

Statement from the Modern Slavery Strategy Implementation Group (MSSIG) Victim Support Group: Opposing the introduction of the new Immigration Enforcement Competent Authority (IECA), November 2021

As the MSSIG Victim Support Group, we are united in our opposition to the sudden introduction of an IECA as part of the NRM decision making process. The clear focus on immigration enforcement in the title and operations of this Competent Authority shows that its primary purpose is the enforcement of immigration control, rather than fair, reasoned and proportionate decision making for victims of the serious crime of human trafficking.

Creating an additional new competent authority with a specific remit for foreign national offenders demonstrates limited understanding of modern slavery cases. Victims of modern slavery whether they lack secure immigration status or have been forced to carry out criminal acts, are at high risk of re-trafficking and further forms of crime and harm: they should have access to non-discriminatory pathways for identification, protection and support, which enable them to sustain recovery and pursue criminal justice against their traffickers. A separate IECA plays into the hands of traffickers who benefit from victims remaining unidentified and too afraid to speak out due to fears related to their immigration status.

We strongly believe that the IECA a retrograde return to the historic ‘two tier’ discriminatory system that was discriminatory and separated the formal identification of victims of modern slavery in accordance with their immigration status, with a separate competent authority for those who were subject to immigration control. This resulted in only 20% of third country nationals referred receiving positive identification decisions in comparison to over 80% of EU/EEA nationals¹. As recently as 2019, this inadequate system was judged by the UK anti-trafficking sector, the Oppenheim review² and the UK Government itself³, to require urgent revision and replacement by one Single Competent Authority, as is appropriate for all victims of serious crime.

Additionally concerning is that key stakeholders, including the Statutory Guidance Reference Group, the Independent Anti-Slavery Commissioner⁴ and MSSIG Victim Support Group, were first informed of changes only once the updated statutory guidance was online and publicly available. No members were consulted and no meeting to discuss these changes or seek input before publication convened. Meaningful consultation is extremely important prior to changes being made in order to prevent unintended consequences which prove to be detrimental to survivors, to the development of the UK Modern Slavery Strategy and to the UK’s international reputation as a leader in this field.

¹ Anti-Trafficking Monitoring Group. (2013). *Hidden in Plain Sight*. Available at: https://www.antislavery.org/wp-content/uploads/2017/01/hidden_in_plain_sight.pdf

² Oppenheim, J. (2014). *Review of the National Referral Mechanism for victims of human trafficking*. https://www.antislaverycommissioner.co.uk/media/1062/review_of_the_national_referral_mechanism_for_victims_of_human_trafficking.pdf

³ UK Government Annual Report on Modern Slavery 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927111/FINAL-2020_Modern_Slavery_Report_14-10-20.pdf

⁴ Independent Anti-Slavery Commissioner’s letter to the Home Secretary (2021) https://www.antislaverycommissioner.co.uk/media/1695/letter_to_home_secretary_on_ieca_11_november_2021.pdf