

Written evidence submitted by the South East Strategic Partnership for Migration (SESPM) (IAB66)

Public Bill Committee response

Legislative Scrutiny: Immigration and Asylum Bill

9 October 2026

About SESPM

1. **The South East Strategic Partnership for Migration (SESPM) provides a leadership, coordination, and advisory function for migration in the South East.** We are hosted by South East Councils and our support covers all 70 South East local authority (LA) areas across 7,400 sq. miles.
2. The South East is predominantly a two-tier region with 13 unitary authorities, six county councils and 51 district and borough councils.
3. We are one of 12 Regional Strategic Migration Partnerships covering the UK (one in each English region and one in each devolved administration).
4. **SESPM is an independent organisation enabling objective dialogue on key migration programmes; it is non-advocacy and does not campaign. The submission below reflects a collation of views and experiences from working closely with LAs and other stakeholders in the South East region.**
5. Migration is a fast-paced policy area and SESPM provides a flexible and responsive function. We facilitate objective, impartial discussion and information for our wide range of stakeholders and provide specialist support and coordination for key national migration programmes.
6. SESPM's governance is through a regional Executive Board chaired by Cllr Bella Sankey (Leader, Brighton & Hove City Council) with senior representation from LAs across the region, public services, and the Home Office.
7. More information can be found, as follows: <https://southeastspm.org.uk/wp-content/uploads/2024/12/SMP-Summary.pdf> and [SMP Summary PPT](#)

Regional Collaboration

8. **SESPM called for input from all 70 South East LA Chief Executives on 12 August 2026 via email** in response to the Public Bill Committee's call for evidence on the Immigration and Asylum Bill.
9. **SESPM also facilitated a workshop on 8 September 2026** open to the Chief Executives or senior Officers to discuss and gather input for this response.
10. The points below cover a collation of the contributions made within that workshop and a summary of responses shared with this partnership by a number of LAs from within the South East region.
11. For the avoidance of doubt, this submission is a reflection of those responses from LAs and does not represent any expression on behalf of this partnership which remains neutral and objective.

Executive Summary

This submission

12. SESPM has collated evidence from South East local authorities (LAs), received in writing or through our Bill workshop.
13. This submission provides an impartial account of contributing councils' views to support the development and implementation of the Immigration and Asylum Bill.

Bill Overview

14. The Immigration and Asylum Bill (or "the Bill") was introduced in the House of Commons on 30 June 2026. It is now in Committee Stage with clause-by-clause scrutiny expected after Conference Recess from 13 October 2026. It would:
 - **Part 1: Create an Independent Immigration Appeals Authority (IIAA)** staffed by trained adjudicators to replace the First-tier Tribunal (Immigration and Asylum Chamber) to reduce the asylum appeals backlog.
 - **Part 2: Tighten the application of Article 8 of the European Convention on Human Rights (ECHR)** to narrow the number of people eligible for residence in the UK on family and private life grounds.
 - **Part 3: Replace refugee status and humanitarian protection with a single new "Core Protection" status** to make the processing of asylum applications easier, faster and more consistent.
 - **Part 4: Require some refugees to repay costs for any asylum support** they received while waiting for a decision on their claim if they can afford to do so.
 - **Part 5: Reform the modern slavery legislative framework** aiming to prevent misuse whilst strengthening victim support and protections.

Cross-cutting concerns

15. Chief among shared concerns was that the Bill should not create unfunded additional cost pressures. Additional costs could arise both from new responsibilities and from increased demand under existing statutory duties.
16. **LAs repeatedly emphasised that Government should therefore publish a comprehensive New Burdens Assessment.**
17. Across the proposals **five recurring themes** became clear:
 - **Potential for increased and unfunded pressures on council services**
 - Expectation of continuing safeguarding needs and gaps in support
 - Accessibility, identification and engagement with victims of exploitation
 - Potential negative impacts on integration, community cohesion and confidence
 - There is no overarching appetite for this Bill among local authorities

Elements of the Bill the Committee may wish to consider

Part 1 - The IIAA:

18. LAs recognised that faster, consistent decision-making could reduce the appeals backlog, provide greater certainty for appellants and support public confidence in the immigration system.
19. However, both positive and negative decisions reached more quickly could increase pressure on council services.
20. Councils emphasised that speed should be accompanied by decision quality and accessibility, and that credibility assessments of delayed disclosure should recognise trauma and the circumstances of exploitation.

Part 2 - Article 8:

21. Councils raised concerns about narrowing the definition of family life, highlighting that wider family relationships can have significant safeguarding and child welfare implications.
22. More demanding assessments of the effects of family separation could require additional evidence and professional input from LAs.
23. Where decisions result in the loss of a family member providing care or financial support, councils could also face increased requests for homelessness assistance and other support, subject to statutory duties.

Part 3 - Core Protection:

24. Councils highlighted the importance of security of status for integration, employment, housing stability and community cohesion, and were concerned that the new model could increase uncertainty regarding long-term status.
25. They also questioned how wider settlement proposals involving community volunteering would work, including the capacity of local partners and arrangements for verifying participation.
26. Changes to the interpretation of “lawfully staying” raised further concerns about people losing access to support and subsequently approaching LAs for assistance.

Part 4 – Cost recovery:

27. LAs identified potential unintended consequences of repayment, including discouraging asylum seekers from seeking support they are eligible for or refugees from entering formal employment.
28. Councils were concerned that additional financial pressures could undermine integration, increase destitution, homelessness and exploitation, and generate demand for local services.

29. LAs also sought clarity about how ability to pay would be assessed, taking account of essential living costs and existing commitments.

Part 5 - Modern slavery:

30. Some councils welcomed devolved decision-making for children and the national rollout of Independent Child Trafficking Guardians. They emphasised the need for adequate funding, consistent standards and access to specialist expertise.

31. Councils also stressed that credibility assessments, disqualification safeguards and guidance on “good reasons” for delayed disclosure should apply a trauma-informed approach so that victims can be identified and supported.

32. Safeguarding needs may continue after decisions are made or support ends, including where victims would no longer qualify for leave to assist recovery, which may generate further requests for LA assistance.

33. The following sections provide supporting evidence, case studies and detailed recommendations for the Committee’s consideration.

Migration and the South East

34. This section contains useful background information to give an impression of context and figures for the state of migration to the South East of England before this submission goes into clause-by-clause evidence for the Committee.
35. The picture of migration to the South East has changed in recent years. The region has historically had comparatively low levels of asylum dispersal, but this is changing, with asylum seekers now dispersed across nearly every South East local authority.
36. The South East has now passed a landmark moment, with the number of people in Dispersal Accommodation on asylum support now exceeding those in Contingency Hotel Accommodation; historically, the reverse was true.
37. SESPM's migration data dashboard visualises the latest data published on 27 August 2026. It shows that 2,157 asylum seekers are in contingency hotel accommodation alongside 4,071 in dispersed accommodation. Subsistence-only cases and other accommodation include approximately 540 people at Crowborough Barracks/Camp.
38. However, migration is not limited to asylum seekers alone. Local authorities are also involved in their communities with a range of resettlement schemes, including unaccompanied asylum-seeking children (UASC), Afghan resettlement programmes, Homes for Ukraine and the Hong Kong BN(O) route. Counting these cohorts leads to a figure of around 85,000 people, and if including EU settled and pre-settled status it goes up to around 1 million.
39. The distribution for these groups is also quite different. Additional data is available and SESPM would be pleased to share access to the Data Dashboard with the Committee.

Part 1: Establishment of an Independent Immigration Appeals Authority

40. Part 1 of the Bill, supported by schedules 1-3, would establish the Independent Immigration Appeals Authority (IIAA) to replace the First-tier Tribunal (Immigration and Asylum Chamber). First-instance immigration appeals would be determined by trained adjudicators rather than judges.
41. LA evidence shared with us concerns the quality and accessibility of decision-making, the treatment of late evidence and the practical consequences of faster decisions for local services.

Balancing speed and the quality of decision-making

42. Clause 1(5)(b) would require the IIAA to aim to handle cases quickly and efficiently. LAs told us that faster, consistent decision-making could provide greater certainty

for applicants and support public confidence in the immigration system. Councils highlighted the consequences of prolonged uncertainty, including poorer mental health, difficulties with integration, housing instability, safeguarding concerns and continued dependence on local and voluntary-sector support.

43. LAs also emphasised the importance of accurate, well-informed first-instance decisions by the Home Office. Getting decisions right at the outset could reduce avoidable appeals and help individuals and localities plan more effectively.

44. Clause 13 provides for monitoring the IIAA's performance and making recommendations about its efficiency and effectiveness, including consideration of accessibility, access to technology and adjudicator training. One authority suggested that this should also explicitly address decision quality.

45. **Recommendation 1:** In scrutinising the duty under clause 1(5)(b) to handle cases quickly and efficiently, the Committee should consider how improvements to first-instance Home Office decision-making could complement faster appeals by reducing avoidable errors and demand on the IIAA.

46. **Recommendation 2:** The Committee could consider explicitly including decision quality within the monitoring arrangements under clause 13. Indicators could include the proportion of decisions subsequently overturned, alongside consideration of the reasons for those outcomes.

Accessibility for vulnerable groups

47. Clause 1(5)(a) would require the IIAA to aim to be accessible. LAs have highlighted that appellants may face overlapping barriers, including low incomes, limited English, trauma, poor mental health, disability and digital exclusion. Some individuals may also have experienced Modern Slavery, abuse or exploitation including by organised crime groups. These circumstances can affect their ability to understand proceedings, obtain advice and provide a full account of their experiences.

48. We were told that access to regulated immigration advice is particularly important. Councils' experience of supporting people with No Recourse to Public Funds (NRPF) demonstrates that housing, health or social care interventions alone may not resolve their circumstances. Immigration advice may be needed to clarify status, identify an available immigration route or support an application to change existing conditions.

49. **Recommendation 3:** To support the accessibility duty under clause 1(5)(a), preparations for the IIAA could include an assessment of the availability and geographical accessibility of regulated immigration advice, including the capacity of specialist and voluntary-sector providers. Provision could address language, disability, trauma and digital-access barriers and be available early enough for individuals to understand their rights, responsibilities and options.

Late evidence and credibility

50. Clause 4 introduces schedule 3, paragraph 11 of which would require IIAA Procedure Rules to provide for late evidence to be considered as damaging an appellant's credibility unless there are "good reasons" for its late submission.
51. Local authorities emphasised that trauma can affect an individual's ability to disclose experiences consistently or at the earliest opportunity. This is particularly relevant to people who have experienced modern slavery, abuse, exploitation, or other traumatic events. Delayed disclosure may therefore reflect an individual's circumstances rather than the reliability of their account.
52. **Recommendation 4:** In developing the IIAA Procedure Rules under paragraph 11 of schedule 3, introduced by clause 4, the Government should ensure that assessments of "good reasons" for late evidence take appropriate account of trauma, exploitation and other circumstances that may delay disclosure. Relevant evidence from local authority safeguarding and social care professionals should be capable of informing those assessments.

Faster appeals and local authority pressures

53. Part 1 aims to reduce the appeals backlog through faster resolution of immigration and asylum appeals. Within this wider reform, clauses 8-9 and 11-12 provide for time limits and the prioritisation of certain cases, including expedited consideration in the public interest and claim notices requiring people liable for removal to explain why they should be permitted to remain. These arrangements are intended to support faster resolution of cases involving, for example, foreign national offenders (FNOs).
54. **Councils recognised the benefits of reducing delays but highlighted that faster final negative decisions could bring forward the loss of accommodation and financial support. Where individuals exhaust their appeal rights but are not subsequently removed, they may remain in local communities with very limited support.**
55. While the Home Secretary announced in June 2026 that the Immigration Enforcement budget would double by 2028-29, councils remained concerned that transition and removal capacity might prove insufficient in practice. Faster decisions therefore need to be matched by capacity to act on their outcomes, to avoid increasing the number of people remaining locally without support and consequently presenting to councils.¹
56. LAs highlighted potential increases in destitution, rough sleeping and safeguarding risks, with additional demand on homelessness prevention, outreach and services supporting people with NRPF. The nature of any council assistance will depend on individual circumstances, eligibility and applicable statutory duties.

¹ <https://www.gov.uk/government/news/illegal-immigrants-and-foreign-criminals-to-be-removed>

57. **LAs also highlighted that faster positive decisions can create demand for move-on support when individuals leave asylum accommodation.** One emphasised that pressures depend on the volume and timing of decisions, notice periods and the availability of affordable accommodation. **Concentrated demand may be difficult for the already strained housing market in the South East to absorb.**
58. One authority also highlighted the importance of transparency around decision-making and outcomes in maintaining community confidence and cohesion. In expedited cases involving FNOs, a gap between faster decisions and subsequent removal could be particularly significant for public confidence in the effectiveness of the system.
59. **Some LAs are already experiencing an uptick in resident enquiries and Freedom of Information requests concerning LA spending linked to migrant support, including questions on the costs and availability of services, and are anticipating the need for further communications work to address community concerns.**
60. These concerns apply both to accelerated cases and to any wider increase in the speed of appeals decisions. Assessing the consequences alongside the anticipated reduction in the backlog would help councils plan for changes in demand.
61. **Recommendation 5:** The Government should assess the homelessness, safeguarding and service-demand implications of faster appeals under Part 1, including expedited cases under clauses 8-9 and 11-12. This should estimate the number of people who may require LA support and the services affected. Particularly for expedited cases, including those involving FNOs, the assessment should consider the implications for community confidence and cohesion.
62. **Recommendation 6:** Implementation of Part 1, including clauses 8-9 and 11-12, should be supported by sufficient capacity to manage both move-on following positive decisions and removals following negative decisions. Government should work with LAs on anticipated decision volumes, timely notification and transition arrangements, taking account of local housing capacity. Additional demand on LA services attributable to the reforms should be assessed and appropriately funded.

Part 2: Tightening the application of Article 8 of the ECHR

63. Part 2 of the Bill would tighten the framework for considering claims under Article 8 of the ECHR, restricting the circumstances where individuals can rely on their private and family life when seeking to enter or remain in the UK. The Home Office estimates that the reforms could result in an additional 11,700 final refusals of in-country Article 8 applications each year.²

² <https://publications.parliament.uk/pa/bills/cbill/59-02/0105/ImpactAssessment.pdf> (p. 85, para 11)

64. Where reforms narrow the circumstances in which an individual can rely on Article 8, there may be consequences for councils. We were told that these might include child welfare concerns and increased demand on LA services both at the assessment stage and following any uptick in negative decisions.

Family life reforms and child welfare

65. LAs operate within a longstanding statutory framework for safeguarding and child protection where the best interests of children are central to decision-making. This includes duties under the Children Acts 1989 and 2004.
66. Clause 18 of the Bill would amend Part 5A of the Nationality, Immigration and Asylum Act 2002 so that family life for Article 8 purposes would be “normally limited” to the “core cohabiting family”. This would cover cohabiting spouses or partners, parents and their children under 18. It also makes provision for certain relationships outside that definition, including non-resident parents with a genuine and subsisting parental relationship.
67. **Councils have emphasised to SESPM that the relationships encountered by children’s services do not always fit within a conventional nuclear-family structure.**
68. **Case study:** One LA described the case of two children initially left by their mother in their maternal uncle’s care. After the children entered LA care and were placed with family friends, the uncle sought to remain in the UK on Article 8 grounds. Social services provided factual evidence about the potential adverse effects of his removal on the children, without taking a position on his immigration status. His Article 8 claim had a positive outcome and seven years later, the children continued to visit him regularly and maintained a positive relationship with him.
69. **Cases of this kind demonstrate that wider family relationships can sometimes have significant safeguarding and child-welfare implications.**
70. Although clause 18 uses “normally”, it does not clarify how all wider kinship or de facto parental relationships would be treated, including where an aunt, uncle, grandparent or other relative has assumed a significant caring role. The proposed narrowing of the framework may make it important to ensure that children’s welfare and best interests continue to receive proper consideration.
71. The case study illustrates the importance of assessing individual family circumstances and relevant factual evidence held by LAs, including where a significant relationship continues after a child enters care.
72. Unaccompanied asylum-seeking children (UASC) and care leavers who arrived as unaccompanied children may require particular consideration. Their significant family relationships may also fall outside a conventional nuclear-family structure, with children’s services holding relevant evidence about their histories, care arrangements and safeguarding needs.

73. **Recommendation 7:** The Committee should consider whether clause 18 provides sufficient safeguards to ensure that children's welfare and best interests are properly considered when assessing wider kinship and de facto parental relationships. Government could provide clarity on how these relationships, and relevant evidence from LA children's services and safeguarding professionals, would be considered under the proposed framework.

Demand for local authority input at assessment

74. Clause 19 would tighten the public interest considerations applied to Article 8 claims. Clause 19(6) would introduce an additional condition concerning a person with a genuine and subsisting parental relationship with a qualifying child. **Where the parent would be removed while the child remained in the UK, the assessment would need to consider whether this would have a "very significant and long-lasting adverse effect" on the child.**

75. Assessing such consequences may require detailed professional evidence about a child's circumstances, relationships and needs. Relevant information may be held by children's services, UASC teams, schools, CAMHS, LA psychology services and safeguarding professionals. As the case study demonstrates, their contribution may involve providing factual evidence without taking a position on the immigration outcome.

76. LAs highlighted that practitioners may nevertheless have incomplete information about children's histories, relationships and wishes, with some information remaining confidential between children and their legal representatives. **More demanding evidential requirements could therefore create additional assessment work and a need for specialist advice, training and support.**

77. **Recommendation 8:** Implementing clauses 18 and 19 would likely require the Government to work with LAs and partner agencies to provide clear guidance, appropriate training, access to specialist advice and sufficient capacity for professionals asked to provide evidence to support informed assessments of children's circumstances and the potential consequences of separation.

Pressure on local authority services following negative decisions

78. There are likely to be unintended consequences for LAs after immigration decisions are made on the basis of a revised interpretation of Article 8.

79. Where a family member providing significant care or support is unable to remain in the UK, alternative care or safeguarding arrangements may be required. **Family separation, loss of accommodation or support, and increased vulnerability could generate additional demand on children's services, safeguarding and homelessness services, alongside greater involvement of the family courts.**

80. Councils would continue to operate within existing statutory frameworks, including their responsibilities towards children in need under section 17 of the Children Act 1989 and adults under the Homelessness Reduction Act 2017, as well as wider safeguarding duties. Immigration reforms may change the circumstances in which these responsibilities must be discharged without removing the underlying needs.

81. **Whilst eligibility for LA support such as homelessness assistance depends in part on immigration status, increased presentations would still generate additional demand for assessment, advice and referral, in addition to assistance where a statutory duty is owed.**

82. **Recommendation 9:** Government could assess the implications of the Article 8 reforms under clauses 18-20 for children's welfare, adult care needs, family homelessness, safeguarding and demand on LA services. It should clarify how the reforms would interact with councils' existing statutory responsibilities and identify the resources required for LAs to discharge those responsibilities effectively.

Part 3: Protection status and asylum

83. Part 3 of the Bill would replace refugee status and humanitarian protection with a single new "Core Protection" status with the aim of making the processing of asylum applications easier, faster and more consistent.

Core Protection and integration

84. Clause 21 would provide the legislative basis for a new Core Protection model. This is expected to replace grants of Refugee Status and Humanitarian Protection with temporary protection, reviewed every thirty months alongside a substantially longer route to permanent settlement of potentially up to twenty years living in the UK.

85. **Councils told us that security of status is closely linked to successful integration, employment, housing stability and community cohesion – and that the introduction of a new "Core Protection" model may increase uncertainty regarding long-term status.**

86. LA concerns include that prolonged uncertainty regarding an individual's future status may have implications for:

- Wellbeing and aspirations
- Long-term planning
- Employment progression
- Housing stability
- Community integration

87. One LA highlighted its experience of refugee integration programmes and employability initiatives linked to Homes for Ukraine, through which it had observed the importance of secure status for positive outcomes related to employment, housing stability, education participation and social integration.

88. LAs have also emphasised that clear expectations and an achievable route to settlement help council teams develop effective individual action plans far more

effectively, especially if their clients feel valued and understand what is expected of them to work towards a clear and achievable route to settlement.

89. **Recommendation 10:** Government should publish an integration impact assessment for the Core Protection model introduced by clause 21. This could consider the effects of uncertainty over status and longer settlement routes on a) integration and community cohesion, and b) associated factors such as wellbeing, employment and housing stability, alongside the implications for LA integration and support services.

Interaction with wider settlement reforms

90. The potential effects of Core Protection introduced by this Bill on LAs and communities will be influenced by adjacent routes to settlement.

91. The Government's November 2025 Earned Settlement consultation proposed reductions in qualifying periods for settlement as a result of certain forms of contribution, such as 3-5 years less for voluntary work.³

92. One LA sought clarity on what would qualify as volunteering, including whether community-led initiatives would count and how participating organisations would be verified. It also questioned whether voluntary-sector organisations would have sufficient capacity to accommodate additional volunteers.

93. These questions matter to LAs and their partners when advising residents and planning integration support. Where opportunities to shorten a settlement pathway depend on community participation, clear requirements and sufficient opportunities would be important to making that pathway achievable.

94. **Recommendation 11:** In assessing the implementation of clause 21 alongside wider settlement reforms, the Government should clarify any volunteering-related requirements taken forward, including qualifying activities and verification arrangements. It should assess the capacity implications for LAs, voluntary-sector organisations and community partners.

Access to rights and services

95. Clause 22 would change how some of the rights guaranteed through the 1951 Refugee Convention would apply to refugees who are “lawfully staying” in the UK by limiting how the definition is interpreted through domestic law. For example, people who had committed serious crimes but cannot be deported for human rights reasons would receive different rights.

96. Councils told us people who lose access to central government support often subsequently present to their LA for assistance. **Any changes to entitlements could therefore have implications for housing stability, destitution and local**

³ https://assets.publishing.service.gov.uk/media/691edda450b16caf978153d8/Command_Paper_final_-_reviewed7.pdf

service demand. The assistance an LA could provide would depend on individual circumstances, eligibility and applicable statutory duties.

97. Clear information about affected groups and entitlements would help councils advise residents, identify relevant support and assess any additional demands on services. This is likely to be especially important where people remain in the UK but are no longer treated as “lawfully staying” for Refugee Convention purposes.

98. **Recommendation 12:** The Committee could consider potential implications for LA services, including where changes could leave individuals without support, as a result of the change in rights and entitlements affected by clause 22.

Part 4: Requiring payments from recipients of asylum support

99. Part 4 of the Bill would enable the recovery of asylum support costs from former recipients assessed as able to pay. LAs raised concerns that cost recovery could increase the risk of destitution, homelessness and exploitation, leading to additional presentations to councils and demand for local support services.

100. One council questioned whether a better way of achieving cost recovery would be to give people seeking asylum the right to work and therefore support their accommodation costs.

Potential financial pressures and impacts on council services

101. LAs told us that people who previously needed asylum support may remain financially vulnerable after receiving status and entering employment. They may face competing demands on their income while establishing housing, adapting to the labour market, improving language skills and supporting family.

102. Council teams described the practical challenges of helping refugees manage household budgets, including rent, council tax and other essential bills. It was noted that some individuals had prioritised remittances to relatives overseas, further reducing the income made available for commitments in the UK. Repayment of historic asylum support costs would introduce another financial obligation into circumstances that may already require substantial support.

103. **LAs were concerned that repayments could reduce individuals’ ability to secure and sustain private rented accommodation**, increasing housing instability and potential demand on homelessness prevention and temporary accommodation services. **Financial hardship could also generate additional demand on safeguarding, welfare and voluntary-sector services.**

104. One council emphasised that housing costs are already a major challenge for the families they support. They explained that some families already relied on Discretionary Housing Payments to meet rent shortfalls and avoid arrears. **They asked for clear guidance on how cost recovery proposals may affect demand for housing support.**

105. Another LA highlighted a potential impact on its Rent Deposit and Rent in Advance support provided to newly granted refugees. **Home Office repayments could reduce households' ability to pay towards repayment plans for council assistance, reducing the funds available to support other households.**

106. **Recommendation 13:** The Committee could consider the potential impacts of cost recovery under clause 23 on financial wellbeing, housing stability, and safeguarding, as well as on demand for LA services and people's ability to make payments towards them. Any Government assessment could consider how recovery arrangements would address these risks.

Scope of repayment and financial assessment

107. Clause 23 identifies categories of asylum support where costs could be recovered. LAs sought clarity about which costs would be charged in practice. For example, we were asked whether recovery would cover accommodation alone or other forms of asylum support.

108. Questions were also raised about how property or assets in a person's country of origin would be treated. Ownership may not mean that an individual can access an asset, sell it or receive income from it. The treatment of such assets could therefore materially affect an assessment of their ability to repay. There may or may not be a practical mechanism to take such assets into account when calculating repayments.

109. **While proposals envisage recovery from those able to pay, LA concerns have highlighted the importance of how financial circumstances and continuing commitments would be assessed in practice.**

110. **Recommendation 14:** In scrutinising clauses 23-24, the Committee could seek clarity on recoverable costs and how ability to pay would be assessed, including essential housing costs, existing repayment commitments and the practical availability of overseas assets.

Discouraging engagement and unintended consequences

111. LAs raised concerns that the prospect of future repayment could discourage people from claiming support they need or disclosing information relevant to their circumstances. This could increase hardship and make it more difficult for council teams to identify support needs.

112. One LA asylum support team described spending considerable time on budgeting and preparing people for employment and financial independence. They shared concerns that repayments could discourage some individuals from moving into work if they feel that repayment requirements would significantly reduce the financial benefits of employment.

113. A council also highlighted barriers to increasing earnings, including oversubscribed ESOL provision and the need for further training or accreditation

before overseas qualifications can be used in the UK. **It suggested that access to language, skills and employment support would help people become financially independent.**

114. LAs also identified a risk that some people might seek undeclared cash-in-hand work to avoid repayment, increasing their vulnerability to labour exploitation.

115. An additional concern was whether the exemption for people who were under 18 throughout their period of support could encourage some adults to claim to be children, adding to demand on LA age-assessment services.

116. **Recommendation 15:** The Committee could consider the potential unintended consequences of clause 23, including deterrents to accessing support, disclosing relevant information and entering formal employment; vulnerability to exploitation; and any additional demand for age assessments. These risks should inform the design and communication of the recovery arrangements.

Part 5: Legislative reforms of Modern Slavery

117. Part 5 of the Bill would amend the Modern Slavery Act 2015 and the Nationality and Borders Act 2022 with the aim of preventing perceived misuse of the system whilst preserving protections. LA evidence we received focuses on devolved decision-making for children, the identification and support of victims, and the implications for local safeguarding responsibilities and resources.

Prevention and risk orders

118. Clauses 25-34 would strengthen and amend slavery and trafficking prevention and risk orders. LAs recognised their potential to support earlier intervention and disrupt exploitation. They emphasised the importance of proportionate use, relevant information sharing and consideration of safeguarding needs.

119. **One LA suggested enforcement measures can sometimes displace exploitation or make it less visible rather than reduce harm. It was also highlighted that people involved in exploitation may themselves be vulnerable or coerced,** so clarity may be needed to assess circumstances where a vulnerable adult may be both a victim and a perceived perpetrator.

120. **Recommendation 16:** In scrutinising clauses 25-34, the Committee could consider how the use of prevention and risk orders would take account of coercion, vulnerability and relevant safeguarding evidence. Implementation could be monitored for proportionality, displacement of exploitation and effects on victims' willingness to disclose and cooperate with investigations.

Devolved NRM decision-making for children

121. **Alongside schedule 4, clause 35 would provide the legislative basis for a national rollout of devolved decision-making for children through the National Referral Mechanism (NRM).** It would enable nominated public

authorities to make reasonable grounds (RG) and conclusive grounds (CG) decisions about whether a child is a victim of modern slavery.

122. An existing pilot has tested decision-making through local safeguarding structures since 2021, involving LA, police and health representatives.⁴
123. **Some LAs have welcomed this approach, highlighting the expertise of local professionals and their knowledge of children's circumstances.** Councils also emphasised trust in professionals and confidence in protection are important for victims' willingness to disclose their experiences and engage with support.
124. **However, LAs have sought clarity about funding, training, specialist support and realistic decision-making timescales.** They stressed that new responsibilities must be accompanied by sufficient resources, given existing pressures on children's services and safeguarding teams.
125. One LA highlighted that recognising child victims is a specialist task and that areas with relatively small local caseloads could make it difficult to maintain the necessary expertise. They suggested that local partners should be able to help gather evidence and inform assessments but emphasised that some national consistency and quality assurance should remain.
126. The Bill's Impact Assessment states that 1-1.5 FTE staff supported decision-making at pilot sites. It acknowledges that **formal devolution would create greater burdens**, including quality assurance responsibilities, and that further work is needed to establish the resources required. **LAs have emphasised that funding must reflect the full responsibilities of the new arrangements.**
127. **Councils also raised concerns about potential differences in standards and outcomes between areas with devolved decision-making and those where decisions remain with the Home Office.** Consistent standards, access to expertise and monitoring will be important wherever decisions are made.
128. **Recommendation 17:** Implementation of clause 35 and schedule 4 should be supported by a full assessment of additional LA responsibilities and matching New Burdens funding. This could cover staffing, training, quality assurance and other implementation costs, taking account of the Impact Assessment's acknowledgement that formal devolution will impose greater burdens than the pilot.
129. **Recommendation 18:** Arrangements under clause 35 and schedule 4 are likely to require consistent decision-making standards, training and specialist support across devolved and non-devolved areas. Implementation could involve realistic timescales and monitoring of differences in practice and outcomes, informed by local safeguarding expertise.

⁴ <https://www.gov.uk/government/publications/piloting-devolving-decision-making-for-child-victims-of-modern-slavery/devolving-child-decision-making-pilot-programme-general-guidance-accessible-version>

Delayed disclosure and credibility

130. Clause 36 would insert section 60A into the Nationality and Borders Act 2022. **It would require competent authorities making RG or CG decisions to treat specified delays, inaccuracies, inconsistencies, omissions and striking similarities between accounts as damaging credibility, unless satisfied that there are “good reasons”. In assessing those reasons, authorities would have to consider any guidance issued by the Secretary of State.**
131. **LAs emphasised that disclosure often develops over weeks, months or longer.** Trauma, coercion, threats, exploitation by criminal groups and previous negative experiences with other authorities may affect a person’s ability to provide a full or consistent account. Some victims do not initially recognise that their experiences constitute exploitation or know that support is available.
132. **Victim identification may therefore begin when someone approaches an LA for an unrelated service.** Through repeated contact, professionals can establish trust, explain available support and help individuals understand their experiences.
133. **Case study:** An LA described a woman living in asylum contingency hotel accommodation who had not disclosed her experiences because she did not recognise herself as a victim and feared that disclosure could delay her asylum claim. Her experiences emerged during a drop-in session with housing and resettlement support workers, when she referred to “being taken into the jungle” to work in coffee shops throughout the UK.
134. **This evidence raises a concern about the starting point of the Bill’s credibility assessment. Behaviours that may count against credibility can also arise from trauma, coercion or delayed recognition of exploitation. They therefore need to be understood in their individual context.**
135. Proposed section 60A(3) provides that the adverse-credibility requirement does not apply where the authority is satisfied that there are good reasons. **The effectiveness of this safeguard will depend on how those reasons are assessed and the guidance considered under section 60A(4).**
136. **Victims could remain unidentified if the assessment does not adequately recognise circumstances encountered by safeguarding practitioners.**
137. **LAs also raised concerns that fear of being disbelieved could discourage engagement.** Adults who must consent to an NRM referral may be reluctant to proceed if they believe delayed disclosure will count against them, potentially leaving exploitation and safeguarding needs unaddressed.
138. LAs emphasised that victim confidence in seeking help can support disclosure, cooperation with investigations and the identification of perpetrators. It was

suggested that perpetrators of exploitation reinforce fears of detention, removal or disbelief, making trust in safeguarding professionals particularly important.

139. **Recommendation 19:** The Committee should consider whether the approach to credibility in proposed section 60A(2)-(3), inserted by clause 36, sufficiently reflects standard safeguarding practices around trauma, coercion and delayed recognition or disclosure of exploitation. It could consider whether the scenarios described should be assessed in their individual context before being treated as damaging credibility. Any guidance under proposed section 60A(4) could be informed by safeguarding practitioners familiar with a trauma-informed approach and explicitly address these circumstances when explaining what may constitute “good reasons” for delayed disclosure.

140. **Recommendation 20:** Implementation of clause 36 should be accompanied by sufficient resources for LAs and partners to provide accessible, tailored advice and safeguarding support. This should help potential victims understand their experiences and available support, build trust and enable earlier disclosure and engagement with the NRM.

Recovery period and continuing safeguarding needs

141. Clause 37 would allow the recovery period following a positive RG decision (during which an individual cannot be removed from the UK) to end before 30 days where a negative CG decision is made during that period.

142. **LAs emphasised to us that the recovery period should not simply be viewed as an administrative element of the NRM process.** It has a practical safeguarding purpose. It can provide time for individuals to stabilise, engage with support, address health needs and build trust with professionals.

143. Even where a negative CG decision is reached, housing, mental health, physical health or exploitation risks may remain unresolved. Where individuals remain in local communities after their recovery period ends, any withdrawal of support could increase vulnerability and lead to additional presentations to LAs and demand on local services. Entitlement to statutory assistance will depend on individual circumstances, but councils and partners may still face requests for help and safeguarding concerns.

144. **Recommendation 21:** In scrutinising clause 37, the Committee could consider potential consequences of ending the recovery period earlier for people who receive a negative CG decision but remain in local communities. This could include the risk that unresolved needs and any gaps in support can increase demand on LA safeguarding, homelessness and other local services.

Disqualification from protection

145. Clause 38 would amend the grounds for excluding people from modern slavery protections on public-order, national-security or “bad faith” grounds. The

Government's stated aim is to prevent misuse of the NRM, including claims used to obstruct removal.

146. The bad-faith provisions would cover knowingly false information and certain claims made when a person is due to be removed. **LAs raised concerns that genuine victims may disclose late because of fear, trauma or coercion.** They sought assurance that these circumstances would be recognised when deciding whether protection should be withdrawn.

147. **LAs also emphasised that victims of criminal exploitation may have been compelled to commit offences.** Indicators of coercion, control and exploitation could inform decisions about disqualification.

148. **Recommendation 22:** In scrutinising clause 38, the Committee could consider whether the disqualification provisions and their safeguards adequately distinguish misuse from circumstances arising from trauma, coercion or criminal exploitation. This could include discussion of how genuine reasons for late disclosure would be recognised, how offending linked to exploitation would be considered and how relevant safeguarding evidence would inform decisions.

Leave to remain to assist recovery

149. Clause 39 would remove the duty to grant leave to remain where this is necessary to assist a victim's recovery. The remaining duties would only require the Secretary of State to grant leave where necessary to enable a victim to seek compensation or cooperate with an investigation or criminal proceeding.

150. Councils have highlighted the relationship between stability of immigration status, victim recovery and prevention of re-exploitation. For victims without another basis for leave, removing the recovery ground could increase uncertainty and housing insecurity, hinder engagement with support and create additional safeguarding pressures on LAs.

151. **Recommendation 23:** The Committee could consider the potential implications of clause 39 for victim recovery, housing stability, re-exploitation and demand on LA safeguarding services, particularly for victims who would have no alternative basis for leave.

National rollout of Independent Child Trafficking Guardians

152. Independent Child Trafficking Guardians (ICTGs) provide independent support and specialist expertise for children who may have experienced trafficking or slavery, complementing the work of LAs and safeguarding partners.

153. The legislative basis for ICTGs was introduced by section 48 of the Modern Slavery Act 2015 but only partially commenced to allow for a pilot that's been running since 2017. The service currently operates in two thirds of local authorities and is expected to extend across all of England and Wales from summer 2027.

154. Clauses 40-42 of the Bill would effectively provide the legislative basis for the rollout of the ICTG service nationally.
155. **LAs have been generally supportive of the proposal to roll out ICTGs and its potential to strengthen advocacy and child protection, provided implementation is adequately resourced and supported with clear governance arrangements.**
156. **Recommendation 24:** Implementation of clauses 40-42 and the wider rollout of ICTGs should be adequately resourced, matched with sufficient funding and clarity to enable LAs and safeguarding partners to ensure child victims receive sufficient support.

Assistance and support for potential victims

157. Clause 43 would clarify responsibility for modern slavery support and restrict when it must be provided. The changes relevant to LA evidence concern children already supported through local safeguarding services and adults whose other state support has been withdrawn because of non-compliance.
158. **For children**, clause 43(4) would remove specified duties on the Home Secretary to secure support during recovery periods. **The Government's explanation is that LAs and other agencies already support and safeguard these children under existing legislation.** The intention is to align the law with those arrangements and avoid duplication.
159. **One LA agreed that the changes could reduce duplication where equivalent assessments already take place through children's services.** Across the responses, LAs sought clarity about responsibilities, accountability, specialist support and the resources required.
160. Another sought assurance that any additional responsibilities would be matched by statutory guidance, specialist support and funding. It highlighted how children's experiences of trauma, exploitation and instability can create demand across Family Help, safeguarding, emotional wellbeing services and placement provision.
161. **For adults**, clause 43(5) would restrict the duty to provide modern slavery support as a replacement for other assistance lost through non-compliance.
162. We understand that the Government intends to prevent accommodation or financial support withdrawn under another scheme being replaced through the modern slavery support system.
163. Though the provision includes a safeguard that we understand would effectively try to prevent conduct attributable to exploitation from being considered non-compliance, **LAs still sought clarity about the circumstances in which non-compliance could lead to support being withheld.**

164. LAs also raised concerns that gaps in accommodation and subsistence support could increase destitution, rough sleeping and safeguarding risks, placing **additional pressure on councils and partner agencies where support is withheld on the basis of non-compliance.**

165. **Recommendation 25:** In scrutinising clause 43(4), the Committee could consider whether existing children's services arrangements can meet the specialist needs of potential child victims, with clear responsibilities and adequate resources. Any additional costs arising from implementation should be assessed and funded.

166. **Recommendation 26:** The Committee could consider whether the safeguard in clause 43(5) adequately addresses circumstances where trauma or exploitation contributes to non-compliance. Government could clarify how these assessments would be made and assess the consequences of support gaps for vulnerable individuals and local services.