

Minutes of the Modern Slavery Strategy and Implementation Group (MSSIG) Prevent Meeting

Date: Wednesday 28 October 2020

Time: 1400-1530

Location: remote meeting via Skype for Business

Attendees:

- Phillipa Roberts (PR) - *Hope for Justice* (Chair)
- Meri Ahlberg (MA) - *Focus on Labour Exploitation*
- Amanda Reed (AR) - *Border Force*
- Andrew Monyard (AM) - *Home Office, Modern Slavery Unit*
- Olivia Hesketh (OH) - *Home Office, Modern Slavery Unit*
- Michelle Harkin (MH) - *Home Office, Modern Slavery Unit*
- Jo-Anne Irving (JI) - *Home Office, Modern Slavery Unit*
- Frank Hanson (FH) - *Gangmasters and Labour Abuse Authority*
- David Camp (DC) – *Stronger Together and Association of Labour Providers*
- Avril Sharp (AS) - *Kalayaan*
- Vicky Lewandowski (VL) - *Modern Slavery and Organised Immigration Crime Unit*
- Emma Crates (EC) - *Independent Anti-Slavery Commissioner (IASC)*
- Mayeesha Jamil (MJ) - *Cabinet Office National Security Communications*
- Marissa Begonia (MB) - *Voice of Domestic Workers*
- Phil Brewer (PB) – *Stop the Traffik*
- Justine Currell (JC) - *Unseen*

Apologies

- Ruth Van Dyke - St Mary's University

Agenda

1. Welcome and introductions and new co-chair plans

- PR announced Lucila Granada from Focus on Labour Exploitation as the new Co-Chair. There were no objections to her appointment. Meri Ahlberg attended to cover the Co-chair for this meeting as Lucila Granada wasn't able to attend but will be at the next meeting.

2. Action updates from last meeting

- PR ran through outstanding actions and discussed progress with the group.

Action 1 – publication of MSSIG minutes (outstanding):

- EC from IASC confirmed that minutes could be published on the IASC website. AM from the Home Office said there was a delay to this as they were consulting with all MSSIG groups to understand their preferences regarding the publication of minutes and to make sure the approach is

consistent. The Home Office team will be in touch with MSSIG chairs regarding this shortly.

Action 2 – information meetings for overseas domestic workers (outstanding)

- AM said the Home Office has met with AS at Kalayaan to discuss outstanding issues but are unable to make an announcement on the tender exercise at the moment.
- AM also informed the group that the Immigration Minister has asked officials look into options for potentially reforming the ODW visa route and will be reaching out to specific organisations to consult on this..

Action 3 – Sopra Steria fees (outstanding)

- The Home Office have passed this issue on to colleagues within the Home Office who will come back to Kalayaan. AM to follow up with relevant unit to ensure this happens.

Action 4 – call to action (completed)

- Ruth van Dyke has sent a call to action to the HO MSU regarding labour inspection and its role in prevention.
- The Home Office has received the call and responded to Ruth. They will share that response with PR who will pass it on to the rest of MSSIG Prevent.

Action 5 – Home Office Prevention strategy (outstanding)

- OH has taken over from Phoebe Blagg and the work is still ongoing.
- The Home Office is interested in hearing the groups views on the prevention strategy but are not in a position to share and present it yet. As soon as they are, they will make it an agenda item for these meetings.

Action 6 - Operational activities

- The HO MSU has met with its operational partners on 18 August 2020 and agreed a final version of Modern Slavery Operational Principles including around the role of immigration enforcement, which will help ensure consistent activity in cases where victims of modern slavery might be identified.
- The Home Office is working out the best way to distribute the principles and will check whether they can share these with the wider group.

Action 7 – Immigration Policy and Intersection with Modern Slavery Prevention Paper (outstanding)

- Emily Kenway was meant to sign off on this paper but final sign-off has been delayed. MA will check with new Co-Chair, Lucila Granada, and get back to PR.

Action 8 – Covid-19 trends (ongoing)

- PR suggested that given the situation is ongoing, updates from the group on emerging trends they are seeing related to Covid-19 be included in the minutes.
- FH from GLAA noted that there is a lot of academic research being done on this topic in the coming months. AM from the Home Office confirmed that there had been a call for funding by the Modern Slavery Policy and Evidence Centre on this topic and grants had been decided. The Home Office cannot yet share who has received grants but will do so as soon as possible.
- PR will share a recently published international paper by OSCE, ODIHR and UN Women – Guidance on Addressing Emerging Human Trafficking Trends and the Consequences of a Global Pandemic — PR will circulate to the group.

Action 12 Group to share any relevant inform (ongoing)

- Already covered under action 8

Action 13 – Covid-19 research (ongoing)

- Already covered under action 8

3. Home Office MSU general update

- OH has replaced Phoebe Blagg within the Prevent team.
- Miriam Minty has moved on to take a new role heading up the secretariat of the Royal Commission and is being replaced by Damian Johnson, who will start in mid-November and is keen to have consultations with the groups and organisations once in the role.

4. Any general updates from the group (including around Covid-19)

- MA from FLEX said FLEX is doing research on migrant workers' access to employment rights and social protection in the context of Covid-19 and will be publishing next July. FLEX is also doing research in Scotland with workers in agriculture – happy to discuss interim findings with those interested (DC expressed an interest). FLEX is also running an event tomorrow with the Latin American Women's Rights Service looking at the successes of police in Amsterdam and NY in building trust with migrant communities and accessing valuable intelligence to prosecute perpetrators of crime. MA shared information about the event in the chat.
- MB from Voice of Domestic Workers updated the group on the launch of the campaign to reinstate the ODW visa. The event will be hosted in Parliament by Jess Phillips on 17 November 5-6.30pm. MB will share details of the event with the group.
- DC from Stronger Together said they had published a multi-stakeholder report on the Tier 5 Seasonal Workers Visa which finds the current pilot to be

significantly better than the previous SAWS but with many areas that need to be addressed in terms. DC will share the report with the group. Stronger Together has also worked on an app for workers – Just Good Work – which has been released for all sectors in the UK. Four languages (English, Gujarati, Bulgarian and Romanian) and free. DC will share with the group.

5. Thematic discussion: EU-exit, new immigration regime and modern slavery

Home Office update on EU-exit and new immigration system and how it sees plans impacting on modern slavery objectives:

- The Home Office are planning a dedicated session with the Vulnerability Advisory Group to understand how the immigration system will impact on potential victims of modern slavery.
- MH from the Home Office Points-Based System (PBS) team explained how the new PBS will work. MH agreed to circulate the slides after the meeting as there were technical issues.

Chair and others briefly present headline issues

- PR from Hope for Justice went over the overarching context of Brexit and the new immigration legislation:

Overview of Withdrawal Agreement Legislation:

- Withdrawal Act 2018 – creates a new category of legislation “EU derived legislation”, which is EU legislation that will continue to apply following exit day and arrangements for transposing into domestic law at the end of the transitional period. In addition, it gives broad powers to prevent, remedy or mitigate any failures of “retained EU law” to operate effectively at the end of the transitional period and specific powers to amend this once it forms part of domestic law.
- Withdrawal Agreement Act 2020 reduces some level of parliamentary scrutiny around the Brexit process and allows ministers to issue regulations on how to interpret or disapply EU retained case law. Also, some level of removal of protections relating to worker rights, which required the government to make statements around non-regression in relation to workers EU rights. The government have indicated this would be in a separate Employment bill.
- Immigration and Social Security Coordination Bill provides for the ending of free movement rights but appears to go further than this and potentially end other EU derived rights and retained EU law relating to immigration. This could potentially impact on wider retained EU law, which touches on immigration including around detention, EU Directive on Human Trafficking and the Victim Directive.
- 22 Oct 2020 notice of changes to the immigration rules was issued. There have been significant concerns about changes to policy and rules on immigration without clear impact assessments and parliamentary scrutiny. Many of these changes come into force on 1st December 2020 with some of the EU rules in line with the end of the transitional period i.e. 31st December 2020. There are

concerning issues that direct impact on victims yet to be identified, those at risk and victims who have already been identified but don't have status and those that currently do have some status. In particular, there are increased thresholds on suitability and wide parameters on grounds where there is a mandatory/discretionary requirement for permission to stay being refused, or existing entry clearance or permission held cancelled. This will directly and significantly, impact on victims of modern slavery not yet identified at risk of having no clear status and victims who already have leave at risk of having permission to stay cancelled, leaving them with no status and placing them at risk of re-exploitation and/or deportation. This is likely to impact on the ability of victim's willingness to come forward, recovery from their experience and engagement in criminal prosecutions. For instance, an application for entry clearance, permission to enter or permission to stay must be refused where the applicant has been convicted of an offence and received a custodial sentence of 12 months or more. This could relate to a victim being wrongly convicted of offences relating to their trafficking experience and/or the deliberate targeting of ex-offenders as a vulnerability to exploitation. Another example is permission to stay may be refused if the person has been rough sleeping and any permission held may be cancelled, yet often victims can end up homeless when they flee their situation of exploitation or post NRM due to system failures. We have previously seen homeless victims not yet identified and those with positive conclusive grounds decisions issued with removal notices and attempts to remove prosecution witnesses with a positive conclusive grounds decision in the past. We have real concerns about these new rules and the impact on victims and survivors, the overall modern slavery strategy, including increasing successful prosecutions.

- We need clear policy and guidance on the new immigration rules particularly how this sits in terms of compatibility with the protective obligations to identify, protect and support victims as detailed in ECHR, Trafficking Directive and ECAT and the statutory guidance. There needs to be clear impact assessments including impacts on vulnerable groups such as victims of modern slavery to ensure public policy is not weighted against victims. In addition, there needs to be a clear assessment on the impact of any changes to immigration policy and rules on the overall Modern Slavery strategy in advance of any changes.
- Potential implications of EU Exit on law enforcement activities – more of a question of given a potential new relationship with the EU including Europol and/or exit without a deal what is the impact on intelligence sharing, JITS, EAW's. Are current bilateral agreements around serious organised crime (including around human trafficking) sufficiently detailed and equipped to continue the excellent collaborative work between EU states and the UK?

Meri Ahlberg Focus on Labour Exploitation on the EU Settled Status Scheme

- MA went over key concerns and points to be aware of regarding the EU Settlement Scheme and its potential impact on modern slavery. The main concern highlighted was the likely risk in irregular population in the UK due to people not registering, not knowing to register or missing the deadline. No constitutive registration system has had a 100% success rate and even if only 1% of the estimated EU citizen population fail to apply, it would lead to more than 30,000 new irregular migrants in the UK.

- MA noted that irregular migrants are at higher risk of exploitation as others know they are unable to report to police or other authorities without risk of arrest and deportation.
- MA also explained that there is a new statutory instrument that, if passed, will mean that the rules during transition and the grace period are not the same, which could cause confusion and people being treated as irregular. A lack of physical proof of settled or pre-settled status (the scheme is digital only) may also lead to people being treated as irregular despite having status.
- MA also expressed concern that the Home Office had not provided detail on what would constitute a ‘good reason’ for missing the application deadline.
- DC discussed new paper from the Association of Labour Providers called *The Impact of the New UK Immigration system on Human Trafficking to the UK*. The paper identifies four key impacts:
 - 1) EU nationals becoming irregular and becoming vulnerable;
 - 2) High demand for low-skilled workers combined with EU nationals being able to enter the UK through visitors visas, means that people are likely to come or be brought over to the UK for work despite not having work authorisation. Working without authorisation leads to vulnerability as discussed;
 - 3) The skilled-worker visa is one of the most expensive in the world and there is a risk that employers will transfer that cost onto workers leading to risk of debt-bondage; and
 - 4) New opportunities for online recruitment scammers and ‘migration factories’ to support people to obtain work in the UK – not all of these will be legitimate.

Discussion

- PB asked the Home Office whether existing border procedures/operations are going to be ready in time to deal with all the complex legislative changes being made around immigration policy?

The Home Office responded saying that the new PBS is part of the wider existing system, so they will not be running two separate operational processes on parallel tracks – this should make it easier to handle.

AR from border force said that how they look out for victims and potential perpetrators won’t change.

JI echoed what AR said – much of what happens will be business as usual but if new risks are identified immediate action will be taken. Response will be joint up with UKVI and Border Force.

- PR noted that it would be useful if specific guidance and clear training around overreaching international rights of victims.
- EC from the IASC asked whether EEA nationals on a visitor visa will be allowed to work and whether there is an associated risk of trafficking?

The Home Office responded that it is not a visa per se – don't need to apply if coming to the UK from the EU. You cannot work as tourist, but there are some short-term activities you can do which are listed on gov.uk.

- DC asked how soon after someone gains access on a skilled worker visa can they transfer to work for another licensed sponsor?

The Home Office responded that people can transfer on the skilled visa but not sure on the 'how soon' part – will get back to DC by email. DC can send remaining questions by email.

- PR asked what the best ways for taking up issues and concerns on this topic are going forward from the MSU's perspective:

The Home Office said the issue would be discussed in the Vulnerability Advisory Group in a few weeks' time and asked that any comments from the group be collated and sent to AM before then.

6. Thematic areas for the next four meetings

- PR listed previous themes covered, which were:
 - Overseas Domestic Workers Visa
 - Focus on migration policy and modern slavery (more widely).
 - Focus on immigration enforcement around operations to recover victims and some of the wider issues that then arise around identification.
 - Data collection and improving effective data collection.
 - Focus on Brexit and the post Brexit immigration regime.
- PR also listed themes previously agreed but not yet covered:
 - Agency workers
 - research priorities for MS PEC
- New themes were suggested by MA (Tier 5 Seasonal Worker Visa and Social protection in the context of Covid-19). DC echoed FLEX's call for a session on Tier 5 visa.
- The Home office said the MS PEC will be producing their paper on research priorities, which could be another theme.

PR asked whether any themes interested in could be provided by email from members and we can then collate them for the next few sessions.

7. AOB

None.