"Taking back control of our borders?"

The impact on modern day slavery

Human Trafficking Foundation

‘Taking back control of our borders?’

The impact on modern day slavery

Interview dates:
September–November 2020

Published:
November 2020

Acknowledgements:

Report coordinator:
Louise Gleich

Report authors:
Louise Gleich
Phil Brewer
Tamara Barnett
Katy Parker

Report design by:
Warren Langler Watts
with printing by Langford Printers

Front cover photo:
Sign for the UK Border at London Heathrow International Airport
Photo credit: EQRoy/Shutterstock

Foreword

In 2010, when I launched the Human Trafficking Foundation with Baroness Butler-Sloss and Rt Hon Clare Short, there were fewer than 700 victims of human trafficking found in the United Kingdom. Ten years later, that figure has increased year on year, is now over 10,000. The police believe the real figure may be ten times that number, with victims of modern slavery remaining hidden and silent.

The UK is now presented with a unique opportunity by 'taking back control of its borders'. We should therefore be able to keep out those with previous criminal records, and prevent traffickers from entering our country. However, if the Government cannot maintain links to existing EU intelligence sources Europol, Eurojust, the Schengen Information System and the Passenger Name Records data, we will be putting the country at increased risk. This is because when someone presents themselves at one of our border controls after 1 January, the official or immigration officer will have no idea of the antecedents of the person asking permission to enter. And with the development of eGates, scrutiny becomes even more difficult. Far from keeping trafficking out of the UK, we must expect to see a dramatic increase, not only in those engaged in criminal activity but also the numbers of people trafficked into the UK. In effect, the intelligence networks built up over fifty years throughout the EU will be thrown away. This report highlights what needs to be done now to avoid increasingly porous borders.

My gratitude to David Heathcoat-Amory, former Treasury Minister, one of the Foundation trustees, who has highlighted this critical moment in our history and the opportunity it provides. And thanks to other trustees for reading the proofs and offering prudence and insight. A huge thank you to retired Detective Superintendent Phil Brewer for chairing this initiative with good humour and firmness, and to Louise Gleich, the principal author of this report, for the many hours she's spent bringing together the many interviews she's conducted, and for the way she's handled conflicting views on the report content. Finally, the Human Trafficking Foundation staff, Tamara Barnett, Katy Parker and Rachel Smith, who have assumed many different roles from drafting, editing, proofreading, interviewing and generally keeping the show on the road.

It's a critical moment for our fight against modern-day slavery in the UK. Our sincere hope is that the current Home Secretary won't preside over, however unwittingly, a situation where we allow the last ten years' hard graft in highlighting the growth of human trafficking and modern-day slavery in Britain to have been in vain.

Anthony D. Steen
Chairman

Setting the scene

In 2010, 710 potential victims of human trafficking were referred to the National Referral Mechanism (NRM).[1] In 2019, with increased awareness and identification, there were 10,627 referrals.[2] While improved identification and awareness contribute to increased referrals, nonetheless these figures highlight that victims continue to be brought into the UK in large numbers.

In 2018, the Government published its Immigration White Paper setting out the framework for a new immigration policy following the UK's withdrawal from the European Union. The White Paper also reaffirmed the Government's commitment to tackling modern slavery, saying: 'We are committed to stamping out modern slavery,' a sentiment reiterated in the February 2020 policy paper fleshing out the new points-based immigration system.

We all want to make our borders safe. This is an issue that unites politicians of all parties and persuasions. But there are different understandings of what is meant by 'safe'.

There is also a general confusion among the public, the media and even policymakers about the difference between human trafficking and people smuggling, which poses a challenge for policymakers. With this paper we have sought to identify the risks which, if nothing is done, could mean that both traffickers and victims of human trafficking continue to come to the UK embroiled in modern-day slavery undetected.

In writing this paper we are conscious that the UK has left the EU and that this will necessarily have implications for immigration policy at the end of the implementation period (31 December 2020). Our purpose with this paper is not to revisit the debates about the merits of withdrawal, rather to consider what is needed for the future. By leaving the EU, Britain need not cut itself off from the rest of the world. Rather, we must reshape our immigration system to meet our own needs and create a system that regulates immigration but is welcoming and decent to incoming workers and vulnerable people needing protection. The UK now has the opportunity to take control of immigration policy and border security. But that also means that the responsibility for the success or failure of the system will now rest on the shoulders of the UK Government alone – including its success at apprehending traffickers and safeguarding victims.

With just weeks until the implementation period ends and the new post-Brexit era begins, the UK risks becoming a haven for exploitation.

This paper considers how the UK can become more hostile to traffickers and at the same time more compassionate to victims.

[1] Paragraph 2.8 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118116/human-trafficking-report.pdf

[2] Paragraph 1.5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927111/FINAL-_2020_Modern_Slavery_Report_14-10-20.pdf

The UK is currently establishing a new immigration and border security system fit for the country's future outside the EU. This is a unique opportunity to shape the new system to prevent human trafficking and modern slavery – one which must not be missed. While modern slavery is not predominantly an immigration problem, since a large number of victims are foreign nationals the immigration system is a vital tool to prevent this crime. As things currently stand, the border control measures and the immigration system may not be adequate to meet this challenge. In fact, the system achieves the opposite of what it claims. It does next to nothing to prevent traffickers coming in, but acts as a hostile place for foreign national victims of modern slavery once identified. Indeed, a lack of safeguards means that the changes to the immigration system are likely to result in increased, rather than decreased human trafficking. Effective border controls, alongside a safer, more legal business framework and safe, legal and fair routes to the UK, are needed to make the UK more hostile to traffickers and to safeguard potential victims.

Summary and recommendations

The UK seeks to be a leader in the fight against modern slavery. The present border system is demonstrably not good enough at preventing traffickers getting through and safeguarding victims. Meanwhile, without a new determination for action, convictions of traffickers will remain stagnant. Evidence examined in this report shows that initial 'toughness' at borders alone can do little to reduce trafficking and illegal immigration.

Traffickers will always circumvent existing obstacles; although if we get it right, they will have to overcome increased hurdles and they will in turn be less enthusiastic to engage in modern slavery in the UK. The Government now has a unique opportunity to reshape immigration policy and so put in place measures that will effectively prevent traffickers from exploiting people in the UK.

Findings in this report also reveal the UK has a number of weak and unenforced business regulations that allow it to act as a base for companies that have a semblance of engaging in lawful pursuits, whereas some are also engaged in the trafficking of human beings. Policymakers must make the UK a less attractive business prospect to traffickers by creating a dynamic business regulation framework that rewards and supports honest British and foreign companies. The creation of safe routes into business sectors at potential risk of modern slavery is crucial to reduce reliance on cheap labour, which is a breeding ground for exploitation.

Our conclusion is that the only way to tackle transnational modern slavery effectively is to do so in two ways: (i) effective border control and identification processes – that means exit checks, better databases, and better checks at countries of origin in issuing visas – alongside (ii) safe, legal and fair routes into the UK, promoting good business practice and in all situations prioritising the safety of those who might be trafficked.

A Preventing trafficking through effective and more thorough border control

Finding 1

– Ineffective or absent data collection and failure to secure access to shared intelligence simply increases the risk and scale of trafficking

As of 11 November 2020, the UK had not secured access to EU intelligence sources and security cooperation. Current access to intelligence about foreign national offenders travelling to the UK derives from membership of Europol. UK agencies expect to lose access to the Schengen Information System (SIS), 'the most widely used and largest information sharing system for security and border management in Europe', and SIS alerts, which not only contain information but also instructions on what to do when the person has been found. **Without access to this intelligence, Border Force officers and Police will have no knowledge of convicted or suspected traffickers seeking to enter the UK.**

UK authorities are presently participating in a number of Joint Investigation Teams with EU member states facilitated through Eurojust**.** No agreement for continued participation in Eurojust has been secured.

These data sources alongside collaborative working are known to be effective in bringing traffickers to justice. Without them, all efforts to disrupt and deter trafficking into the UK will be severely hampered.

Border Force does not have direct or routine access to all police databases, and access to other Government intelligence is often limited to specialist teams. Increased data sharing and cooperation is needed to help identify more traffickers and safeguard potential modern slavery victims.

Without seamless access to shared intelligence or cooperation domestically and within Europe, human trafficking into the UK will inevitably increase.

Data collection and analysis of the immigration status of both traffickers and victims of modern slavery is weak. Governments in England, Wales and Scotland appear not to routinely collect and analyse nationality data of modern slavery offenders, nor where and how victims of trafficking enter the UK. Without this information, UK authorities will struggle to identify and mitigate potential challenges arising from a changed immigration system and a changed relationship with EU member states. **This absence of strategic analysis will lead to an increase in trafficking as organised criminals exploit the emerging gaps in the system**.

Recommendations:

1 The UK Government must secure access for UK border and law enforcement to European and domestic intelligence sources from 1 January 2021, including:

A Continued sharing of intelligence and collaboration with European agencies and countries bilaterally must be secured before 31 December 2020 with seamless continuity, including Europol, Eurojust, Schengen Information System, Passenger Name Record data

B Data sharing between UK agencies must be increased, including easy, 24/7 access for Border Force to Police National Computer, Police National Database and Government Agency Intelligence Network (GAIN)

C Issuing new guidance for Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to increase their effective use, including as a means to prevent entry/return to the UK of suspected traffickers

D Police forces establishing a consistent and coordinated process for applying for and monitoring Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders

2 The Home Office and Department of Justice must start to collect and regularly publish relevant data on nationality, residence, offenders' criminal history and immigration journey of modern slavery offenders and victims

Finding 2

– Current entry checks are ineffective; consistent and meaningful exit checks at the border are non-existent

Current entry check systems are ineffective and inadequate for identifying both traffickers and potential victims. In particular, the use of eGates presents a significant problem. EGates rely on the watchlist in order to flag suspected traffickers, but will not identify anyone not already marked. This process will become even more ineffective if access to EU data is lost. There are also questions about the capacity of roving officers monitoring the gates and follow-up by Immigration Enforcement is necessary to safeguard victims and pursue more offenders. Entry checks are not routine for EU nationals. **Proposed visa-free entry for EU nationals combined with eGates will in effect be an open door for traffickers,** yet the Government appears to have no clear strategy for mitigating this and no date for implementing the proposed Electronic Travel Authorisation (ETA) scheme to scrutinise visa-free travel. With no legislative proposal currently before Parliament this is unlikely to be implemented well into 2021 at the earliest.

Visitor visas are already exploited by traffickers. There is inadequate scrutiny of visa processing outsourced to private companies. Some victims enter with forged documents, others with genuine visas – although these may be obtained using false information. Victims are also known to enter via seaports and the Common Travel Area (i.e. Republic of Ireland, Channel Islands and Isle of Man) where checks are fewer.

The UK has neither consistent nor effective exit checks despite the introduction of digital checks in 2015. As a result, UK authorities have no reliable or accurate data on who has left the country, cannot easily track the movement of traffickers and are unable to identify red flags for potential victims, such as overstaying a visa, or whether the person is being paid in accordance with their visa requirements.

There is no guarantee that 'convicted traffickers' from another country will be refused entry to the UK under the current system and the Government does not collate data on how many such 'convicted criminals' actually have been refused entry. New simpler rules to come into effect from 1 December 2020 will refuse entry to all offenders sentenced to at least 12 months' imprisonment or where the offence caused 'serious harm'. This may increase the number of convicted traffickers being refused entry, but guidance should specify modern slavery and similar offences as causing 'serious harm' to ensure they result in mandatory refusal even where sentences are shorter. Effective implementation, however, also depends on meaningful entry checks and access to international data. European nationals with convictions are often targeted by traffickers and become victims of modern slavery. They may be refused entry under the new rules or wrongly sent home for illegal entry that was in fact caused by their exploitation in the first place. In view of the statutory defence in section 45 of the Modern Slavery Act, the need to safeguard such potential victims is obvious.

Shared Schengen Information System (SIS) alerts have been particularly useful in respect of Slavery and Trafficking Prevention and Risk Orders and these orders have been most effective when they have contained conditions linked to travel and arranging travel, but these are not generally being used effectively or often enough.

Whilst traffickers will always look to circumvent increased border controls, if applied appropriately border control measures can increase the number of victims safeguarded at the border. Increased scrutiny prior to arrival through Electronic Travel Authorisations (ETAs) and better screening of visa applications would help prevent trafficking by identifying vulnerable persons and suspicious activity before they get to Britain.

Recommendations:

3 **Effective entry and exit checks must be carried out for all passengers, including arrivals from the Common Travel Area. This will require:**

- **A** Establishing a system for Electronic Travel Authorisations for visitors from all countries with visa-free travel (including EU) as proposed in the white paper, operational by 1 January 2021
- **B** Providing guidance for Border Force on eGates and the checking and recording of purpose of travel for EU nationals before 1 January 2021 in consultation with Border Force safeguarding team
- **C** More in-person checks – digital systems must only be used where they will provide real-time cross-referencing with entry data (for exit checks) and watchlist and re-direction to border officials where concerns are flagged
- **D** Reviewing the process for providing visas through outsourcing and increasing involvement of consulates overseas in scrutinising applications for visas
- **E** Increasing entry/exit checks at seaports
- **F** Data systems that will create alerts if a person does not exit on the expiry of their visa/visa-free entry period

4 Convicted and suspected traffickers should be refused entry to the UK. This will require:

A	Issuing new guidance for Border Force stating that it shall be mandatory for individuals with convictions for modern slavery, human trafficking or similar offences to be refused entry to the UK
B	Issuing guidance for the relevant authorities that all individuals with convictions for modern slavery (UK residents or from international intelligence) must be added to the 'watchlist' so they will be flagged at the border
C	Issuing guidance to relevant authorities to ensure victims of trafficking are not routinely removed from the UK if they possess minor criminal records, are sleeping rough or have committed enforced criminality by their exploitation
D	Increasing Immigration Enforcement activity at the border to enable investigations into suspected traffickers arriving at the border

B Preventing trafficking through safe, legal and fair routes into the UK

Finding 3

– Restriction to 'skilled' migration could create an international hub of modern slavery in the low-wage sector

Potential victims are unlikely to be deterred from coming to the UK by changes to the immigration system alone: The majority of potential victims referred to the NRM come from countries which already require a visa. Poverty and civil instability will continue to cause people to seek a more secure future elsewhere. Vulnerable victims from EU countries are unlikely to be aware of the changes to the immigration system and are liable to believe what they are told by their contacts or unscrupulous recruitment agencies.

Demand for low-waged workers will continue: Many sectors of the economy, including transport, hospitality, construction, manufacturing, warehousing and agriculture have been heavily reliant on low-waged migrant workers from the EU with wages below the threshold for the new points-based worker visa. **Many employers are unprepared for the end of free movement, resulting in a risk that traffickers will fill the labour supply gap. These sectors are existing locations of modern slavery and undocumented migrant workers are known to be targeted for exploitation.** We were surprised that the likely impact of the points-based system on modern slavery has not been considered by either the Migration Advisory Committee (MAC) or the Home Office Impact Assessment, despite the UK's obligation under Article 4 of the European Convention on Human Rights (ECHR) to ensure that immigration rules do not incite, aid, abet or tolerate human trafficking.

Employers' lack of awareness of the rights of EU nationals with settled status creates the risk of discrimination, leading to desperate workers falling prey to unscrupulous employers, especially where they have limited English language skills or are not aware of their employment rights.

Revised Immigration Rules published in October 2020 provide a temporary worker visa for seasonal agricultural workers. However, there is no low-wage migration route for other sectors. Moreover, there are well-known risks that visas tied to a single employer can lead to modern slavery and prevent victims from seeking help.

The UK should provide more safe routes for people to apply for asylum from their home country or a refugee camp under the auspices of relevant British Embassies known for their fairness. This could prevent many people seeking dangerous sea crossings or falling prey to the deception of traffickers and people smugglers. Such a proposal is in line with the Government's reported intention to create new legal routes for those who are at genuine risk of harm. Conversely, proposals to deny asylum to those who arrive in the UK illegally and deport foreign nationals who have been sleeping rough will harm victims of trafficking if formal exemptions are not created. **Creating safe, durable solutions for those identified as victims by the NRM will prevent survivors being re-trafficked after leaving the NRM both in the UK through a designated visa and through safe and supported voluntary returns to victims' home countries. This will also relieve pressure on the asylum system.**

Recommendations:

5 Create legal routes for low-wage migration to enable agriculture and other sectors to flourish while protecting against exploitation, including:

A Safeguards against exploitation, at a minimum:

- Mandatory multilingual information sessions and resources to advise on employment rights
- Independent sources of help for migrants on all worker visas and EU settlement scheme
- Allowing workers to change employer

B Department for Business, Energy and Industrial Strategy (BEIS) must work with employers – especially in shortage and known risk sectors – on awareness of exploitation, awareness of EU settlement scheme, training for UK resident workers and alternatives

C Migration Advisory Committee (MAC) should monitor the impact of the immigration system on exploitation in the labour market and specifically on the nature and trends of modern slavery and provide an urgent initial impact report on first six months of operation

6 Set up arrangements for asylum seekers to apply for asylum from outside the UK and facilitate their safe travel to reduce people smuggling and prevent trafficking or exploitation of asylum seekers on the way

7 Create simplified and safe durable solutions for survivors of modern slavery to alleviate pressure on the asylum system and prevent re-trafficking by:

A Considering the benefits of a separate visa for survivors of modern slavery to remain in the UK

B Developing safe and supported voluntary returns processes for survivors returning to their home country or safe third country

Finding 4

– Companies House and HMRC need to take further action to tackle exploitative workplaces likely to harbour modern slavery

Preventing modern slavery requires efforts to make the labour market more hostile to traffickers. **There is significant overlap between sectors where victims of modern slavery are found and those sectors where lesser violations of employment law (such as non-payment of minimum wage and unlawful deductions from wages), health and safety law, and business and tax regulations occur.** Enforcement by HMRC and regulation by Companies House need to be strengthened to enable identification of companies involved in trafficking. The Government has recently consulted on proposals to increase corporate transparency and reform the role of Companies House. These proposals should be implemented swiftly and further consideration given to the role of transparency in identifying and preventing modern slavery.

The Gangmasters and Labour Abuse Authority (GLAA) provides a greater level of scrutiny in sectors that fall under its remit; however, it lacks the resources needed to provide effective oversight of the expanded range of businesses nationwide. The proposed single enforcement body for employment rights has the opportunity to make a big difference to the scrutiny of employment standards if it pulls together all the relevant aspects of employment, including tax, and covers all sectors of the labour market vulnerable to modern slavery. However, to be effective it will need the resources and powers to be proactive in inspecting and investigating thousands of businesses and bring about redress for victims of modern slavery and other workers whose employment rights are breached.

There is also a lot more that businesses can do themselves to address modern slavery in their supply chains; however, it is difficult to bring criminal prosecutions for modern slavery offences against companies and it needs to be easier for exploitative companies to be held accountable through non-criminal as well as criminal proceedings. Non-criminal sanctions, including those in Article 6 of the EU Anti-Trafficking Directive, must be made available for companies that engage in modern slavery or who fail to publish a modern slavery statement under section 54 of the Modern Slavery Act.

Recommendations:

8 **Incorporate in the Modern Slavery Act a wider range of sanctions and safeguards for businesses that engage in exploitation as per Articles 5 and 6 of the EU Anti-Trafficking Directive, and implement through strengthening the existing infrastructure, including:**

A	Connecting all immigration records with national insurance numbers (as has been done with the EU Settlement Scheme) to enable monitoring by the proposed Single Enforcement Body and HMRC of the level of payment to migrant workers and entitlement to welfare benefits
B	Non-criminal sanctions for companies who engage in modern slavery or fail to publish modern slavery statements under section 54 of the Modern Slavery Act
C	The expansion and extra resourcing of the Gangmasters and Labour Abuse Authority (GLAA) so it can take on more cases, including investigating umbrella companies
D	More checks by Companies House when phoenix companies are created
E	Proactive investigations by HMRC into businesses with poor working practices that could be evidence of links to exploitation
F	Close collaboration and information-sharing between the proposed Single Enforcement Body and HMRC

A Preventing trafficking through effective and more thorough border control

Finding 1

– Ineffective or absent data collection and failure to secure access to shared intelligence simply increases the risk and scale of trafficking

As part of UK withdrawal plans, discussions continue to determine the shape of our future law enforcement and security relationship with the EU. Despite only being one month away, there is no clear view on what our relationship with key partners will look like in the future. In the context of combating modern slavery, understanding the future relationship we will have with both Europol and Eurojust is critical. What is clear is that our relationship with both organisations will change, as will our ability to share data and intelligence.

Europol

With the UK leaving the EU we will become a third country in terms of our membership of Europol. In practice, this means we are unlikely to have full access to the collaborative opportunities, services and intelligence systems currently enjoyed. Europol offers two partner cooperation agreements to states and entities outside of the EU. These are strategic and operational partnerships.[3] In preparation for this, the UK has already relinquished its driver role for a number of priority crime expert groups, including trafficking of human beings.[4] Whatever the outcome of membership negotiations, we will have less influence shaping Europe's collective approach to combating this transnational crime and will be unable to hold influential or leadership roles.

Information and data sharing are crucial in the fight against modern slavery. The UK is very much a destination country.[5] To effectively combat modern slavery, it is imperative that there are processes to ensure this can be done effectively. There are two key databases linked to our membership of the EU and Europol. The first is Secure Information Exchange Network Application (SIENA).[6] This is a platform that allows information to be shared between member states and third countries in real time. UK agencies, including the National Crime Agency (NCA) and UK policing, currently have full access and are able to create and disseminate intelligence securely.

The second is the Schengen Information System (SIS).[7] This is without doubt the most comprehensive database available to EU member states. It provides specific intelligence, information and data relating to individuals and objects. It can include previous convictions and directions to law enforcement encountering a known individual. It provides the greatest opportunity for identifying individuals involved in crime.

The expectation is that without access to the services Europol and EU membership provide the UK will find it difficult to access a similar data sharing process that can quickly identify individuals who pose a risk of harm or are at risk of harm. Although alternative processes to obtain similar information exist, none are as efficient and comprehensive as SIS.[8] In one interview, a police officer from national policing explained how most police-

[3] https://www.europol.europa.eu/partners-agreements

[4] Phil Brewer, retired Detective Superintendent, Metropolitan Police, Interview October 2020

[5] http://www.antislaverycommissioner.co.uk/about-modern-slavery/modern-slavery-in-the-uk/#:~:text=The%20UK%20is%20both%20a,and%20children%2C%20males%20and%20females.

[6] https://www.europol.europa.eu/activities-services/services-support/information-exchange/secure-information-exchange-network-application-siena

[7] https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en

[8] DCI David Birrell, International Crime Coordination Centre (ICCC), Interview October 2020

related checks that access EU databases are completed automatically via the ACRO Criminal Records Office (ACRO).[9]

In July 2020, Deputy Assistant Commissioner Richard Martin, Head of the International Crime Coordination Centre (ICCC), gave oral evidence to the Committee on the Future Relationship with the European Union at Parliament. He stated that 603 million checks were completed on SIS through ACRO in 2019. In an example of how data will take longer to obtain, DAC Martin explained that while it currently takes an average of six days to obtain confirmation of convictions from an EU state, this may extend to 60 days after 1 January 2021.[10]

There is genuine concern that without access to the services Europol provide the UK will find it difficult to maintain an effective data-sharing process that can quickly identify individuals who pose a risk of harm. Although alternative processes to obtain similar information exist, none are as efficient or comprehensive as SIS.

It remains extremely difficult to assess the full extent of how leaving the EU will affect UK law enforcement and its ability to access EU data. Assessment of our future relationship with Europol relies on confirmation of the detail of our third-country membership. It is highly expected we will lose access to SIS and have restricted access to SIENA.

Eurojust

The UK is currently a member of Eurojust, the EU's criminal justice agency.[11] Of major importance to modern slavery investigations, Eurojust oversees Joint Investigations Teams (JITs). This is a legislative tool that allows collaboration between two or more international law enforcement agencies, one being from an EU state, for the purpose of a single investigation.[12] JITs assist law enforcement to target organised crime groups operating in more than one country with the ability to lawfully obtain and share information and evidence that can be used within both jurisdictions' courts. They have been used by UK law enforcement successfully for many years. Not only has this resulted in many suspects being brought to justice, it has also assisted law enforcement in tracing and safeguarding victims who would otherwise not have been identified. UK prosecutors seconded to Eurojust have spent considerable time ensuring current JITs are converted to comply with older legislation so that current JITs can continue once the UK exits the EU. What remains unclear is the level of access UK prosecutors will have to Eurojust once the UK has left. UK prosecutors do not know what the extent of our membership of Eurojust will be. Although the Crown Prosecution Service (CPS) are making contingency plans, such as embedding prosecutors within priority countries,[13] the changes to practices with less reliance on Eurojust are likely to result in slower investigations and challenges in obtaining evidence.

There are also some key factors that will make being part of a JIT more of a challenge post-Brexit. Although UK law enforcement should still be able to enter into a JIT, they will not be able to lead an investigation. Currently, through Eurojust, the UK can apply for EU funding to support

[9] Police Officer from national policing, Interview October 2020

[10] https://committees.parliament.uk/oralevidence/694/pdf/

[11] https://www.eurojust.europa.eu/

[12] https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/joint-investigation-teams

[13] Pam Bowen, Crown Prosecution Service, Interview September 2020

an international investigation. This removes much of the additional costs from working internationally from UK policing budgets.[14] Following our exit, we will rely on the EU member state partners to apply for and manage allocated budgets.

Data sharing

The initial evidence gathering phase of this report focused on the impact of data sharing internationally after exiting the EU. However, what has become clear is that the sharing of information, intelligence and data on a domestic footing is also relatively ineffective.

Losing access to systems such as SIS will put the UK at a disadvantage in determining the risk posed by individuals entering the UK and intent on committing crime. Even before we lose access to these systems, a field study at London Stansted Airport highlighted some of the challenges faced by UK Border Force and Police.[15] Dependent on available staff, the agencies carry out regular operations in an attempt to identify potential victims of modern slavery as they enter the UK. Border Force have a number of officers known as Safeguarding and Modern Slavery Officers (SAMS) who are trained to recognise potentially vulnerable individuals as they arrive at passport control. Border Force do not have SAMS officers available on every shift. The SAMS officer present during the field study had changed their shift in order to be available for the joint operation. The lack of availability of trained SAMS staff is an issue raised in a 2020 report into Border Force short-term holding facilities by The HM Inspector of Prisons.[16]

Once a person of interest has been identified, Border Force and Police will carry out a welfare conversation and complete additional checks to ensure the subject is not at risk of harm. Outside of their own systems, there were no automated checks at the border. So if Border Force require a Police National Computer search on an individual, this will be completed via a phone call to an intelligence centre.[17] Border Force officers are unable to routinely access the Police National Database (PND). PND is a platform that searches UK Police Force intelligence systems. This can hold crucial local intelligence that would not be recorded on the PNC. College of Policing describes PND as:

'The **Police National Database (PND)** is available to all police forces and wider criminal justice agencies throughout the United Kingdom, allowing the police service to share local information and intelligence on a national basis. The PND supports delivery of three strategic benefits which are to safeguard children and vulnerable people, to counter terrorism and to prevent and disrupt serious and organised crime.'[18]

Border Force only have access to PND if police officers or staff are available to complete checks for them.

This is not a standalone case where one agency cannot access systems operated by another. It also cannot be assumed that every police employee is fully aware of which systems they can use. As an example, SIENA is not known to every police officer. This significantly reduces the likelihood of intelligence with international reach being disseminated to those countries where it will have potential worth.[19]

---

[14] https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/joint-investigation-teams/funding

[15] Human Trafficking Foundation field study at London Stansted Airport October 2020

[16] https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/06/Border-Force-STHF-web-2020-1.pdf

[17] Border Force officer, London Stansted Airport during field study, October 2020

[18] https://www.college.police.uk/What-we-do/Learning/Professional-Training/Information-communication-technology/Pages/PND-Police-National-Database.aspx

[19] Police officer from national policing, Interview October 2020

Ineffective data sharing is not limited to law enforcement alone. Many Government agencies and departments do not routinely share information where there are lawful and necessary grounds for doing so. Although some mechanisms exist to facilitate interagency information sharing, these cannot be considered routine or mainstream.[20] An example of this is the Government Agency Intelligence Network (GAIN). GAIN is an excellent intelligence tool with searches coordinated via a liaison officer. However, its use is often limited to specialist teams and it is not always considered to support mainstream law enforcement activity. The importance of sharing data between multiagency partners is well recognised. In 2017, while Minister for Security and Economic Crime, Ben Wallace MP stressed the importance of closer partnerships with police, local authorities and the GAIN network in the battle to dismantle serious and organised crime groups.[21]

Several interviewees also raised ineffective domestic collaboration as a challenge in combating modern slavery. An example of this is the use and management of Slavery and Trafficking Prevention and Risk Orders (STPOs and STROs).[22] These were introduced as part of the Modern Slavery Act 2015 and provide legislative instruments designed to prevent modern slavery offences. When an individual is convicted of a modern slavery offence in England and Wales, a judge can place a prevention order on them. This can restrict activities they may engage in which could result in a further modern slavery offence being committed. As an example, they could be prevented from arranging travel for anyone outside of their immediate family. The order is considered at the discretion of the judge and cannot be applied for or requested by the CPS or police. It is, however, possible for police and the NCA to apply for a standalone order against an individual who has been previously convicted of a modern slavery offence or similar crime either in the UK or elsewhere in the world. Again, the order will restrict or prevent an individual from carrying out specific activity which may result in further modern slavery offences being committed. An STRO does not require an individual to have been convicted of an offence but means they are engaged in activity that suggests they are involved in modern slavery crimes. It is applied for at a magistrates' court and the applicant provides evidence that the individual presents a significant risk to a vulnerable person.

Information revealed in parliamentary questions and Freedom of Information requests made as part of this report would suggest prevention orders are not routinely obtained or made. Risk orders are sought even less often with very few granted. In England and Wales just 144 prevention orders and 34 risk orders were made in total during 2016–2019.[23] In Northern Ireland, fewer than five STPOs were made in the same period (Northern Ireland does not have risk orders).[24] During the financial years 2016/17– 2019/20, eight Trafficking and Exploitation Prevention Orders were made in Scotland but no risk orders.[25]

Even where a prevention or risk order has been applied for, there is a concern the lack of coordination between UK-based Government agencies result in the orders being ineffectively policed. This issue was highlighted by both legal experts and police. A police officer from national policing explained that effectively every police force in the UK could have a different process for policing an order and there is no agreed-

[20] Phil Brewer, retired Detective Superintendent, Metropolitan Police, Interview October 2020

[21] UK Government press release, March 2017 https://www.gov.uk/government/news/closer-partnerships-needed-to-fight-serious-and-organised-crime

[22] UK Home Office STPO Guidance https://www.gov.uk/government/publications/slavery-and-trafficking-prevention-and-risk-orders

[23] https://questions-statements.parliament.uk/written-questions/detail/2020-09-09/87541

[24] Department of Justice Northern Ireland response to Freedom of Information request

[25] Scottish Government Response to Freedom of Information request

upon process for managing a situation where an offender with an order moves between police force areas.[26] He explained that with no consistent approach, the orders may not be recorded on the PNC or could be recorded incorrectly and so fail to flag up when the individual comes into contact with the authorities. Within the Metropolitan Police area, prevention orders are held within the Lifetime Offenders Management Unit. The existence of the order could be recorded on the police national computer. However, each police force may take a different approach. One police officer interviewed stated that they had been actively discouraged from applying for an order because their force did not have a process in place to effectively manage them.[27]

To effectively manage prevention and risk orders there is a necessity for a joined-up, multiagency approach where data is routinely shared. Riel Karmy-Jones QC saw this as a significant obstacle to the orders' effective use.[28] The current patchwork approach both domestically and internationally results in an ineffective order. It was suggested to HTF that an ancillary unit with national responsibility for the management and enforcement of the orders would be an effective proposal.[29] Caroline Haughey QC also referenced the need for far better multiagency collaboration.[30]

Prevention orders are granted at the time of sentencing and are live from that date. It may be years before an offender is released from prison. It would therefore require the prison service to liaise with policing to inform them when an offender is leaving prison. Currently, this does not appear to happen.[31] There can also be confusion between law enforcement agencies as to who would have responsibility for policing and enforcing any order. For example, an offender is convicted following an investigation by Force A. They serve their sentence and when released they take up residency in an area covered by Force B. This is not an unusual scenario and can often result in a conflict between two police services disagreeing on who has responsibility for managing compliance of an order.[32] As modern slavery is often a transnational crime, it is highly likely that some offenders will routinely travel between countries. Therefore, it is equally important for Home Office officials working at ports to have access to this information routinely too.

Shared Schengen Information System alerts have been particularly useful in respect of monitoring adherence to STPOs and STROs.[33] Unless continued cooperation on security matters is agreed with EU member states, as well as losing access to data the UK will no longer be able to participate in these systems which aid policing the activity of convicted and suspected traffickers.

Collection and analysis of data relating to offenders and victims

The most comprehensive data set relating to modern slavery derives from the National Referral Mechanism (NRM). This, however, relates to potential and confirmed victims only. There is no similar dataset that captures information relating to suspects and offenders. Identifying the highest source countries for offenders offers the UK an opportunity to consider preventative activity 'in country' to deter individuals from travelling to the UK to commit modern slavery offences. There is often an assumption made that victims and

[26] Police officer from national policing, Interview October 2020

[27] Police officer, Interview October 2020

[28] Riel Karmy-Jones QC, Interview October 2020

[29] Ibid.

[30] Caroline Haughey QC OBE, Interview October 2020

[31] Riel Karmy-Jones, Interview October 2020

[32] Phil Brewer, retired Detective Superintendent, Metropolitan Police, Interview October 2020

[33] DCI David Birrell, International Crime Coordination Centre (ICCC), Interview October 2020

suspects are usually of the same nationality. However, this cannot be confirmed because data relating to offenders' nationality are not routinely captured by the Home Office or Ministry of Justice. [34]

Over three years ago the Home Office decided that all NRM referrals must be recorded as crimes by police. Although this offered a potential dataset to help understand the relationship between offenders and victims, the various systems on which crimes are recorded do not always offer an easy way of harvesting the required data. As an example, recording an offender's or victim's nationality is not mandatory within a crime report. Information relating to an offender or victim's journey, how they entered the UK and what routes they took are not recorded in an easily searchable form.[35] This detail is often recorded in a free text section. Any attempt to capture this data would require a manual assessment of every crime recorded. Although this may be reasonable for police forces recording relatively low modern slavery offences, forces such as the Metropolitan Police would need to review thousands of crimes a year. This would result in additional work for already overstretched police services.

Better understanding of the relationship between offenders and victims, their nationalities, as well as recruitment and movement typologies, are crucial to identifying prevention strategies.

Recommendations:

1 **The UK Government must secure access for UK border and law enforcement to international and European intelligence sources from 1 January 2021, including:**

A **Continued sharing of intelligence and collaboration with European agencies and countries bilaterally must be secured before 31 December 2020 with seamless continuity, including Europol, Eurojust, Schengen Information System, Passenger Name Record data**

B **Data sharing between UK agencies must be increased, including easy, 24/7 access for Border Force to Police National Computer, Police National Database and Government Agency Intelligence Network (GAIN)**

C **Issuing new guidance for Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to increase their effective use including as a means to prevent entry and return to the UK of suspected traffickers**

D **Police forces establishing a consistent and coordinated process for applying for and monitoring Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders**

[34] https://questions-statements.parliament.uk/written-questions/detail/2020-09-09/87539

[35] See also https://questions-statements.parliament.uk/written-questions/detail/2020-09-09/87539 https://questions-statements.parliament.uk/written-questions/detail/2020-09-10/88311 https://questions-statements.parliament.uk/written-questions/detail/2020-09-09/87542

2 The Home Office and Department of Justice must start to collect and regularly publish relevant data on nationality, residence, offenders' criminal history and immigration journey of modern slavery offenders and victims

Finding 2

– Current entry checks are ineffective; consistent and meaningful exit checks at the border are non-existent

Effective border control is an opportunity to prevent trafficking by controlling the access of traffickers to the country and identifying potential victims of modern slavery and human trafficking, both at and prior to arrival at the border. In this, Border Force has a key role to play as a First Responder, safeguarding and referring potential victims into the National Referral Mechanism, and as the first line of defence in identifying suspected or known traffickers, either refusing them entry to the UK or handing over to Immigration Enforcement or the Police for investigation. However, Border Force are under considerable pressure to accomplish their duties while meeting agreed passenger queuing times: 'Border Force officers therefore have a limited window of opportunity to observe behaviours indicating that person may be a PVoMS [Potential Victim of Modern Slavery] and to ask questions to illicit information which may identify them as such.'[36]

EGates and entry checks

There has been increasing use of eGates for British and EU citizens and other passengers with biometric passports. EGates enable more people to move through the border and the UK moves more people through eGates than any other country in the world.[37] However, experts say that eGates are one of the main challenges for Border Force in identifying adult potential victims of modern slavery and human trafficking because of the limited face-to-face contact between Border Force officers and the public.[38]

Border Force have roving officers who work at the eGates to mitigate this risk of exploitation and who are trained in Modern Slavery and NRM referral.[39] However, these are only mandatory where there are six or more eGates.[40] The Independent Anti-Slavery Commissioner has raised questions about the consistency with which roving officers are deployed and also their capacity and training, saying that, 'Roving officers will not always be Safeguarding and Modern Slavery (SAMS) officers.'[41] The Independent Chief Inspector of Borders and Immigration previously raised concern about whether eGates adequately safeguard vulnerable adults and children[42] and is currently undertaking an inspection into their use.[43]

---

[36] Paragraph 1.2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695328/A_re-inspection_of_Border_Force_s_identification_and_treatment_of_Potential_Victims_of_Modern_Slavery.pdf

[37] Tony Smith, Fortinus Global Ltd, Interview September 2020

[38] Border Force National Lead for Safeguarding, Interview September 2020; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695328/A_re-inspection_of_Border_Force_s_identification_and_treatment_of_Potential_Victims_of_Modern_Slavery.pdf

[39] Border Force, National Lead for Safeguarding, Interview September 2020

[40] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695328/A_re-inspection_of_Border_Force_s_identification_and_treatment_of_Potential_Victims_of_Modern_Slavery.pdf

[41] https://www.antislaverycommissioner.co.uk/media/1460/letter_from_iasc_to_david-bolt_-september_2020.pdf

[42] Paragraph 103 https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/421/421.pdf

[43] https://www.gov.uk/government/news/call-for-evidence-an-inspection-of-epassport-gates

In terms of identifying convicted or suspected traffickers, eGates can flag if the traveller is on the watchlist, diverting them to a Border Force officer.[44] If a person has not been listed, then they will enter the UK undetected unless a roving officer has suspicions and pulls them out for interview. However, 'although eGates can do a basic watchlist check, they cannot do a comprehensive risk assessment of travellers – this requires more direct interaction with officers'.[45]

Entry checks are not routine for EU nationals, as they are currently able to enter the UK under EU treaty freedom of movement rights[46] and even non-EU nationals generally undergo only a 'basic passport check possibly accompanied by a further fingerprint check to ensure a biometric identity match with a visa application'.[47] We heard from lawyers who represent victims of modern slavery that the 'visitor visa route does seem to be abused by traffickers'[48] and that 'there is a lack of proper scrutiny at [the visa application] stage and this could be due to failures in the outsourcing to private companies. There also could be corruption contributing to visa checks not being completed.'[49]

Some victims travel with genuine visas – although these may be obtained using false information – and others with forged documents.[50] A survivor of modern slavery and human trafficking told us that she had travelled to the UK on a clean visa but that the trafficker did not use her correct date of birth on the application.[51] Whereas another survivor told us that she was trafficked using fake or forged documents, including a fake Italian ID card that she was given in Italy by her trafficker and an Israeli passport in a false identity procured by her trafficker from an underground criminal enterprise.[52] Current and former Border Force officials told us that the level of forged documentation is relatively low but by far the most misused documents in the past have been EU identity cards, which are relatively insecure and easy to forge.[53]

Victims are also known to enter the UK via seaports and the Common Travel Area (i.e. Republic of Ireland, Channel Islands and Isle of Man) where checks are fewer and identified by the Independent Chief Inspector of Borders and Immigration as more challenging to conduct.[54] A survivor told us that she travelled by plane from Poland to Dublin (having been directed by her trafficker to present her forged passport to specific, corrupt border officials at the airport in Poland) and from there by boat to

[44] Tony Smith, Fortinus Global Ltd, Interview September 2020

[45] Tony Smith, Fortinus Global Ltd, Interview September 2020

[46] Border Force National Lead for Safeguarding, Interview September 2020

[47] Paragraph 96 https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/421/421.pdf

[48] Legal expert Interview October 2020; Nancy Esiovwa, founder of Bradford Survivor Alliance, Interview October 2020

[49] Legal expert, Interview October 2020

[50] Nancy Esiovwa, founder of Bradford Survivor Alliance, Interview October 2020; Legal expert Interview October 2020; Legal expert, Interview October 2020; Survivor 'E', Interview September 2020; Caroline Haughey QC, Interview October 2020; Understanding Vulnerabilities and the Support Needs of People from Albania, Viet Nam and Nigeria who have experienced Human Trafficking into the UK, 2019 https://www.antislaverycommissioner.co.uk/media/1277/between-two-fires-understanding-vulnerabilities-and-the-support-needs-of-people-from-albania-viet-nam-and-nigeria-who-have-experienced-human-trafficking-into-the-uk.pdf

[51] Nancy Esiovwa, founder of Bradford Survivor Alliance, Interview October 2020

[52] Survivor 'E', Interview September 2020;

[53] Tony Smith, Fortinus Global Ltd, Interview September 2020; Border Force National Lead for Safeguarding, Interview September 2020

[54] Survivor 'E', Interview September 2020; Operation Synapsis case study page 12 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927111/FINAL-_2020_Modern_Slavery_Report_14-10-20.pdf; Paragraph 7.14 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614203/Potential-Victims-of-Modern-Slavery-_Inspection-report.pdf

Holyhead, where there were 'no immigration stops, nothing – no checks, could just leave and go wherever you wanted'.[55]

An inspection of East Coast seaports in 2016 found that the 'lack of any visible Border Force presence for over a year at almost half of the identified small ports raises questions about how GM [General Maritime] captains who are minded not to comply with the requirements of the Immigration Act, or to engage in criminality (e.g. the smuggling of people and goods), view the risk of being caught'.[56]

Under the new immigration rules EU nationals with biometric passports will be able to come to the UK as visitors without a visa for up to six months and will continue to be able to use eGates.[57] This will in effect be an open door for traffickers, yet the Government appears to have made no assessment of the likelihood of this route being abused by traffickers.

In answer to a parliamentary question on this risk, the Government responded: 'The only difference between visa nationals and non-visa nationals is where the assessment of their suitability and eligibility for entry to the UK is carried out, therefore the absence of a visa requirement does not materially change the risk of being exploited.'[58] Not only does this answer demonstrate the lack of attention to the risks of modern slavery as part of immigration processes, it highlights the importance of entry checks on arrival to the UK. However, since EU nationals will be able to use eGates, as outlined above, they will continue to be able to enter the UK unimpeded. The Border Force national Lead for Safeguarding told us: 'Protecting the vulnerable is a top priority for Border Force and this will continue unchanged. Border Force examine all arriving passengers for indicators of vulnerability and potential exploitation.'[59] However, given the pressures they are under and the challenges posed by eGates and visa-free travel, this task will continue to be difficult. Given that visitor visa routes and EU nationals' current free movement rights are already abused by traffickers, it seems highly likely that traffickers will utilise this means to bring people into the country for exploitation in modern slavery.

In the 2018 White Paper the Government proposed a mechanism that would help prevent visa-free travel being used as a route into modern slavery by traffickers, saying it would introduce a system of advance permission to travel for non-visa nationals: the Electronic Travel Authorisation (ETA). The White Paper describes the ETA as a 'simple online system which is more light-touch than a visa requirement' and also promised 'a more sophisticated approach to risk analysis, based on an individual's travel history and compliance data, will inform the type of permission required for travel to the UK and determine the level of intervention required on arrival in the UK. Making better use of existing data, and that provided by an individual, will also enhance our ability to identify and crack down on abuse of the future system and help to tackle exploitation of individuals.'[60]

Tony Smith told us: 'The best way to do risk assessment is to get data from travellers before they come to the UK. … We need an ETA system so we can do prior risk assessment; we can potentially identify trafficking or vulnerability in advance.'

---

[55] Survivor 'E', Interview September 2020;

[56] Paragraph 7.19 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631668/An-inspection-of-Border-Force-operations-at-east-coast-seaports.pdf

[57] Paragraph 23 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866664/CCS207_CCS0120013106-001_The_UKs_Points-Based_Immigration_System_print.pdf

[58] https://questions-statements.parliament.uk/written-questions/detail/2020-09-10/88312

[59] Border Force National Lead for Safeguarding, Interview September 2020

[60] Paragraph 4.3 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf

It is, therefore, disappointing that there is no date for the implementation of this vital part of the new border and immigration infrastructure. In September and October 2020 the Government told parliamentarians that: 'We will introduce Electronic Travel Authorisations (ETAs) for visitors and passengers transiting through the UK who do not currently need a visa for short stays or who do not already have an immigration status prior to travelling, which will act as their permission' and 'The Electronic Travel Authorisation scheme requires primary legislation. It will be developed for delivery as part of the wider multi-year programme of change to the UK's points-based border and immigration system.'[61] With no legislative proposal currently before Parliament, this is unlikely to be implemented well into next year.

Beyond the widespread risk posed by visa-free travel through eGates, there is a further risk that traffickers and victims will take advantage of the lack of immigration checks travelling from the Common Travel Area.[62] The Government has indicated that the ETA permission to travel scheme will be key to preventing abuse of this route, saying 'The UK will not operate routine immigration controls on journeys from within the Common Travel Area, with no immigration controls whatsoever on the Republic of Ireland–Northern Ireland land border. However, individuals arriving in the UK must continue to enter in line with the UK's immigration framework including the Universal Permission to Travel requirement.'[63]

We recognise the importance of maintaining smooth travel for short visits between the UK and the EU in either direction; however, delays to implementation of the ETA system will inevitably mean that opportunities to identify and safeguard potential victims of modern slavery are missed, allowing traffickers to continue to act with impunity.

The promised 'more sophisticated approach to risk analysis' must also be applied to visa applications to ensure greater scrutiny of this process and identify behaviour which might indicate potential trafficking. We were told that analysis of applicants, their travel history, how tickets are booked and so on can be used to identify suspicious behaviour or vulnerability. Whilst experts emphasise that automation can be better than humans at analysing data and assessing risk, it was also suggested that there is a need for a network of intelligence liaison officers in embassies to be involved in overseeing these processes early on in the process.[64] Once you are at the border, we were told, it is too late.

Exit checks

The Government reintroduced a digital form of exit checks in 2015; however, an expert in border security told us that the UK does 'not have an entry–exit system' and 'we still don't know how many people are living here illegally and people who have been living here legally have been harassed'.[65] Border Force told us, 'Border Force do not conduct exit checks on people leaving the UK. Any actions on departure from the UK are police-led.'[66] An inspection of exit checks by the Independent Chief Inspector of Borders and Immigration in 2017 found low data confidence and issues with data quality, including no departure records for a number of people whose leave to remain had expired in the preceding two years, but

[61] https://questions-statements.parliament.uk/written-questions/detail/2020-09-01/83980; https://questions-statements.parliament.uk/written-questions/detail/2020-09-29/hl8598

[62] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

[63] https://questions-statements.parliament.uk/written-questions/detail/2020-09-01/83980

[64] Tony Smith, Fortinus Global Ltd, Interview September 2020

[65] Tony Smith, Fortinus Global Ltd, Interview September 2020

[66] Border Force National Lead for Safeguarding, Interview September 2020

also recorded departures that could not be matched with an immigration record.[67] Departures to the Common Travel Area were not recorded and only data 'relating to visa nationals is routinely analysed and used for operational purposes'.[68]

With no accurate data on who has left the country, UK authorities cannot easily track the movement of traffickers and red flags for potential victims are not identified. One legal stakeholder suggested that victims who have come into the UK on visitor visas could be identified if the system did 'a better job of checking people have left and, if not, looking into why. When six months have passed, that should set off a warning bell.' [69]

Preventing traffickers' travel

Border Force Officers can refuse travellers entry to the UK based on previous convictions. However, the rules are complex and depend on the length of the sentence and how recent it is, or discretionary grounds such as persistent offending or offences which cause serious harm.[70] In the case of EEA nationals, it must also be justified on the grounds of public policy, public security or public health.[71] There are no specific rules or guidance that modern slavery, human trafficking or similar offences should require a person to be refused entry under the discretionary grounds where their conviction does not meet the criteria for mandatory refusal. It is unclear how effective the current rules are for ensuring convicted traffickers are refused entry since the Government does not collate or analyse data on how many have been refused entry.[72] Where Border Force officials suspect a person may be engaged in modern slavery, they work with their law enforcement partners in Immigration Enforcement, Criminal and Financial Investigation and the Police to bring perpetrators to justice. Border Force are modern slavery First Responders but have no designated investigative or prosecution powers.[73] Cases that require further investigation must be passed on to Police or Home Office Immigration Enforcement.

The Government has taken steps to simplify the rules for refusing entry to convicted criminals. The rules which will come into effect from 1 December 2020 will refuse entry to all offenders sentenced to at least 12 months' imprisonment or where the offence caused 'serious harm'.[74] This may increase the number of convicted traffickers who can be refused entry, but guidance accompanying the rules should specify modern slavery, human trafficking and similar offences as causing 'serious harm' to ensure they result in mandatory refusal where sentences are shorter.

However, changing the rules alone is insufficient. Effective implementation will require meaningful entry checks and access to international data. Finding 1 has set out the challenges regarding access to data expected to arise from 1 January 2021. Moreover, many traffickers do not have prior convictions and are likely to navigate around

[67] Independent Chief Inspector of Borders and Immigration, https://www.gov.uk/government/publications/an-inspection-of-exit-checks March 2018, paragraph 6.14

[68] Paragraph 3.8 https://www.gov.uk/government/publications/an-inspection-of-exit-checks

[69] Legal expert, Interview October 2020

[70] https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal; Page 37 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf

[71] Page 13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925553/exclusion-from-the-uk-v3.0ext.pdf

[72] In answer to a parliamentary question the Government said 'The specific information requested is not readily available … A manual search through individual records would be required to identify individuals have been refused entry to the UK from 2016 to 2019 inclusive.' https://questions-statements.parliament.uk/written-questions/detail/2020-09-09/87540

[73] Border Force National Lead for Safeguarding, Interview September 2020;

[74] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928751/CCS001_CCS1020373376-001_Statement_of_changes_in_Immigration_Rules_-_HC_813__PRINT_.pdf

measures targeting them at the border, possibly by sending another person without convictions or getting their convictions erased by corrupt officials in their home country.[75] Europol have also reported that enhanced border controls and restrictions as a result of Covid-19 have resulted in a shift of smuggling activity from air to land or sea, and an increase in use of small boats to cross rivers and the English Channel. [76] Whilst there is no evidence at this stage of the number of victims of modern slavery entering the UK through these routes, it is likely that in a similar way stronger border control measures at the main airports and seaports will divert traffickers bringing people to the UK for modern slavery towards other access points.

There is also a significant risk that whilst the new simpler criteria for refusing entry to those with convictions may include more traffickers, the criteria are also likely to catch a significant number of victims of modern slavery. Indeed, anecdotally it would appear they are more likely to have minor convictions, in some cases caused by their exploitation. Also, European nationals with convictions are often targeted by traffickers[77] and come from countries where offences receive much higher sentences than would be applied in the UK. For example, in 2010 in Poland 54% of sentences for theft resulted in a prison sentence of one to two years, whereas in England and Wales in the same year just 4% received sentences of that length and more than 80% received a sentence of less than six months.[78] Under the new rules such a person would be refused entry to the UK but would be in need of safeguarding – and may be able to provide information that could lead to the apprehension of their traffickers. There is a need for guidance about how Border Force should respond to such potential victims to ensure they are not simply deported without appropriate safeguarding or follow-up.

The limitations of the rules on refusing entry, access to data and automation mean that a heavy responsibility will continue to fall on Border Force officers, especially roving officers monitoring eGates, to identify suspicious behaviour. The concerns about the capacity of Border Force to meet this challenge must be given urgent attention.[79] It will also require follow-up by Immigration Enforcement and the Police to safeguard victims and pursue more offenders, both where there is sufficient evidence to act at the border and where later follow-up beyond the border is required.

The 2018 White Paper promised a new digital checking service to allow employers and landlords etc. to confirm an individual's immigration status and also a new 'end-to-end' system that will compare a person's immigration status with exit checks.[80] However, there was no indication of how that data will be used to ensure individuals are being treated appropriately rather than just to apply immigration enforcement against those who breach their visa conditions. Both border security and immigration experts highlighted the negative results there have been from policies seeking to have strong enforcement of immigration policy without proper data management that would allow accurate identification of breaches and no culture of giving a warm welcome to those

[75] Caroline Haughey QC, Interview October 2020; Riel Karmy-Jones QC, Interview October 2020; Nancy Esiovwa, founder of Bradford Survivor Alliance, Interview October 2020; East European Resource Centre, Interview September 2020; Legal expert, Interview October 2020;

[76] https://www.europol.europa.eu/publications-documents/emsc-4th-annual-activity-report-%E2%80%93-2019#:~:text=The%20new%20report%20of%20the,areas%20in%20the%20upcoming%20months

[77] Markella Papadouli, AIRE Centre, Interview September 2020; East European Resource Centre, Interview September 2020; Caroline Haughey QC, Interview October 2020

[78] Taken from a tool prepared by the House of Commons Library in 2015 https://commonslibrary.parliament.uk/research-briefings/cbp-7218

[79] https://www.antislaverycommissioner.co.uk/media/1460/letter_from_iasc_to_david-bolt_-september_2020.pdf

[80] Summary of Proposals paragraphs 14 and 15, page 14 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf

who are complying with immigration rules.[81] Similarly, an immigration data system that can identify those who overstay a visa through exit checks could also be used to raise concerns about individuals who might be vulnerable to modern slavery (especially children), if the data is appropriately analysed. Enforcement of immigration rules should not be the focus of such analysis, rather safeguarding those who are vulnerable.

There is a risk that proposals for a more hostile response to asylum seekers who are considered to have arrived in the UK illegally will adversely affect victims of modern slavery and human trafficking who arrive without the necessary papers and who (because they have been trafficked into modern slavery) may not apply for asylum immediately on arrival in the UK. [82] Any attempt to replicate Australia's policy, which denies asylum to people arriving by boat, runs the risk of extreme harm to people, especially in the early stages of its application[83] and may not even be successful in preventing people smuggling since the relative success of Australia's approach is said by experts to be due to Australia's geographical isolation.[84]

The existing challenges for identifying victims and traffickers at the border created by the use of eGates, ineffective exit checks and inconsistent border controls at seaports will be exacerbated by the planned change to the immigration rules unless significant action is taken. However, this also presents an opportunity to increase the effectiveness of border control measures to prevent trafficking. Whilst traffickers will always look to circumvent increased border control, applied appropriately it can increase the number of victims safeguarded at the border. Guidance to ensure safeguarding of victims and apprehension or investigation of potential traffickers under the new rules is vital. Measures at the border alone will be insufficient. Increased scrutiny prior to arrival through Electronic Travel Authorisations (ETA) and better screening of visa applications would help prevent trafficking by identifying vulnerable people and suspicious activity.

[81] Tony Smith, Fortinus Global Ltd, Interview September 2020; Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

[82] Proposals to reform the asylum system announced by the Home Secretary on 4 October 2020 reportedly to include the principle that migrants arriving illegally will face the presumption that they are refused asylum, although each case will be considered on its merits and new legal routes will be created for those who are at genuine risk of harm https://www.thetimes.co.uk/article/priti-patel-no-asylum-for-illegal-entrants-v6q6gwcsq

[83] Former Australian Senator Hon. Lisa Singh told us that 'potential asylum seekers that sought refuge in Australia were left in these detention centres for years by the Australian Government, as their claims for asylum were not processed'. She said the Australian Government ended up paying 'billions to house these vulnerable individuals in makeshift offshore detention centres, often in horrific conditions'.

[84] Global Initiative Against Transnational Organized Crime, Understanding contemporary human smuggling as a vector in migration, May 2018

Recommendations:

3	**Effective entry and exit checks must be carried out for all passengers, including arrivals from the Common Travel Area. This will require:**
A	**Establishing a system for Electronic Travel Authorisations for visitors from all countries with visa-free travel (including EU) as proposed in the White Paper, operational by 1 January 2021**
B	**Providing guidance for Border Force eGates and the checking and recording of purpose of travel for EU nationals before 1 January 2021 in consultation with Border Force safeguarding team**
C	**More in-person checks. Digital systems must only be used where they will provide real-time cross-referencing with entry data (for exit checks) and watchlist and re-direction to border officials where concerns are flagged**
D	**Reviewing the process for providing visas through outsourcing and increasing involvement of consulates overseas in scrutinising applications for visas**
E	**Increasing entry and exit checks at seaports**
F	**Data systems which will create alerts if a person does not exit on the expiry of their visa or visa-free entry period**

4 Convicted and suspected traffickers should be refused entry to the UK. This will require:

A **Issuing new guidance for Border Force stating that it shall be mandatory for individuals with convictions for modern slavery, human trafficking or similar offences to be refused entry to the UK**

B **Issuing guidance for the relevant authorities that all individuals with convictions for modern slavery (UK residents or from international intelligence) must be added to the watchlist so that they are flagged at the border**

C **Issuing guidance to relevant authorities to ensure victims of trafficking are not routinely removed from the UK if they possess minor criminal records, are sleeping rough or have committed enforced criminality by their exploitation**

D **Increasing Immigration Enforcement activity at the border to enable investigations into suspected traffickers arriving at the border**

B Preventing trafficking through safe, legal and fair routes into the UK

Finding 3

– Restriction to 'skilled' migration could create an international hub of modern slavery in the low-wage sector

A new points-based system

From 21 January 2020, the UK will introduce a new points-based immigration system for all EU and non-EU citizens. People applying to come to the UK will have to demonstrate that they meet a certain threshold of points, with points awarded for certain criteria, including salary and education levels. Employers will need to act as a sponsor for workers outside of the UK, with workers demonstrating that their work meets a certain skill level, they speak English and their salary will be at least £25,600. They will be able to trade some of these criteria in their application, including salary, if they have a job offer that is on the occupation shortage list. [85] The Government has announced that it will not be introducing a route for low-skilled workers, with the intention of moving away from cheap labour from Europe, instead focusing on technology and automation solutions.[86] There will also be some flexibility for scientists, graduates, NHS workers and those in the agricultural sector, with a Seasonal Workers' visa available for six months in farm work.

[85] https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers

[86] https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement

Continuing supply and demand

However, in spite of these changes to the immigration system, there is evidence that low-skilled workers will continue to come to the UK. Requiring a visa is unlikely to be a deterrent, as NRM statistics indicate that the majority of potential victims referred into the NRM currently come from countries that already require a visa.[87] The push factors that lead to people seeking a more secure future – such as poverty, civil instability and climate change – will continue to drive people to the UK. [88] We heard from the East European Resource Centre (EERC) how 'victims are assumed to have exercised very little agency, which can be the case, but often their situations of destitution push them to accept any job',[89] highlighting the difficult choices that people have to make. As has been found with Roma communities, 'many know moving to a new country will result in exploitation but, because of their situation, exploitation isn't a deterrent'.[90] FLEX has stated that 'the push and pull factors that lead to people migrating to the UK are not going to disappear overnight', so removing legal routes of entry into the UK is likely to simply push them to find alternative – and often more dangerous – ways of migrating to the UK, which in turn puts people into situations where they lack legal protections and are more vulnerable to traffickers.[91]

Sadly, we have seen how there is an 'unending supply of people who are vulnerable' and lack information about their options to legitimately move across borders, a fact which is exploited by smugglers and traffickers.[92] Vulnerable victims from EU countries are unlikely to be aware of the recent changes to the immigration system in the UK and from our research we found that they are liable to believe what they are told by their contacts or unscrupulous recruitment agencies.[93] This combination of misinformation and lack of legal routes can push people more easily into the hands of traffickers and into exploitation.

Not only will the supply of low-waged workers continue, it is widely acknowledged that the demand for these workers will also persist. Many sectors of the UK economy, including transport, hospitality, construction, manufacturing, warehousing and agriculture, have been heavily reliant on low-waged migrant workers from the EU with wages below the threshold for the new points-based worker visa.[94] Professor Bell, Chair of the Migration Advisory Committee, told us how 'if unscrupulous employers are not able to recruit low-skilled migrant workers legally, they will look to illegal sources'. [95] This is especially likely within industries where profit margins are already very tight (for example, in the textile industry).[96]

[87] NRM Statistics End of Year Summary 2019 data tables show that 65% of all potential victims referred to the NRM in 2019 were third-country nationals (i.e. not UK or EEA nationals) https://www.gov.uk/government/statistics/national-referral-mechanism-statistics-uk-end-of-year-summary-2019

[88] Tony Smith, Fortinus Global Ltd, Interview September 2020

[89] East European Resource Centre, Interview September 2020

[90] Petr Torak, Interview October 2020

[91] Meri Ahlberg, FLEX, Interview October 2020

[92] Tony Smith, Fortinus Global Ltd, Interview September 2020

[93] East European Resource Centre, Interview September 2020; Petr Torak, Interview October 2020

[94] https://www.ippr.org/news-and-media/press-releases/immigration-plans-analysis-two-thirds-of-current-eu-migrants-in-health-and-care-sector-would-have-been-found-ineligible

[95] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020; Legal expert, Interview October 2020; Petr Torak, Interview October 2020

[96] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

Filling the gaps

It is anticipated by the Government that after the changes are brought in, there will be a shortage of these workers in the short-term, but then in time domestic workers will be trained and fill the gaps.[97] However, there is wide scepticism of whether British people will actually fill these gaps in reality.[98] A lag in filling these roles was highlighted to us by the CBI, who told us that training British people who are out of work for some of these high-need sectors, previously filled by EEA nationals 'may mean there will be a lag. And it is hard to predict what will happen during that lag [though it highlights] an ongoing need of reinvestment for training'.[99] This delay risks causing significant exploitation. In our interviews for this report, it was stressed that there is a practical need for lower-skilled migrant workers in certain essential sectors, and that the new immigration system needs to contain provision for this where there is a need for these people to be able to enter the country lawfully to do this work.[100] A report from leaders in the business and recruitment sectors has warned: 'The removal of an immigration route for lower-skilled workers drives recruitment channels underground. Employers needing to fill low-skilled roles at minimum wage will turn to criminal, exploitative and negligent recruiters supplying workers without the legal right to work using fake or fraudulent ID documents.'[101] There is already evidence of failed asylum seekers working unlawfully to meet this high demand and then being exploited as they lack the protections afforded to legal workers.[102] It was suggested that routes for low-skilled migrant workers should be evidence-based by sector and by role in order to work out where the shortages were, rather than a blanket exclusion of low-skilled migrant workers.[103] It was stressed that 'if there are no legal routes, employers will absolutely turn to the illegal market'.[104]

Neither the Migration Advisory Committee (MAC)[105] nor the Home Office Impact Assessment[106] had been asked or been given extra resources to investigate the likely impact of the points-based system on modern slavery, despite the UK's obligation under Article 4 of the European Convention on Human Rights to ensure that immigration rules do not incite, aid, abet or tolerate human trafficking.[107] There is an urgent need to better assess the sectors where EU workers are carrying out this low-paid work and who will fill the gap if there will be no legal route for low-skilled workers outside of the UK.[108] The arguments around the new immigration policy have been simplified, with

[97] Ibid.

[98] Legal Expert, Interview October 2020

[99] CBI, Interview October 2020

[100] Legal expert, Interview October 2020; David Camp, Stronger Together, Interview October 2020

[101] David Camp The impact of the new immigration system on human trafficking in the UK 2020

[102] Legal expert, Interview October 2020

[103] David Camp, Stronger Together, Interview October 2020

[104] Legal expert, Interview October 2020

[105] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020. Prof. Bell told us that until recently the MAC could only research subjects at the request of the Home Secretary and that the Committee had not been asked to look at this issue. The Committee has now been given the power to study and report on issues on its own initiative.

[106] Paragraph 48 of the evidence base for the impact assessment for the Immigration and Social Security Coordination (EU Withdrawal) Bill, which also provides a high-level analysis of the impact of the changes outlined in the February policy statement states: 'Analysis assumes compliance from both migrants and employers. As such, all discussion of flows and impacts do not consider illegal or irregular activity.' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885682/2020-05-18_IA_ImmSSC_Billl_v21_with_Signature.pdf

[107] *Chowdury and Others v. Greece* (App. No. 16643/09), European Court of Human Rights judgment of 20 March 2017, paragraph 87

[108] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020; Legal expert, Interview October 2020

restricting immigration presented as an easy solution;[109] however, it cannot be assumed that a blanket approach will have the desired impact across all sectors that have so many variations and requirements.

Of concern is that many employers are unprepared for the end of free movement, resulting in labour shortages that traffickers will fill, and we were told how 'it is fair to say that the majority of businesses are not yet prepared for Brexit'.[110] This is particularly worrying in sectors that are existing locations of modern slavery and in which undocumented migrant workers are known to be targeted for exploitation;[111] for example, in the textile industry, which comprises small manufacturers that do not coordinate with each other.[112] It was acknowledged that few businesses were prepared or had yet adjusted for the impact of Brexit and changes to immigration policy, with one organisation anticipating that this will cause 'a real explosion in the number of victims of trafficking'.[113] Furthermore, there is widespread misunderstanding among employers of the rights of EU nationals with settled status, creating the risk of discrimination,[114] which could lead to desperate workers falling prey to unscrupulous employers, especially where they have limited English language skills or are not aware of their employment rights.[115]

An 'immigrationalised' system

Vulnerable workers being unaware of their rights is a key factor that employers can take advantage of, knowing that these workers will not report them to the authorities for fear of being detained of deported, a fact which leads to these people being preyed upon.[116] Many vulnerable people are unaware of the new immigration system or the EU settlement scheme itself which could ensure their legal status.[117] A recent report highlighted the prevalence of immigration advice agencies that are unqualified and charge extortionate fees, which can ultimately put people at greater risk of exploitation.[118] By increasing the focus on immigration, people could be deprived of advice on non-immigration issues that could protect them because of fear of consequences due to their immigration status, with the East European Resource Centre telling us that the system has been 'immigrationalised', which carries an 'obvious risk of fuelling the process of making everything that relates to workers an immigration issue'.[119] It is for this reason that traffickers are widely known to specifically target undocumented workers.[120] A lack of English language skills also has a direct impact on people's awareness of their rights and prevents them from reporting instances of exploitation.[121]

[109] Meri Ahlberg, FLEX, Interview October 2020

[110] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020; David Camp, Stronger Together, Interview October 2020

[111] Meri Ahlberg, FLEX, Interview October 2020; Written Response from LAWRS; Legal expert, Interview October 2020

[112] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

[113] Legal expert , Interview October 2020

[114] Polling with employers indicates that businesses are unclear about when and how they will be able to legally employ EU nationals with only 14% of companies saying they were clear on the new rules of employing EU citizens after free movement ends in December: https://www.the3million.org.uk/employers-poll

[115] A written response from LAWRS highlighted the exploitation of dual nationals with EU and South American citizenship.

[116] Written Response from LAWRS; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/333083/MAC-Migrants_in_low-skilled_work__Full_report_2014.pdf

[117] http://www.eerc.org.uk/wordpress/wp-content/uploads/2019/07/EUSS-and-vulnerable-East-Europeans-lessons-learnt.pdf

[118] Ibid.

[119] East European Resource Centre, Interview September 2020

[120] Meri Ahlberg, FLEX, Interview October 2020

[121] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/333083/MAC-Migrants_in_low-skilled_work__Full_report_2014.pdf

A MAC report looking at low-skilled work wrote that they 'were struck on our visits around the country by the amount of concern that was expressed by virtually everyone we spoke to about the exploitation of migrants in low-skilled jobs'. These factors all contribute towards the risk of fuelling a process that makes everything that relates to workers an immigration issue and prevents people exercising their rights as workers. Much of the exploitation described verged into modern slavery, ranging from being denied basic labour protections such as the right to: work no more than 48 hours a week; paid holidays; sick pay; protection from unlawful deductions from wages and minimum notice periods; offering migrant workers loans which must be repaid through a salary-deduction scheme with workers unaware of the terms at the outset; not being given a formal employment contract; accommodation linked to the workplace, leading 'to workers being completely isolated and under the control of their employer/landlord' and they heard 'accounts of younger females being driven into prostitution or sham marriage in order to pay off debts, and we were told there have been several migrants whose desperation was such that they committed suicide'. [122]

The revised Immigration Rules published in October 2020 provide a temporary worker visa for seasonal agricultural workers, which is limited to six months and requires a sponsor, with workers unable to work for a different employer not outlined in their certificate of sponsorship.[123] However, there is no low-wage migration route for other sectors. Moreover, there are well-known risks that visas tied to a single employer can lead to modern slavery and prevent victims from seeking help.[124] A tied visa has been shown to provide the opportunity for exploitation, as workers will feel less able to leave their situation of exploitation, especially if an employer threatens them with the possibility of detention.[125] As one lawyer explained to us, 'a tied visa is always going to give opportunity for exploitation. If your visa says you have to work for this employer, then the employer has power over you.'[126] Luis C. deBaca, Former US Ambassador-at-Large to Monitor and Combat Trafficking in Persons, told us the 'biggest way the immigration system could help prevent trafficking is to aggressively delink entry and remain from the particular job; linked employment visas make it too tempting for employers to maintain their workers through force and it skews the economics of the workforce'.[127] A prime example of these issues is the Overseas Domestic Worker visa, especially in diplomatic households. NGOs supporting people working on this visa have reported that employers were treating workers with impunity, and workers found it impossible to change employers within the six-month time limit of their visa.[128] Furthermore, people applying for this kind of visa are coming to the UK to do this work out of economic necessity, and the support in the NRM is not an attractive option to help someone to flee their situation given the lack of leave to remain and inability to work.[129] Increasing the length of such time-limited visas might make it easier for workers to change employers where the situation has become exploitative. Having strict time limits on visas and making it harder for people to remain in the UK provide very little security and can push people into staying on illegally, making them vulnerable.[130]

[122] Ibid.

[123] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928751/CCS001_CCS1020373376-001_Statement_of_changes_in_Immigration_Rules_-_HC_813__PRINT_.pdf

[124] Legal expert, Interview October 2020; Legal expert, Interview October 2020; David Camp, The impact of the new immigration system on human trafficking in the UK 2020

[125] Legal expert, Interview October 2020

[126] Ibid.

[127] Luis C. deBaca, Former US Ambassador-at-Large to Monitor and Combat Trafficking in Persons, Interview October 2020

[128] Legal expert, Interview October 2020

[129] Ibid

[130] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

The need for safe routes

Providing more safe routes for people to apply for asylum from their home country or a refugee camp could prevent many falling prey to the deception of traffickers and people smugglers.[131] **Such a proposal is in line with the Government's reported intention to create new legal routes for those who are at genuine risk of harm.**[132] **Conversely, proposals to deny asylum to those who arrive in the UK illegally**[133] **and deport foreign nationals who have been sleeping rough**[134] **will harm victims of trafficking if formal exemptions are not created.** These proposals would deter survivors of trafficking from entering the NRM for fear of being detained and deported.[135] Creating safe, durable solutions for those identified as victims of trafficking by the NRM will prevent survivors being re-trafficked after leaving the NRM, both in the UK through a designated visa and through safe and supported voluntary returns to victims' home countries. This will also relieve pressure on the asylum system. Asylum-seeking survivors of trafficking are often seen through the lens of their immigration status first, without an assessment of the suitability of asylum support; however, they can have specific recovery needs that are not provided in the asylum system.[136] One lawyer stressed to us that survivors of trafficking are often aware of how difficult the asylum application process can be and if they do make a claim for asylum, 'this is not a decision that is made lightly'.[137]

Tailored long-terms visas are already used successfully without abuse in the USA and Australia. Both countries have designated visas which can lead to permanent residence for victims of human trafficking who are willing to or have assisted with criminal prosecutions and for whom it would be unsafe to return to their home country. [138]

The US 'T' Visa was introduced in 2000 and gives victims of trafficking four years' leave to remain and can lead to settled status.[139] The requirement for victims to be cooperating with law enforcement can be 'fulfilled by reporting to the police and complying with any reasonable request to assist in the investigation or prosecution of their case, but if the authorities do not investigate, the [victim] will have fulfilled this requirement by simply reporting'.[140] Luis C. deBaca told us that 'optimally the law enforcement requirement puts them under the protective arm of the prosecution' and that such a requirement not only was intended as fraud prevention but to 'incentivise people coming forward'.

In Canada, officials at the Immigration, Refugees and Citizenship Canada (IRCC) department told us that individuals who self-identify as victims of human trafficking to their department or the Canada Border

[131] Tony Smith, Fortinus Global Ltd, Interview September 2020; Petr Torak, Interview October 2020; https://globalinitiative.net/wp-content/uploads/2018/05/TGIATOC-Understanding-Contemporary-Human-Smuggling-1936-hi-res.pdf; https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5f75b9d1b159184a34f196dd/1601550811352/HTF+Separated+%26+Unaccompanied+Minors+Report+%5BHi-Res%5D.pdf

[132] Proposals to reform the asylum system announced by the Home Secretary on 4 October 2020 are reportedly to include the principle that migrants arriving illegally will face the presumption that they are refused asylum, although each case will be considered on its merits and new legal routes will be created for those who are at genuine risk of harm https://www.thetimes.co.uk/article/priti-patel-no-asylum-for-illegal-entrants-v6q6gwcsq

[133] Ibid.

[134] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928751/CCS001_CCS1020373376-001_Statement_of_changes_in_Immigration_Rules_-_HC_813__PRINT_.pdf

[135] Written Response from LAWRS

[136] Legal expert, Interview October 2020

[137] Legal expert, Interview October 2020

[138] Luis C. deBaca, Former US Ambassador-at-Large to Monitor and Combat Trafficking in Persons, Interview October 2020; David Brightling, Australian Border Force, Interview October 2020

[139] Nusrat Uddin, The Fight Against Modern Slavery and Human Trafficking

[140] Ibid.

Services Agency (or are referred to these agencies by NGOs or law enforcement), may be eligible for a temporary resident permit (TRP). It is not a visa as such, nor specifically a Trafficking Visa, which could be seen as beneficial as it avoids any risk of stigmatisation. To receive this temporary resident permit, survivors do not need to work with enforcement agencies or testify against their traffickers. The permit can be authorised for up to 180 days (six months) and a subsequent TRP may be issued following the end of the initial one, at the officer's discretion depending on individual need. It allows them access to physical and mental health care, as is the case in the NRM, but unlike in our system, the holder of the TRP is also usually eligible for a work authorisation or work permit.[141] The fact that many victims of modern slavery are ineligible to work in the NRM in the UK is often cited as a key reason many refuse to enter the NRM.

In Australia, victims of trafficking can be granted a 'Bridging F Visa' (BVF), which allows victims to remain in Australia while they assist with the criminal justice process (for example, a police investigation or prosecution). Victims with this visa are able to work and are eligible for some social welfare benefits.[142] There is a further visa available for victims who have made a contribution to an investigation or prosecution of an alleged offender and would be in danger if they returned to their home country. This 'Referred Stay (Permanent) Visa' allows victims to remain in Australia permanently, and immediate family members may be included in the visa application.[143] Granting this visa is an administrative decision, made by the relevant Government minister based on advice from the police and relevant Government departments.[144] David Brightling of the Australian Border Force told us it is a 'generally faster' process than asylum and that, 'In the time I have been in this role there haven't been any visa applications that have been denied by the Minister.'[145] However, Anti-Slavery Australia suggested that this may not have benefited as many victims as it might be hoped, as there have been a 'very small number of prosecutions in Australia'.[146]

The UK already provides a special visa for overseas domestic workers who have been victims of modern slavery. This visa allows them to remain in the UK and continue working for a new employer for a period of two years.[147] A tailored visa for all victims alongside a supported return process could help to give trafficked people the support and security that they need in order to leave their situation of exploitation and to aid their recovery.

[141] Written correspondence from Sarah Holloway, Senior Policy Analyst of the IRCC, Immigration Refugees and Citizenship Canada, Government of Canada, 10 November 2020

[142] David Brightling and Grace Wong, Australian Border Force, Interview October 2020 and written correspondence

[143] David Brightling, Australian Border Force, Written correspondence

[144] David Brightling Australian Border Force, Interview October 2020

[145] David Brightling Australian Border Force, Interview October 2020

[146] Jennifer Burn, Anti-Slavery Australia, Interview October 2020

[147] S53 Modern Slavery Act 2015; Immigration Rules Part 5: Working in the UK, paragraph 159J

Recommendations:

5 Create legal routes for low-wage migration to enable agriculture and other sectors to flourish while protecting against exploitation, including:

A Safeguards against exploitation, at a minimum:

- Mandatory multilingual information sessions and resources to advise on employment rights
- Independent sources of help for migrants on all worker visas and EU settlement scheme
- Allowing workers to change employer

B Department for Business, Energy and Industrial Strategy (BEIS) must work with employers – especially in shortage and known risk sectors – on awareness of exploitation, awareness of EU settlement scheme, training for UK resident workers and alternatives

C Migration Advisory Committee (MAC) should monitor the impact of the immigration system on exploitation in the labour market and specifically on the nature and trends of modern slavery and provide an urgent initial impact report on first six months of operation

6 Set up arrangements for asylum seekers to apply for asylum from outside the UK and facilitate their safe travel to reduce people smuggling and prevent trafficking or exploitation of asylum seekers on the way

7 Create simplified and safe durable solutions for survivors of modern slavery to alleviate pressure on the asylum system and prevent re-trafficking by:

A Consideration of the benefits of a separate visa for survivors of modern slavery to remain in the UK

B Developing safe and supported voluntary returns processes for survivors returning to their home country or safe third country

Finding 4

– Companies House and HMRC need to take further action to tackle those companies exhibiting exploitative workplaces likely to harbour modern slavery

Links between tax, corporate transparency and trafficking

There is significant overlap between sectors where victims of modern slavery are found and those sectors where lesser violations of employment law such as non-payment of minimum wage, unlawful deductions from wages, health and safety law; and/or business and tax regulations occur. These include those working in areas in particular such as 'car washes, nail bars, domestic staff and also construction and agriculture'.[148] It should be made plain that the vast majority of small businesses are properly managed and operate within the law.

David Camp of Stronger Together highlighted that phoenixing, where companies are re-started after insolvency, is a practice regularly reported in Leicester (where there have been well-publicised recent cases of poor employment practices verging on modern slavery) in which businesses change their legal entity at regular intervals to avoid treasury liabilities and so that workers do not build enough service to gain employment rights.[149]

The UK Government recognises that 'regrettably, the same factors that make our framework successful make it attractive to exploitation' and has recently consulted on proposals to increase corporate transparency and reform the role of Companies House .[150]

The Government's recent proposals are very welcome but should be implemented swiftly and further consideration should be given to the role of transparency in identifying and preventing modern slavery.[151]

A 2020 Stronger Together report warned that the collusion model – previously carried out with fake universities and colleges – is likely to be reinvented on a large scale with the new skilled worker visa scheme and could see people manipulated into paying large fees or bribes for a job in the UK which may or may not be genuine.[152]

Umbrella companies or PAYE umbrellas, are companies that self-employed contractors can join as an alternative to setting up their own limited company. They are seen often in long supply chains such as in the food and agricultural sectors, but can lead to tax avoidance and exploitation of workers. Despite the introduction of new legislation to regulate umbrella companies in 2016, the Low Incomes Tax Reform Group (LITRG) stated that, nonetheless, 'There are ongoing problems with some umbrella companies showing a complete disregard for the rules.'[153] While many sectors with fraudulent umbrella companies are overseen by the widely praised GLAA, it was noted that they are not a tax enforcement agency, and do not cover all sectors and the HMRC had a 'poor track record' on keeping fraudulent umbrella companies in check.

As the Resolution Foundation recognises, 'Today's labour market looks nothing like it did even a decade ago. … Laws and regulations designed to protect workers often lag behind labour market developments.' This 'lag' is likely to be exacerbated by Brexit, with the GLAA noting that, 'The predominant factor which is likely to change the intelligence picture

[148] Meredith McCammond, LITRG, Interview, September 2020

[149] David Camp, Stronger Together Interview Oct 2020

[150] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925059/corporate-transparency-register-reform-government-response.pdf

[151] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925059/corporate-transparency-register-reform-government-response.pdf

[152] David Camp The impact of the new immigration system on human trafficking in the UK 2020

[153] https://www.litrg.org.uk/sites/default/files/files/171010-LITRG-response-Director-LME-FINAL.pdf

concerning labour exploitation over the next few years is the process of the UK leaving the EU.'[154]

More proactive enforcement

A Migration Advisory Committee (MAC) report looking at low-skilled work not only noted the concern about the exploitation of migrant workers in the sector but also that the lack of effective enforcement was critical and led to many employers not complying with the relevant legislation. They estimated, based on the rate of National Minimum Wage inspections during the first thirteen years since its introduction in 1999, that it would take 250 years to inspect every employer and that the tiny number of visits, prosecutions and non-application of harsh penalties provided next to no incentive to comply.[155] The MAC also gave an example of where despite widespread exploitative practices in Peterborough during an '18-month period, of all the agencies in Peterborough taken to employment tribunals, only four or five agencies were successfully closed. Some of those agencies that had closed had restarted and were now trading under a different name.'

One stakeholder told us, 'We have three Turkish barbers and three nail bars in our small high street. How they can legally cover their rates overheads, employment costs and make a profit, I do not know. Criminal gangs launder dirty money through cash businesses – and if these gangs can do that whilst also bringing these workers into the UK, charging them to do so and paying them next to nothing, then they will do it – that's the business. There is a wholescale absence of enforcement in the UK – to combat money laundering, minimum wage evasion, gross worker exploitation, modern slavery, yet it's there in your face in every high street and throughout sector after sector – from construction to waste. Our labour market compliance and enforcement system seems to be broken.' [156]

As part of the Government's welcome aim to improve labour markets, workers' rights and tackle criminality, the Government has proposed the formation of a single labour market enforcement body as part of their Good Work Plan. This would bring together bodies such the National Minimum Wage disputes (HMRC), labour exploitation (Gangmasters and Labour Abuse Authority) the Employment Agency Standard Inspectorate (EAS) under one 'roof', alongside looking at umbrella companies and holiday pay for vulnerable workers, to ensure the state can effectively protect vulnerable workers and create a level playing field for business. [157]

While the creation of a single enforcement body (SEB) for employment rights was broadly supported by stakeholders and seen as an opportunity to make a big difference to scrutiny of employment standards, it came with the proviso that it would only be successful if properly funded and resourced, if it had effective powers (for example, to investigate and award outstanding wages and compensation) and ambition to be proactive, and had a clear information sharing and collaborative approach.

FLEX have highlighted that we need sufficient resourcing for labour inspection to meet the International Labour Organisation (ILO) recommended ratio of one inspector per 10,000 workers but that the UK is currently only at 0.4% per 10,000.[158] It has been suggested that increased resources need not put a drain on public finances since tackling exchequer fraud may well lead to increased tax revenue and rogue businesses

[154] https://www.gla.gov.uk/media/3537/external-nature-and-scale-of-labour-exploitation-report-final-version-may-2018.pdf

[155] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/333083/MAC-Migrants_in_low-skilled_work__Full_report_2014.pdf

[156] David Camp, Stronger Together, Interview October 2020

[157] https://www.gov.uk/government/consultations/good-work-plan-establishing-a-new-single-enforcement-body-for-employment-rights

[158] https://www.labourexploitation.org/news/will-new-single-enforcement-body-ensure-decent-work-all

could be required to pay for the time it takes to identify and correct the breach – a model already in existence in respect of enforcement of health and safety laws.[159]

We heard repeated recommendations for the new Single Enforcement Body (SEB) to expand the Gangmasters and Labour Abuse Authority's (GLAA) licensing of labour providers to other high-risk sectors, recognising the GLAA's 'positive impact in stamping out vicious and bad working practices in the sectors in which they operate'. It was noted that business sectors already under the GLAA's statutory licensing schemes supported the model due to its facilitation of a fairer competitive environment. Extension of the remit should be focused on sectors predisposed to fraudulent practices and widespread exploitation such as hand car washes, fast fashion garment manufacturing, construction, social care, nail bars and barbers, cash-only restaurants and takeaways, and recycling.

HTF welcomes the Government's recent announcements that mandate that businesses with a turnover of over £36 million publish their slavery statements.[160] Ideally it would be advantageous if companies with small turnovers were included in this policy. However, until it becomes evident that this policy is properly enforced on these larger companies, there is no point broadening the scope.

Compensation, remedies and sanctions

There is a broad view across the sector that monies seized under confiscation powers and proceeds of crime should be used to compensate victims. The Fraud Advisory Panel's 2020 response to Government highlighted that 'over £1.8bn has been taken from criminals using Proceeds of Crime Act (POCA) powers since 2002, with billions more recovered via deferred prosecution agreements. There would appear to be a significant amount of money that has been taken from those on the wrong side of the law, which should be put back exclusively into compensating victims and preventing crime.'[161]

Both NGOs and lawyers HTF spoke to felt the business sector could do far more and that more regulation enforcement within the business sector was needed. One legal expert we spoke to stated, 'There is a lot the business sector can do to tackle modern slavery. Sanctions, penalties and safeguards should be incorporated into the Modern Slavery Act; for example, incorporating Articles 5 and 6 of the EU Directive.' He was concerned that with Brexit this could get lost. Non-criminal sanctions, including those in Article 6 of the EU Anti-Trafficking Directive, must be made available for companies which engage in modern slavery or who fail to publish a modern slavery statement under section 54 of the Modern Slavery Act.

The lack of connected data on workers

A number of stakeholders we spoke to, including Professor Bell from the MAC and David Camp from Stronger Together, suggested some sort of automation of records so individuals can be tracked, perhaps tying national insurance numbers to national databases, might be a method to better coordinate data across national systems and spot exploitation. Although consideration would need to be given to protecting against misuse of this data.[162]

[159] October 2019 Good Work Plan: Establishing A New Single Enforcement Body For Employment Rights - Submission By The Association Of Labour Providers (ALP)

[160] https://www.gov.uk/government/news/new-tough-measures-to-tackle-modern-slavery-in-supply-chains

[161] https://359zpa2vui8h3p4u7j2qlmlg-wpengine.netdna-ssl.com/wp-content/uploads/2020/10/FAP-Response-to-HMT-Economic-Crime-Levy-Final-13Oct20.pdf

[162] Prof. Brian Bell, Chair of Migration Advisory Committee, Interview September 2020

Preventing modern slavery requires efforts to make the labour market more hostile to traffickers. Fortunately, there is a lot more that businesses and the Government can do to ensure early intervention, monitoring and appropriate enforcement of modern slavery offences, and employment and business regulations making the UK a less attractive place for would-be traffickers.

Recommendations:

8 **Incorporate in the Modern Slavery Act a wider range of sanctions and safeguards for businesses that engage in exploitation as per Articles 5 and 6 of the EU Anti-Trafficking Directive, and implement through strengthening the existing infrastructure, including:**

- **A** Connecting all immigration records with national insurance numbers (as has been done with the EU Settlement Scheme) to enable monitoring by the proposed Single Enforcement Body and HMRC of the level of payment to migrant workers and entitlement to welfare benefits
- **B** Non-criminal sanctions for companies who engage in modern slavery or fail to publish modern slavery statements under section 54 of the Modern Slavery Act
- **C** The expansion and extra resourcing of the Gangmasters and Labour Abuse Authority (GLAA) so it can take on more cases, including investigating umbrella companies
- **D** More checks by Companies House when phoenix companies are created
- **E** Proactive investigations by HMRC into businesses with poor working practices that could be evidence of links to exploitation
- **F** Close collaboration and information-sharing between the proposed Single Enforcement Body and HMRC

Appendices

Appendix 1

Interviewees

- Border Force National Lead for Safeguarding
- Prof. Brian Bell, Chair, Migration Advisory Committee
- Caroline Haughey QC
- David Brightling, Australian Border Force
- David Camp, Stronger Together
- DCI David Birrell, International Crime Coordination Centre
- Deighton Pierce Glynn Solicitors
- East European Resource Centre
- Jennifer Burn, Anti-Slavery Australia
- Jordan Cummins, CBI
- Hon. Lisa Singh, Minderoo Foundation
- Immigration Law Practitioners Association
- Luis C. deBaca, Former US Ambassador-at-Large to Monitor and Combat Trafficking in Persons
- Markella Papadouli, AIRE Centre
- Meredith McCammond, Low Income Tax Reform Group
- Meri Ahlberg, Focus on Labour Exploitation (FLEX)
- Nancy Esiovwa, founder of Bradford Survivor Alliance
- Pam Bowen, Crown Prosecution Service
- Petr Torak MBE, Compas Charity
- Phil Brewer, retired Detective Superintendent, Metropolitan Police
- Police Officer from National Policing
- Riel Karmy-Jones QC
- Survivor 'E'
- Tony Smith, Fortinus Global Ltd, Global Border Security Consultant. Former Director General UK Border Force. Chairman of International Border Management and Technologies Association

Written respondents

- A21
- Latin American Women's Rights Service (LAWRS)
- Grace Wong, Australian Border Force
- Sarah Holloway, Immigration Refugees and Citizenship Canada, Government of Canada

Field study

- Day visit to Stansted Airport, 18 October 2020

Appendix 2
Bibliography

- After Exploitation (2020) Hidden futures: How data denial threatens the fight against slavery
- Anniina Jokinen and Natalia Ollus (eds) (2020), Shady business: Uncovering the business model of labour exploitation
- Anti-Trafficking and Labour Exploitation Unit (ATLEU) (2016). Briefing: Implications of Brexit for victims of modern slavery and the anti-trafficking sector
- Anti-Trafficking Monitoring Group (ATMG) (2017) Brexit and the UK's fight against modern slavery
- Association of Labour Providers (2019) Good work plan: Establishing a new Single Enforcement Body for employment rights – Submission by The Association Of Labour Providers (ALP)
- Australian Government, Australian Institute of Criminology (2020) Review of the National Action Plan to Combat Human Trafficking and Slavery 2015–19
- BBC (2020) Met Police human trafficking probe: London barber-shop staff rescued https://www.bbc.co.uk/news/uk-england-london-51534749
- David Camp (2020) The impact of the new UK immigration system on human trafficking into the UK, Alliance HR, Association of Labour Providers, Stronger Together, Fast Forward, Responsible Recruitment Toolkit.org, Clearview
- Department for Business, Energy and Industrial Strategy (2019) Good work plan: Establishing a new Single Enforcement Body for employment rights consultation
- Department for Business, Energy and Industrial Strategy (2020) Corporate transparency and register reform Government response to the consultation on options to enhance the role of Companies House and increase the transparency of UK corporate entities
- East European Resource Centre (2019) EUSS and vulnerable Eastern Europeans: Lessons learnt
- Europol (2020) European Migrant Smuggling Centre 4th annual report 2019
- Fiona David, Katharine Bryant and Jaqueline Joudo Larsen (2019) Migrants and their vulnerability to human trafficking, modern slavery and forced labour, IOM,
- Focus on Labour Exploitation (2019) The risks of exploitation in temporary migration programmes: A FLEX response to the 2018 Immigration White Paper
- Focus on Labour Exploitation (2019) Will a new 'single enforcement body' ensure decent work for all? https://www.labourexploitation.org/news/will-new-single-enforcement-body-ensure-decent-work-all
- Fraud Advisory Panel (2012) The abuse of company incorporation to commit fraud
- Fraud Advisory Panel (2020) Response to the HM Treasury consultation on an economic crime levy, published 21 July 2020

- Friedrich Schneider and Colin C. Williams (2013) The shadow economy, Institute of Economic Affairs
- Gangmasters and Labour Abuse Authority (2018) The nature and scale of labour exploitation across all sectors within the United Kingdom
- Global Initiative Against Transnational Organized Crime (2018) Understanding contemporary human smuggling as a vector in migration
- HM Government (2012) First annual report of the Inter-Departmental Ministerial Group on Human Trafficking
- HM Government (2018) The UK's future skills-based immigration system Cm9722
- HM Government (2020) 2020 UK annual report on modern slavery
- HM Government (2020) The UK's points-based immigration system policy statement CP220
- HM Government (2020) The UK's points-based immigration system further details CP258
- HM Government (2020) United Kingdom labour market enforcement annual report 2018/19
- Home Office (2018) Report of a Home Office fact-finding mission in Albania
- Home Office (2020) Exclusion from the UK, version 3.0
- Home Office (2020) Impact assessment for the Immigration and Social Security Coordination (EU Withdrawal) Bill
- Home Office (2020) NRM statistics end-of-year summary 2019: Data tables, second edition
- House of Commons Home Affairs Select Committee (2018) Home Office delivery of Brexit: Immigration HC421
- House of Commons Public Accounts Committee (2020) Immigration enforcement HC407
- House of Commons (2020) Statement of changes in immigration rules HC 813
- Human Trafficking Foundation (2017) An independent inquiry into the situation of separated and unaccompanied minors in parts of Europe
- Independent Anti-Slavery Commissioner (2020) Letter to the Independent Chief Inspector of Borders and Immigration
- Independent Chief Inspector of Borders and Immigration (2017) An Inspection of Border Force operations at East Coast seaports
- Independent Chief Inspector of Borders and Immigration (2017) An Inspection of Border Force's identification and treatment of Potential Victims of Modern Slavery
- Independent Chief Inspector of Borders and Immigration (2018) An inspection of exit checks
- Independent Chief Inspector of Borders and Immigration (2018) A re-inspection of Border Force's identification and treatment of Potential Victims of Modern Slavery
- Institute for Public Policy Research (2020) Immigration plans analysis: Two-thirds of current EU migrants in health and care sector would have been found ineligible
- Labour Exploitation Advisory Group and Focus on Labour Exploitation (2020) Opportunity knocks: Improving responses to labour exploitation with secure reporting

- Latin American Women's Rights Service (2019) The unheard workforce
- Lizzie Deardon (2018) Police warn modern slaves 'staffing nail bars across UK' as Vietnamese gang jailed in landmark case, The Independent https://www.independent.co.uk/news/uk/crime/modern-slavery-nail-bars-bath-case-jailed-police-staffing-vietnamese-uk-britain-forced-labour-a8137031.html
- Low Incomes Tax Reform Group (2017) Informing labour market enforcement strategy 2018/19:
- Response from the Low Incomes Tax Reform Group (LITRG)
- Low Incomes Tax Reform Group (2018) Good work: The Taylor review of modern working practices, Consultation on employment status, Response from the Low Incomes Tax Reform Group (LITRG)
- Low Incomes Tax Reform Group (2019) Good work plan: Establishing a new Single Enforcement Body for employment rights, Response from the Low Incomes Tax Reform Group (LITRG)
- Migration Advisory Committee (2014) Migrants in low-skilled work: The growth of EU and non-EU labour in low-skilled jobs and its impact on the UK
- Nusrat Uddin (2018) The fight against modern slavery and human trafficking
- Paul Peachy (2016) Bed factory owner who employed slave workforce jailed for 27 months, The Independent https://www.independent.co.uk/news/uk/crime/bed-factory-owner-who-employed-slave-workforce-jailed-27-months-a6870761.html
- Resolution Foundation (2019) From rights to reality: Enforcing labour market laws in the UK
- SGS (2018) Confronting slavery in the supply chain: The US approach https://www.sgs.com/en/news/2018/10/confronting-slavery-in-the-supply-chain-the-us-approach
- The Telegraph (2018) Traditional Turkish barber shops are using slave labour warns police officer behind first child modern slavery conviction https://www.telegraph.co.uk/news/2018/08/12/traditional-turkish-barber-shops-using-slave-labour-warns-police/
- The 3 Million (2020) Poll reveals: EU citizens at risk Business not ready for changes to UK immigration law https://www.the3million.org.uk/employers-poll
- Tim Shipman (2020) Priti Patel: No asylum for illegal entrants, The Sunday Times https://www.thetimes.co.uk/article/priti-patel-no-asylum-for-illegal-entrants-v6q6gwcsq
- UK Visas and Immigration (2020) The UK's points-based immigration system: An introduction for employers (accessible version) https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers
- Unite (2018) Construction bogus self-employment rises again https://unitetheunion.org/news-events/news/2018/july/construction-bogus-self-employment-rises-again/
- University of Bedfordshire, IOM, IASR (2019) 'Between Two Fires': Understanding vulnerabilities and the support needs of people from Albania, Viet Nam and Nigeria who have experienced human trafficking into the UK
- University of Nottingham Rights Lab (2020) Brexit and modern slavery: impacts on the UK's legal frameworks for workers in supply chains

Human Trafficking Foundation

Blackfriars Settlement
1 Rushworth Street
London
SE1 0RB