

These briefings provide an analysis of the [publicly available UK National Referral Mechanism \(NRM\) data](#) on potential victims of modern slavery and the disaggregated [NRM data which is 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 fifth in 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 3 (Q3), 2022 (July-September) and highlights four key findings from analysis of the data (see box on right).

96% of Conclusive Grounds decisions made in Quarter 3, 2022 were positive for people referred as having been exploited outside of the UK only. This was higher than the rate for referrals reporting exploitation in the UK.

The [Home Office's NRM bulletin for Q3, 2022](#) highlights that "referrals for those claiming exploitation overseas only have reached both their highest number and proportion" with 44% of all referrals reporting exploitation taking place outside of the UK only.

Analysis of the UKDS NRM data finds that these types of referrals which were at a record high in Q3, 2022 are also most likely to be officially recognised as a victim of modern slavery. The data for Conclusive Grounds (CG) decisions by location of exploitation (UK/Overseas/UK and overseas) shows that 96% of CG decisions made in Q3, 2022, for people reported as only having been exploited outside of the UK were positive. This was higher than the 90% of positive decisions for those reported as only being

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

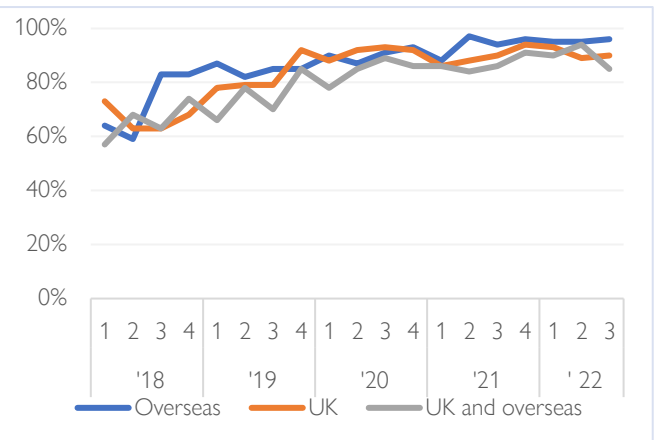
96% of Conclusive Grounds decisions made in Quarter 3, 2022 were positive for people referred as having been exploited outside of the UK only. This was higher than the rate for referrals reporting exploitation in the UK.

24% of referrals to the NRM in Quarter 3, 2022 were UK nationals, returning to pre-pandemic levels.

In Quarter 3, 2022 a record high 29% of all referrals were Albanian nationals; while they have always been a top nationality among referrals, this is higher than the historical quarterly average of 18%.

Despite statutory guidance describing the Immigration Enforcement Competent Authority (IECA) as being responsible for adult cases the IECA has made 297 Reasonable Grounds decisions for child NRM cases, including 116 in Q3, 2022.

exploited in the UK and the 85% reported as having been exploited both in the UK and overseas. Graph 1 shows that this is not a recent trend; in every quarter since Q4, 2020 the rate of positive decisions for people exploited overseas has been higher than the rate for those exploited in the UK.



Graph 1: Percentage of Positive CG Decisions, per quarter, by location of exploitation

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

24% of referrals to the NRM in Quarter 3 2022 were UK nationals, returning to pre-pandemic levels.

Graph 2 shows that the percentage of NRM referrals for UK nationals has slowly been falling since the height of the COVID-19 pandemic. Back in Q2, 2020 the percentage of NRM referrals who were UK nationals reached a record high of 45% and have remained high until Q2, 2022 when they dropped to 24%; a trend that has remained in this quarter. The very large proportion of UK nationals at the height of the COVID-19 was to be expected given the suspensions and restrictions on international movement at that time. The recent proportion of UK referrals is now consistent with the trends seen in the two years before the COVID-19 pandemic when they represented between 26% and 28% of quarterly NRM referrals in 2019.



Graph 2: Percentage of NRM referrals per quarter which were UK nationals

While recent public statements and media reports have given considerable focus to the fact that one in four referrals to the NRM are Albanian, there has been less attention to the fact that one in four referrals are for UK nationals and that UK nationals were the second most referred nationality (after Albania) to the NRM during the first three quarters of 2022.

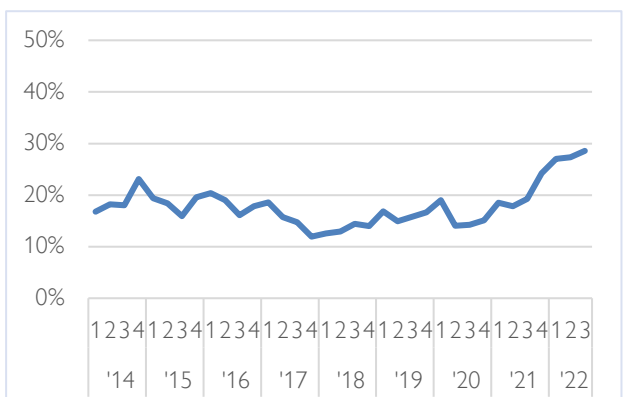
If the Illegal Migration Bill becomes law adults who are referred to the NRM may be unable to access specialist support or be protected from removal if they had entered the UK irregularly. They could instead be detained and removed from the UK. This change in legislation could plausibly lead to a reduction in the number of potential victims who give their consent to being referred to the NRM. If the number of referrals of UK nationals remained consistent alongside a fall in referrals of foreign nationals then the proportion of UK nationals among all NRM referrals would increase once again.

IOM will continue to monitor the proportion of UK nationals among all NRM referrals.

In Quarter 3, 2022 a record high 29% of all referrals were Albanian nationals; while they have always been a top nationality among referrals, this is higher than the historical quarterly average of 18%.

There were a record high 1,310 Albanians referred to the NRM in Q3, 2022, making up 29% of all referrals. However, public statements about the high numbers and proportion of Albanians being referred to the NRM and the increased number of Albanians being referred to the NRM who arrived via small boat have not acknowledged that Albanians have always represented a significant proportion of NRM referrals. They also have not acknowledged the record high percentage of positive CG decisions for Albanians in recent quarters.

While Graph 3 shows a significant increase in the percentage of NRM referrals for Albanian nationals since the end of 2021, rising from 19% in Q3 2021 to 29% in Q3 2022, it also shows that Albanians have historically made up nearly one in five NRM referrals per quarter (an average of 18% per quarter since 2014).



Graph 3: Percentage of NRM referrals per quarter which were Albanian nationals

Furthermore, Albanians were the most referred nationality in each year between 2013 and 2016 and Albania has been in the top three most referred nationality per year since records began.

The recognition of Albania as a significant country of origin for victims of modern slavery has been well known to the UK government. The first ever Home Office country assessment for Albania published in April 2000 noted, "Trafficking in women for the purpose of prostitution is a significant problem." The Home Office have been publishing specific reports about human trafficking from Albania for nearly a decade.

Significant numbers of referrals of potential victims of modern slavery from Albania is not a recent phenomenon. Further monitoring will be needed to see if Albanians remain the most referred nationality over the coming quarters.

Despite statutory guidance describing the Immigration Enforcement Competent Authority (IECA) as being responsible for adult cases the IECA has made 297 Reasonable Grounds decisions for child NRM cases, including 116 in Q3, 2022.

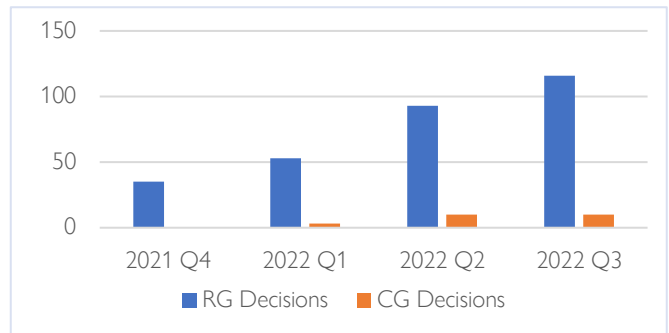
The glossary of the Modern Slavery Act Statutory Guidance (MSASG) acknowledges there are two competent authorities responsible for making decisions regarding people referred to the NRM; the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA). The MSASG explains that the IECA is “responsible for a specific cohort of adult cases” and that the “SCA is the competent authority for all other cases referred to the NRM, which includes all child cases.” It is therefore unexpected that the UKDS NRM data shows that in Q3, 2022 the IECA made 116 RG decisions for individuals referred to the NRM that were potentially exploited as children.

There is nothing in the MSASG which suggests that an adult or child case relates to the age of the individual at the time they were referred to the NRM. The MSASG description of the “specific cohort of adult cases” to be decided by the IECA does not indicate that this includes individuals who were potentially exploited as a child but are now an adult. The Home Office’s quarterly NRM data is clear that the recorded age category for a referral is based on the age of the individual at the time when the potential trafficking took place. The data separately reports the “number of individuals referred to the NRM that were potentially exploited as adults” and the “number of individuals referred to the NRM that were potentially exploited as children.”

The labelling of a child case or adult case based on the age of the individual at the time they were potentially exploited rather than their age at the time they were encountered by a First Responder is because of the significant difference in decision making. In adult cases the competent authority needs to confirm the ‘act’, ‘means’ and ‘purpose’ (of the definition of human trafficking) to award a positive CG decision whereas for child cases only the ‘act’ and ‘purpose’ are required. The MSASG explains, “A potential victim of trafficking who may have been a victim as a child, but only

identified and referred into the NRM after reaching adulthood, is treated under child criteria in assessing whether they were trafficked. The practical effect of this is that they do not have to meet the means test.”

Given all the above, it is not clear why the NRM data shows that the IECA made 116 RG decisions and 10 CG decisions in Q3, 2022 for individuals potentially exploited as children. Graph 4 shows that the number of RG decisions made by the IECA for child cases has increased in every quarter since the IECA was established in November 2022. By the end of Quarter 3, 2022, the IECA had made 297 RG decisions and 23 CG decisions for people referred that were potentially exploited as children.



Graph 4: Number of RG and CG decisions for child cases made by the IECA per quarter

If the NRM data is correct and the IECA is acting as the decision maker in cases where a person was referred to the NRM as an adult, but their case relates to their experiences as a child then this runs contrary to the MSASG’s description of the cases which the IECA is responsible for. This highlights an area for further clarification in the guidance to ensure there is a more precise description of “adult” and “child” cases and decision-making processes.

The SCA has been making decisions on child cases since April 2019 and has made twenty times more decisions for child cases than the IECA. It is unlikely that decision makers within the IECA will have the same experience and expertise about child trafficking and the different decision-making process in the case of a child as their counterparts in the SCA. Given all of this, it can be argued that only the SCA should be making decisions on child trafficking cases, as implied by the MSASG.

ABOUT IOM

Founded 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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