



## UK Government's New Plan for Immigration

### Consultation response submitted on behalf of the Rights Lab, University of Nottingham

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#### About the Rights Lab

The Rights Lab delivers research to help end modern slavery. We are the world's largest group of modern slavery researchers, and home to many leading modern slavery experts. Through our five research programmes, we deliver new and cutting-edge research that provides rigorous data, evidence and discoveries for the global antislavery effort. More information about the Rights Lab is available at: [www.nottingham.ac.uk/rights-lab](http://www.nottingham.ac.uk/rights-lab).

#### Introduction

The New Plan for Immigration (referred to as the Plan throughout this submission) clearly demonstrates that the Government's approach to modern slavery is via an immigration lens. **The Rights Lab believe this approach will have detrimental impacts on those victims and survivors the Government seek to support.** Modern slavery is not solely an immigration issue (as evidenced by the number of UK nationals identified as potential victims of modern slavery and referred to the NRM) – addressing it requires cross-government collaboration and a human rights approach. Proposals relating to victim identification and support, including the National Referral Mechanism (which is not an immigration policy) and the UK's Modern Slavery Strategy should not appear in an Immigration Plan.

We welcome the provision of improved support, protection and assistance for potential and identified victims of modern slavery. **However, we are not convinced that proposals made within Chapter Six (Supporting Victims of Modern Slavery) will be effective. The detail behind the proposals provided in the Plan is lacking and means we are unable to comment fully on what is being proposed.** The consultation survey requires respondents to tick boxes to indicate how effective we believe the proposals in the Plan to be, however the lack of detail in the Plan means that we cannot be sure of the intention behind the proposals nor what effect the proposals would have. **Whilst we have attempted to respond to each of the areas outlined in Chapter Six in turn below, without further details and without being sighted on the underpinning data and evidence we cannot support the Plan's proposals.**

**Overall, we have concerns about the approach being taken, the terminology being used, the lack of evidence the plans are based on and the preoccupation with viewing modern slavery through an immigration lens.**



## General Comments on the New Plan for Immigration

The notion of ‘toughening the stance on illegal entry’ (p. 4) and the subsequent approaches briefly outlined in the Plan, namely the ‘one-stop process’ (Chapter 5) and the expectation that all protection issues will be raised upfront by victims of modern slavery in their first encounter with frontline authorities, prove problematic when considering those who have experienced modern slavery, for the following reasons:

1. A potential victim may not know they have entered the UK illegally.
2. A potential victim may enter legally and then their status/visa may run out (potentially whilst in a situation of exploitation).
3. A potential victim may no longer meet the conditions of their visa (potentially due to exploitative circumstances).
4. A potential victim may be a UK national and therefore the approach needed is not one of immigration.

In each of these situations under the proposals in the Plan, a potential victim of modern slavery, upon presentation to authorities, could face detention and deportation instead of being provided the support to which they are entitled under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) and Home Office Statutory Guidance (under Section 49 of the Modern Slavery Act 2015). There is a significant risk that a two-tier system will be created in which an individual’s nationality rather than their experience of exploitation dictates the support they will receive.

The UK Government does not routinely publish data on the number of identified victims who have entered the UK under the conditions listed in points 1-3 above; therefore, we are unsighted as to the numbers of potential victims of modern slavery that would fall into each category and may be penalised under the new systems and approaches proposed in the Plan. At worst, under the proposals in the Plan, victims may be stuck in a situation of exploitation for fear of detention or removal upon presentation to the authorities or First Responder agencies. This fear will be used as a control mechanism by exploiters to hold people in situations of exploitation. As identified in the [Independent Review of the Overseas Domestic Worker Visa](#), conducted by James Ewins QC (2015), the use of visas tying domestic workers to specific employers and the absence of a universal right to change employer and apply for visa extensions are incompatible with the reasonable protection of overseas domestic workers whilst they are in the UK (p. 5). Whilst the system of tied visas has now changed, domestic workers are still only able to change employer during their 6-month domestic visa. [Kalayaan](#) (2021) report this to be problematic, with some workers not having much time remaining on their visa and some having had passports confiscated by their employer. Without ID, proof of their right to work and references, workers have no option but to stay and take any work they can to survive. The issue currently being faced by those on domestic visas may be amplified and impact all potential victims who rely on visas to enter the UK.

A [recently published evidence review](#), prepared by the Rights Lab for Delta 8.7 at the United Nations University Centre for Policy Research, of 18 global academic studies showed that restrictive immigration policies and strict border controls increase the risks of modern



slavery, reduce the likelihood of victim identification, and result in the criminalisation of victims (see Hypothesis 17, p. 58- 60). [Further research](#) undertaken by Rights Lab academics has shown that the UK's 'hostile environment' to migrants may be undermining the effectiveness of 'spot the signs' campaigns, by discouraging members of the public from reporting due to concerns about adequacy of support for survivors and negative consequences relating to immigration. A [forthcoming research report](#) by the Rights Lab focusing on the risks of exploitation for vulnerable migrants in the UK after Covid-19 will highlight the concerns expressed by businesses and NGOs about more restrictive immigration rules for EU nationals post-Brexit exacerbating labour exploitation.

It is concerning that the Home Office plans to make it more difficult for survivors to be released from detention under the guise of '*preventing criminals from taking advantage of modern slavery support and safeguards*'. No evidence has been provided by the UK Government on the numbers of criminals who are using the modern slavery systems to frustrate removal from the UK. In March 2021, the [Home Office, in their submission to the Secondary Legislation Scrutiny Committee](#), admitted that "*some individuals may, as a result of the changes, be more likely to be detained, or have their detention continued, than would currently be the case.*" Discerning the numbers of individuals who have been identified as survivors and who have at some point been held in detention is very difficult, as there has been a lack of data released by the Government and an unwillingness to comment on statistics presented, either through parliamentary questions or Freedom of Information requests. In efforts to construct an understanding of the issue it has been estimated that 2,580 individuals with reasonable grounds decisions in the NRM and 373 individuals with conclusive grounds decisions have been held in immigration detention between 2017-2019 (See [After Exploitation, 2020](#)). Detention is not an appropriate environment for a recovery and recovery period. The specialist support to which survivors of modern slavery are entitled to in the NRM cannot be provided in detention. The damaging effects of detention on individuals has been [repeatedly documented](#) and these effects [have been shown](#) to be compounded when the individual has also suffered trauma.

The Plan, and the [press release](#) accompanying it, makes repeated reference to an '*alarming rise of abuse within the modern slavery system*', however **no evidence has been provided to substantiate this claim**. [Recent research](#) published by the Rights Lab in fact provides evidence to the contrary; vexatious claims appear to have decreased over recent years (see 'Overarching comments on Chapter 6' below, p.4). The Home Office press release and its claims have been challenged and a [formal complaint submitted by Immigration Barristers](#) based on the fact they believe the Home Office to have presented unevidenced political opinions as established fact, which risks misleading the public who have been asked to contribute to this consultation.

## Chapter 6: Supporting Victims of Modern Slavery

### Overarching comments

It is noted that other chapters in the Plan produce statistical data to set the context behind the relevant proposals. However, Chapter Six does not provide any data or wider evidence



to support the statements made. The following statements copied from Chapter Six present as particularly problematic to the Rights Lab -

- 'However, over recent years we have seen an *alarming increase in the number of illegal migrants, including Foreign National Offenders (FNOs) and those who pose a national security risk to our country, seeking modern slavery referrals – enabling them to avoid immigration detention and frustrate removal from our country*' (p.31).
- 'The Government believes there is a need to act now to build a resilient system which identifies victims of modern slavery as quickly as possible and ensures that support is provided to those who need it, *distinguishing effectively between genuine and vexatious accounts of modern slavery*' (p. 32).

Again, no data, empirical evidence, or independent academic research has been provided to back up these claims of fraudulent or vexatious referrals and accounts. In fact, data from the [2020 End of Year Report](#) of NRM statistics would suggest the opposite; for instance, of the NRM decisions made by the Single Competent Authority in 2020, 92% (9,765) of reasonable grounds and 89% (3,084) of conclusive grounds decisions were positive.

A [comparative study of the top 20 source countries](#) for modern slavery in the UK, published in April 2021, also provides evidence to the contrary. NRM data sourced through Freedom of Information (FOI) requests shows that from 2016-2019, positive conclusive grounds decision rates for referrals into the NRM from the top 20 non-UK source countries *consistently increase for cases conclusively decided in each year*. That is to say, the proportion of referrals that result in a positive conclusive grounds decision across these 20 countries has increased annually since 2015. This speaks against the suggestion of a significant increase in vexatious NRM referrals. Likewise, the proportion of referrals that receive negative reasonable grounds decisions decreased in 2019 and 2020, as did cases suspended or withdrawn. In the absence of evidence to support the claim that vexatious claims have increased, this also indicates that in fact such claims may have decreased in recent years.

**Conclusive Grounds (CG) decisions for top 20 non-UK source countries:**

CGs on 2015 referrals: 55.7% positive

CGs on 2016 referrals: 52.7% positive

CGs on 2017 referrals: 59% positive

CGs on 2018 referrals: 69.4% positive

CGs on 2019 referrals: 77.1% positive

Note this is the proportion of cases that have reached conclusive grounds decisions, so for every subsequent year a smaller proportion of all referrals have been conclusively decided.



**Negative Reasonable Grounds (RG) decisions on all referrals (not just top 20 source countries):**

RGs on 2015 referrals: 14% negative

RGs on 2016 referrals: 17% negative

RGs on 2017 referrals: 18% negative

RGs on 2018 referrals: 18% negative

RGs on 2019 referrals: 10% negative

RGs on 2020 referrals: 8% negative

It should also be noted that despite the Plan's focus on the rising number of foreign national referrals being referred into the NRM, UK nationals consistently rank as being one of the top five source countries for referrals (dropping only once to the sixth position in 2014) and increasing as a proportion of all referrals year on year. Since 2017, UK nationals have maintained the position as the most commonly referred nationality, representing 15.9 – 26.7% of all referrals from 2017 – 2019 (see the Rights Lab's recently published [Comparative Report](#) of the top 20 source countries for modern slavery victims in the UK, p.7).

In relation to Foreign National Offenders (FNOs) using the slavery system to avoid or delay removal between 2017 and 2019, 350 FNOs raised an NRM referral (see [Home Office Data on Detention](#) Section 5 Table 2 (b)). In total over the same period, 22,765 potential victims were referred into the NRM. This equates to 1.5% of all referrals made were in relation to FNO's. What is not clear is a) what offence they were charged with (are they all classed as 'serious'), b) if this offence was linked to their experience of exploitation, c) if they received a positive conclusive ground decision and were deemed to be victims of modern slavery, and d) how this will be impacted by the proposed Public Order Exemption.

**Training First Responders**

At page 32, the Plan states that it is important that First Responders - including Local Authorities, the police and immigration officers – 'have the training they need to enable them to quickly identify genuine victims and to assess whether an account of modern slavery is credible'. [Research strongly supports](#) the hypothesis that providing modern slavery training to frontline responders improves the identification, investigation and prosecution of modern slavery offences. However, **we do not think First Responders should be responsible for making assessments of credibility or the genuineness of victim testimony. We do not support this element of the Plan.**

On the frontline, when encountering a potential victim, the First Responder will not be in a position to make judgements as to their credibility. The situation must be de-escalated, the individual taken to a safe place and trust built to engage effectively and understand the individual's needs, rights and options.



The role of assessing credibility should continue to be fulfilled by trained staff within the Single Competent Authority who, under the NRM process, are afforded time to collate further information and evidence from a range of agencies and partners to assist them make a conclusive grounds decision.

**In addition:**

- The key purpose of training for ‘First Responders’ should be to identify and engage with potential victims in an encouraging, supportive way that will help them seek and receive protection and assistance, as well as for First Responders to understand the impact of exploitation and what this may mean in relation to disclosure.
- Further consideration and consultation is needed in relation to the support pathways available to potential victims who are identified by First Responders but decline entry to the NRM.
- First Responders must be adequately resourced (trained and paid) to undertake the role. Currently the role of First Responder is for many an unpaid, additional part of their day jobs. A [report on anti-slavery partnerships](#) published in 2020 by the Rights Lab in collaboration with the Independent Anti-Slavery Commissioner highlighted the limited funding available in most areas for anti-slavery work and lack of specific resources for partnership activities. If further responsibilities are to be placed on frontline professionals, as is suggested at p.34 where it states that NRM decisions will be made within existing safeguarding structures by local authorities, police and health workers, then the issue of resourcing must also be addressed.
- Plans must be made to ensure potential victims are able to disclose their experiences to agencies they choose. Literature (see [here](#), at p. 15-16, and [here](#), p. 58-60) shows potential victims can be fearful of disclosing to immigration agencies or police, including as part of planned raids or if the person is identified in immigration detention.
- Regular auditing of NRM referrals from all First Responders should be conducted to ensure they are high quality and comprehensive, and if not, additional support and guidance provided to the First Responders in question.

**Public Order Grounds Exemption**

There appears to be confusion in the proposal for a further consultation on ‘public order grounds exemption’. Article 13(3) of the Convention on Action against Trafficking in Human Beings (ECAT) contains an exemption for the provision of a recovery and reflection period ‘*if grounds of public order prevent it or if it is found that victim status is being claimed improperly*’. The ‘exemption’ in ECAT therefore refers to two distinct matters – one concerns ‘public order’ grounds, the other concerns improper claims. What is said in Chapter 6 appears to treat these as one and the same.

**We are not able to support the Government’s proposal to withhold support and protection from removal of serious criminals and those who pose a threat to national security without first seeing the data and evidence that serious criminals are using the NRM system to frustrate removals and avoid consequences of criminal activity.**



In addition:

- Public order definitions are different in the devolved administrations. The Plan does not address how this will be navigated.
- The public order exemption detailed within Article 13 of ECAT is in relation to the provision of a recovery and reflection period not within any of the other measures or requirements in ECAT. The Explanatory Report to ECAT notes at para. 173 “*Parties [are] not to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly. This provision aims to guarantee that victims’ status will not be illegitimately used.*” Clearly, the public order exemption is to ensure that victim status is not illegitimately utilised, as opposed to denying genuine victims important safeguarding and support based on offending behaviour, which could in fact be related to someone’s experience of exploitation and/or be an indicator of vulnerability to exploitation.
- Data is showing that genuine potential and actual victims are being wrongly held in detention. Currently victims of modern slavery can avail themselves of a statutory defence under section 45 of the Modern Slavery Act 2015. We are aware of victims who have been wrongly convicted of offences that they were compelled to commit as a result of their exploitation and are unclear how the ‘serious criminality’ requirement will work alongside the statutory defence.
- The very purpose of the recovery and reflection period is to allow time to fully assess whether a person is in fact a victim, which can be complex for instance in cases involving County Lines or where a victim has been convicted of offences as a result of their experience of exploitation.
- Victims with pre-existing vulnerabilities including previous (often minor) offending behaviour can be actively targeted by exploiters and used as a recruitment method.
- Custodial sentences of 12 months or more do not necessarily indicate a serious offence. The Plan offers no indication if serious offences committed in other countries will be considered and how the scope of statutory defence provisions (in the legislative frameworks of other countries) will be considered.
- The challenge with placing a public order threshold so low is that a significant proportion of victims would be denied access to a recovery and reflection period and the opportunity to be safeguarded and supported, increasing the risk of re-exploitation and providing an almost negligible chance of engagement with a criminal investigation.

### Reasonable Grounds (RG) test and credibility

The proposal to consult on amending the Modern Slavery Act 2015 and Statutory Guidance definition of ‘reasonable grounds’ as to whether someone is a victim of trafficking is unconvincing. **We believe the risk of raising the Reasonable Grounds (RG) threshold as the system currently functions would result in exclusion of victims from the protection and assistance they need and the UK is legally required to provide.**

Of particular concern, is the following statement: ‘*In making both RG and CG decisions, we will consider providing for a more careful analysis of credibility, including carefully considering the implications of contradictions and previous opportunities to have raised*



*modern slavery matters*'. This is fundamentally at odds with the Government's own [Modern Slavery Statutory Guidance](#) on Identifying and Assisting Victims (see sections 13.20-13.24 as outlined below) that sets out why the numerous reasons why survivors may have difficulty recalling facts due to the trauma they have experienced.

*'13.20. Memories laid down during traumatic events are not processed or recalled in the same way as ordinary, everyday memories. As a result of the way trauma memories are processed trauma memories often have little narrative around them as peripheral contextual details are not stored. Instead, memories are often vivid snapshots and are often of sensory details such as smells or sounds. As such, people with PTSD often have difficulty in recalling contextual details of their traumatic experiences and it can be very difficult for the individual to consciously access or narrate a detailed and coherent account of their traumatic experience.*

*13.21. Memories for traumatic events are not easily narrated on demand and victims might not be able to recall concrete dates and facts. Their initial account might contain inconsistencies, discrepancies or contradict their later statement.*

*13.22. Research also indicates that difficulties in recounting traumatic experiences may be particularly marked where the trauma had a major sexual component.*

*13.23. There are further factors that are prevalent in potential victims that can have an impact on their ability to recall facts, including:* • Other forms of mental ill health (such as depression, anxiety) • Sleep deprivation • Malnutrition and weight loss • Stress (high cortisol levels) • Brain injury following head injury or oxygen deprivation (i.e. suffocation) • Chronic pain • Medication • Substance abuse

*13.24. Those interviewing potential victims should be alert to these factors as they may impact on the credibility or consistency of the account.'*

Survivors may also be fearful of disclosing experiences of abuse due to a fear of authority or due to the ongoing control of traffickers, or jujū, and therefore fail to disclose at the first opportunity. It is important that they are not penalised for this delay.

***In addition:***

- The current threshold for a reasonable grounds decision as set out in Article 10 and 13 of ECAT is a low threshold as there is no other type of crime, including serious crime (such as cases of rape or domestic violence), where a victim would have to prove they are a victim before accessing safeguarding and support; their allegation/testimony would be sufficient.
- The [EU Anti-Trafficking Directive](#) at Article 11(2) also states, '*Member States shall take the necessary measures to ensure that a person is provided with assistance and support as soon as the competent authorities have a **reasonable grounds indication** for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3.*



- The definition of 'reasonable grounds' is included in the respective Human Trafficking and Exploitation Acts in Scotland and Northern Ireland in relation to support provision. The Single Competent Authority makes NRM decisions for cases referred from Scotland and Northern Ireland, so any changes to the Reasonable Grounds definition will have to be agreed to by the devolved administrations and reflected in devolved legislation and guidance.

### Providing Victims of Modern Slavery with Increased Support

The Plan states, at page 33, that legislation will be introduced to make clear that 'confirmed victims with long-term recovery needs linked to their modern slavery exploitation may be eligible for a grant of temporary leave to remain (subject to any public order exemption) to assist their recovery'. **Given the dearth of detail provided in the Plan, it is unclear how the proposal of granting temporary leave differs from the current discretionary leave process available to victims of modern slavery.**

There are numerous questions that remain unanswered. Will this new grant of temporary leave to remain provide a pathway to indefinite leave to remain to provide survivors much needed security and stability? Or will it result in regular assessments for removal which may be traumatising for survivors? Will it include recourse to public funds and the right to work to support survivors' recovery and reintegration? It is important again to reiterate the significant and detrimental impact that uncertainty around immigration status can have on a survivor's mental and physical health, which has been exacerbated during the pandemic due to delays in decision making, a lack of information being provided to survivors from the Home Office, and having to await immigration decisions in isolation (see [Rights Lab Evidence Review](#) on the 'Risks, Impacts and Mitigating Responses of Covid-19 for Modern Slavery Survivors in the UK and the USA', at p 24)

The Plan also states that, '*We will also make clear that temporary leave to remain may be available to victims who are helping the police with prosecutions and bringing their exploiters to justice.*' This potentially conflicts with Article 12(6) of ECAT, which states that, '*Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness*'.

The provision of long-term support to survivors of modern slavery is not only beneficial for the individual receiving the support, but also beneficial to the public purse. The [Rights Lab Cost-Benefit Analysis](#) to assess the costs and benefits of extending support to adult conclusively identified victims of modern slavery in England and Wales for 12 months after exiting the NRM, estimated a direct financial benefit of between £15.4 and £21.3 million for all conclusive victims referred in 2017 (equivalent to between £12,500 and £15,500 per conclusively identified victim) across two categories: relief of homelessness and improved employability.

At page 34, the Plan states that the UK Government will '*consider establishing a modern slavery prevention fund. This will bolster our efforts to eradicate modern slavery by supporting interventions by non-governmental organisations and key practitioners to tackle this heinous crime at its source.*' The [ICAI review published in October 2020](#) highlighted that the UK Government has '*no research strategy, nor a systematic approach to filling evidence*



*gaps to guide the choice of [modern slavery] interventions. Nor is there an adequate central repository of research and lessons learned, either in the UK or globally. As a result, the responsible departments lack a clear basis for deciding which aspects of modern slavery to prioritise and which interventions to undertake.'* The ICAI review noted that the evidence on 'what works' to tackle modern slavery remains limited, and there lacks a systematic approach to filling evidence gaps to guide the choice of interventions.

Since the review's publication, the Rights Lab has published three evidence reviews in focusing on answering the question of 'What works to end modern slavery?' The three reviews examine what is known about effective policy to achieve Sustainable Development Goal (SDG) Target 8.7 in the context of, respectively, [Justice](#), [Markets](#) and [Crisis](#), by: (1) collecting and collating existing evidence on what works; (2) identifying the range of claims and hypotheses captured in academic and grey literature, and the evidentiary foundations of these hypotheses; and (3) conducting mixed methods analysis of strengths, weaknesses, and trends in the evidence base. These evidence reviews were prepared for Delta 8.7 at the United Nations University Centre for Policy Research to inform the development of Policy Guides to help identify the mix of multilateral and national policies needed to accelerate progress towards SDG 8.7. The [three policy guides](#) have now been published.

The Plan states, at p.34, that a review of the Modern Slavery Strategy (2014) will be undertaken. **Whilst a review of the strategy is long overdue and therefore welcome, it should not be linked with this New Plan for Immigration.**

The review of strategy provides a prime opportunity for the Government to implement a recommendation made in the [ICAI review \(2020\)](#) to meaningfully consult with and embed survivor voices in its antislavery efforts. The Rights Lab, in collaboration with the Survivor Alliance, has developed [guidance](#) for local and national policy makers in government, business and public services who wish to involve survivors of modern slavery in their work.

Any review also provides the opportunity to consider the implementation of a comprehensive re-integration strategy, as per the [Global guidelines on the economic reintegration of victims of forced labour through lifelong learning and skills development approaches](#) developed by the ILO (2020).

### **General comments on Chapter Five (in relation to modern slavery)**

In relation to the 'one-stop process' for all protection claimants (some of whom will also be potential or identified victims of modern slavery), it is well documented that those who have experienced exploitation may be traumatised because of their experience. The [Home Office Statutory Guidance of Modern Slavery](#) references, on multiple occasions (as outlined below), how trauma impacts the ability to recall events and acknowledges that this process takes time.

Modern slavery cases are often complex and evidence may not always be available. People may take years to recall parts of their experience. We are concerned that the 'one-stop process' proposed will result in the detaining and deportation of victims who, for well documented reasons may be unable to **present all their protection-related issues at a**



**the same time b) at the start of the process c) without evidence from professionals and third parties (that takes time to get) and d) without support and that this may result in further exploitation.**

A lack of evidence does not mean that a victim is not acting in 'good faith' – in addition to a lack of trust, fear of authorities, trauma and language barriers they also may genuinely not have details that the authorities are asking about (as referred to in point 13.15 below).

**Examples from Section 49 Statutory Guidance** that offer evidence as to why a 'one-stop process' will be detrimental to victims of modern slavery and will reduce their access to much needed support.

*6.1 Victims of modern slavery have been through traumatic events and therefore any professional interaction with victims should be treated as an opportunity to help them progress towards long-term stability (p.51)*

*6.1 Victims may experience post-traumatic stress disorder and anyone interviewing a potential victim should be aware of the impact of trauma on the interviewee, for example difficulty recalling facts (p.51)*

*6.2 Victims of modern slavery have been through traumatic events. While only medical professionals should make an assessment of trauma, it is important that those working with victims should take care to avoid retraumatising victims. A victim may have hidden vulnerabilities or may have been subjected to a range of forms of modern slavery, not all of which will necessarily be revealed by the victim. Victims may not be aware that they have been exploited or may be unwilling to self-identify for another reason (p.51)*

*12.44 Disclosure may mean recounting a very traumatic history with the shame and risk of re-traumatisation that may occur (p.90)*

*13.1 Victims' early accounts may be affected by the impact of trauma. This can result in delayed disclosure, difficulty recalling facts, or symptoms of post-traumatic stress disorder. Victims may also be reluctant to self-identify for a number of other reasons that can make understanding their experiences challenging (p.95)*

*13.2 Any form of professional interaction with a person who has suffered human trafficking or slavery should be treated as an opportunity to help them to progress towards a long-term situation of safety, stability and well-being (p.95)*

*13.12 Victims may experience post-traumatic stress disorder, which can result in the following behaviours:*

- re-experiencing traumatic events as intrusive thoughts, flashbacks and nightmares*
- avoidance of reminders or triggers of the trauma – more extreme manifestations may include avoiding talking about the trauma they have experienced at all costs even when it would be in the victim's 'best interests' to do so, such as in a police or asylum interview*
- negative alterations in cognition and mood – this may lead a victim to have strong beliefs about self-blame, guilt, shame or fear of others, which may affect*



*their ability to give an (accurate) account of their history.*

- *alterations in arousal and reactivity – this may contribute to victims being perceived as hypervigilant or ‘on edge’, or as irritable or aggressive. If people are interrupted during a flashback they are likely to be disorientated, confused or act as they did during the trauma (p. 100).*

*13.15 Victims of modern slavery should be interviewed in an appropriate way to avoid re-traumatising victims. Interviewers and decision makers must not automatically draw negative assumptions if a victim cannot recount details of their experience when assessing credibility (p. 100).*

*13.16 It is not uncommon for traffickers and exploiters to provide stories for victims to tell if approached by the authorities. Errors, omissions and inconsistencies may be because their initial stories are composed by others and they are acting under instruction. They can also arise due the impact of trauma, which can, for example, lead to delayed disclosure or difficulty recalling facts.*

*13.17. Victims may have problems in dealing with direct interviewing, especially in contexts which seem to them to be adversarial (p. 101).*

*13.18 A delay in disclosing facts should not be viewed as manipulative or taken to mean these facts are untrue. The late disclosure of these facts may be the result of an effective Recovery Period and the establishment of trust with the person to whom they disclose the information. Disclosures often come slowly and in a piecemeal way, sometimes over years (p.101).*

*13.19 Research demonstrates that normal, autobiographical memory for everyday things such as dates or non-traumatic events is fallible and becomes less reliable with time (p.101).*

*13.20 Memories laid down during traumatic events are not processed or recalled in the same way as ordinary, everyday memories. As a result of the way trauma memories are processed trauma memories often have little narrative around them as peripheral contextual details are not stored. Instead memories are often vivid snapshots and are often of sensory details such as smells or sounds. As such, people with PTSD often have difficulty in recalling contextual details of their traumatic experiences and it can be very difficult for the individual to consciously access or narrate a detailed and coherent account of their traumatic experience (p.101).*

*13.21. Memories for traumatic events are not easily narrated on demand and victims might not be able to recall concrete dates and facts. Their initial account might contain inconsistencies, discrepancies or contradict their later statement (p.101).*

*13.22. Research also indicates that difficulties in recounting traumatic experiences may be particularly marked where the trauma had a major sexual component (p.101).*