



WORK RIGHTS CENTRE - EVIDENCE SUBMISSION

HOME OFFICE – IDENTIFICATION OF VICTIMS OF MODERN SLAVERY: CALL FOR EVIDENCE

OCTOBER 2025

ABOUT WORK RIGHTS CENTRE

Work Rights Centre is a registered charity dedicated to supporting migrants and disadvantaged workers to access employment justice and improve their social mobility. We do this by providing free and confidential advice in the areas of employment, immigration, and social security, and by mobilising frontline intelligence to address the systemic causes of migrants' inequality. The charity was founded in 2016. Ever since, we have advised over 6,000 people, helped recover over £500,000 in unpaid wages and fees, and supported hundreds more to make job applications and secure their immigration status.

Introduction

The Work Rights Centre is a frontline legal advice organisation which predominantly focuses on the areas of immigration and employment law, and frequently the intersection of the two. Since the charity's inception in 2016, the vast majority of our clients are migrant workers who regularly experience the negative consequences and grievances associated with precarious work.

Our service provision team deals with cases that exhibit a range of abuses across the continuum of labour exploitation, ranging from minor employment law infractions which can be solved through bilateral engagement with employers and/or relevant stakeholders right through to the most serious cases of forced labour. In recent times, our focus has been on the experiences of migrant visa workers in the UK arriving under the UK's system of work-sponsorship, particularly those experiencing exploitation under the Seasonal Worker visa, the Health and Care Worker visa, and those sponsored generally under the Skilled Worker visa category. Unfortunately, many of these clients in particular have suffered the sharpest treatment across the continuum of labour exploitation. It is this particular angle of work that informs our response to the call for evidence. Rather than attempting to provide evidence on each of the areas covered in the questionnaire, we have focused on those where we are most able to provide value as a non first-responder organisation.

Before moving to the substantive questions in this call for evidence, we would like to confirm that we are very happy to attend any engagement sessions the Home Office Modern Slavery Unit will be running in respect of this call for evidence and, given our track record around issues related to precarious work and labour exploitation, we are more than happy to be considered for future membership of the Modern Slavery Engagement Forums. Indeed, we regularly work with many of the organisations who already attend these sessions.

SUBSTANTIVE QUESTIONS

Q1. Mandatory: Please tell us in what capacity you are primarily responding

As a representative of a UK based NGO or civil society organisation

Q2. IF ticked b-h, or j: What is your organisation?

Work Rights Centre

Q3. Before responding to this Call for Evidence, were you aware of the UK's National Referral Mechanism for victims of modern slavery?

Yes

Q4. What is your geographic location? If you are responding on behalf of an organisation please use the location of its headquarters. Please do not give your address here.

England

Q5. To what extent do you agree with the following statement: The term 'modern slavery' is helpful for enabling individuals and organisations, such as first responders, police and support providers, to understand who may be a victim.

Strongly disagree.

Q5b. Why have you chosen this answer? [300 words max]

Though in our view the term "modern slavery" has some use as a short-hand umbrella term in political contexts, modern slavery is often problematic at an operational level. The main issue we have experienced at the identification stage is that the term is incompatible with a continuum understanding of exploitation, meaning that individuals and organisations often fall into the trap of focusing on a small number of "exceptional" cases at the tip of the iceberg. Other cases which are also serious can get deprioritised as individuals/organisations focus instead on those exhibiting factors that are deemed to be "bad enough" to warrant the comparison with slavery. In all of the limited number of cases that we have tried to refer into the NRM, clients have run into the issue of being told or being made to believe that they are not a victim of modern slavery (including by statutory and non-statutory first responders). These actors usually overlay the term with their own understandings, experiences and ultimately prejudice about what "is" and "isn't" a case of modern slavery. Similarly, the term lumps together a number of different issues and experiences into a single category, making it harder to take action that is tailored to a client's

specific experience. The term also perpetuates a binary understanding of agency, which is usually more complicated in individual cases, however restricted it may ultimately be. This inevitably means that some cases do not get identified as quickly as they could, or at all. Finally, the term is not frequently used by potential victims to self-identify the circumstances that they face or have experienced.

Q5c. Are there other terms that you use to describe modern slavery? What are these and why do you use them?

Yes, for the cases that we deal with we often use terms like labour exploitation, forced labour, and human trafficking. We find these to be more specific in terms of their ability to describe the experiences of our clients across the continuum of exploitation (and also what they haven't experienced e.g. labour exploitation as distinct from other forms of exploitation including sexual and criminal).

Q6a. To what extent do you agree with the following statement: The current indicators in the [Modern Slavery Statutory Guidance](#) are useful for enabling individuals and organisations, such as First Responders, police and support providers, to identify who may be a victim of modern slavery.

Somewhat disagree

Q6b. Do you think there are any indicators missing from the Modern Slavery Statutory Guidance that would help individuals or organisations to identify who may be a victim of modern slavery?

No.

Q6c. Which indicators do you think are missing? We are interested in hearing about indicators relevant to all types of modern slavery and indicators for different groups of victims, such as adults and children. [300 words max]

At least on the face of it, the indicators in the Modern Slavery Statutory Guidance appear to be quite detailed and exhaustive. Our issue however lies in how the indicators are interpreted and understood. Our view of engaging with various first responders is that there is not a good understanding of how the indicators arise in practice. Instead of using the indicators to understand whether a referral is appropriate, we have experienced first responders stepping beyond this stage and looking instead towards the legal test for reasonable and conclusive

grounds decisions, which is premature and prejudices clients' cases. To make the indicators more useful, it would be helpful to include better practical examples and case studies for responders and other organisations. It would also be helpful to have some guidance on what those individuals/organisations engaging with the guidance should seek to avoid, including stereotypes that responders need to avoid when making decisions about whether to refer someone as a potential victim e.g. avoid making decisions purely or mainly on the basis of someone's immigration status.

Q7a. Please indicate if you want to provide evidence on any of the following types of exploitation (tick as many as apply)

Labour exploitation

Q7d. What would help practitioners understand when labour exploitation is a form of modern slavery? This may include guidance, training, toolkits. Your answer may reflect on labour exploitation that affects adults or children, or both.

As we have indicated above, it would be useful to have better practical application and case studies of the indicators included in the statutory guidance. A much more fundamental issue concerns training. As some other stakeholders have publicly identified, there needs to be a properly funded and maintained nationwide training programme for both statutory and non-statutory first responder organisations. Without this, it is hard to see how the quality of identification practices and procedures will materially improve in the future.

Q8a. Based on the UK's international obligations, do you think there are any forms of adult exploitation and/or child exploitation which are not captured by the Slavery and Human Trafficking (Definition of Victim) Regulations 2022? This may include current, or new and emerging forms of exploitation.

Yes

Q8b. Please provide examples of this and explain why. [Maximum 500 words]

We are concerned that some new trends of exploitation are not being properly interpreted as falling within the remit of the existing Regulations. In recent years, we have been particularly concerned that migrant visa workers, who were duped into paying unlawful and extortionate recruitment fees as part of their labour migration journey only to arrive in the UK to find no working opportunity at all (as opposed to being given reduced amounts of work), are not being properly considered for referral into the NRM. The main example of this has been in

the social care sector, where this dynamic arose for many sponsored migrant care workers who arrived under the Health and Care Worker visa. On many occasions when discussing such cases, we were told by various first responders that this type of situation wouldn't be suitable for referral into the NRM, and that the matter was considered only as a fraud issue. We disagree with this analysis and suggest that this situation falls within the human trafficking section of the aforementioned Regulations, such that a referral into the NRM would be suitable. Given the ongoing demand for migrant labour and international trends concerning labour migration and recruitment scams, we are concerned that this analysis amounts to a protection gap for a potentially sizeable group of workers, both now and in the future.

The other point to make is that but for the immigration status of our clients (i.e. being on a sponsored visa category), many of our cases would simply be a matter of dealing with employment rights breaches. However, because sponsored migrant workers' immigration status binds them to the employer, and the employer can use this as a means of control and coercion, many of those cases do tip over into the category of modern slavery.

Q9. Are you a designated First Responder to the National Referral Mechanism (NRM)? We are asking this question as some questions in this section of the Call for Evidence are specifically for First Responders.

No

Q12. What do you think can help victims and survivors of modern slavery feel safe and supported during the first interaction with professionals or services who may recognise indicators of exploitation? This may include, for example, the environment this interaction happens in, and the types of training that frontline professionals may need to support safe engagement. [Maximum 500 words]

There needs to be a more positive case for reporting potential victims of modern slavery by police forces specifically. In particular, there needs to be a renewed focus on the indicators of modern slavery in the statutory guidance, rather than a focus on criminal activity per se. Our experience is that there is a culture of disbelief around the modern slavery identification process among some police forces, though not all. Generally there seems to be a sense that the police have other priority issues to deal with, and some regional police forces lack a detailed understanding of modern slavery as an issue generally. The view of our solicitors is

that currently, as qualified and regulated legal professionals, it would be very helpful for them to have first responder status to be able to make referrals into the NRM directly, rather than having to navigate an often issue-riddled process of getting a referral from one of the existing first responder organisations.

Q15. Do you think that having two decisions in the NRM (Reasonable Grounds followed by Conclusive Grounds) supports effective identification of victims of modern slavery?

[Maximum 500 words]

We would argue that the two-step process in the NRM is slightly problematic in practice. As we have alluded to previously, the biggest issue we have experienced is first responders essentially making a reasonable grounds style assessment at a pre-referral stage, leading to a shunting effect in the full identification and assessment process. It is hard to say whether this problem can be tied specifically to there being a two stage decision making process in the NRM, as opposed to separate issues around education and implementation of the statutory guidance by first responders. Either way, the process and engagement is characterised by a lack of transparency in how decisions on whether to refer are made and on what basis. Similarly, while some of our clients have gone through the NRM framework and received a positive conclusive grounds decision without issue, in other cases we have had to challenge the reasonable grounds decision that has been made. We have experienced a hardening in the assessment process for reasonable grounds decisions, which in our view results from a misunderstanding of the two-step framework.

Q17a. Do you or your organisation deliver support services directly to people who have been referred into the NRM?’

Yes

Q17b. From your perspective as a support provider or First Responder, what impact does a positive Conclusive Grounds decision have on the individuals you support? For example, have you observed differences in how a positive Conclusive Grounds decision is experienced according to people’s individual situation, for example their age, gender or immigration status? [Maximum 500 words]

The access to support following a conclusive grounds decision can be helpful for some of our clients who are destitute, however, it would be helpful to have greater certainty around this in terms of timeframe and how long support will be available for.

Unfortunately, our experience is that a conclusive grounds decision does not seem to carry much weight with the police in terms of further criminal investigations. In this context we have had some cases quickly dismissed despite the client in question having received a conclusive grounds decision in their favour.

There are a number of issues regarding the benefits of a conclusive grounds decision in respect of sponsored visa workers who may be looking to be referred into the NRM. For example, even if a worker secures a referral into the NRM, this does not grant them the right to work and support themselves, but merely preserves the work permission of the immigration status they held at the point of obtaining a positive reasonable grounds decision. In other words, if their status restricted them to only working for the sponsor of their visa, they continue to only be allowed to work for that employer, thus making virtually no difference to workers who were scammed and/or abused by their visa sponsors. If their status lapsed, they continue to not have the right to work, but merely enjoy temporary protection from immigration enforcement.

The exception to this is if a person receives Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS leave), but this is another separate issue and is extremely difficult to access. Among other restrictions, this status is ordinarily only accessible to people who obtained a positive conclusive grounds decision under the NRM (which historically has taken far too long), and who were also undocumented at the point of receiving this decision – as per Section 65(1) of the Nationality and Borders Act 2022. This makes it a virtually impossible route to access by migrant workers who were exploited by their visa sponsors but still had leave to remain. Any immigration application for protection that workers in this situation could make would be one based on human rights breaches, or a discretionary one, also known as ‘leave outside of the rules’. Relying on discretion however is not a suitable strategy for victims though. Additionally, even if migrant workers were given leave outside the rules, this would prohibit them from switching back to a sponsored work route which carries the benefit of being a path to settlement/indefinite leave to remain in the UK (see Immigration Rules Appendix Skilled Worker, SW1.5) – unless the Home Office can be persuaded to apply discretion.