

These briefings provide 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 \(UKDS\)](#).<sup>1</sup> 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 third 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 1 (Q1), 2022 (January-March) and highlights four key findings.

**91%** of the Conclusive Grounds decisions made in Quarter 1, 2022 that had taken over 1,000 days were positive. The overall positivity rate was 92%

In Quarter 1, 2022, 1,206 CG decisions were made, of which 92% were positive (meaning the Home Office found that almost all of these people were - on the *balance of probabilities* - considered to be victims of modern slavery). The median waiting time for all decisions was 447 days, while there were 206 decisions (17%) made this quarter which had taken over 1,000 days. This means 206 people had waited close to 3 years - or in some cases much longer - for official recognition that they were a victim of modern slavery.

Of the CG decisions made in Q1, 2022 that had taken over 1,000 days, 91% were positive, which is almost identical to the overall positivity rate of 92% for all decisions. This included a positive decision which had taken nearly 8 years (2,870 days) for a woman referred to the NRM in the first 3 months of 2014 as a potential victim of trafficking for sexual exploitation.

## HOW NRM DECISION-MAKING OPERATES

The National Referral Mechanism (NRM) has a two-stage decision-making process for identifying potential victims of modern slavery. 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.

## HIGHLIGHTS

91% of the Conclusive Grounds decisions made in Quarter 1, 2022 that had taken over 1,000 days were positive. The overall positivity rate was 92%.

More than 1,000 Conclusive Grounds decisions were made in two consecutive quarters for the first time since Quarter 4, 2018 - Quarter 1, 2019, while the backlog of cases awaiting a decision is more than 28,000.

The median waiting time for Conclusive Grounds decisions made this quarter was 176 days longer for adults than children.

The median waiting time for CG decisions made in Quarter 1, 2022 for non-UK nationals was 662 days, which is 215 days longer than the 447 days median for all CG decisions.

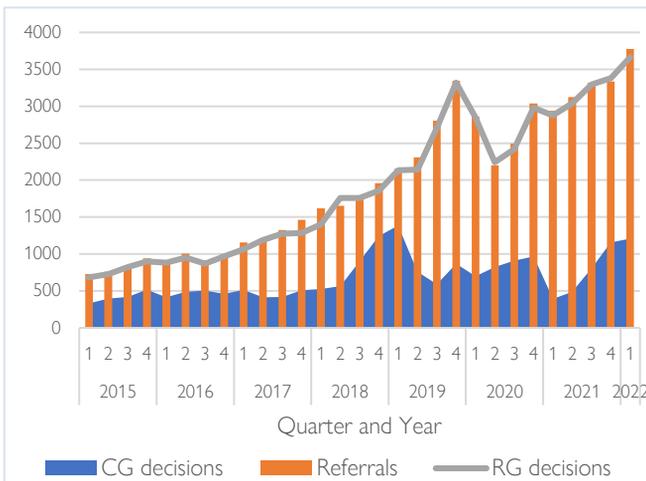
The 206 cases which had taken more than 1,000 days to reach a CG decision were almost all for non-EU nationals, with the most common nationality being Albanian (84). Eight were for UK nationals and one was for an EU national (a Romanian national).

One potential reason for the longer waiting times for non-EU nationals is that many are also waiting for an asylum decision. There is no publicly available data showing the intersection of the NRM and the asylum systems. However, in October 2021 the Independent Anti-Slavery Commissioner (IASC) published a [paper](#) providing analysis of data on asylum decisions resolved in 2018 and 2019 with an associated NRM referral and without one. The paper highlighted, "asylum decisions with an associated NRM referral are seven times more likely to have taken longer than 12 months than asylum decisions without an associated NRM referral." More data could help improve understanding of whether this is in fact a two-way relationship, whereby NRM decisions with an associated asylum claim take longer than those without one (as well as vice versa).

Another reason could be that non-EU nationals are more likely to claim that exploitation took place abroad, which may require additional enquiries to take place, and thus may take longer to prepare and issue a decision.

**More than 1,000 Conclusive Grounds decisions were made in two consecutive quarters for the first time since Quarter 4, 2018 – Quarter 1, 2019, while the backlog of cases awaiting a decision is more than 28,000**

Graph 1 shows that 1,158 CG decisions were made in Q4, 2021, and 1,206 CG decisions were made in Q1, 2022, resulting in two consecutive quarters with more than 1,000 decisions made per quarter for only the second time ever. (The previous occasion was Q4, 2018 - Q1, 2019). However, the graph also shows the increase in CG decisions has coincided with record high numbers of referrals.



Graph 1: NRM referrals, RG and CG decisions per quarter

In Q1, 2022 there were 3,777 new referrals made to the NRM. Successful operation of the NRM should mean that potential victims of trafficking who are being identified and referred can receive their RG decision quickly to access specialist support and receive a CG decision in good time. The significant increases in the number of referrals to the NRM has been matched by the numbers of RG decisions being made. However, there has not been a significant increase in the numbers of CG decisions being made. For example, while there was a 290% increase in the number of referrals made in 2021 compared to 2015, there was only a 70% increase in the number of decisions made, contributing to the growing backlog of cases. Indeed, analysis of the NRM data available through the UKDS finds that there are now more than 28,000 NRM cases which have received a positive RG decision but are awaiting a CG decision.

It is unclear how new cases are assigned to decision makers or how historical cases are actively managed alongside the influx of new referrals. At one end of the spectrum there were 9 adults who received a CG decision in Q1, 2022

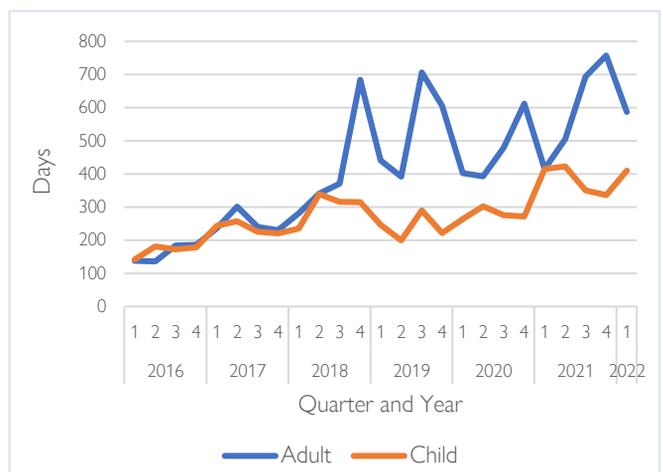
after waiting for more than 2,000 days. At the other end, there were 10 adults who received a CG decision within 100 days. In total, 8 of the 10 CG decisions in Quarter 1, 2022 for adult cases which took less than 100 days were made by the IECA. This may be explained by the fact that the IECA only began receiving referrals in Q4, 2021 and therefore may not have a significant backlog of cases.

**The median waiting time for Conclusive Grounds decisions made this quarter was 176 days longer for adults than children**

The IOM NRM briefing covering Q3, 2021, highlighted that the public NRM data does not disaggregate the median waiting times for decisions for adults and for children. However, the raw NRM data made available by the UKDS since that briefing was published makes it possible to compare waiting times for CG decisions for adults and children.

Analysis of this data, illustrated in Graph 2, finds that the median waiting time for CG decisions in Q1, 2022 for adults was 586 days which is 176 days longer than the 410 day median waiting time for CG decisions for children in the quarter. Graph 2 also shows that the median waiting time for CG decisions per quarter for adults has been longer than the median for children in every quarter since Q1, 2017.

It is important to note there are significant differences in the way that decisions are made for adults and children. In adult cases the competent authority needs to confirm the 'act', 'means' and 'purpose' to award a positive CG decision whereas for child cases only the 'act' and 'purpose' are required. Furthermore, in the summer of 2021 a pilot programme established devolved decision making for child cases in 10 local authorities with a target of making CG decisions within 90 days of the referral. Both of these factors appear to be contributing to significantly faster decision-making times for children compared to adults.



Graph 2: Median waiting times for CG decisions per quarter by Adult and Child cases

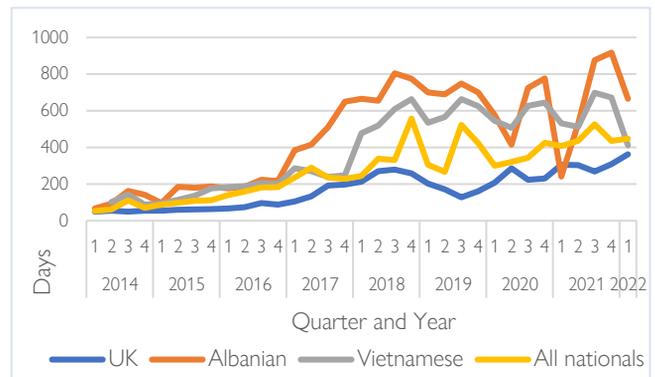
As noted above, it has only been possible to identify this trend using the NRM data released separately by the UKDS which only provides the raw data and is not as accessible or well-known as the Home Office NRM quarterly data releases. As such, providing disaggregated median waiting times for CG decisions for adults and children in the Home Office's quarterly releases of NRM data could help improve wider understanding of these issues in the sector and indicate where reforms to the operation of the NRM could be targeted.

**The median waiting time for CG decisions made in Quarter 1, 2022 for non-UK nationals was 662 days, which is 215 days longer than the 447 days median for all CG decisions**

The Home Office's quarterly NRM statistics include the median waiting time for all CG decisions made per quarter. In Q1, 2022 the median waiting time for all decisions was 447 days. Analysis of the raw NRM data enables comparison of the waiting times for different nationalities including those nationalities which constitute large numbers of people receiving decisions which impacts on the median waiting time for all CG decisions.

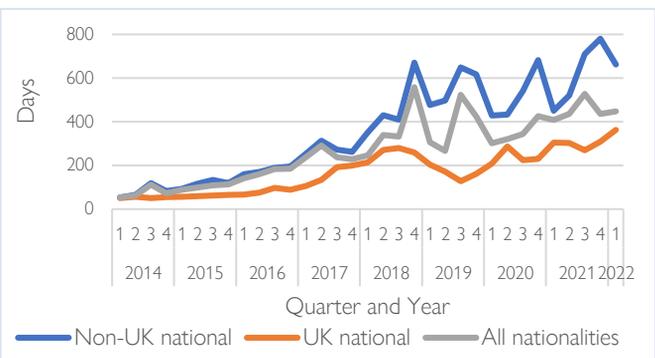
Since Q4, 2018, the three nationalities receiving the most CG decisions in each quarter in descending order were UK, Albania and Vietnam. These three nationalities made up more than two-thirds of all CG decisions made in Q1, 2022; 41% were for UK nationals, 22% were for Albanian nationals and 7% were for Vietnamese nationals. There were 71 other nationalities which received a CG decision in the quarter.

Graph 3 provides the different median waiting times for CG decisions per quarter since 2014 for UK, Albanian and Vietnamese cases alongside the median for all nationalities. The graph shows that the waiting times for Albanian and Vietnamese nationals have been longer than the median for all nationalities, and significantly longer than the median for UK nationals, in every quarter since 2014, (except for two quarters (Q2, 2017 and Q1, 2021)).



Graph 3: Median waiting times for CG decisions for UK, Albanian and Vietnamese nationals

The briefing has highlighted the large number of decisions made for UK nationals each quarter and Graph 3 has highlighted that the median waiting time for UK nationals is quicker than the other most common nationalities receiving decisions and the median for all decision. Graph 4 illustrates the impact of the cases of UK nationals on the overall median waiting time that the Home Office reports on each quarter. It shows that the median waiting time for CG decisions for non-UK nationals in Q1, 2022 was 662 days. The CG decisions for UK nationals reduces the overall median by 215 days down to 447 days. The median waiting time for all non-UK nationals in Q1, 2022 was approximately 10 months longer than the median for UK nationals (300 days). There may be factors which reasonably explain why UK nationals wait less time for a decision. However, waiting times for CG decisions are an important indicator of how the NRM is operating. The publicly reported median waiting time does not reflect the considerably longer waiting times for non-UK nationals.



Graph 4: Median waiting times for CG decisions for UK and non-UK nationals

## ABOUT IOM

Established in 1951, the International Organization for Migration (IOM) is the leading inter-governmental organisation in the field of migration, committed to the principle that humane and orderly migration benefits migrants and society. As the UN Migration Agency, IOM works with migrants, governments and non-governmental partners in the international community to provide humane responses to the growing migration challenges of today. 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](http://www.unitedkingdom.iom.int) for more information).

To contact IOM UK about this briefing please email [ctuk@iom.int](mailto:ctuk@iom.int)