



Lord Alton, Lord Coaker and Lord Paddick
House of Lords
London
SW1A 0PW

MoJ ref: SUB94961

25 February 2022

Dear Lord Alton, Lord Coaker and Lord Paddick,

NATIONALITY AND BORDERS BILL: NATIONAL REFERRAL MECHANISM (NRM) REFERRALS AND MISUSE

I am grateful to you for the detailed debate on the Nationality and Borders Bill on 10th February 2022, which included clauses on modern slavery. During the course of that debate, I committed to write to you regarding reports on NRM referrals and misuse of the system.

We are extremely proud of the NRM and our system to support victims of modern slavery, but this system is under pressure and at risk of misuse. The aim of the modern slavery elements of the Nationality and Borders Bill is to provide clarity on victims' rights and entitlements, supporting effective recovery from this horrendous crime and reducing opportunities for the system to be misused. This is crucial to ensuring that generous support is provided to those who truly need it.

The Government published a report in 2021 providing data on some of the concerns we are seeking to address through the Nationality and Borders Bill, which also outlines pressures in the system and where referrals of modern slavery are coming from. The report is 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.

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.

I hope this provides clarification and I look forward to continuing to work with you all to deliver this important legislation and further discussing these critical issues as the Bill moves through Parliament. A copy of this letter will be placed in the libraries of both Houses.

Yours sincerely,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive style with a small flourish at the end.

**LORD (DAVID) WOLFSON
OF TREDEGAR, QC**