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 sixth 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 most recent NRM data, 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 the whole of 2022 and highlights four key findings from analysis of the data (see box on right).

A record high 16,938 people were referred to the National Referral Mechanism in 2022; while this was a 33% increase on the 2021 total, it was significantly less than the 52% increase in referrals between 2018 and 2019.

The Home Office's statistical bulletin on the 2022 NRM data highlights that there were 16,938 NRM referrals in 2022; the highest since records began and a 33% increase on the previous year's total.

To contextualise this increase it is important to look at historical NRM data. As Graph 1 shows, there has been a year-on-year increase in referrals to the NRM since records began, with the exception of 2020, due to the Covid-19 pandemic. The percentage increases range from 17% to 52%, which was the increase seen between 2018 and 2019 (6,974 and 10,608 referrals respectively). Indeed, there have been 6 yearly increases which have been greater than the 33% increase seen between 2021 and 2022. In terms of the actual increase in referrals, the difference between 2018 and 2019 was 3,634 additional

HIGHLIGHTS

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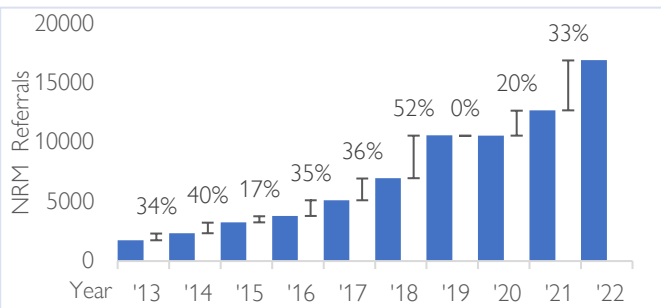
A record high 6,172 Conclusive Grounds decisions were made in 2022, but only 1,143 of these were for people referred in 2022.

There were nearly 30,000 people waiting for a Conclusive Grounds decision at the end of 2022; of which 38% were for child cases.

82% of Conclusive Grounds decisions made by the Immigration Enforcement Competent Authority (IECA) in its first year of operation were positive, however only 60% of its decisions in the final quarter of 2022 were positive.

referrals, which is only slightly less than the difference between 2021 and 2022 of 4,232 referrals.

The explanatory notes to the Illegal Migration Bill explain that the intention to disqualify people from identification and protection under the NRM if they entered the UK irregularly is necessary due to the "current exceptional illegal migration situation." However, only 7% of people that arrived via small boat in 2022 were referred to the NRM (3,252 people), making up 19% of the 2022 referrals. To put it into context, this was less than the total number of British children referred to the NRM in 2022.
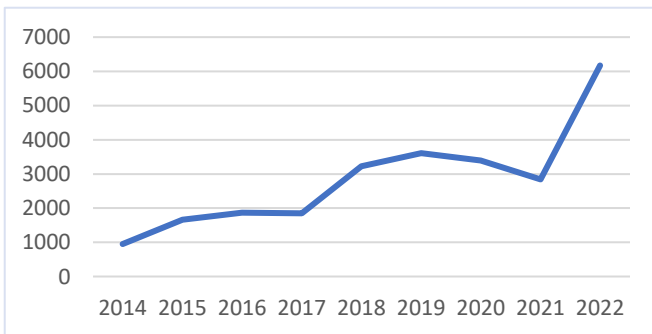

Graph 1: Annual percentage increases of NRM referrals

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.
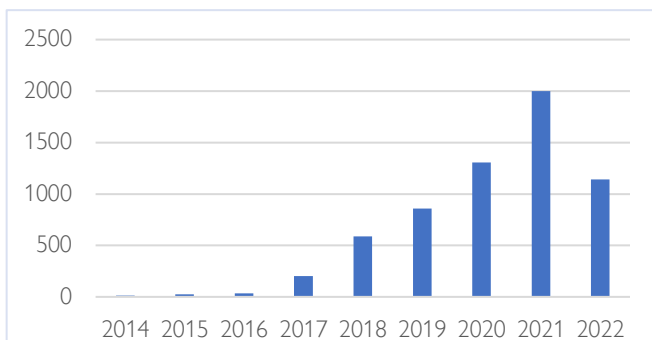
A record high 6,172 Conclusive Grounds decisions were made in 2022, but only 1,143 of these were for people referred in 2022.

The number of Conclusive Grounds (CG) decisions made in 2022 was unprecedented, totalling 6,172, as illustrated in Graph 2. This greatly exceeded the previous annual record set in 2019 when 3,606 such decisions were made and more than doubled the 2,838 decisions made in 2021, although as the graph shows, 2021 saw the lowest number of CG decisions since 2017.

Graph 2: CG decisions made per year.

Of the 6,172 CG decisions made in 2022, less than a fifth (1,143) were for people referred to the NRM in 2022. As Graph 3 shows, most of the decisions made in 2022 were for people who had been referred to the NRM in 2021. It is also worth noting that there were more CG decisions made in 2022 for people who were referred in 2020 (1,307 decisions) than referred in 2022. The CG decisions made in 2022 also included 14 decisions for people referred to the NRM in 2014 (8 years prior), 25 for people referred in 2015 (7 years prior) and 36 for people referred in 2016 (6 years prior).

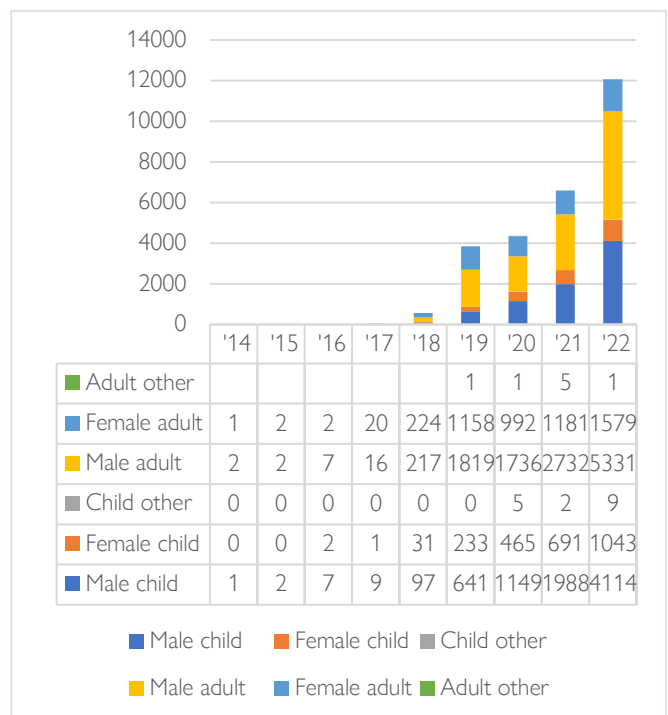Graph 3: CG decisions made in 2022 by year of referral

While the significant increase in CG decisions is a welcome improvement, the number of decisions made per year would need to increase further in order to reduce the backlog and ensure timely decision-making for those who are waiting. For example, in 2022, there were 10,000 more referrals than the number of CG decisions.

There were nearly 30,000 people waiting for a Conclusive Grounds decision at the end of 2022; of which 38% were for child cases.

The NRM data extracted on 26 January 2023 showed 29,270 referrals which were recorded as "positive RG decision" under the "current decision status" variable. Those cases were all waiting for a CG decision at the time.

Graph 4 shows the number of referrals which have received a "positive RG decision" by the year which they were referred to the NRM. As can be seen, just over 12,000 people still awaiting a CG decision at the start of 2023 were referred in 2022 (less than 50%), just over 6,500 were referred in 2021, over 4,000 in 2020 and just under 4,000 in 2019. There were 569 people pending a decision at the beginning of 2023 who were referred to the NRM in 2018, and a small number of people who were referred between 2014 and 2017.

Graph 4 also provides age and gender disaggregated data which shows that 38% of those who were waiting for a CG decision at the start of the year (whose age was known) were referred to the NRM reporting exploitation that took place while they were a child. It is not possible to identify how many of these are still a child or have become an adult while waiting for a decision.
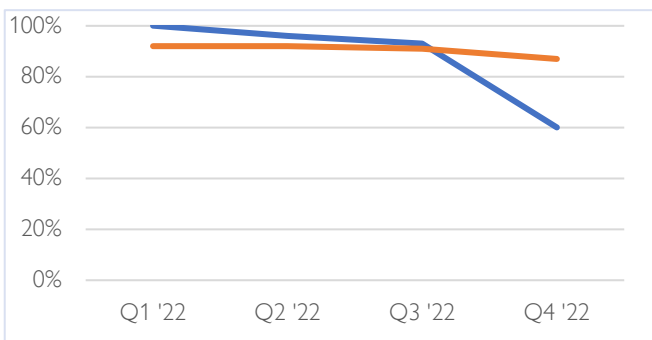

	'14	'15	'16	'17	'18	'19	'20	'21	'22
Adult other						1	1	5	1
Female adult	1	2	2	20	224	1158	992	1181	1579
Male adult	2	2	7	16	217	1819	1736	2732	5331
Child other	0	0	0	0	0	0	5	2	9
Female child	0	0	2	1	31	233	465	691	1043
Male child	1	2	7	9	97	641	1149	1988	4114

Graph 4: Number of cases with a "current decision status" recorded as 'positive RG decision' by year of referral and age and gender

82% of Conclusive Grounds decisions made by the Immigration Enforcement Competent Authority (IECA) in its first year of operation were positive, however only 60% of its decisions in the final quarter of 2022 were positive.

The IECA was established in November 2021 but only began making CG decisions in 2022. The IOM UK NRM briefing series has previously discussed their decision making in detail (see NRM briefing for Q2, 2022 and Q3, 2022. The Modern Slavery Act 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 Focus on Labour Exploitation (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."

The Q2, 2022 IOM UK NRM data briefing highlighted that the proportion of positive CG decisions made by the IECA was higher than the SCA's. However, Graph 5 shows that there was a significant decrease in the proportion of positive decisions made by the IECA in the last quarter of 2022; more than 90% of their decisions in the first nine months of 2022 were positive but this fell markedly to 60% in the last quarter of 2022.

Graph 5: Proportion of Positive CG decisions by IECA and SCA per quarter in 2022

In the first three quarters of 2022, the percentage of positive CG decisions made by the IECA was higher than the SCA. However, in Q4, 2022 the SCA's rate of positive decision making was 87%, significantly higher than the

IECA's (at 60%). The large fall in the proportion of the positive CG decisions by the IECA in the final quarter of 2022 meant their annual proportion of positive decisions was 82%, which is lower than the SCA's at 90%, and its two previous full years of decision making (2021 and 2020).

The significant fall in the proportion of positive CG decisions by the IECA was the consequence of a large number of negative decisions for Albanian nationals who represented 112 of the total 169 CG decisions made by the IECA in Q4, 2022. Of those, 58 were negative and 54 were positive. This means that only 48% of the decisions for Albanian nationals in Q4, 2022 were positive compared to 82% of positive CG decisions made for 57 non-Albanian nationals by the IECA in that period. The percentage of positive decision making for Albanians in the final three months of 2022 had nearly halved when compared to the first nine months of the year when 94% were given positive CG decisions by the IECA. It is unclear why Q4, 2022 saw such a marked change for Albanians when the type of cases were consistent with those across the whole year. The overwhelming majority of Albanians receiving decisions from the IECA in Q4, 2022 like the rest of 2022 were men, nearly half were reported as only being exploited outside of the UK and around half of the decisions in both the quarter and the year were for cases where criminal exploitation was reported. There was no such fall in the proportion of positive decisions for Albanian nationals made by the SCA. In Q4, 2022 84% of CG decisions for Albanians made by the SCA were positive.

The creation of the IECA was met with concern from many within the modern slavery sector that it could create a two-tier system with markedly different outcomes for those subject to immigration controls and those who are not. The large fall in the proportion of positive CG decisions by the IECA in Q4, 2022, and the notable difference in positive decision-making between the two competent authorities (60% for IECA v's 87% for SCA), may indicate merit to those concerns.

IOM will continue to monitor decision making by the IECA to identify whether this sharp and sudden fall in the proportion of positive CG decisions made at the end of 2022 continues in 2023. This monitoring will also continue to give particular attention to the IECA's decision making for Albanian nationals.

ABOUT IOM