflected in the evidence from focus group and interview participants.

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<sup>89</sup> The MSVCC is between the Home Office and the Salvation Army, which is the prime contractor. The Salvation Army has 12 subcontractors that provide specialist support to survivors of modern slavery. The Single Competent Authority at the Home Office oversees the MSVCC contract. In England and Wales this is done by the Salvation Army, in Scotland it is by TARA or Migrant Help, and in Northern Ireland it is by Women's Aid or Migrant Help.



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