

Sir Roger Gale MP  
Siobhain McDonagh MP  
Chairs of the Nationality and Borders Bill Committee  
House of Commons  
London  
SW1A 0AA

4 November 2021

Dear Sir Roger and Siobhain,

**NATIONALITY AND BORDERS BILL, COMMITTEE STAGE  
LINE BY LINE 2<sup>nd</sup> NOVEMBER 2021**

I am grateful to all Committee Members for the detailed debate on the Nationality and Borders Bill on 2nd November. This covered the remainder of Part 4 (Modern Slavery) and all of Part 5 and Part 6. Following the debate, I wanted to clarify the position on Clause 56 and the EU Trafficking Directive.

I would also like to provide further information to reassure the committee on the following matters:

- Safeguarding of Children who are housed in hotels;
- Further details of age assessment in regards to New Clause 32.

**Clause 56 and the EU Trafficking Directive**

The EU Trafficking Directive is an EU instrument on preventing and combatting trafficking in human beings and protecting its victims. It was adopted by the UK on 5<sup>th</sup> April 2011.

Following the end of the transition period on 1<sup>st</sup> January 2021, the UK is no longer bound by European Union law. The EU Trafficking Directive is separate to the Modern Slavery Act 2015 and the Council of Europe Convention on Action against Trafficking in Human Beings, which set out our international obligations to victims, and which remain unaffected, as do the UK's obligations under Article 4 of the European Convention on Human Rights.

The purpose of Clause 56 is to disapply the EU Trafficking Directive in so far as it is incompatible with any provisions in this Bill. This aims to bring legislative clarity to the modern slavery clauses in the Bill and avoid any duplication of rights. It will also provide further clarity to victims on their rights and entitlements.

This is not about creating gaps in entitlements between the EU Trafficking Directive and the Nationality and Borders Bill. This Government maintains its commitment to identify and support victims of modern slavery and human trafficking as part of the world-leading National Referral Mechanism.

### **Safeguarding of children who are housed in hotels**

During the course of the debate, questions of safeguarding children housed in hotels was raised. I would like to reassure the committee that children are supported by care workers, social workers and nurses at each hotel. We also have the Refugee Council on site providing cultural orientation and activities. Young persons are also registered with a local GP on arrival at their hotel.

### **Further details of Age Assessment in regards to New Clause 32**

Finally, I wanted to address the point raised by the Mr. McDonald and Mr Blomfield, in relation to New Clause 32 (9). It was suggested that the effect of this subsection was to override the other subsections and safeguards within the clause. However, that is not the effect of that subsection and I hope I can provide reassurance as to its actual purpose.

There is nothing in existing law that precludes the ability of a decision-maker to use appropriate scientific methods of age assessment. Some local authorities have made use of scientific methods in the past, such as dental x-rays and the Courts have previously acknowledged that such evidence may be relevant to the issue of age. The purpose of subsection (9) is to maintain the pre-existing legal position that scientific methods not specified by the Secretary of State under subsection (1) of NC32, may continue to be used where it is considered appropriate to do so. For example, a local authority that wishes to make use of a scientific age assessment as part of an age assessment would still be able to do so, which remains the existing position. However, in such cases, the provision in NC32 to take a negative credibility inference from a person's refusal to undertake a non-specified scientific method without good reason, would not apply.

Under NC32, a negative inference may only be taken where an age-disputed person refuses – without good reason – to undergo a scientific age assessment that is specified in regulations by the Secretary of State. Therefore, it is not the case that subsection (9) overrides or undermines provisions in the other subsections in NC32, or the safeguards set out during the course of the debate.

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 Hon, 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', written in a cursive style.

**TOM PURSGLOVE MP**  
**Minister for Justice and Tackling Illegal Migration**