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Lord Sharpe of Epsom  
Parliamentary Under Secretary of State

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04 March 2024

Dear Lord Purvis

**SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL: HOUSE OF LORDS COMMITTEE STAGE**

I am writing to follow up on the debate in the Lords on day two of Committee (Official Report, 14 February 2024, [column 290-292) regarding victims of Modern Slavery and Human Trafficking and the Illegal Migration Act (IMA)

You asked about referrals into the National Referral Mechanism (NRM) for the cohorts impacted by the IMA.

Sections 22-28 of the IMA set out how disqualifications from the National Referral Mechanism (NRM) will apply to those individuals subject to the duty to make removal arrangements in section 2 of that Act. The provisions of section 22 can only apply to a person if they are subject to the duty under section 2 of the IMA and (as section 22(1)(b) of IMA sets out), if “*a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of slavery or human trafficking*”. It follows that for the person to be disqualified from the NRM under the IMA, they must have been referred by a relevant first responder and one of the competent authorities must have made a positive reasonable grounds decision for that individual. (See also section 23(1), 24(1) and 25(1) for the equivalent provision in each of those sections.)

All first responders for purpose of the NRM should continue to refer individuals if they have identified indicators of modern slavery. The NRM will continue to accept both British and foreign nationals. However, if an individual is subject to the duty to remove in the IMA, they have been referred into the NRM and a positive reasonable grounds decision has been issued by the competent authorities, then that individual will be

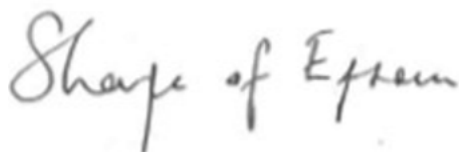
disqualified from the protections and support of the NRM unless one of the limited exceptions in the IMA applies.

Under Article 5(2)(d) of the Treaty, the United Kingdom may (where necessary for the purposes of relocation and where UKGDPR compliant) provide Rwanda with the outcome of any decision in the UK as to whether the Relocated Individual is a victim of trafficking, and this includes positive reasonable grounds decisions. Under Article 13(1) of the Treaty, Rwanda must have regard to information provided about a Relocated Individual relating to any special needs that may arise as a result of their being a victim of modern slavery or human trafficking, and must take all necessary steps to ensure that these needs are accommodated. For the purposes of Article 13(1), Article 13(2) of the Treaty provides that Rwanda agrees to treat as a victim of modern slavery and human trafficking a Relocated Individual who has received a positive reasonable grounds decision made by the United Kingdom (in those cases where the United Kingdom is not obliged to make a conclusive grounds decision prior to removal). Those who meet the lower threshold for a reasonable grounds decision will be treated as if they *are* victims of modern slavery or trafficking and receive treatment accordingly.

I am copying this letter to Lord Scriven, Baroness Brinton, Baroness Butler-Sloss, Lord Horam, Lord Purvis of Tweed, Lord Horgan, Lord Deben, Lord Browne of Ladyton, Lord Stirrup, Lord Alton of Liverpool, Baroness Chakrabarti, Lord Kerr of Kinlochard, The Lord Bishop of Bristol, Lord Randall of Uxbridge, Lord Hannay of Chiswick, Lord Bellingham, Baroness Wheatcroft, Lord Falconer of Thoroton, Lord Ponsonby of Shulbrede, Baroness Hamwee.

I will also place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in cursive script that reads "Sharpe of Epsom".

**Lord Sharpe of Epsom**  
**Parliamentary Under Secretary of State**