



Home Office

Sarah Dines MP
Minister for Safeguarding

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Ms Robyn Phillips
Director of Operations,
Human Trafficking Foundation
Blackfriars Settlement
1 Rushworth Street
London
SE1 0RB

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15 September 2023

Dear Ms Phillips,

Thank you for your email of 3 July 2023 to the Home Secretary on behalf of a number of anti-slavery networks for local authorities, which raised concerns around the impact of the Illegal Migration Act 2023 on the statutory duties of local authorities to support victims of human trafficking. I am replying as the Minister for Safeguarding.

I would firstly like to assure you that this Government is committed to tackling the heinous crime of modern slavery, ensuring that victims are provided with the support they need to begin rebuilding their lives, and that those responsible are prosecuted. It is right that the UK provides support so that victims can recover from such traumatic experiences.

The objective of the modern slavery provisions in the 2023 Act is to address the serious and immediate threat to public order in the UK, arising from exceptional circumstances relating to the illegal entry into the UK. This includes the pressure placed on public services by a large number of illegal entrants and the loss of life caused by illegal and dangerous journeys.

As specified in Section 52 of the Modern Slavery Act 2015, public authorities in England and Wales have a statutory duty to notify the Home Office when they come across potential victims of modern slavery. The Duty to Notify is important for several reasons. It helps the Government build a clearer picture of the hidden crime of modern slavery, ensures that victims receive the right support, and can help support the investigation and prosecution of traffickers.

The measures set out within the 2023 Act do not alter the statutory Duty to Notify. If an individual arrives in the UK illegally and a First Responder suspects that modern slavery has taken place, they should still refer that individual into the National Referral Mechanism. That individual will then receive a Reasonable Grounds decision. This process has not changed, however as set out in Sections 23 to 25, the support entitlements that flow from that decision will be withheld, subject to the exceptions in Section 22. Under Section 22, a person subject to the duty to make removal arrangements and who receives a positive Modern Slavery Reasonable Grounds decision will, subject to limited exceptions, be disqualified from the benefits of the National Referral Mechanism. Arrangements for their removal will be made in line with Section 2 of the Act.

The public order disqualification in the 2023 Act is not a blanket approach, as individuals may be exempt from disqualification in certain circumstances. This applies where the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation, or criminal proceedings relating to the alleged exploitation, and the Secretary of State considers that it is necessary for the person to be present in the UK to provide that cooperation.

The public interest in the individual's cooperation must also outweigh any significant risk of serious harm to the public the individual may pose. This allows the Government to balance the needs to protect against the threat to public order posed by illegal entry with the need to crack down on illegal traffickers. In addition, this Government has also made the commitment to giving people who have been victims of UK exploitation 30 days recovery in statutory guidance.

Thank you again for your concern regarding these important issues, and I would like to reiterate the Government's commitment to providing effective support to victims of modern slavery.

Yours sincerely,

A handwritten signature in blue ink that reads "Sarah Dines". The signature is written in a cursive style and is followed by a small blue dot.

Sarah Dines MP