

PERSPECTIVE

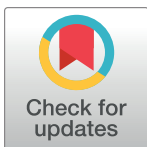
# Modern slavery in the United Kingdom: The illegal migration act risks undermining efforts to combat exploitation

Sian Oram \*

Section of Women's Mental Health, Institute of Psychiatry, Psychology & Neuroscience, King's College London, London, United Kingdom

\* [sian.oram@kcl.ac.uk](mailto:sian.oram@kcl.ac.uk)

*The Illegal Migration Act, which recently passed through the United Kingdom (UK) parliament, poses a serious threat to the well-being of victims of modern slavery and efforts to combat exploitation. The Act gives the UK Government greater powers to deny support and allow the detention and deportation of potential victims and has been widely criticised, including by medical associations and charities. Measures included in the Act risk perpetuating the deprivation of safety, dignity, and medical care experienced by victims, instead of providing the protections to which they should be entitled.*



## OPEN ACCESS

**Citation:** Oram S (2023) Modern slavery in the United Kingdom: The illegal migration act risks undermining efforts to combat exploitation. PLoS Med 20(9): e1004279. <https://doi.org/10.1371/journal.pmed.1004279>

**Published:** September 5, 2023

**Copyright:** © 2023 Sian Oram. This is an open access article distributed under the terms of the [Creative Commons Attribution License](https://creativecommons.org/licenses/by/4.0/), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

**Funding:** The author(s) received no specific funding for this work.

**Competing interests:** The authors have declared that no competing interests exist.

Modern slavery is defined as the recruitment, movement, harbouring, or receiving of women, men, or children using force, coercion, abuse of vulnerability, deception, or other means for the purpose of exploitation. Victims endure prolonged and repeated acts of cruelty, abuse, neglect, and degradation and it remains a significant issue in the United Kingdom (UK). The Illegal Migration Act, which has recently passed through the UK Parliament, significantly diminishes key legal protections for victims of modern slavery, presenting a threat to their health and human rights [1].

Since the establishment in 2009 of the National Referral Mechanism (NRM), the framework by which potential victims of modern slavery are identified and supported in the UK, there has been a significant increase in the identification of modern slavery. In 2022, 16,938 potential victims were referred to the NRM—a 33% increase from the previous year [2]. Labour exploitation and criminal exploitation are the most reported forms of abuse among adults and children, respectively [2]. Despite Government concerns about people abusing the modern slavery system by posing as victims to prevent their removal from the UK, evidence does not suggest that this is a growing problem [3]. Indeed, it is believed that the number of victims going unidentified by authorities and support services remains high [4].

Healthcare settings are important sites for identifying and caring for victims of modern slavery. Research suggests a significant proportion of victims present to health services while being exploited [5], including emergency departments, maternity services, sexual health clinics, and general practice. Indicators in healthcare settings include signs of control, frequent

address changes, neglect or poor living conditions, unexplained injuries and illnesses, sexual health concerns, and mental health problems [6]. Healthcare professionals can support disclosure by seeing patients alone, using independent interpreters where required, and following a trauma-informed approach. When modern slavery is suspected, offering choice, addressing immediate health needs, arranging follow-up care, and following local safeguarding procedures are essential. In cases of urgent safety risk, healthcare professionals should encourage the patient to remain in their care and contact the police [6].

Suspected victims of modern slavery can be referred into the NRM by designated First Responder agencies, including police, immigration enforcement, local authorities, and a small number of authorised charities, but excluding the NHS. Although details of how the Illegal Migration Act will be implemented are not yet clear, the Act allows for significant changes to NRM processes where a victim entered the UK illegally. Previously, referrals led to 2 consecutive decisions about victim status by Home Office decision-makers: the initial “reasonable grounds” decision and, if this first decision was positive, the later “conclusive grounds” decision [7]. A decision that there were reasonable grounds to suspect that a person may have been a victim of modern slavery granted access to government-funded support for a period of at least 30 days in England and Wales. Support should have included safe accommodation where required, financial support to meet essential needs, and practical help and advice from a support worker, including assistance to access healthcare and legal aid, and exemption from charges for NHS care. Where there were conclusive grounds that a person was a victim of modern slavery, victims were entitled to at least 45 days of “move-on” support in England and Wales and continued to be exempt from healthcare charges.

The Illegal Migration Act gives the UK Government greater powers to deny support and allow the detention and deportation of potential victims and follows a narrowing of victim protections by the earlier Nationality and Borders Act. Critics, including medical associations and charities, have raised concerns about the Illegal Migration Act’s compliance with human rights obligations and international law [1,8,9]. The Act significantly diminishes key legal protections for potential victims who have arrived irregularly in the UK (including those for whom entry into the UK was part of the criminal offence of trafficking committed against them), such as the right to remain in the country while awaiting a conclusive decision and to receive specialised support services [1]. These measures risk perpetuating the deprivation of safety, dignity, and medical care experienced by victims, instead of providing the protections to which they should be entitled.

Immigration detention, and even the threat of detention and deportation, has detrimental effects on mental health [10,11], with victims of modern slavery at particular risk due to the already high prevalence of mental health issues and experiences of physical and sexual violence [12]. Healthcare services in immigration removal settings are largely inadequate and deporting individuals without proper safeguards increases the risk of future harm, including re-trafficking. Furthermore, denial of specialised services is likely to significantly hinder recovery due to the challenges of accessing healthcare and other essential services unassisted [5], such as providing necessary registration documents, navigating systems, accessing interpretation and translation services, and disclosing abuse. Accessing mental healthcare is especially challenging due to limited availability of trauma-informed therapies, long waiting lists [13], and the hesitancy of some mental health professionals to initiate therapies in the context of social and legal stressors [10].

The Illegal Migration Act poses a serious threat to survivor well-being and efforts to combat exploitation. A comprehensive and survivor-centred strategy for combating modern slavery requires the prompt determination of victim status, expanded long-term care and support, and improved training for professionals [14]. Survivors highlight secure housing, safety, long-

term support, trauma-informed services, purpose in life, and access to medical treatment and education as being key to their recovery [15]. Strengthening the response to modern slavery requires prioritisation of the recovery and well-being of victims and restoration of the human rights and dignity of which they have already been deprived.

## References

1. Modern Slavery Policy Evidence Centre. Explainer: The Illegal Migration Bill modern slavery provisions, version 12 July 2023 [cited 2023 July 30]. Available from: <https://modernslaverypec.org/assets/downloads/Illegal-Migration-Bill-Explainer-12-July.pdf>.
2. Home Office. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022. 2023 March 2 [cited 2023 Jul 2]. Available from: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>.
3. Office for Statistics Regulation. Ed Humpherson to Jennifer Rubin: use of National Referral Mechanism statistics. 2022 December 8 [cited 2023 Jul 2]. Available from: <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-jennifer-rubin-use-of-national-referral-mechanism-statistics/>.
4. Office for National Statistics. Modern slavery in the UK. 2020 March 26 [cited 2023 Jul 2]. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020>.
5. Westwood J, Howard LM, Stanley N, Zimmerman C, Gerada C, Oram S. Access to, and experiences of, healthcare services by trafficked people: findings from a mixed-methods study in England. *Br J Gen Pract*. 2016; 66:e794–e801. <https://doi.org/10.3399/bjgp16X687073> PMID: 27672141
6. Hunt J, Witkin R, Katona C. Identifying human trafficking in adults. *BMJ*. 2020; 371:m4683.
7. Home Office. Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland (accessible). 2023 July 10 [cited 2023 Jul 11]. Available from: <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northern-ireland>.
8. BMA. 'Illegal Migration Bill', Report Stage—April 2023 (Parliamentary Brief). 2023 April [cited 2023 Jul 2]. Available from: <https://www.bma.org.uk/media/7053/bma-briefing-illegal-migration-bill-commons-remaining-stages-april-2023.pdf>.
9. Doctors of the World, Medecins Sans Frontieres, Freedom from Torture, Helen Bamber Foundation, Medical Justice, Maternity Action. Joint Briefing on the Medical Consequences of the Illegal Migration Bill. 2023 April [cited 2023 Jul 2]. Available from: [https://www.helenbamber.org/sites/default/files/2023-04/%27Illegal%20Immigration%20Bill%27%20Briefing\\_FINAL.pdf](https://www.helenbamber.org/sites/default/files/2023-04/%27Illegal%20Immigration%20Bill%27%20Briefing_FINAL.pdf).
10. Domoney J, Howard LM, Abas M, Broadbent M, Oram S. Mental health service responses to human trafficking: a qualitative study of professionals' experiences of providing care. *BMC Psychiatry*. 2015; 15:289. <https://doi.org/10.1186/s12888-015-0679-3> PMID: 26576640
11. von Werthern M, Robjant K, Chui Z, Schon R, Ottisova L, Mason C, et al. The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry*. 2018; 18:382. <https://doi.org/10.1186/s12888-018-1945-y> PMID: 30522460
12. Ottisova L, Hemmings S, Howard LM, Zimmerman C, Oram S. Prevalence and risk of violence and the mental, physical and sexual health problems associated with human trafficking: an updated systematic review. *Epidemiol Psychiatr Sci*. 2016; 25:317–341. <https://doi.org/10.1017/S2045796016000135> PMID: 27066701
13. Egbe A. Survivors' Mental Wellness: Our Feelings, Our Minds, Our World. Office of the Independent Anti-Slavery Commissioner. 2022 April [cited 2023 July 2]. Available from: [https://www.antislaverycommissioner.co.uk/media/1776/survivors-mental-wellness-report\\_april-2022.pdf](https://www.antislaverycommissioner.co.uk/media/1776/survivors-mental-wellness-report_april-2022.pdf).
14. Office to Monitor and Combat Trafficking In Persons. 2023 Trafficking in Persons Report: United Kingdom. 2023 [cited 2023 Jul 2]. Available from: <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-kingdom/>.
15. Paphitis S, Jannesari S, Witkin R, Damara B, Joseph J, Triantafillou O, et al. Modern Slavery Core Outcome Set Project Report. 2023 [cited 2023 Jun 26]. Available from: [https://www.msos.co.uk/uploads/1/3/8/5/138543036/msos\\_final\\_study\\_report\\_final.pdf](https://www.msos.co.uk/uploads/1/3/8/5/138543036/msos_final_study_report_final.pdf).