



Tom Pursglove MP
Minister for Justice and
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Sir Roger Gale MP
Siobhain McDonagh MP

Chairs of the Nationality and Borders Bill Committee
House of Commons
London
SW1A 0AA

2 November 2021

Dear Sir Roger and Siobhain,

**NATIONALITY AND BORDERS BILL, COMMITTEE STAGE
LINE BY LINE 28th OCTOBER 2021 & 2nd November 2021**

I am grateful to all Committee Members for the detailed debate on the Nationality and Borders Bill on 28th October and 2nd of November. This covered Part 3 (Immigration Offences and Enforcement) and of Part 4 the Bill (Modern Slavery). With thanks to my honorable friend, Craig Whittaker MP, who stood in on 2 November in my absence. During the course of the debates, I, and my honorable friend, undertook to write on the following matters raised by the members:

- To provide reassurance on the Royal National Lifeboat Institution (RNLI), and related clauses in the Bill.
- To provide further details on Clause 46 (provision of information relating to being a victim of slavery or human trafficking).
- To provide the evidence of the potential for misuse, in the context of Clause 47 and 48 (late compliance with slavery and trafficking information notices and identification of victims).
- To provide further information on Safe Spaces.
- To provide further information on agreements in place with countries (including Jamaica), around the deportation of foreign national offenders who might have arrived in the UK as a child.

The information against each of these areas is set out below.

On 2 November, a commitment was also made to Neil Coyle MP to provide statistics on Leave to Remain for Victims of Modern Slavery. My officials are considering this, and I will endeavour to write updating the Committee on this shortly. I apologise that I have not been able to get these statistics to you today.

RNLI

As I reinforced during Thursday's proceedings, we are exploring amendments to ensure that HM Coastguard, RNLI and others performing rescues at sea are protected. I understand that some members of the Committee would prefer to have those amendments ready to debate now, but the issues are complex, and we are taking careful consideration. I would hope to provide further details about this in due course.

Clause 46 (information relating to being a victim of slavery or human trafficking)

As the Committee will be aware, the new and expanded 'one-stop' process seeks to ensure that asylum, human rights claims, and any other protection matters are made and considered concurrently, ahead of any appeal hearing (where appropriate). The aims in terms of modern slavery and trafficking are to ensure that we are able to identify possible victims of modern slavery as early as possible in order to best support their needs and streamline the decision making.

To deliver this, Clause 46 proposes a new notice (the 'Slavery and Trafficking Information Notice') requiring a potential victim who has made a protection or human rights claim to provide any relevant information in respect of being a victim of trafficking or modern slavery within a set time period. Failure to bring forward any information relevant to being a victim of trafficking or modern slavery within the notice period without "good reasons" will be considered damaging to credibility (as set out in Clause 47).

All referrals will be appropriately considered regardless of when they are brought to make sure that those who need protection are afforded it. Further details of how decision makers should consider credibility as part of their overall consideration of whether the individual is a possible or confirmed victim of modern slavery will be set out in guidance on which we intend to engage stakeholders.

Further details about this clause, and the related clauses, can be found in the Government's published explanatory notes: [Nationality and Borders EN \(parliament.uk\)](https://www.parliament.uk)

Clause 47 (late compliance) and the potential for misuse; and Clause 48 (Identification of Potential Victims) opportunities for misuse of the National Referral Mechanism

The Government has published two reports in 2021 providing data on some of the concerns we are seeking to address through the Nationality and Borders Bill. The reports outline pressures in the system and where referrals of modern slavery are coming from. The reports are available at:

<https://www.gov.uk/government/publications/issues-raised-by-people-facing-return-in-immigration-detention>.

NRM referrals from detention and prison have increased. In 2020, 27% (1,005) of people detained within the UK following immigration offences were referred as potential victims of modern slavery. Detention use in 2020 was affected by the pandemic, but even prior to this there was a clear rise in referrals from 3% (501) in 2017 to 16% (1,767) in 2019. National Referral Mechanism (NRM) referrals for Foreign National Offenders and foreign nationals held on remand are rising, with an average of 85 per month in the first five months of 2021 (compared to 19 per month in 2018). In 2019, only a small proportion (1%) of individuals detained within the UK following an immigration offence who made an NRM referral were returned. This raises legitimate concerns that some referrals are being made late in the process to frustrate immigration action and that legitimate referrals are not being made in a timely way. The Nationality and Borders Bill is designed to address these concerns. These proposed changes will ensure resources around decision-making and support are readily available to those who need it.

Safe Spaces

In light of ongoing work to enhance victim support we previously communicated that places of safety was being paused due to the COVID-19 pandemic, resource pressures on the delivery of our core Modern Slavery Victim Care Contract service and the considerable pressure on operational partners.

As we continue work to transform the National Referral Mechanism to ensure victims are identified quickly and receive the support they need, we are considering places of safety alongside work to strengthen the Reasonable Grounds test and First Responder policy.

Work is currently underway within the Modern Slavery Unit to scope the form and operational feasibility of running a places of safety pilot phase in the near future.

Agreements with other countries (e.g. Jamaica) and deportations

The UK Borders Act 2007 places a statutory obligation on the Secretary of State to make a deportation order against a non-British or Irish citizen convicted of an offence in the UK and sentenced to a period of imprisonment of at least 12 months unless an exception applies. This legislation will continue to apply to all nationalities. From time to time, it may be necessary to reach individual arrangements with countries. In relation to the charter flight to Jamaica on 2 December 2020, an operational agreement was reached with the Jamaican High Commission to defer the removal of a number of foreign national offenders who had arrived in the UK before the age of 12. Similar arrangements have not been made with other countries.

We only return those with no legal right to remain in the UK, including foreign national offenders. Individuals are only returned to their country of origin when the Home Office and, where applicable, the Courts deem it is safe to do so. A person's age on arrival to the UK or their nationality are not exceptions to deportation but may be a relevant factor in considering whether an exception applies.

I am copying this letter to all Committee Members, Stuart Anderson MP, Paul Blomfield MP, Neil Coyle MP, Jonathan Gullis MP, Paul Howell MP, Stuart C McDonald MP, Taiwo Owatemi MP, Nicola Richards MP, Mike Wood MP, Duncan Baker MP, Bambos Charalambous MP, Rt Honorable Robert Goodwill MP, Paul Holmes MP, Holly Lynch MP, Anne McLaughlin MP and Craig Whittaker MP.

A copy of this letter will be placed in the libraries of both Houses so it may be referred to.

With best wishes,

Yours ever,

A handwritten signature in blue ink, appearing to read 'Tom Pursglove', with a stylized flourish at the end.

TOM PURSGLOVE MP
Minister for Justice and Tackling Illegal Migration