

These briefings provide an analysis of the [publicly available UK National Referral Mechanism \(NRM\) data](#) on potential victims of modern slavery and, from this briefing onwards, the [disaggregated NRM data which is now available from the UK Data Service \(UKDS\)](#).¹ The NRM is the UK's official system through which victims of modern slavery are identified and supported (See the 'How NRM decision-making operates' box below).

This is the fourth of a series of briefings produced by IOM UK which follow each quarterly release of NRM data from the Home Office. The briefings focus on the data from the most recent quarter, but also use historical NRM data for context. They provide an analysis of key highlights, ongoing trends, and data gaps identified by IOM UK. The analysis of the disaggregated NRM data from the UKDS enables the briefings to offer additional detailed analysis to the Home Office's own statistical bulletin for each NRM data release.

This briefing focuses on Quarter 2 (Q2), 2022 (April-June) and highlights four key findings from analysis of the data (see box on right).

88% of Conclusive Grounds decisions made in Quarter 2, 2022 for men were positive. This follows an upward trend since Q1, 2021 when only 73% of decisions were positive.

The Home Office's quarterly NRM statistics provide disaggregated data on Conclusive Grounds decisions for adult and child cases and the accompanying statistical bulletins provide the percentages of positive CG decisions for child and adult cases. However, the NRM data available from the UKDS enables the identification of the positivity rate for CG decisions for men, women, boys and girls. Graph 1 shows that the percentage of CG decisions made in Q2, 2022 for cases of men which were positive (88%) was comparable to a 95% positivity rate for women, 93% for boys and 89% for girls. There has been an upwards trend of positive CG decisions for men per quarter since the start of 2021 including a record high 91% positivity rate in the first three months of 2022. The 88% positivity rate in Q2, 2022 was the second highest that data is available for.

HOW NRM DECISION-MAKING OPERATES

The National Referral Mechanism (NRM) has a two-stage decision-making process for identifying potential victims of modern slavery (a term that includes any form of human trafficking, slavery, servitude or forced labour). The first stage is the Reasonable Grounds (RG) decision, which should be made within 5 working days of a potential victim being referred to the NRM. The test currently in use for the RG decision is "I suspect but cannot prove" that the person is a victim of modern slavery. A positive RG entitles a person to a reflection period of at least 45 days to receive specialist support and assistance. The second stage Conclusive Grounds (CG) decision should be made no sooner than 45 days after the RG decision, and is made on the 'balance of probabilities' threshold. Both the RG and CG determinations are made by the Single Competent Authority (SCA) and Immigration Enforcement Competent Authority (IECA) which both sit within the Home Office. Further information on the NRM is available [here](#).

HIGHLIGHTS

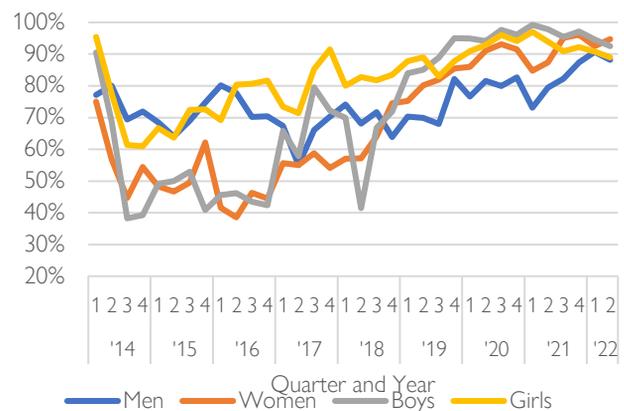
88% of Conclusive Grounds decisions made in Quarter 2, 2022 for men were positive. This follows an upward trend since Q1, 2021 when only 73% of decisions were positive.

The median waiting time of 1,113 days for Conclusive Grounds decisions made in the quarter for women is more than double the median for men, boys and girls.

93% of Conclusive Grounds decisions made for Albanian nationals in Quarter 2, 2022 were positive, a higher rate than for non-Albanians (90%).

95% of Conclusive Grounds decisions made by the Immigration Enforcement Competent Authority in Quarter 2, 2022 were positive compared to 91% of positive decisions by the Single Competent Authority.

Between 2014 and Q3 2018, men consistently had a higher rate of positive CG decisions compared to women. However, since Q4, 2018 the positivity rate for women has been higher than men in every quarter, although this gap has been narrowing over recent quarters.

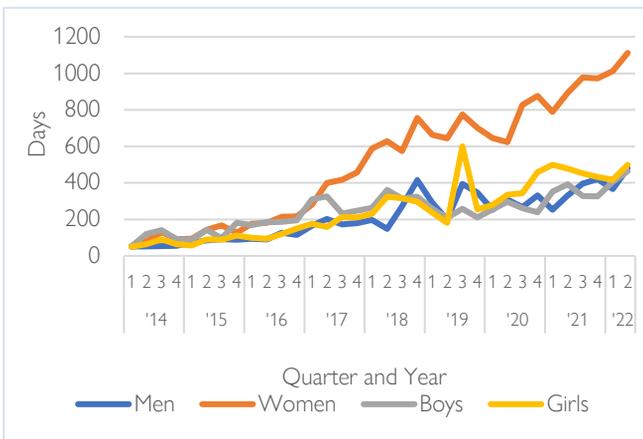


Graph 1: Percentage of Positive CG Decisions, per quarter, by age group and gender

¹ Home Office, Modern Slavery Research & Analysis. (2022). National Referral Mechanism and Duty to Notify Statistics, 2014-2022. [data collection]. 6th Edition. UK Data Service. SN: 8910, DOI: 10.5255/UKDA-SN-8910-4

The median waiting time of 1,113 days for Conclusive Grounds decisions made in the quarter for women is more than double the median for men, boys and girls

The Home Office's statistical bulletin on the Q2, 2022 NRM data highlighted that the median waiting time for all CG decisions made in the quarter was 536 days. The bulletin does not report on the median waiting times for different age groups or genders. However, analysis of the raw NRM data available through the UKDS shows a significant difference in how long women wait for a decision compared to other groups. Graph 2 (below) shows the record high median waiting time for women in Q2, 2022 of 1,113 days. This was more than double the median for men (481 days), boys (465 days) and girls (499.5 days). The median waiting times for men, boys and girls in Q2, 2022 were very similar and historically there have not been significant differences in the median waiting time for each group. For several years (since 2017), the waiting time for women has been increasing and has been markedly longer than any other group. For example, Q4, 2017 was the last quarter where the median waiting time for CG decisions for women was shorter than 500 days. Whereas the median waiting time for CG decisions for men has never reached 500 days.



Graph 2: Median waiting times for CG decisions made per quarter by age group and gender

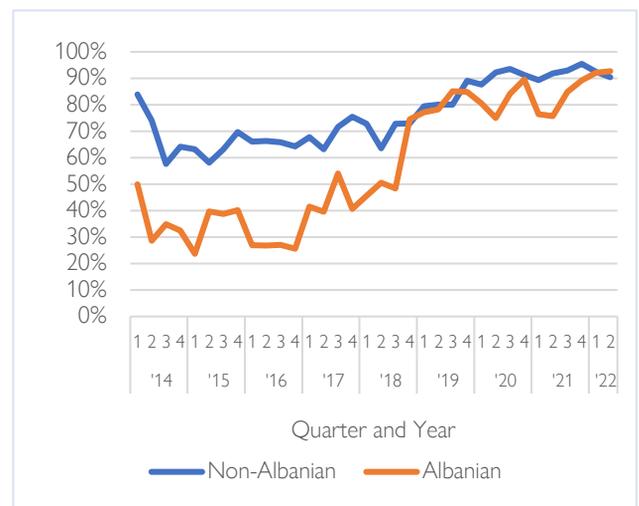
As the waiting times for women have not been publicly reported there has not been any discussion on the potential factors for why women typically waited more than 3 years for a CG decision while men, boys and girls waited less than 18 months.

The other key variables for the men and women who received a CG decision in the quarter, that may have influence over the waiting times, are not dissimilar. Of the 301 women who received a CG decision, 29 (10%) were UK nationals, 4 (1%) were nationals of a European Union (EU) country and 267 were non-EU nationals (89%). A total of 124 (41%) reported that their exploitation took

place solely outside of the UK. In comparison, of the 475 men who received a CG decision in the quarter, 77 (16%) were UK nationals (including dual nationals), 13 were EU nationals (3%) and 385 (81%) were from non-EU countries. A total of 141 (30%) reported that their exploitation took place solely outside of the UK.

93% of Conclusive Grounds decisions made for Albanian nationals in Quarter 2, 2022 were positive, a higher rate than for non-Albanians (90%)

Recent claims alleging abuse of the NRM have often focused on Albanian nationals. However, 93% of the CG decisions that were made for Albanian nationals in this quarter were positive. Graph 3 shows that this was the highest rate of positive CG decisions for Albanians in a quarter that data is available for. The Q2, 2022 rate exceeded the previous record high of 92% in Q1, 2022. The graph also shows the historical context of the recent high proportions of CG decisions for Albanian nationals which are positive. Between 2014 and 2017 the percentage of CG decisions in a quarter for Albanians which were positive was never higher than 55%. Since the beginning of 2019 this positivity rate has not fallen below 75%.



Graph 3: Percentage of CG decisions which were positive by Non-Albanian and Albanian nationals

Graph 3 also shows that Albanian nationals were more likely to get a positive CG decision in Q2, 2022 than non-Albanians. The 93% positivity rate of CG decisions for Albanians was higher than the 90% positivity rate for CG decisions for non-Albanian nationals. The graph shows that this is only the third time that the positivity rate for Albanian nationals was higher than non-Albanian nationals. IOM will continue to monitor the outcomes for CG decisions for Albanians and other common nationalities that are referred to the NRM.

95% of Conclusive Grounds decisions made by the Immigration Enforcement Competent Authority in Quarter 2, 2022 were positive compared to 91% of positive decisions by the Single Competent Authority

On the 8th November 2021, an update to the statutory guidance for the 2015 Modern Slavery Act revealed the establishment of the Immigration Enforcement Competent Authority (IECA) to make NRM decisions. The statutory guidance explains that the “IECA is responsible for a specific cohort of adult cases” and provides further details on those groups. This has been summarised by FLEX as including “many adults who are subject to forms of immigration control, including any adults in respect of whom deportation is being pursued and those who are held in administrative immigration detention.” Prior to the creation of the IECA all decisions were made by the Single Competent Authority (SCA). The SCA remains responsible for decisions for all other groups.

The creation of the IECA was met with concern from across the modern slavery sector. The former UK Independent Anti-Slavery Commissioner, Dame Sara Thornton, wrote to the Home Secretary outlining her reservations: “There is significant risk that those victims of modern slavery whose cases are assessed by Immigration Enforcement will have their cases judged by considerations about their immigration status rather than their rights to protection as victims of serious crime.”

Such concerns about the creation of the IECA were based on the outcomes of past NRM decision making. Prior to the creation of the SCA in April 2019 there were two bodies responsible for decision making, with one responsible for decisions for UK and European Economic Area (EEA) nationals (UK Human Trafficking Centre) and the other (UK Border Agency and then UK Visas and Immigration) responsible for non-EEA nationals. In 2013 the Anti-Trafficking Monitoring Group published a report which showed approximately 80% of British and EEA nationals received a positive CG decision compared to approximately 20% of non-EEA nationals. Similar disparities were also evident in the data for decision making for referrals in 2016.

Due to its recent establishment, the IECA has only made a small number of CG decisions but so far there have not been a disproportionate number of negative CG decisions made by the IECA compared to the SCA.

Graph 4 shows the percentage of positive CG decisions made by the IECA and SCA during the time they have been operational. Graph 4 shows that for both Q2, 2022 and Q1, 2022 the percentage of CG decisions which were positive made by the IECA was higher than for decisions by the SCA. Although it is important to recognise the significant difference in the overall numbers of decisions. In the first two quarters of 2022 the IECA made 153 positive and 5 negative CG decisions. During the same period, the SCA made a total of 2,415 CG decisions of which 2215 were positive and 200 were negative.



Graph 4: Percentage of positive CG decisions per quarter by SCA and IECA

The current trend of a high percentage of positive CG decisions by the IECA for those subject to immigration control also appears to contradict claims about widespread abuse of the NRM by irregular migrants who falsely claim to be a victim of trafficking.

IOM will continue to monitor decision making by the IECA and SCA to see whether the positivity rate of the IECA and SCA decisions remains consistent as the number of CG decisions made by the IECA increases.

ABOUT IOM

Founded 72 years ago in 1951, IOM is the leading inter-governmental organization in the field of migration. With 175 member states and presence in over 100 countries, IOM as the UN Migration Agency is committed to the principle that humane and orderly migration benefits migrants and society. The organization works with its partners in the international community to assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration and to uphold the well-being and human rights of all migrants. The IOM Country Office in the UK (IOM UK) is one of over 150 country offices, promoting cooperation and dialogue on migration issues. (See www.unitedkingdom.iom.int for more information).

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