

IOM UK Submission of Evidence on the Immigration and Asylum Bill

Proposed Changes to Modern Slavery Protections (Sections 36-39)

September 2026

1. The International Organization for Migration, Country Office for the United Kingdom of Great Britain and Northern Ireland, (IOM UK), is pleased to submit a response to the UK House of Commons Public Bill Committee's Immigration and Asylum Bill: Call for Evidence.¹
2. Founded in 1951, IOM is the leading inter-governmental organization in the field of migration. With 174 member states and presence in over 500 field locations, IOM, as the UN Migration Agency, is committed to the principle that humane and orderly migration benefits migrants and society.
3. The Organization works with its partners in the international community to assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration and to uphold the well-being and human rights of all migrants.
4. According to Article 1 (c) of the IOM Constitution, one of the purposes and functions of the Organization is "to provide [...] advisory services on migration questions and other assistance as is in accord with the aims of the Organization". The following submission from IOM is being provided on a voluntary basis and should not be interpreted or construed as a waiver, express or implied, of the privileges and immunities of IOM and its officials.

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¹ Immigration and Asylum Bill, Bill 105 (2025-26). Immigration and Asylum Bill. London: House of Commons. Available at: <https://publications.parliament.uk/pa/bills/cbill/59-02/0105/260105.pdf> (Accessed: 10 September 2026).

I. Executive Summary

5. The modern slavery provisions in the Immigration and Asylum Bill (henceforth the Bill) are presented as measures to prevent abuse of the National Referral Mechanism (NRM).² However, there is little evidence that abuse of the system is occurring at a scale that justifies these changes.
 6. Instead, the Bill risks weakening key victim protections established by the UK's Modern Slavery Act (2015), undermining trauma-informed practice and obstructing identification of potential victims.
 7. The proposals in the Bill shift the balance towards immigration enforcement and away from victim protection, particularly by limiting access to leave to remain for confirmed victims.
 8. The proposed measures raise concerns of compatibility with the UK's obligations under Articles 10, 12 and 14(1)(a) of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)³ and Article 4 of the European Convention on Human Rights (ECHR).⁴ Furthermore, these proposals raise questions about consistency with the Home Office's Modern Slavery Statutory Guidance and the Government's 2025 Modern Slavery Action Plan commitment to trauma-informed and recovery-focused support for victims.
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II. What problem is the Bill trying to solve?

9. The Government argues that the NRM is being misused by people seeking to delay immigration enforcement and removals. However, evidence cited by the Home Office itself suggests that such abuse is extremely rare. The **system already has built-in safeguards against incorrect use.**

² The NRM is the UK's official system through which victims of modern slavery are identified and supported.

³ Council of Europe (2005) Council of Europe Convention on Action against Trafficking in Human Beings. Available at: <https://rm.coe.int/168008371d> (Accessed: 10 September 2026).

⁴ Council of Europe (1950) Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Available at: https://www.echr.coe.int/documents/d/echr/convention_ENG (Accessed: 10 September 2026)

- a. In 2025, only **8% of negative Reasonable Grounds⁵ decisions were issued because the claim was not considered credible⁶**, indicating that false claims are not a significant problem and that current safeguards are preventing abuse of the system.
- b. The Nationality and Borders Act 2022 introduced the ‘Bad-faith disqualification’ to remove people from the NRM if they “claimed to be a victim of slavery or human trafficking in bad faith⁷. **Only twenty-one people have been disqualified to date.⁸**
- c. The median time between an NRM referral and a bad-faith disqualification in 2025 was only **77 days.⁹** Therefore, such claims have little benefit for those seeking to extend their stay in the UK. Moreover, individuals may remain subject to immigration detention during this period, further reducing any potential benefit.
- d. Home Office data shows a **fall in the proportion of failed arranged returns** that involved an NRM referral. In 2025, 34% of returns that were arranged but didn’t proceed involved an NRM referral after the return was arranged – down from 38% in 2024. However, the Home Office acknowledges that returns fail for different reasons. There is no evidence that the returns failed specifically because of the NRM referral. Furthermore, data has not been made available on how many of those referrals went on to receive a positive Reasonable Grounds or Conclusive Grounds decision which would demonstrate the appropriateness of the referral.
- e. The Government has highlighted a significant increase in small boat arrivals referred to the NRM in relation to “growing misuse and abuse” of modern slavery protections. However, 54% of small boat arrivals in 2025 received a positive Reasonable Grounds decision compared to 41% of arrivals in 2024, showing an increase in the proportion of arrivals meeting the Government’s first stage threshold. Furthermore, 63% of small boat arrivals in 2025¹⁰ received a positive

⁵ This is the first stage decision within the NRM when the government assesses whether there are reasonable grounds to believe the individual is a victim of modern slavery.

⁶ Analysis by IOM UK using NRM data from the Home Office, Modern Slavery Research & Analysis, 2026, National Referral Mechanism and Duty to Notify Statistics, 2014-2026, UK Data Service, 21st Edition, SN: 8910, available at DOI: <http://doi.org/10.5255/UKDA-SN-8910-21> (Accessed 10 September 2026)

⁷ Nationality and Borders Act 2022, Section 63, available at <https://www.legislation.gov.uk/ukpga/2022/36/section/63> (Accessed 10 September 2026)

⁸ Analysis by IOM UK using Home Office’s Modern Slavery, National Referral Mechanism and Duty to Notify Statistics, UK Quarter 1 2026, available at

<https://assets.publishing.service.gov.uk/media/69fde10bcd2e0e8b5b20b313/national-referral-mechanism-statistics-uk-quarter-1-2026-jan-to-mar-tables.ods> (Accessed 10 September 2026)

⁹ Analysis by IOM UK using NRM data from Home Office, Modern Slavery Research & Analysis, 2026, National Referral Mechanism and Duty to Notify Statistics, 2014-2026, UK Data Service, 21st Edition, SN: 8910, DOI: Available at <http://doi.org/10.5255/UKDA-SN-8910-21> (Accessed 10 September 2026)

¹⁰ Analysis by IOM UK using data from Home Office, Immigration System Statistics, year ending June 2026, Illegal Entry Routes – Summary Table, available at <https://assets.publishing.service.gov.uk/media/6a8c11c3a8f84a582b84281a/illegal-entry-routes-to-the-uk-summary-jun-2026-tables.ods> (Accessed 10 September 2026)

conclusive grounds¹¹ decision, meaning the Government recognised nearly two-thirds to be victims of modern slavery. This is only marginally lower than the positive rate for all Conclusive Grounds decisions in 2025 which was 66%. Therefore, the data does not show a correlation between the recent increase in arrivals and misuse and abuse of the NRM.

10. The evidence points to a **system already capable of safeguarding against incorrect use** rather than one experiencing widespread abuse, suggesting that these changes are unnecessary. They may have limited impact in preventing negligible abuse of the system but a significant impact on weakening the protections established by the Modern Slavery Act for a very large number of victims.

III. The Bill does not fully reflect how the NRM operates

11. A central limitation of the Bill is that it appears to assume potential victims can "game the system" by making modern slavery claims at a strategically advantageous moment.
12. This overlooks a fundamental fact: **potential victims cannot self-refer into the NRM.**
- a. All referrals are made by trained professionals, who already have an opportunity to identify and exclude cases. Referrals can only be made by First Responder Organisations (FROs), including **Border Force, the Home Office, local authorities, police forces and specialist NGOs.**
 - b. 2025 saw a substantial increase in NRM referrals from Border Force (over 3,900 compared to a total of less than 3,300 cumulative referrals from 2015 to 2024).¹² Three-quarters of those referrals were made in Kent¹³ which may indicate they were small boat arrivals. For Border Force officials to make an NRM referral, they must have recognised certain indicators of modern slavery during their interactions with the individuals they have encountered.
13. **The Home Office currently has the ability to review cases to prevent abuse.** Recipients of a negative decision can make a 'reconsideration request' to the Home Office. If accepted, the Home Office will look at the case afresh and issue a new positive or negative decision. This aspect of the design of the NRM means that the Home Office retains full control over review and decision-making.

¹¹ This is the second and final stage decision within the NRM. A positive Conclusive Ground decision means the government has decided it is more likely than not that the person is a victim of modern slavery.

¹² IOM UK (2026), UK National Referral Mechanism Data Analysis Briefing #11: 2025 Annual Review. Available at: <https://unitedkingdom.iom.int/sites/g/files/tmzbd11381/files/documents/2026-03/iom-uk-nrm-briefing-2025-annual-review.pdf> (Accessed: 10 September 2026)

¹³ Ibid.

14. These points highlight how the NRM already has built-in mechanisms to manage the potential risks of referrals without strong grounds being made and/or receiving a positive decision at the first or second stage or through the reconsideration process.
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IV. Valid reasons for late disclosure and existing safeguards against misuse

15. **Section 36** of the Bill requires decision-makers to treat delays in referral to the NRM, inconsistencies and omissions as factors damaging a potential victim's credibility.
16. This is based on the presumption that individuals are preventing or delaying their removal by entering a very late-stage NRM claim which must be paused while a decision is being made.
- a. **This appears unnecessary and duplicative:** Existing Home Office Statutory Guidance¹⁴ already allows decision-makers to consider late disclosure where an individual has had multiple opportunities to disclose exploitation and failed to do so.
 - b. This contradicts **the trauma-informed approach** already embedded in **Home Office Guidance**¹⁵ which recognises that: "Victims' early accounts may be affected by the impact of trauma. This can result in delayed disclosure, difficulty recalling facts, or symptoms of post-traumatic stress disorder."¹⁶
 - c. There is a risk that section 36 could result in victims being excluded from protection before their vulnerabilities are properly identified or assessed. This may raise questions regarding **consistency with Article 4 ECHR jurisprudence**,¹⁷ which obliges states to have an effective system for identifying and protecting victims of trafficking. While the Bill includes a safeguard where there are "good reasons" for late disclosure, inconsistencies or omissions, its compatibility with the ECHR may depend on how this provision is applied in practice. Concerns may arise if "good reasons" is interpreted narrowly and competent authorities do not

¹⁴ Home Office, Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, Version 4.7, 27 August 2026, page 130, paragraph 14.17, available at [MSSG_v4.6.pdf](#) (Accessed 10 September 2026)

¹⁵ Home Office, Action Plan on Modern Slavery, March 2025, page 3 states "We strive for a future where a streamlined, end-to-end identification system will connect victims to tailored support services. Victims will be supported through a trauma-informed and needs-based framework, providing culturally responsive care, long-term recovery pathways, and independent advocacy to navigate complex systems". Available at [default.pdf](#) (Accessed 10 September 2026)

¹⁶ Home Office, Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland, Version 4.7, 27 August 2026, Annex D, page 114, paragraph 13.1, available at [MSSG_v4.6.pdf](#) (Accessed 10 September 2026)

¹⁷ Rantsev v. Cyprus and Russia, 2010; V.C.L. and A.N. v. the United Kingdom, 2021, § 151

sufficiently consider the well-recognised reasons why trafficking victims may provide delayed, incomplete or inconsistent accounts.

17. The risk of such reforms is that victims of modern slavery are not recognised or supported, leaving them without protection and vulnerable to re-trafficking.
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V. The Bill undermines recovery by removing support prematurely and limiting access to leave to remain for confirmed victims

18. **Section 37** of the Bill allows the Home Office to issue negative Conclusive Grounds decisions during the thirty-day recovery period which would bring the recovery period to an end. It is unclear whether the current 14-day ‘move-on’ period for recipients of a negative decision will continue to apply. This would undermine the ability for individuals to access the assistance and support needed to make a reconsideration request.
19. Home Office data shows that reconsiderations **frequently overturn initial decisions** – this could be due to the presentation of new or additional evidence – highlighting how necessary reconsideration requests are to the protection of individuals.
20. Between January and March 2026:
- a. 84% of reconsiderations of negative Reasonable Grounds decisions resulted in a positive decision being issued; and
 - b. 88% of reconsiderations of negative Conclusive Grounds decisions resulted in a positive decision being issued.¹⁸
21. The impact assessment for the bill notes the reform assumes “evidence can be gathered within a 30-day period to enable a negative CG decision to be issued.” However, evidence suggests that this assumption may not be correct. IOM’s analysis of NRM data finds that 78% of negative CG decisions in 2025 were due to “insufficient information to meet the standard of proof required”,¹⁹ meaning that the decision has been reached in the absence of facts or information. The proportion of negative decisions due to insufficient information has increased while the waiting times for decisions has decreased,

¹⁸ Analysis by IOM UK using NRM data from Home Office, Official Statistics Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 1 2026 - January to March Published 14 May 2026, available <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-january-to-march-2026/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-1-2026-january-to-march> (Accessed 10 September 2026)

¹⁹ IOM UK (2026) UK National Referral Mechanism Data Analysis Briefing #11: 2025 Annual Review. Available at: <https://unitedkingdom.iom.int/sites/g/files/tmzbdl1381/files/documents/2026-03/iom-uk-nrm-briefing-2025-annual-review.pdf> (Accessed: 10 September 2026)

indicating that a shortening of decision-making periods hampers investigation, the gathering of information and informed decision-making.

22. Removing support within the 30-day period creates a significant risk that individuals who are indeed victims will be forced to exit support early and will not have access to the help they need. This is acknowledged by the impact assessment which notes the reform “may risk re-exploitation of potential victims.”
23. Furthermore, the Bill lacks clarity on whether the Home Office intends to issue positive decisions within the recovery period. Section 37 is titled ‘Recovery period to end on making of **negative** conclusive grounds decision’ but the impact assessment (which does not form part of the Bill) also mentions the response to those with a positive decision, “Individuals who receive a positive CG within the Recovery Period would remain in the Recovery Period.”
24. **Section 39** of the Bill removes a key protection for confirmed victims of modern slavery by **ending the duty to grant leave to remain for the purpose of supporting a survivor's physical or psychological recovery**.
25. These amendments should be reviewed against Articles 12 and 14(1)(a) of ECAT, which require the provision of assistance – including the provision of residence permits – for the purpose of assisting victims in their physical, psychological and social recovery.
26. A small minority of victims (4% in 2024)²⁰ are practically benefitting from this protection, meaning that this amendment would have limited impact in meeting the Government’s policy aims, but would be detrimental to victims that require it. Section 39 will limit the granting of leave to remain to just those pursuing compensation claims or cooperating with criminal investigations and prosecutions. This **fundamentally shifts the focus from protection to prosecution**.
27. The proposed changes in section 39 would mean that accessing a critical protection provision is conditional on a survivor pursuing a prosecution. This runs contrary to the Code of Practice for Victims of Crime in England and Wales which states that victims have the right to access support services and protection regardless of whether a crime is reported, an offender is charged, or a prosecution takes place.²¹ There is a further **risk that this provision goes against Article 12(6) ECAT**, which requires states to ensure that

²⁰ Mullan-Feroze, Beth and Dorling, Kamena. (2025) ‘Road to Nowhere: The impact of insecure immigration status of survivors of trafficking.’ Available at: https://helenbamber.org/sites/default/files/2025-07/RoadtoNowhere_FINAL_150725.pdf (Accessed: 10 September 2026)

²¹ Ministry of Justice, Statutory guidance, Code of Practice for Victims of Crime in England and Wales (Victims' Code), Updated 29 January 2025, available at ([Accessed 10 September 2026](#))

“assistance to a victim is not made conditional on his or her willingness to act as a witness.”²²

28. The impact assessment suggests the reform could increase successful prosecutions, as more individuals would seek to cooperate with investigations to access leave to remain.²³ However, Section 39 weakens a victim-centred approach to modern slavery and it is unlikely to be a catalyst for improving the low numbers of convictions for modern slavery offences (just 72 in the year to March 2026 compared to over 17,000 confirmed victims identified in that period).

29. **This reform contradicts a trauma-informed approach.** 96% of grants of leave to remain for victims in 2024 were to support a survivor’s physical or psychological recovery. The reason so many grants were for recovery rather than supporting a criminal investigation is because recovery should be the first priority. Providing victims with the time and space for recovery supports an individual’s ability – and often their willingness - to cooperate with law enforcement processes. It is unrealistic to expect survivors to engage with police investigations, court proceedings or compensation claims until they have achieved a degree of recovery and stability.

30. It is unclear whether the assessment’s view on the potential for more successful prosecutions has considered:

- a. How jurors might respond when made aware that alleged victims and witnesses have been offered temporary leave to remain in exchange for supporting the legal action;
- b. How decisive evidence and testimony will be to prosecutors when it comes from people at an early stage of psychological recovery.

31. By reducing access to leave to remain, the Bill risks increasing insecurity, destitution and vulnerability to re-exploitation, while potentially reducing victim engagement with law enforcement and ability to integrate into society.

²² Council of Europe (2005), Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw, 16 May 2005. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/168008371d> (Accessed 10 September 2026)

²³ “Removing the recovery ground may encourage an increased percentage of individuals to seek to be granted TPS leave on alternative grounds, including the cooperation ground. This may result in increased cooperation with police on modern slavery crimes, which could result in more successful prosecutions.” Home Office (2026), Immigration and Asylum Bill (2026): Impact Assessment, page 39, paragraph 113, available at: [Immigration_and_Asylum_Bill_IA.pdf](#), (accessed 10 September 2026)

VI. Victims may be denied protection for crimes they were compelled to commit due to their exploitation, even where they have been determined not to pose a public danger

32. **Section 38** of the Bill expands the Home Secretary’s power to disqualify people from protection through the NRM based on very broad criminality and public order concerns.
33. Individuals with a custodial sentence of any duration and those who have received a **suspended sentence could be disqualified** from protection through the NRM on public order grounds. Furthermore, the proposals indicate that once an individual has been identified as a risk to public order, there is no assessment of their claim under the NRM and no conclusive grounds decisions are made. This means that the Government may not formally determine whether the person was a victim of modern slavery, despite obligations under Article 4 ECHR²⁴ to identify and protect victims of trafficking and Article 10 ECAT²⁵ to ensure effective identification.
34. Section 38 substantially increases the scope of the public order disqualification (POD) introduced through Section 63 of the Nationality and Borders Act 2022 (NABA). That legislation enabled potential victims to be disqualified if they had received a custodial sentence of 12 months or longer. This reform is being pursued despite PODs having been paused since 23rd December 2025 following a **High Court ruling that the use of those powers was unlawful**.²⁶ Section 38 may therefore expose the Government to the risk of future litigation.
35. Disqualifying people from accessing protections because of a criminal conviction is particularly concerning given “criminal exploitation” is the second most reported type of exploitation for NRM referrals (more than sexual exploitation). Criminal exploitation commonly involves county lines drug trafficking and cannabis cultivation. IOM’s analysis finds **64% of people disqualified on public-order grounds** were referred to the NRM as a potential **victim of criminal exploitation**.

²⁴ Council of Europe (1950) Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Available at: https://www.echr.coe.int/documents/d/echr/convention_ENG (Accessed: 10 September 2026)

²⁵ Council of Europe (2005) Council of Europe Convention on Action against Trafficking in Human Beings. Available at: <https://rm.coe.int/168008371d> (Accessed: 10 September 2026).

²⁶ *R (ABW) v Secretary of State for the Home Department* [2025] EWHC 3280 (Admin), High Court (Administrative Court), 17 December 2025. Available at: <https://www.bailii.org/ew/cases/EWHC/Admin/2025/3280.html> (Accessed: 10 September 2026)

36. The Bill risks **punishing victims twice for offences committed as part of their exploitation.**
37. The Home Office’s framework for issuing PODs does not exempt those with convictions because of crimes they were compelled to commit by their traffickers. The Government has previously argued that Section 45 of the Modern Slavery Act 2015 provides a “catch-all-defence”, meaning that no victims of modern slavery should be punished for crimes they were forced to commit. However, Section 45 of the Modern Slavery Act 2015 and defences against prosecution in the modern slavery legislation passed by the Scottish parliament and Northern Ireland Assembly **do not provide such a safeguard.** For a multitude of reasons, victims are **still** being punished for crimes they were forced to commit by their traffickers.
38. In discussing the Bill, the Government cites cases of individuals convicted for the most serious criminal offences such as rape and attempted murder. However, **Section 38 will not have an impact on the perpetrators of serious crimes** - such persons are already within the purview of Section 63 of NABA. Instead, potential victims would be denied protection because they are deemed a threat to public order on the basis of a suspended sentence, that may have resulted from minor criminal activity they were compelled to commit because of their exploitation.
39. ECAT accepts that people can be disqualified from protection on public order grounds, if it is proportional. The guidance explains that “grounds of public order are intended to apply in very exceptional circumstances”²⁷ and cites caselaw from the European Court of Justice that “there must be a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society”.²⁸ The expansion of the POD to those with a suspended sentence seems **incompatible with ECAT’s requirement for proportional use.**
40. Furthermore, the Sentencing Act 2026 outlines when it is suitable for a custodial sentence to be suspended. It states that a suspended sentence would not be appropriate where an “Offender presents a risk to any person”.²⁹ The act also states that a suspended

²⁷ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA) (2025) Guidance Note on the Recovery and Reflection Period. Available at: <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca> (Accessed: 10 September 2026)

²⁸ Court of Justice of the European Union (2015) *H.T. v Land Baden-Württemberg* (Case C-373/13), Judgment of 24 June 2015. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0373> (Accessed: 10 September 2026).

²⁹ Sentencing Council (2026) Amendments to be made to sentencing guidelines on 20 March as a result of the Sentencing Act 2026, section 8: ‘Imposition of custodial sentences, under 3. Can the sentence be suspended?’.

sentence would be suitable where there is a “realistic prospect of rehabilitation in the community” and where the “offender does not present high risk of reoffending or harm”.³⁰

41. The impact assessment itself anticipates "legal issues related to the widening of the disqualification scope, with low level offending individuals likely to challenge that they don't still pose a risk of further reoffending". Such legal challenges may have a reasonable prospect of success. A suspended sentence is ordinarily imposed where the court has concluded that the offender can be managed safely in the community and does not present a level of risk requiring immediate imprisonment.

42. **Section 38 of the Bill appears to run counter to the UK’s existing sentencing framework** by treating individuals with suspended sentences as posing a sufficient risk to justify disqualification, notwithstanding the sentencing court's assessment to the contrary. As a result, some victims could be excluded from core protections despite existing judicial safeguards having determined that the individual did not pose a level of risk warranting immediate custody.³¹

available at: <https://sentencingcouncil.org.uk/updates/amendments-to-be-made-to-sentencing-guidelines-on-20-march-as-a-result-of-the-sentencing-act-2026/> (accessed 10 September 2026)

³⁰ Ibid.

³¹ Sentencing Council (2026) Amendments to be made to sentencing guidelines on 20 March as a result of the Sentencing Act 2026. 20 March. Available at: <https://sentencingcouncil.org.uk/updates/amendments-to-be-made-to-sentencing-guidelines-on-20-march-as-a-result-of-the-sentencing-act-2026/> (Accessed: 10 September 2026).