

Out from the Shadows:

Transforming support for victims of
Modern Slavery and Domestic Abuse
with No Recourse to Public Funds

December 2021



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Introduction

Domestic abuse and modern slavery are hidden crimes that flourish because victims feel unable to come forward. Stigma, fear that their testimony will not be believed, and concern about the consequences of reporting abuse can deter individuals from seeking help. But if victims continue to suffer in silence, their abusers will go on wreaking havoc in their lives – and claim countless other victims.

In the course of our work on modern slavery and domestic abuse we have come to understand that a particular cohort of victims faces additional barriers and deterrents to accessing support, reporting abusers and seeking justice: **those who, due to their immigration status, have no recourse to public funds.**

This report explores the shared experiences of the victims of these hidden crimes, to understand and compare the support available and the impact of immigration status and having no recourse to public funds, on recovery and the pursuit of justice. Our paper outlines how enabling these victims to access support, housing, and security can stop abusers and slavery gangs in their tracks as well as supporting the pursuit of justice. We aim to influence forthcoming legislation, including the *Victims Bill* and the *Nationality and Borders Bill*, as well as the policy that underpins it.

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The views and recommendations in this report are those of the Centre for Social Justice and Justice and Care and do not necessarily represent those of the organisation mentioned above.

The logo for Savannah Wisdom, featuring the words "SAVANNAH" and "WISDOM" stacked vertically in a bold, blue, sans-serif font.

Section One: The context

The “no recourse to public funds” (NRPF) condition has been a hallmark of immigration policy since 1971. It has been in-place to assure the public that controlled immigration brings real benefits to the UK and does not place excessive demands upon the country's finite resources.¹ An unintended but concerning consequence is that in certain circumstances it facilitates criminality, harms public health, and sharpens inequalities. The NRPF condition covers 1.4m people including families and 175,000 children,² many of them law-abiding residents of this country who have done nothing wrong. It affects all non-UK nationals who enter the country on a limited leave to enter or remain visa, including those on spousal or student visas, as well as overstayers and asylum seekers.

People with NRPF are mostly unable to apply for benefits,³ tax credits, and housing assistance. The term, however, is misleading. These individuals are eligible for some local-authority funded education and social care, limited specialist modern slavery support and for some pandemic-related assistance.⁴ This policy overwhelmingly affects individuals who are already vulnerable. Victims of domestic abuse (DA) and modern slavery (MS) are among the most disadvantaged members of our society and hidden victims of crime who endure abuse and exploitation in silence often behind closed doors.

- They share traumatic experiences—physical and mental abuse, deception and coercion;
- Many have special needs (mental and physical health issues) that leave them additionally vulnerable to exploitation and abuse;
- Many have children for whose sake they will jeopardise their own safety, livelihood; and
- A large number are invisible to the system due to the hidden nature of the crimes they have endured, except when they most need help.

Having no recourse to public funds (NRPF) limits the ability of victims of both DA and MS to report the crime and access the support they need to escape the situation of abuse and exploitation.

Section Two: What support is available?

There are specialist support avenues available for victims of both DA and MS with NRPF. These, however, fall short of a comprehensive framework that would enable victims to escape their abuse, rebuild their lives in safety and help bring their abusers to justice.

Victims of modern slavery

Victims of modern slavery with NRPF have the option of entering the National Referral Mechanism (NRM), which gives them access to some short-term support and protection offered by the Home Office and the devolved nations.⁵ Victims cannot apply directly to the NRM but have to be referred by a designated First Responder who identifies indicators of modern slavery and obtains consent to the victim's data being submitted to the Home Office. At a minimum, support is provided for 45 days in England, Wales and Northern Ireland and 90 days in Scotland. However, delays in decision-making means support is often available for much longer.

This support does not constitute general recourse to public funds nor access to mainstream benefits for its

1 House of Commons, Migrants: Finance, 23 June 2021 [Accessed via: <https://questions-statements.parliament.uk/written-questions/detail/2021-06-18/18470>]

2 Project 17, The Unity Project, The Children's Society, Domestic Abuse in Families with No Recourse to Public Funds, 2020 [Accessed via: <https://www.project17.org.uk/media/101935/Domestic-Abuse-in-Families-with-No-Recourse-to-Public-Funds-Briefing.pdf>]

3 London Councils, No Recourse to Public Funds, 2020 [Accessed via: <https://www.londoncouncils.gov.uk/our-key-themes/asylum-migration-and-refugees/no-recourse-public-funds>]

4 Ibid

5 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 2.5, November 2021 [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031731/modern-slavery-statutory-guidance-ew-non-statutory-guidance-sni_v2.5-final.pdf]

duration or afterwards.⁶ At the end of the NRM process, if they are formally confirmed as a victim by the Home Office, in England and Wales survivors are entitled to a 45 day 'move on period' of additional support; this may be extended by the Home Office under the Recovery Needs Assessment (RNA) process if victims have ongoing recovery needs that cannot be met by mainstream or asylum services. Victims with NRPF are not eligible for mainstream services so may need this extension, but the average length of support under the RNA was just 57 days and only 53% of support requests were approved in full during the first 10 months of the scheme.⁷

Victims of modern slavery receive no immigration status at the end of the NRM process. Some may apply for asylum and others are entitled to apply for discretionary leave to remain for 12-30 months where leave is necessary according to the victim's personal circumstances, or where they were seeking compensation or assisting criminal proceedings.⁸ However, an ever-shrinking minority of confirmed victims (just 11% in 2016-2020) have been granted discretionary leave to remain⁹. Provisions in the Nationality and Borders Bill will establish an equivalent temporary leave to remain in statute. The Bill will limit the criteria to individuals with recovery needs arising specifically from their exploitation that cannot be met in a third country.

Victims of domestic abuse

NRPF survivors of domestic abuse do have some options: if they came to the UK on a spouse or partner visa, they can apply for financial support through the Destitution Domestic Violence Concession (DDVC) and also Indefinite Leave to Remain under the Domestic Violence Rule (DVILR). DVILR however requires evidence of abuse, which can be difficult to collect.¹⁰

The DDVC gives those on a spousal or partner visa 3 months' leave outside of the immigration rules as well as a fixed term period of recourse to public funds to help with accommodation and avoid destitution whilst they apply for DVILR. The support includes safe refuge, access to benefits and 2-year funding for children, as well as access to health vouchers and free school meals. This is significant and makes a real difference two survivors' lives and outcomes.

DVILR allows the applicant to settle in the UK, to work and study here, to access a range of benefits including free NHS care, child benefit, housing benefit, income-based jobseeker's allowance and universal credit, and to have family members join on family visas. However, the DDVC and DVILR currently exclude many victims (two thirds) who have entered the country with other types of visas including those on tourist visas, holding student visas or working visas.¹¹ Victims of DA on a spousal or partner visa have access to legal aid for asylum and humanitarian as well as for some human rights cases.

6 Home Office, Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK - end of year summary, March 2021 [Accessed via: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020>]

7 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 2.5, November 2021 [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031731/modern-slavery-statutory-guidance-ew-non-statutory-guidance-sni_v2.5-final.pdf]

8 Home Office, Discretionary leave considerations for victims of modern slavery, December 2020 [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941844/dl-for-victims-of-modern-slavery-v4.0ext.pdf]

9 ECPAT UK, FOI request, 2016-2020 [Accessed via: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=6fe8c52a-2290-4058-98da-68c8f1b534bd>]

10 Welsh Women's Aid, Shut out from safety – the survivors of domestic abuse with no recourse to public funds, December 2020 [Accessed via: <https://www.welshwomensaid.org.uk/2020/12/shut-out-from-safety-the-survivors-of-domestic-abuse-with-no-recourse-to-public-funds/>]

11 Southall Black Sisters, The Domestic Abuse Bill & Migrant Women Briefing Paper 2, January 2021 [Accessed via: <https://southallblackisters.org.uk/wp-content/uploads/2021/01/DA-Bill-Briefing-Paper-2.pdf>]

Section Three: The issues

Barriers to accessing support

Accommodation

Stakeholders have told us that getting access to emergency accommodation for victims with NRPF is challenging.

The NRPF conditions means that a person is not eligible for local authority housing, so victims must first self-identify as a victim of MS or DA. For victims of MS, accommodation can be available during the NRM but many victims refuse to engage with the system because they fear the authorities. Stakeholders have repeatedly told us that victims need time and space to make an informed decision about whether to enter the NRM, yet no accommodation is available for victims with NRPF to allow them time to consider their options prior to a referral (unless they have sought asylum).

Accommodation is also not routinely available for MS victims until they receive a positive first stage ('reasonable grounds' decision) under the NRM, unless the victim is considered destitute or eligible for asylum accommodation. Although statutory guidance allows asylum-seeking victims to be accommodated in a safe house following a risk assessment, the majority appear to be housed in asylum accommodation and receive outreach support. Research has highlighted concerns about significant numbers of MS victims living in unsuitable asylum accommodation, often with multiple occupancy and mixed genders, which can be especially distressing for victims of sexual exploitation and those that have suffered trauma.¹²

If adult victims with NRPF refuse to enter the NRM for any reason they face two options: destitution, or staying with their trafficker.

Even for those who enter the NRM, unless they qualify for asylum accommodation, victims with NRPF have no immigration status or right to access housing after being confirmed as a victim by the Home Office.

Victims of domestic abuse are also ill-served by the present system. When waiting for a decision on an application for indefinite leave to remain and access to welfare benefits, migrant victims with NRPF struggle to access accommodation and other community-based support. According to Women's Aid's "Domestic Abuse Report 2021", only 4% of vacancies listed in 2019-20 could consider women with NRPF. In the Greater Manchester City area, for instance, there are only four designated spaces for these victims. Refuges, funded by housing benefits, are also difficult to access for NRPF survivors, as they cannot claim these benefits. This forces charities to cover costs of accommodation for their clients, which can be substantial: in Manchester, we heard from Safety4Sisters that it costs £40 a night to put up a victim in a B&B. It costs £330 per week to put them in a refuge (with the charity claiming back £120 per week). A further difficulty for migrant women, highlighted by the Domestic Abuse Commissioner in her recent "Safety Before Status" report, is the limited provision of specialist refuges available to black and minoritised, LGBTQ+ and disabled survivors across the country.¹³ The small "by and for" sector – mainly comprising local charities – which can assist this cohort, faces significant funding challenges under the existing procurement process, which tends to benefit instead the national, non-specialist stakeholders.¹⁴

12 British Red Cross, Far From a Home: Why Asylum Accommodation Needs Reform, March 2021 [Accessed via: <https://www.redcross.org.uk/far-from-a-home/>]; Hibiscus Initiatives, Closed Doors: Inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum, November 2020 [Accessed via: https://hibiscusinitiatives.org.uk/wp-content/uploads/2020/12/2020_11_24-HI_Closed-Doors_Main-Report_FINAL_DIGITAL.pdf]

13 Independent Domestic Abuse Commissioner, Nicole Jacobs: Safety Before Status, October 2021 [Accessed via: <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>]

14 Ibid

Children

Children's access to services is dictated by their parents' eligibility. Even when a child is a British national, or has secure status in the UK, if their parents have NRPF they do not receive child benefit or some passported benefits like FSM and pupil premium¹⁵

Although Section 17 of the Children Act 1989 outlines the duty of local authorities to protect and promote the wellbeing of local children in need and support the upbringing of children by their families, Safety4Sisters reported that 7 out of the 11 families they were working with were initially refused accommodation from social services during the pandemic.¹⁶ Moreover, stakeholders have found that in several cases, even Independent Domestic Violence Advocates were unaware of section 17 of the Children Act. Where NRM or asylum accommodation is unavailable, MS victims with children can be accommodated by local authorities under section 17 of the Children Act. But, as with victims of domestic abuse, MS victims with children have reported their difficulty in accessing this support, with those from EU countries being advised to return to their home country.¹⁷

The Children's Society have encountered instances when social workers assessed that it was safe for children to be placed with the abusive parent, as opposed to the victim parent with NRPF status, because the abuser had access to secure accommodation and income; this held true even in cases where that parent had previously posed a safeguarding risk following violence towards the children.¹⁸ Victims of DA have found local authorities threatening to take children into statutory care rather than support a destitute parent (without leave to remain) who is fleeing abuse along with their children.¹⁹

Tamma's Story

Tamma and her family were referred to FLF in October 2018 after her partner Sayid was arrested and charged with domestic abuse-related offences. Tamma had approached her local jobcentre for assistance but was turned away. The family were assessed for Section 17 support but no financial assistance was made available. Tamma could not afford school uniform for her youngest child. Their social worker reported that the family had very little furniture in their home and that the accommodation was in a pitiful state. The family was at risk of eviction—a Section 8 Notice seeking possession had been served due to unpaid rent. Tamma's children were assessed as being at risk of neglect and became subject to Child Protection proceedings. In the meantime, Sayid was given an eight-week suspended sentence and released due to time already served. Sayid immediately returned to the family home, and due to her financial situation, Tamma decided to reconcile with Sayid, believing her children would be better off as he would be able to access welfare benefits until he could source another job. Safeguards were put into place and the family was supported Universal Credit. FLF generally works with clients from 3-5 weeks with a maximum of 3-4 hour sessions. This case took six months, 23 phone calls, 54 interagency emails, and 20 sessions with the family. FLF have calculated this case took approximately 80 hours of the project worker's time.

Case study from First Love Foundation

15 NRPF Network: Support for Victims of Domestic Abuse [Accessed via: <https://www.nrpfnetwork.org.uk/information-and-resources/policy/support-for-victims-of-domestic-abuse/>]

16 Safety4Sisters, Locked in abuse, locked out of safety – the pandemic experiences of migrant women, October 2020 [Accessed via: <https://www.safety4sisters.org/blog/2020/10/19/locked-in-abuse-locked-out-of-safety-the-pandemic-experiences-of-migrant-women>]

17 Office of the Independent Anti-Slavery Commissioner, Time to Deliver: Considering pregnancy and parenthood in the UK's response to human trafficking, February 2016 [Accessed via: <https://www.antislaverycommissioner.co.uk/media/1254/time-to-deliver.pdf>]

18 Project 17, The Unity Project, The Children's Society, Domestic Abuse in Families with No Recourse to Public Funds, 2020 [Accessed via: <https://www.project17.org.uk/media/101935/Domestic-Abuse-in-Families-with-No-Recourse-to-Public-Funds-Briefing.pdf>]

19 Project 17, The Unity Project, The Children's Society, Domestic Abuse in Families with No Recourse to Public Funds, 2020 [Accessed via: <https://www.project17.org.uk/media/101935/Domestic-Abuse-in-Families-with-No-Recourse-to-Public-Funds-Briefing.pdf>]

Information sharing and fear of deportation

Even where they are eligible, MS and DA victims with NRPf are often nervous about accessing public services (including healthcare, education and local authority services) and even specialist charities out of fear that their immigration data will be collected and shared with the authorities. This fear is well-founded as currently essential public services (e.g. DHSC, DfE, DVLA, DWP, HMRC) and even homelessness outreach services collect information and share it with Home Office immigration enforcement teams, all too often without the victim's knowledge or permission. Frontline professionals are often unaware of such data-sharing agreements.²⁰

Inequalities

Inequalities persist in access to accommodation for victims of DA. Just under half (45.5%) of DA survivors have no access to public funds; and black and minoritised women are disproportionately represented in this category: four in five black and minoritised women are turned away from refuges as a result of the NRPf condition.²¹ Nationals of Pakistan and India constitute two fifths of all applications under the DV Rule.²² Despite black and minoritised survivors representing such a high proportion of victims of DA, there are currently only 30 specialist refuges for these women around the country (mainly in London, mainly oversubscribed and often underfunded).²³

Yet this group was particularly affected by the pandemic, as Safety4Sisters found. In "Locked in Abuse, Locked out of Safety", which took evidence from referral data, case files, and a survey with 15 members of the S4S survivors group, they report that during lockdown their referrals and caseload doubled. 100% of women referred were initially refused a refuge space due to the NRPf condition.

Barriers to reporting the crime

When victims feel unable to report what has happened to them, improving pathways to support will be of limited benefit.

Current rhetoric around strong border control and abuse of protection systems by individuals trying to bypass immigration rules deters victims from coming forward and thus undermines efforts to safeguard them. An example of this is the Nationality and Borders Bill currently before Parliament. This includes measures to address a presumed increase in people falsely claiming to be victims of modern slavery to evade immigration detention. There is, however, no evidence to suggest that the increase results from fraudulent claims rather than other factors.²⁴ The heightened awareness of slavery among immigration staff and those working on the front-lines, and an increasing number of survivors feeling confident enough in the statutory authorities to come forward, are two such factors.²⁵

Forging a link between victims and immigration stokes fear and mutual suspicion among survivors, immigration services, and the public at large. Survivors feel that they are being portrayed as criminals rather than as victims of criminal abuse, even where their immigration status is not contested, and they have not been involved in any kind of illegal behaviour. This leads to an increased fear of the authorities and plays into the hands of the perpetrators who use that fear to continue exploiting and abusing their victims.

20 Liberty, Care Don't Share, December 2018 [Accessed via: <https://www.libertyhumanrights.org.uk/issue/care-dont-share/>]

21 The Women's Aid Domestic Abuse Report, 2021 [Accessed via: <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf>]

22 Home Office Migrant Victims of Domestic Abuse: Review Findings, July 2020 [Accessed via: <https://www.gov.uk/government/publications/migrant-victims-of-domestic-abuse-review>]

23 Southall Black Sisters, The Domestic Abuse Bill & Migrant Women: Briefing Paper 2, 2021 [Accessed via: <https://southallblacksisters.org.uk/wp-content/uploads/2021/01/DA-Bill-Briefing-Paper-2.pdf>]

24 The data showing a significant increase in modern slavery referrals from immigration detention also shows that the majority were still awaiting a final decision as to whether the person was a victim or not when the data was published in March 2021 (over 85% of the 2019 NRM referrals for people detained for immigration offences and 57% of Foreign National Offenders): Issues raised by people facing return in immigration detention, Home Office 16 March 2021 updated 19 July 2021 Table 6f. [Accessed via: <https://www.gov.uk/government/publications/issues-raised-by-people-facing-return-in-immigration-detention/issues-raised-by-people-facing-return-in-immigration-detention>]

25 The Independent Anti-Slavery Commissioner has pointed to the lack of clear evidence the modern slavery system is being abused. IASC Letter to the Rt Hon Priti Patel MP Home Secretary [Accessed via: <http://www.antislaverycommissioner.co.uk/media/1668/iasc-letter-to-the-rt-hon-priti-patel-mp-home-secretarymarch-2021.pdf>]

Rachel's Story

On turning 17, Rachel, a young Nigerian woman, was ordered by her abusive stepfather to drop out of school and prostitute herself. When she tried to resist she was beaten so badly she ended up in hospital. Though the police were called, they failed to listen to her story of exploitation and abuse, even telling her to obey her parents.

With the help of a client Rachel eventually fled to the UK on a student visa. She dreamed of studying computer science and getting a well-paid job to support her mother. She ended up, however, moving in with her stepfather's brother, who took away her passport, regularly humiliated her, and forced her back into prostitution.

After two years in the UK Rachel's student visa ran out. Fearing deportation, Rachel did not dare tell her story to the police or seek support from the local authorities. Instead, desperate to remain in the UK, she paid £3,000 to scammers who promised to regularise her immigration status. These scammers took all of Rachel's money but the Home Office rejected her application for leave to remain.

One day Rachel's door was broken down by police officers. Having checked her immigration status, and despite the fact that Rachel had committed no other crime, the police took her away in handcuffs to Yarl's Wood Immigration Removal Centre. Unable to pay her bail, Rachel spent eight months in Yarl's Wood, where she was interrogated about her past and forced to relive her trauma. During her detention Rachel fell extremely ill, was treated very poorly by the staff, and made three unsuccessful suicide attempts.

After the failure of Rachel's first lawyer to get her into the NRM, the second managed to get her out of Yarl's Wood to an initial accommodation centre in Wakefield, then a room in Barking and finally a house in Ilford. During this period Rachel was unable to work. The asylum support payments she received were stored on a card that could only be used in certain shops, excluding her local African supermarket where she wanted to buy food.

Whilst in Ilford, Rachel's third lawyer applied for reconsideration of her negative NRM decision and she eventually received both a positive 'reasonable grounds' and positive 'conclusive grounds' decision recognising her as a victim of modern slavery. She was granted a year's discretionary leave to remain, and was finally free to move around, meet people, and make connections.

Rachel has now completed a workplace skills training course and is searching for job opportunities.

We have changed Rachel's name to protect her identity. Case study from Street Talk.

Fear that their immigration data will be shared with the Home Office for the purposes of immigration control can make survivors like Rachel vulnerable to criminal exploitation.²⁶ Many victims have suffered for months, even years, under the hands of abusers and exploiters who have used intimidation and scare tactics to increase their victims' dependency on them, while reducing their trust in the authorities.²⁷ Perpetrators can confiscate identity or travel documents, keep the victim isolated and uninformed about their immigration status, and threaten them with deportation.²⁸ The charity Imkaan recently found that 92% of migrant women had reported threats of deportation from the perpetrator of their abuse.²⁹

26 Home Affairs Select Committee Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home, April 2020 [Accessed via: https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/321/32105.htm#_idTextAnchor000]

27 Hestia, 2019. Underground Lives: Police Response to Victims of Modern Slavery [Accessed via: <https://www.hestia.org/Handlers/Download.ashx?IDMF=952a9bfc-b57e-42f0-9ff3-6efcafb5db6f>]; Liberty and Southall Black Sisters, 2018. Super-Complaint Prepared by Liberty and Southall Black Sisters [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf]; McLwaine, C., Granada, L. & Valenzuela-Oblitas, I., 2019. The Right to be Believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London, London: Latin American Women's Rights Service [Accessed via: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>]

28 Ibid

29 Imkaan, Vital Statistics 2: Key Findings Report on Black, Minority Ethnic and Refugee Women's and Children's Experiences of Gender-based Violence, 2012 [Accessed via: https://drive.google.com/file/d/0B_MKSoEcCvQwWHA0eG81cFZxc0U/view?resourcekey=0-NkqniadVZWmk9LWd4Ja-2g]

Such intimidation fosters a victim's dependence on the abuser for physical and emotional needs.³⁰ Abusers can also exert economic control over their victims, who often work for the perpetrator and stand to lose their livelihood if they report them.

Although some police forces have introduced specialist training to engage victims of DA and MS, individuals with NRPf persist in feeling wary of police constabularies. One reason is that in 2018 it was reported that over half of UK police forces had referred undocumented victims of crime to the Home Office³¹ – even though police are not legally obliged to share data on undocumented individuals with Immigration Enforcement.

One in two migrant women with an insecure immigration status do not report abuse to the police for fear of disbelief, destitution, detention and deportation.³² A 2017 report on the role of victim support in prosecuting modern slavery found 'the lack of immigration status and fear of deportation is identified by UK victims as a significant hurdle in them engaging with the authorities, as they fear removal to their country of origin.'³³ In a survey carried out by the CSJ, police officers cited fear of the authorities as being among the top three reasons they saw for victims of modern slavery not consenting to enter the NRM (along with fear of their exploiters and the fact that they do not perceive themselves to be a victim).³⁴

Two separate super-complaints on police treatment of victims of DA and MS with insecure immigration status were made to HMICFRS in 2018 and 2019.³⁵ Subsequent investigations found no evidence of intention within policing to create a culture that prioritises immigration enforcement, even though police and Home Office were sharing data on victims with insecure immigration status and in some instances, this was for the purpose of immigration enforcement. The report on data sharing recommended that the practice be ceased, finding that data sharing in the case of domestic abuse victims causes 'significant public harm'. The NPCC has rejected this crucial finding and recommendation,³⁶ fostering a strong perception among organisations supporting victims of crime and victims themselves that enforcement rather than safeguarding remains the priority. HMICFRS rejects this perception.

New NPCC guidance published in 2020 on information sharing where victims or witnesses are suspected to be immigration offenders states that 'Officers will not routinely search police databases for the purpose of establishing the immigration status of a victim/witness'. It also states that the police should prioritise the investigation of the allegation reported by the victim and putting in place measures that protect the victim or witness from harm.³⁷ However, the guidance still suggests that 'when a victim/witness is suspected by an officer of being an immigration offender, the police will share information about them with the Home Office' and says the police should tell victims that they intend to pass their information to the Home Office.

30 Welsh Women's Aid, Shut out from safety – the survivors of domestic abuse with no recourse to public funds, 2020 [Accessed via: <https://www.welshwomensaid.org.uk/2020/12/shut-out-from-safety-the-survivors-of-domestic-abuse-with-no-recourse-to-public-funds/>]

31 HMICFRS, Safe to share? Liberty and Southall Black Sisters' super-complaint on policing and immigration status, 2020, [Accessed via: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/liberty-and-southall-black-sisters-super-complaint-on-policing-and-immigration-status/>]

32 McIlwaine, C., Granada, L. & Valenzuela-Oblitas, I., 2019. The Right to be Believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London, London: Latin American Women's Rights Service [Accessed via: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>]

33 Wilson LLP, Nusrat's research report: The UK is lagging behind in the fight against Modern Slavery, 2018 [Accessed via: <https://www.wilsonllp.co.uk/nusrats-research-report-the-uk-is-lagging-behind-in-the-fight-against-modern-slavery/>]

34 Joint Modern Slavery Unit survey with police officers, Spring 2021, total 26 respondents

35 HMICFRS, Safe to share? Liberty and Southall Black Sisters' super-complaint on policing and immigration status, 2020, [Accessed via: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/liberty-and-southall-black-sisters-super-complaint-on-policing-and-immigration-status/>]

36 Hestia, 2019. Underground Lives: Police Response to Victims of Modern Slavery [Accessed via: <https://www.hestia.org/Handlers/Download.ashx?IDMF=952a9bfc-b57e-42f0-9ff3-6efcafb5db6f>]; Liberty and Southall Black Sisters, 2018. Super-Complaint Prepared by Liberty and Southall Black Sisters [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf]; McIlwaine, C., Granada, L. & Valenzuela-Oblitas, I., 2019. The Right to be Believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London, London: Latin American Women's Rights Service [Accessed via: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>]

37 Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender, National Police Chiefs Council, 2020 [Accessed via: https://www.npcc.police.uk/Guidance%20on%20Info%20Sharing%20with%20Home%20Office_Website%202020.pdf]

When victims do summon the courage to approach police the response is patchy. Some report being met with scepticism and doubt about whether they are indeed a victim; the appropriate steps to safeguard them are not always taken.³⁸ This is not unique to victims of DA or MS with NRPF or insecure immigration status. However, immigration status, English language skills, exploitation in the context of criminal activities (for MS victims) or perpetrators who are British nationals and able to manipulate the system to avoid investigation (in the case of DA) can all affect the police response.³⁹

If victims do not report crimes out of fear of deportation, or are treated as immigration offenders rather than victims, their abusers can evade justice and claim new victims. On average, each perpetrator of domestic abuse will claim six victims in their lifetime.⁴⁰ Modern slavery offenders are also often responsible for exploiting multiple victims. For example, the landmark *Operation Fort* case took statements from 92 victims but police believe there may have been up to 300 people exploited by the gang – 11 of whom have now been convicted and sentenced.⁴¹ Supporting victims to report the crime and engage with police ultimately helps bring perpetrators to justice and reduce the threat to society.

Section Four: Recommendations

Survivors of DA and MS are first and foremost victims of crime. They need to be empowered and supported to report their abuse and to access services. This would not only put a stop to their suffering and help them rebuild their lives but could disrupt criminal gangs and bring perpetrators to justice. Such a strategy would contribute to the safeguarding of public health and addressing race and ethnic inequalities. Transforming the way victims of MS and DA with NRPF are supported should be a national priority. Below, we outline the reforms that need to be made, to remedy the current situation.

Modern Slavery and Domestic Abuse Survivor Local Fund

We recommend that the Chancellor establishes an annual central NRPF safeguarding fund for local authorities to bid into, based on the need in their area. This would be dedicated to supporting unprotected victims of domestic abuse and modern slavery prior to accessing the NRM or in the process of regularising their immigration status. The fund would cover safe and appropriate accommodation, basic subsistence, advice regarding individual entitlements and rights, specialist support and advocacy, children's free school meals, and secondary health services. This fund would also support data-gathering. Its distribution will prompt LAs to conduct better and more comprehensive mapping exercises.

At a roundtable hosted by the CSJ which drew together Nicole Jacobs, the Domestic Abuse Commissioner, and specialist groups and local charities in the sector, we heard that funding needs to reach front-line services, in a more direct manner. These crucial services routinely are disadvantaged by local commissioning structures. In order to bypass these structures, the fund could be held or administered by PCCs or mayors rather than local authorities - or distributed directly by the Ministry of Justice, which has extensive experience of commissioning victim support services.

38 Hestia, 2019. Underground Lives: Police Response to Victims of Modern Slavery [Accessed via: <https://www.hestia.org/Handlers/Download.ashx?IDMF=952a9bfc-b57e-42f0-9ff3-6efcafb5db6f>]; Liberty and Southall Black Sisters, 2018. Super-Complaint Prepared by Liberty and Southall Black Sisters [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf]; McIlwaine, C., Granada, L. & Valenzuela-Oblitas, I., 2019. The Right to be Believed: Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London, London: Latin American Women's Rights Service [Accessed via: <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>]

39 Ibid

40 Drive Project, A Domestic Abuse Perpetrator Strategy for England and Wales: Call to Action, January 2020 [Accessed via: <http://driveproject.org.uk/wp-content/uploads/2020/01/Call-to-Action-Final.pdf>]

41 IASC, Operation Fort: What businesses should learn from the UK's largest anti-slavery prosecution, June 2020 [Accessed via: <https://www.antislaverycommissioner.co.uk/media/1421/iasc-operation-fort-review-june-2020.pdf>]; CPS, Operation Fort: Three gang members convicted of human trafficking, June 2021, [Accessed via: <https://www.cps.gov.uk/west-midlands/news/operation-fort-three-gang-members-convicted-human-trafficking>]

Southall Black Sisters estimates that each year, a safeguarding fund would need to cover 2,420 victims and survivors of DA with NRPF who are not currently eligible for support via the DDVC. The Home Office reports that the average DDVC monthly benefit claim is estimated at £857.68. Covering housing benefit and a stipend for a three-month period to those 2,420 DA victims a year would cost an estimated £6.21m per annum.

The Home Office NRM referral statistics for 2020 record 6,288 adult foreign national victims either referred to the NRM or reported under the Duty to Notify process. These victims are most likely to have NRPF. Providing up to one month of accommodation and a stipend for these victims pre-NRM would cost approximately £5.39m per annum (although it should be noted that many may be asylum seekers or enter the NRM within a month, therefore needing less support).

In total then, £11.60m per annum would cover vital support for an estimated 8,710 MS and DA survivors with NRPF.

Firewall

Erecting an information firewall between immigration authorities and police and other services to end the data-sharing that can be weaponised against survivors with insecure immigration status would confer significant benefits. When victims can be more certain about their future outside of slavery or domestic abuse, they are more likely to cooperate with the police and report crime. A greater number of perpetrators and traffickers would be apprehended, which would reduce costs and reduce the number of potential victims, as well. Fewer survivors would develop serious needs or slip back into exploitation and trafficking.⁴²

Police guidance and protocols should focus on investigating the crimes alleged by victims. Police should not routinely share with the Home Office information of victims or witnesses they suspect of being immigration offenders.

The Home Office should consider how data shared with the Single Competent Authority for the purposes of the NRM can be protected for that use only, and not used for the enforcement of immigration rules.

Extend the Destitution Domestic Violence Concession (DDVC)

We would support an amendment to the Domestic Abuse Act that would extend eligibility for the DDVC to all migrant women with insecure immigration status (not just those on a spousal/partner visa) and extend the DDVC timeframe from 3 to at least 6 months, so that all migrant women subject to domestic abuse can obtain immediate safe accommodation and support.⁴³ The Government should expedite the evaluation of the current *Support for Migrant Victims* pilot so it can urgently consider the need for this extension, taking account of existing evidence outside the pilot.⁴⁴

Extend access to legal aid

All victims of DA should be able to access legal aid for all immigration matters—as victims of MS already can. Legal aid should not be restricted to those on spousal/partner visas or for asylum or Domestic Violence Indefinite Leave to Remain applications. This should include advice on the DDVC. All victims of MS should have access to legal aid for advice on the NRM prior to referral (regardless of their having legal aid for an immigration case). The Government should also monitor and review the access of DA and MS to high-quality legal aid solicitors and take steps to address any disparities in provision.

42 CSJ & Justice and Care, *It Still Happens Here*, 2020 [Accessed via: <https://www.centreforsocialjustice.org.uk/library/it-still-happens-here-fighting-uk-slavery-in-the-2020s>]; CSJ & Justice and Care, *A New Plan for Immigration Consultation response 2021* [Accessed via: <https://www.centreforsocialjustice.org.uk/library/new-plan-for-immigration-consultation-response-identifying-and-supporting-victims-of-modern-slavery-and-human-trafficking/>]

43 Amendments to this effect were proposed and rejected during the passage of the Domestic Abuse Act 2020

44 The Parliamentary Under-Secretary of State for the Home Department at Second Reading of the Domestic Abuse Bill 28 April 2020 Hansard Vol. 675 Column 299 [Accessed via: <https://hansard.parliament.uk/commons/2020-04-28/debates/AABF0D9C-D3BC-40C5-830A-52073E09ED35/DomesticAbuseBill#contribution-AB730978-155B-41CC-BA96-58008497DBDE>]

Provide ongoing support and temporary leave to remain to confirmed victims of modern slavery

All confirmed victims of modern slavery with a positive 'conclusive grounds' decision should receive an additional 12 months' of support after the NRM, including leave to remain for those with irregular immigration status.⁴⁵ This would enable more victims to engage with police investigations and would support their recovery and protect them against re-exploitation.

⁴⁵ CSJ & Justice and Care, *It Still Happens Here*, 2020 ; CSJ & Justice and Care, *A New Plan for Immigration* consultation response, 2021

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