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Exploring the Interface between Asylum, Human Trafficking and/or 'Modern Slavery' within a Hostile Environment in the UK

Patricia Hynes

Helena Kennedy Centre for International Justice, Sheffield Hallam University, Broomhall, Sheffield S10 2BP, UK; p.hynes@shu.ac.uk

Abstract: While the drivers and processes of forced migration may overlap for people seeking refuge or experiencing human trafficking, responses are invariably rooted in legislation and policy rather than empirical enquiry. In the UK, tightening of legislation around asylum has, for the past three decades, resulted in a 'hostile environment'. During this time, a discourse around human trafficking (also referred to as 'modern slavery' in the UK) has emerged. This paper looks at asylum and human trafficking in the UK to consider a fractioning of protection and resulting fractioning of support for basic needs and welfare provision, provided through the establishment of parallel systems of support for both populations. This paper explores the distinctions, interface, key points of contact, and disconnects between asylum and trafficking in the UK. It details the trajectory of asylum policy, provides an overview of the pre-history to the hostile environment, the impacts of fractioning refugee protection, and what this means for trust as a result. It is argued that trust is an essential component of UK government policies but that the trajectory of asylum policy from a focus on integration to a culture of hostility runs directly counter to efforts to identify 'victims' of 'modern slavery'.

Keywords: asylum; human trafficking; modern slavery; support; protection; hostile environment; integration; identification; trust; mistrust



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1. Introduction

Drivers of forced migration include differential inclusion and exclusion of the world's population with differing levels of income and human rights being obvious causes for migration (Castles and Loughna 2004). Historical legacies of colonialism and imperialism, processes of globalisation, social transformation, transnational social networks that connect people across the globe, political conflicts in countries of origin, and human agency are also factors that shape migration (Castles 2003, 2004). Human trafficking is influenced by a constellation of overlapping and interconnected risk factors, which cut across individual, household, community, and structural levels (P. Hynes et al. 2019). While the drivers, shared risk factors, and processes of forced migration may overlap for people seeking refuge or experiencing human trafficking, responses are invariably rooted in policy and legislation rather than empirical observation or scientific enquiry (Anderson 2013; Bakewell 2008; Bloch 2020; Harrell-Bond 1986; P. Hynes 2011; P. Hynes et al. 2019; Mai 2010; Malkki 1995; Turton 2003; Zetter 2007, 2018). These responses result in labels or categorisations that simplify the lived experiences of people forced to migrate and legal, policy, and practice frameworks are built up over time that may lead to dynamic and more complex processes of migration being concealed (Crawley and Skleparis 2017). These categorisations create a false sense of unity wherein the nuances of people's experiences are lost, and, within each separate categorisation, the heterogeneity of gender, age, class, nationality, religion, language, ethnicity, and other identity markers are forgotten. It is, therefore, necessary to view such legislative and policy-imposed categorisations critically, taking into account historical trajectories and understanding that discourses surrounding forced migrants

are not neutral, but political, often built up around multiple, and at times, competing discourses (O'Connell Davidson 2011). It is important to examine how legislative and policy-imposed categorisations emerge as they are rarely self-evident and are constructed within increasingly restrictive migration policies in the UK. This paper explores these processes and categorisations over time in the UK.

In the UK, tightening of legislation around immigration and asylum has, for the past few decades, resulted in an environment described as 'hostile' and/or 'compliant' (Clayton and Firth 2021, pp. 57–60). Over this period, the trajectory of asylum legislation has increasingly focussed on deterrence, with recent explicit policy and legislative pronouncements that use detention, destitution, enforced dispersal, and/or deportation as policy tools to deter new arrivals (Bloch 2020; Clayton and Firth 2021). Moreover, during this period, there has been a fractioning of protection, with a range of differential rights and insecure legal status resulting in a whole new range of bureaucratic categories designed to prevent access to the protections afforded to 'refugees' (Zetter 2007, 2018). Zetter (2018) suggests that the exclusivity of the 'refugee' label serves the interests of States by limiting access to protection, noticeably during pushbacks from 'fortress Europe'. Resulting reduced eligibility to the full rights of a refugee for those not deemed 'genuine' places individuals in precarious contexts wherein 'illegal' employment due to State restrictions on the right to work may be the only option available to them (Zetter 2014).

It is important to remember that, prior to the 1990s, refugee resettlement policy in the UK was based on two key approaches—equal access to general State provision and the support of community self-help (Duke 1996). Since the mid-1990s, the term 'asylum seeker' has become increasingly used in policy, mainstream discourse, and institutionalised into policy and practice, often with associated pejorative terms such as 'failed asylum seeker' or 'overstayers'. Since the early 2000s, a discourse around human trafficking has emerged in the UK with 'victims' or 'survivors' of human trafficking discussed. Following the UK's 2015 Modern Slavery Act (MSA), 'modern slavery' is increasingly used to describe a wide range of exploitative practices including human trafficking, slavery, servitude, and forced or compulsory labour. With the passing of the MSA in 2015, referrals into a National Referral Mechanism (NRM), which was established in April 2009 to proactively identify both UK and non-UK born 'victims' of 'modern slavery', have increased. As such, anti-trafficking efforts run parallel to broader asylum and immigration agendas of control and deterrence and a legacy of the layers of legislation and policy around asylum influence trafficking debates, manifested through language such as 'genuine' or 'legitimate' reasons for making an NRM referral. As Zetter suggests, pejorative labels such as 'spontaneous asylum seekers' and 'trafficked migrants' are a particular feature of this new era (Zetter 2007, pp. 172–92). Terms such as 'trafficking' and 'smuggling' are also often used interchangeably.

Fractioning of protection leads to subsequent fractioning of support, welfare, and basic needs provision. These definitions and labels have power in that they provide the State with the power to include or exclude individuals from support but also frame practice responses and determine how organisations respond to needs for care, support, and protection. Experiences of such care, support, and protection are often shaped by political discourses rather than by actual needs or the realities of people's experiences. For example, as Bovarnick (2010) suggests there is an immigration-led discourse in relation to children who experience trafficking, with limited understandings of their needs, something which Gearon (2019) has outlined as resulting in the binary opposite of a victim-centred approach in practice. Rights and entitlements are bound up with socio-legal categorisations and stratified rights (Dwyer 2005; Lewis et al. 2015; Morris 2011). Dwyer (2005) discusses the 'hollowing out' of the welfare rights of refugees, asylum seekers, people with Humanitarian Protection, Discretionary Leave, people refused asylum, and other fractional labels, arguing that the State's allocation of specific socio-legal categories is in itself an instrument of governance that then defines an individual's welfare rights (Dwyer 2005, p. 630). These hierarchies of status then give the power to define support and welfare rights based on categorisations and legal status. In the UK, support for basic needs within the asylum

system is largely carried out by private companies contracted to the UK Home Office through multi-million pound contracts. For those moving through support for having experienced modern slavery, The Salvation Army and sub-contractors hold contracts for this support.

Citizenship is a gateway to rights within nation-states with rights, it has been argued, often dangerously linked to nationality (Zolberg 1983). Zolberg detailed how the transformation of empires into secular nation-states contributed to the creation of refugees, with refugees a by-product of social change. Zolberg argued that the formation of the modern system of sovereign nation-states is itself a driver of forced migration when certain social groups are persecuted on the basis of ‘accidents of birth’ to which individuals belong without choice (Zolberg 1983, p. 24). Zolberg drew on the work of Arendt (1951) who outlined how those who are excluded by a State experience a situation wherein they lose the ‘right to have rights’, with this relationship between citizenship and rights sometimes referred to as Arendt’s paradox. Falling into the cracks between nation-state provision of rights demands global protections are in place. For refugees, the 1951 Convention relating to the Status of Refugees and its associated 1967 Protocol related to the Status of Refugees (hereafter ‘the 1951 Refugee Convention and associated 1967 Refugee Protocol’) lays out protections and rights for refugees.

Blitz has since argued that, within the UK, refused asylum seekers ‘endure an existence not unlike stateless people’ because they have lost their entitlement to protection by the country in which they sought asylum and may be unable to return to their country of origin (Blitz 2011). Policies of destitution of asylum seekers have been a consistent concern for Lewis (2007) with destitute asylum seekers forced to rely on friends, charity, and their own ‘communities’ for basic needs and often forced to find undocumented and potentially exploitative work to survive (Lewis et al. 2013). People at all stages of the asylum system have reportedly experienced destitution, including those awaiting a decision if unable to access support, those whose appeal rights have been exhausted but are unable to return to their country of origin and those who have been granted refugee or another form of leave to remain who have to leave their accommodation and enter mainstream welfare provision. People may remain in vulnerable positions for protracted periods. In other words, State apparatus on asylum creates environments and contexts wherein exploitation can occur and as outlined below, journeys made by people to the UK that would not necessarily fit trafficking definitions, can quickly become exploitative upon arrival as a result.

This paper considers the parallel systems and support structures developed in the UK for people claiming asylum and for people identified as ‘victims’ or ‘survivors’ of human trafficking and/or modern slavery.

At the time of writing, a proposed Nationality and Border Bill (NBB) is being debated in Parliament. This NBB threatens to criminalise those who seek asylum on the basis of a well-founded fear of persecution and who arrive to the UK ‘spontaneously’, or through what is termed ‘irregular migration’ rather than through formal but limited resettlement routes. This Bill has provision for offshoring asylum seekers and a proposal by the Home Secretary to deport ‘irregular’ asylum seekers to Rwanda is now being legally challenged. This further parallel system for asylum seekers stands in stark contrast to the UK’s ‘bespoke’ visa-based response to Ukrainian refugees through a *Homes for Ukraine* scheme where members of the public can host refugees in their home, set within a discourse around Ukrainian ‘refugees’. Currently, the use of army barracks and unsafe hotel rooms are the subject of campaigns as is a proposal for a new detention centre specifically for women, all of which are part of the structure of provision for asylum seekers deemed to be ‘spontaneous’ arrivals. A shift towards increasing use of temporary accommodation for asylum seekers in hotels, hostels, and unregulated spaces is evident. Rights and access to support, safety, basic needs, and welfare is thus moving further away from rights provisions for citizens.

This NBB contains provisions about nationality, asylum, immigration control, and also modern slavery—bringing human trafficking together with asylum within one piece of legislation. This Bill is considered by UNHCR¹ to run contrary to the UKs obligations

under the 1951 Refugee Convention and associated 1967 Refugee Protocol. Civil society and those working closely with people who have experienced trafficking have argued that this NBB will reduce protections and increase the dangers of non-identification of people as trafficked. Whereas the MSA 2015 was flagged by the UK government as a model for the world, the NBB contains a number of proposals that undermine it, will penalise 'victims' for late disclosure, and will make it harder for 'victims' to get necessary support.

For children, Parts 4 and 5 of the proposed NBB are particularly damaging, including how age assessments should make use of 'scientific methods' through examination or measuring of body parts, the use of imagine technology, analysis of saliva, cell, or other samples, including DNA samples—methods all previously disregarded as unreliable or unethical by medical professionals during the introduction of previous legislation. Additionally, and despite referrals of children into the NRM rising year-on-year, the Bill takes no account of the need for enhanced protection for children.

This paper examines and provides an overview of the trajectory of legislation, policy, fractioning of protection, welfare, and support for basic needs leading up to this NBB and while further parallel systems are being constructed. Following an overview of methodology and timeframes of studies conducted, this paper does four things. Firstly, it outlines the distinctions between the definitions of asylum and human trafficking. Secondly, it considers the pre-history to the hostile environment and how a parallel provision of services for asylum seekers emerged with the introduction of compulsory dispersal in April 2000 and then a second parallel system of support for 'victims' of 'modern slavery' emerged following the 2015 MSA. Thirdly, it considers Zetter's (2007) arguments around the fractioning of protection in light of empirical material generated and, in particular, recent empirical material on migration from Viet Nam, Albania, and Nigeria. Finally, it reviews a previous assertion that trust is an essential component of UK government policies that seek to promote community engagement and initiatives to 'combat' human trafficking and that mistrust towards asylum seekers as a group directly contradicts such policies and initiatives (P. Hynes 2009). To explore this, definitional differences, distinct legal frameworks, and participants' thoughts on a range of parallel services which reify these distinct policy agendas are provided.

It is suggested that mistrust towards asylum seekers has been entrenched further due to the broader 'hostile environment' and that this increased space for mistrust of authorities results in further barriers to identification of human trafficking and/or modern slavery. It is also suggested that increasing fractioning of bureaucratic labels across asylum and human trafficking is not only confusing but is unreflective of the realities of both asylum seekers and those affected by human trafficking as well as amplifying the dangers of more individuals being rendered vulnerable to exploitation, liminality, and increased precarity. In other words, as the drawbridge is raised higher for those seeking to reach the UK, journeys to the country have become increasingly dangerous and difficult, with rights and entitlement under international law reduced for both refugees and people affected by trafficking under a description of being so-called 'irregular' migrants.

This paper considers the interface, key points of contact, and disconnects between the asylum system and the system established for identifying and supporting 'modern slaves'. The UK's parallel support structures are provided through systems that control rather than care and maintain individuals in contexts that involve a mix of liminality, precarity, and uncertainty. Overall, it is argued that in the space of three decades, the UK's environment for those fleeing persecution or escaping exploitation has shifted from a focus on 'integration' to a culture of hostility, disbelief, and mistrust in which precarity and exploitation can thrive. This reduces possibilities of disclosures of abuse or exploitation, which are a key aim of human trafficking and/or modern slavery initiatives. This paper does not look at human smuggling in any great depth beyond noting possible overlaps, its 'eye-catching' nature within the media (Van Liempt 2022, p. 303), confusion in practice between the terms 'smuggling' and 'trafficking', and the interchangeable nature of their use in discourse and rhetoric.

2. Methodology and Timeframes

To encapsulate the timespan of this paper, this paper is cumulative, drawing on policy developments, legislation, and empirical studies over time, which demonstrate the trajectory of asylum and human trafficking policy. This includes mainly qualitative doctoral study (fieldwork between November 2002 and February 2005), a small-scale qualitative study that considered trafficking within the non-statutory sector (2012–2013), and, more recently, a study into ‘vulnerability’ to human trafficking from Albania, Viet Nam, and Nigeria to the UK (April 2017 to March 2019, with fieldwork between October 2017 and November 2018).

The doctoral study investigated compulsory dispersal of asylum seekers in England following the Immigration & Asylum Act 1999, which represented the first-time refugees without secure status who were dispersed across the UK (P. Hynes 2011). This involved purposive sampling through in-depth interviews and focus groups with 48 participants, participant observation with asylum seekers, refugees, and key informants in three English dispersal locations and London. In addition, maps of England were generated using Geographical Information Systems (GIS) software to obtain a spatial understanding of the dispersal of asylum seekers. Documentary analysis of secondary data sources supplemented these primary sources. At that time, the government claimed that the new system of compulsory dispersal which separated asylum seekers from mainstream support met international obligations, since ‘genuine’ refugees would be prepared to undergo a temporary period of hardship until their claim for asylum was established (Home Office 1999). Official documents outlined how this policy would control entry and reduce incentives for ‘economic migration’ (Audit Commission 2000) which meant dispersal, along with deportation, detention, and destitution policies, become one of the ‘normalised essential instruments’ of control (Bloch and Schuster 2005, pp. 491–512). During the timeframe of this study, human trafficking discourse was in its infancy in the UK, with the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter ‘the 2000 Palermo Protocol’) coming into force in February 2006 and a later establishment of the UK’s NRM to proactively identify ‘victims’ of human trafficking in April 2009.

The small-scale study looked at trafficking within the non-statutory sector focussed on the trafficking of children and young people and migrant or refugee community organisations (MRCOs) working with them (P. Hynes 2013, 2015). This was a qualitative and inductive scoping study with purposive sampling and interviews conducted with 10 representatives of the non-statutory and voluntary sector across London, plus analysis of secondary data and literature from three further organisations involved in raising awareness of trafficking and child protection within minority ethnic populations. The timeframe for this study was prior to the 2015 MSA, at a time when the more structural ‘harms’ of State asylum and immigration policy were only beginning to be understood in relation to human trafficking and exploitation (Anderson 2012; O’Connell Davidson 2013).

The two-year research study (2017–2019) looked at understanding the causes, dynamics, and ‘vulnerabilities’ to human trafficking in three source countries—Albania, Nigeria, and Viet Nam—plus the support needs of people from these countries who had experienced trafficking and were in the UK. This involved purposive sampling, with 164 interviews conducted with adults who had experienced trafficking ($n = 68$) and key informants ($n = 96$) across the four countries (P. Hynes et al. 2019). This study was conducted in partnership with the International Organization for Migration (IOM) through their Tirana, Lagos, Hanoi, and London offices². Prior to and during the study, these countries had consistently been among the top countries of origin for people affected by trafficking and referred into the UK’s NRM. It was during this study that the interface between asylum policy, human trafficking, and/or ‘modern slavery’ policies and legislation became most apparent. This study took place after the 2015 MSA and at a time when referrals into the NRM of both adult and child ‘victims’ or ‘survivors’ of ‘modern slavery’ were rising year-on-year.

3. Definitions

There are clear distinctions between the definitions of asylum and human trafficking. Under international law, refuge from persecution can be sought under the 1951 Refugee Convention and associated 1967 Refugee Protocol, which removed a time limitation of the 1951 Convention and made this universally applicable. The definition of a 'refugee' is contained within Article 1 of the 1951 Refugee Convention as applying to any person who:

'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it'.

This Convention was signed at a point in time when protection from persecution was taken seriously, relating to those persecuted during World War II. This Convention established the right to seek asylum under international law for those persecuted by their own State. This rights-based focus did not, however, provide an automatic right to be granted asylum and is, therefore, operationalised through refugee status determination (RSD) processes. Thus, while international law recognises the right of asylum, the spirit of the original conception of asylum is not always taken into account, with domestic legislation, policies, and diversion tactics put in place to circumvent this right through the use of a range of differential rights, insecure legal status across different bureaucratic categories.

People who are trafficked are defined under different legal arrangements adopted in 2000—the Convention against Transnational Organized Crime—with two supplementary Protocols, one relating to human trafficking noted earlier, and another to smuggling. The 2000 Palermo Protocol provided the first internationally agreed definition of human trafficking and in Article 3 defines those who are trafficked:

'Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.'

This definition contains three interrelated yet distinct elements—the 'act', 'means', and 'purpose' of trafficking. Although trafficking of human beings is increasingly considered to be a violation of their human rights, the Palermo Protocol itself is not a human rights instrument. Rather, it was designed to facilitate cooperation between States to combat organised crime (Anderson 2013; Gallagher 2015). As such, a security focus and border controls rather than human rights protection lie at the heart of this Protocol. The logic behind this piece of anti-trafficking legislation, devised by the Organisation for Security Cooperation in Europe (OSCE) has attracted considerable concern given the focus on security above rights or protection of 'victims'. Critiques have focused on understanding structural 'harms' and 'collateral damage' of State policies wherein vulnerability to exploitation is created and/or exacerbated by State legislation and policies (Anderson 2012; GAATW 2007). Gallagher (2015) has also discussed the criminal justice focus of the Palermo Protocol whilst arguing that a human rights focussed treaty on human trafficking would not be viable given a lack of political will globally. Gallagher (2015) goes on to suggest that human rights protections have since supplemented the Protocol devised to tackle the issue of transnational crime when, for example, the UN High Commissioner for Human Rights issued principles to integrate a human rights perspective and provide practical guidelines into human trafficking work (UN Recommended Principles). An example of this being how it is now accepted that 'victims' have rights relating to identification, protection, support, not to be detained, and not to be prosecuted for offences relating to their trafficking experiences.

The UK is party to both the 1951 Refugee Convention and associated 1967 Refugee Protocol, with the definition of a refugee incorporated into domestic law within the 1993 Asylum and Immigration Appeals Act (Goodwin-Gill 2014). The UK signed the Palermo Protocol in 2000 and it came into force in February 2006. The UK also ratified the Council of Europe's Convention on Action against Trafficking, which became operational in April 2009. This European Convention incorporated concepts and language contained within the UN's Recommended Principles.

The definitional differences, distinct legal frameworks and the tensions between rights-based and criminal justice-based focus are key disconnections between asylum and human trafficking. Other key disconnects include separate recording of statistics (both globally and domestically) plus research and literature that rarely considers both forms of forced migration.

However, in practice, there are overlaps and distinctions that can become blurred within the lived realities people encounter. There may be shared risk factors across those who seek asylum and experience trafficking. Both populations may experience harms *en-route* to the UK when crossing deserts, seas, and/or mountains. Routes and modes of transport can be similar within mixed movements of people and mixed migration. There is confusion between 'trafficking' and 'smuggling' distinctions in practice and the terms are regularly misused in the media. Both asylum and trafficking labels might apply to the same person for different reasons. Someone fleeing persecution and moving through an asylum process might be identified as trafficked during the RSD process. 'Survivors' may claim asylum on the basis of being trafficked and their membership of a particular social group, something which women from some countries are able to claim due to their innate and unchangeable characteristics, common backgrounds, and, as is the case in Albania, the possibility of being ostracised by their families or stigmatised within society if forced to return. The protections of refugee legal status are necessary, and the only hope people may have to remain in the UK given the lack of provision for Leave to Remain within the 2015 MSA. Thus, a key overlap relates to how refugee law has wider provisions available rather than the discretionary, conditional, and limited protections available under anti-trafficking instruments (Gauci 2022).

4. Pre-History of the Hostile Environment to the Establishment of Parallel Support Structures

The use of deterrence policies in the UK is not new and has been an overarching feature of immigration and asylum legislation and policies for over one hundred years (Knox and Kushner 1999). However, prior to the mid-1990s, refugee resettlement policy 'was based on two key approaches in social policy; equal access to general State provision and the support of community self help' (Duke 1996, p. 7). As Duke outlines, statutory services met the needs of asylum seekers and refugees in the same way as the needs of the general population, with 'no permanent, central programme for the resettlement of refugees' in place (Duke 1996, p. 7). Access to financial support, accommodation, employment advice, health, and education services were each through mainstream statutory services with 'refugee specific initiatives' (Duke 1996, p. 13) from specialist voluntary organisations, refugee community organisations (RCOs), and adapted statutory services for those needs that could not be met through mainstream provision alone (Carey-Wood et al. 1994). Figure 1 (adapted from Duke 1996) represents the key features of this past structure of provision through statutory and voluntary sectors.

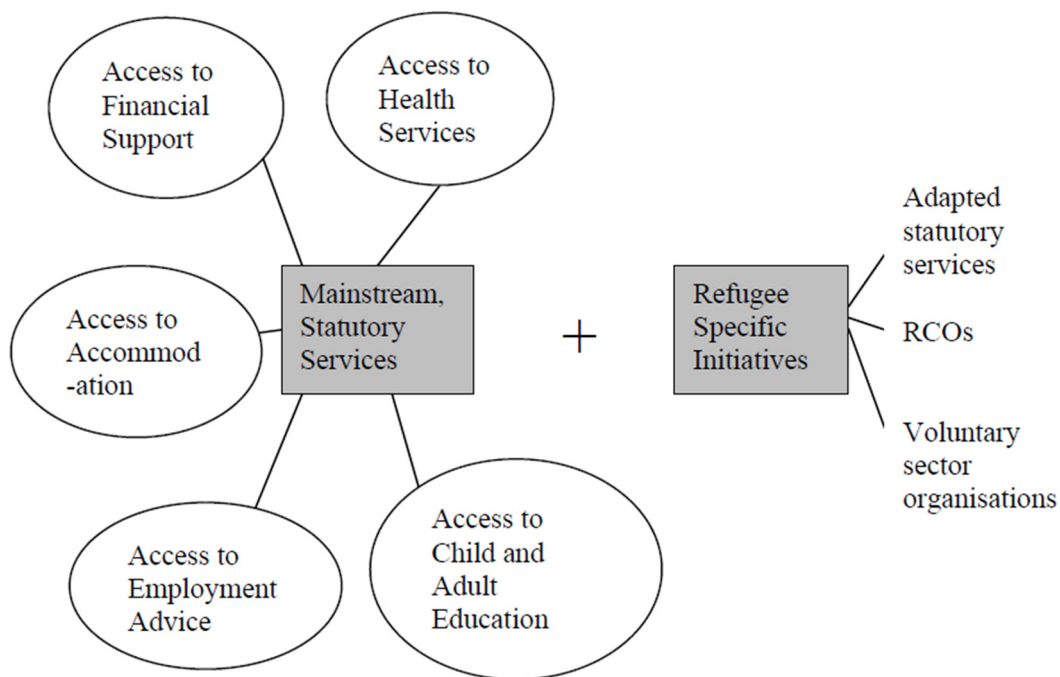


Figure 1. Past structure of provision for refugees.

People arriving into the UK seeking sanctuary and asylum from persecution were referred to as either ‘non-quota refugees’ or ‘spontaneous refugees’ (Duke 1996). The UK had no domestic asylum legislation until the 1990s although the 1951 Refugee Convention had been ratified in 1954. In the first of many further Acts of Parliament, the 1993 Asylum and Immigration Appeals Act incorporated the 1951 Refugee Convention definition into immigration rules, creating a process for dealing with asylum applications. A subsequent 1996 Immigration and Asylum Act removed benefits from those making late claims for asylum (referred to as ‘in country’ applicants) and vouchers for designated supermarkets making asylum seekers more visible.

Under the 1999 Immigration and Asylum Act, a national system of compulsory dispersal was introduced with temporary accommodation available on a no-choice basis in areas outside London and the Southeast of England. The introduction of compulsory dispersal represented a departure from the past structure of provision for refugees, with asylum seekers negotiating a more complex system prior to becoming recognised refugees. For asylum seekers, equal access to State provision ended with the introduction of compulsory dispersal and the creation of the National Asylum Support Service (NASS). The support of community self-help was limited due, initially at least, to the lack of refugee community organisations in the new dispersal locations across the UK and lack of funding to establish this type of support. Whereas access to mainstream services to refugees had meant the number of agencies involved in the past relatively low, the new structure introduced saw a proliferation of agencies and a more fragmented structure for service provision as represented in Figure 2 (adapted from P. Hynes 2011).

As can be seen, this new system involved a greater number of organisations within the structure of contemporary dispersal and a need for ‘signposting’ asylum seekers to essential services by public, private, and voluntary sector partners under contract to NASS. A number of non-refugee specific organisations became involved over time, including mainstream service providers, the private sector, and faith-based organisations. Necessary access to legal support now occurred through ‘signposting’ from accommodation providers and refugee service providers (RSPs). In comparing practice across time, it is revealing that previous dispersal of Vietnamese refugees being resettled in the UK only involved accommodation through social landlords due to the consideration that private accommodation would be unsuitable for such a ‘vulnerable’ population (Duke 1996). This

is no longer the case for asylum seekers, with private contracts for accommodation now outweighing the use of public housing or through registered social landlords.

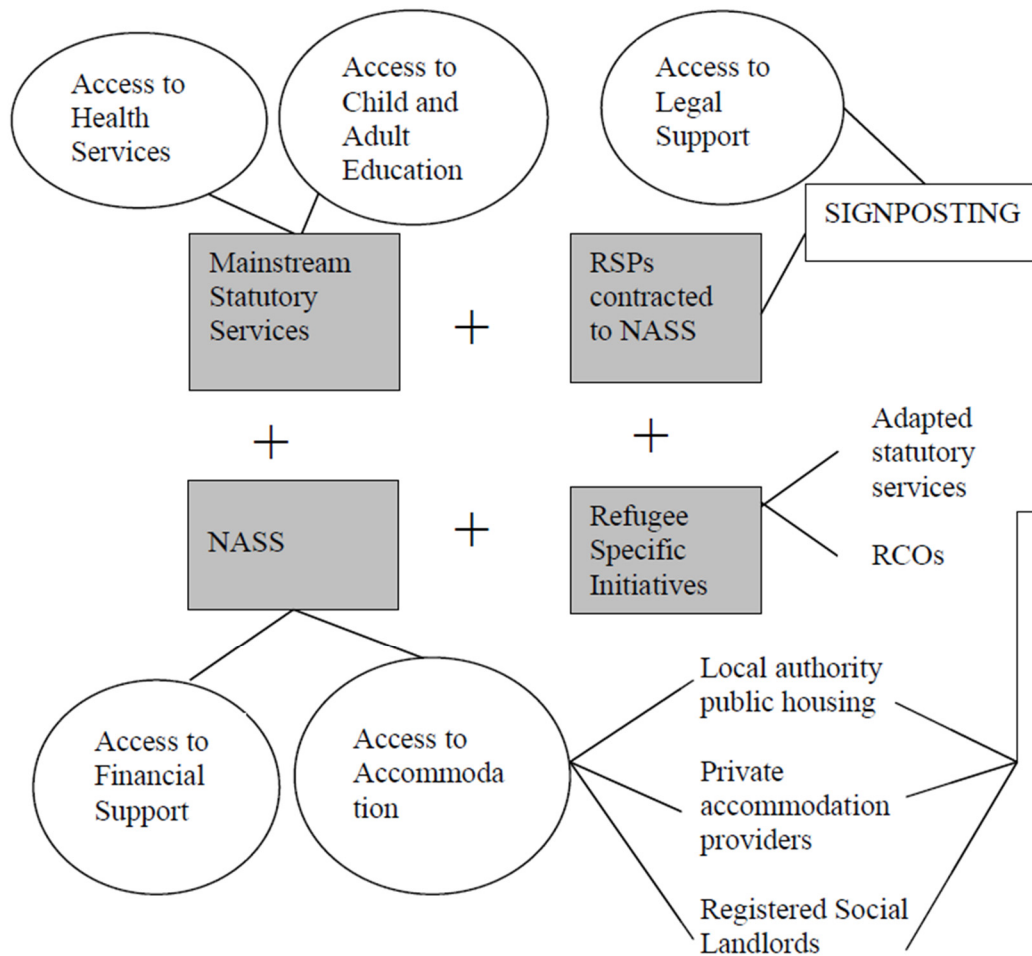


Figure 2. Structure of provision for asylum seekers upon introduction of compulsory dispersal.

This change of the support structure under the 1999 Immigration and Asylum Act laid the foundation for further erosion of protection and support, with deterrence built into service provision and a ‘culture of disbelief’ emerging around asylum more broadly. From 2013, a ‘hostile environment’ towards an ‘undefined population of unwanted immigrants’ was an aim of the UK government (Clayton and Firth 2021, p. 57). This hostile environment was cemented through the Immigration Acts of 2014 and 2016, requiring landlords to check tenants’ immigration status and criminalising illegal working. While these did not focus specifically on asylum seekers or those experiencing modern slavery, ‘hostility spills out’ (sic) onto others, landlords, and other service providers now required to vet their clients and patients (Clayton and Firth 2021, p. 58).

Immediately post the 1999 Act, accommodation contracts with private and local authority providers, plus a small number of registered social landlords were put in place. Since this time, the shape of support for asylum seekers has changed considerably with private accommodation providers now holding contracts for accommodation and support. Between 2012 and 2017, Commercial and Operational Managers Procuring Asylum Support Services (COMPASS) contracts were awarded for accommodation, support and transport were awarded to three companies (Serco, G4S and the Clearsprings Group) with sub-contracts to other private landlords. A two-year extension of these contracts was in place before new 10-year contracts were awarded in 2019. These New Asylum Accommodation and Support Services (AASC) contracts included required improvements such as requirements for the standards and conditions of accommodation and to have proactive

maintenance plans and regular inspections of properties. These contracts, worth £4 billion over 10 years (2019–2029) also required work with tenants on accessing support and a requirement to work with local authorities and consult on the location of properties, both of which were missing at the outset of compulsory dispersal. Past accommodation providers Clearsprings and Serco were successful in their bidding, but G4S, a company heavily publicly criticised, was not successful. The Mears Group in Scotland, Northern Ireland, and other areas joined the group of privately owned accommodation providers³. Current critiques of the AASC contracts from the voluntary sector include how such institutional accommodation cause harm (*Asylum Matters 2021*). An additional contract for Advice, Issue Reporting and Eligibility Assistance (AIR) was awarded to Migrant Help with the intent on having a single, integrated, and national service for asylum seekers to get advice on their rights, the asylum process, and be signposted to relevant services.

A different set of signposts for people affected by trafficking has been established through a Victim Care Contract (VCC) contract awarded to The Salvation Army (TSA), which up to April 2021 supported some 12,500 adult ‘victims’. A more recent TSA contract—the Modern Slavery Victim Care and Coordination (MSVCC) contract, awarded from 2021 includes both ‘Places of Safety’ provision (up to three days support), ‘move-on’ support (for 45 days), and ‘reach-in’ provision. These are available to those with a positive outcome (see below) to access counselling, other therapies, ESOL classes, translation services, and help finding jobs. The MSVCC was awarded to the TSA and was worth £280 million over five years initially. The ‘reach-in’ component is provided by the TSA and other non-governmental organisations who plug the gaps in existing support provision. The private sector is, as yet, less involved in provision for those affected by trafficking and/or modern slavery.

These two parallel support structures—one for asylum seekers and a second parallel system of support for ‘victims’ of ‘modern slavery’—exist outside mainstream provision of support and separate those in need of protection from wider society on the basis of labels, categorisations, and socio-legal status.

5. Impacts of Fractioning of Refugee Protection

Fractioning of refugee protection has resulted in a sometimes bewildering array of socio-legal statuses, terms, and acronyms for those claiming asylum but also those having had experience of human trafficking or other forms of modern slavery. Policies that separate those in need of protection into parallel systems of support and welfare are a product of this labelling and fractioning. Responses and practical arrangements around accommodation and other essential services are based on these labels, with a migration industry contracted to support individuals.

5.1. Categorisations, Terms and Acronyms

For those moving through the asylum process under the category of ‘asylum seeker’, the RSD process can result in various outcomes—this can mean gaining ‘refugee’ status and permission to stay in the UK for five years, Humanitarian Protection (HP), Discretionary Leave (DL), or a Refusal of Asylum. The term ‘failed asylum seeker’ (FAS), ‘refused asylum seeker’, or ‘appeals rights exhausted’ (ARE) are often used by the Home Office if a claim and/or subsequent appeal is unsuccessful. As a result of the initial quality of asylum decisions, appeals are frequent and overturn a high percentage of cases each year.

These terms and differentiated outcomes can be confusing for people moving through these processes, as one representative of a civil society organisation working across a range of nationalities suggested:

‘Then people who have got DL [Discretionary Leave] and then thought that was refugee status’. (Interview 146, key informant, UK, July 2018)

For adults who have been affected by human trafficking, a referral to the NRM can be made with their consent or, if consent is not given, the referrer has a Duty to Notify (DtN) the Home Office about any potential ‘victim’ of modern slavery in England and Wales.

Recent statistics suggest that this DtN for those who do not consent to referral into the NRM are rapidly rising with little information for the reasons behind this. For children, consent is not necessary for a referral into the NRM.

A range of statutory and non-statutory organisations ('first responders') are able to make these referrals. For adults, the process involves being recognised as 'potential victims of modern slavery' through what has been a low threshold entry point called 'Reasonable Grounds' (RG). If a positive RG decision is made, access to accommodation, legal advice, and other practical and emotional support through the TSA and sub-contractors is available for 45 days. If a negative RG decision is reached, the individual is not seen as a 'victim of modern slavery' and is not eligible for support. The next stage is gaining a 'Conclusive Grounds' (CG) decision. If positive and, once information has been provided to the Home Office, a CG decision is made, either positive or negative. If positive, an application for Discretionary Leave (DL) can be made for up to 30 months. If negative, a person is not eligible for support beyond nine days. This rapid ending of support and the complexities of the parallel structures was commented on by a representative of civil society:

'I've found when they're in the NRM system, until the government decide whether they have been trafficked or not, they get quite a bit of support. If the government decide that they haven't been trafficked, that support just drops and they go into the asylum process. . . . Because they are then going into the asylum system and they have to go to court where they're told 'Well you haven't been trafficked so you can go back home' . . . ' (Interview 141, key informant, UK, June 2018)

No appeals can be made against negative RG or CG decisions. In theory, a positive CG decision means access to a further 45 days of safe accommodation. This might be a safe house provided by a non-governmental organization, hostel accommodation in emergency situations, or asylum support accommodation (often referred to as 'NASS accommodation' now through the AASC contracts detailed earlier). Access to accommodation is directly linked to legal status with a recognised 'refugee' able to access statutory, private, and social housing; those with DL or those with pending asylum cases able to access asylum housing, long-term safe houses through charitable organisations or live with friends or family; and for those refused asylum or not granted HP or DL, homelessness is the key outcome.

Crucially, there is no associated automatic Leave to Remain with a CG decision so adults might be identified as a 'victim of modern slavery' with no 'durable solution' or right to remain made available as a result. [Murphy \(2018\)](#) has suggested that the journey from identification, referral to rehabilitation, and recovery is fraught with challenges, likened to a 'game of chance' in which outcomes within this NRM system are inconsistent, variable, and uneven. Status is inextricably bound up with access to services, rights, and entitlements within this uneven system. Country of origin information around human trafficking is now emerging, with some Home Office trafficking themed country-specific information available on certain countries with higher referral numbers such as Albania, Viet Nam, and Nigeria and further work necessary to raise the quality of understanding for decision makers around human trafficking.

5.2. Confusion When Navigating Systems and Processes

There is a separation of asylum and NRM decision making, but the decision maker in both asylum and modern slavery cases is the UK Home Office. It is possible to simultaneously go through both systems and be refused in both. The need to submit two types of application—one asylum application and another referral into the NRM—and move through two different processes can be, as one key worker working with Vietnamese nationals suggested, confusing for individuals:

'Most of my cases are asylum cases. It's really difficult for the clients to understand that their trafficking case is separate from their asylum case. While they are under the same umbrella, they are separate. And the stories they tell in both, it's

really difficult for them to understand what the Home Office is asking for and what's required of them'. (Interview 128, key informant, UK, March 2018)

Another representative from a civil society organisation working with several different nationalities reiterated this:

'We see a lot of people who are confused by the NRM process and how it interacts with the asylum process.' (Interview 146, key informant, UK, July 2018)

A case worker, representing Lam and his partner, Lan, from Viet Nam, elaborated on this simultaneous process, detailing its gendered nature:

'When he met us we passed information to a legal advisory, we helped him to manage, so he managed to get onto the NRM. He made both applications for victim of human trafficking and also make a claim for asylum. . . . I only made [the applications] for him. . . . She has never received any legal advice or any help from anyone until after she met him and she became a dependent on the application form for asylum.' (Lam and Lan, Interviews 30 and 31, UK, July 2018)

Whereas Lam had experienced trafficking and being transported by land, sea, and air, Lan had travelled by land through Russia until reaching the UK, becoming a dependent in Lam's asylum case, although having experienced extreme forms of exploitation herself.

For children moving through child protection systems plus the NRM and asylum systems, a key informant was clear about the need for specialist services to help join-up these processes and orient children and young people:

'So, there's a big need there to have specialist services like us that have that knowledge, who can advocate for a young person, who know case law and the NRM and how to get people to the right solicitor but also can work with the young person to understand the NRM and asylum claims because they are confusing systems. They're confusing for any migrant but for trafficking victims you've got not only an asylum claim but a NRM and they seem similar and they overlap but they're also different . . . ' (Interview 138, key informant, UK, May 2018)

Mai (2010) suggests that trafficking and migration need to be analysed jointly as two different but related aspects of complex processes of transformation. Zolberg's (1983) suggestions that refugees are by-products of social change and that certain groups are excluded through persecution on the basis of particular characteristics resonated not only with participants discussing asylum but also human trafficking. One Vietnamese young woman revealed shared risk factors within her own experiences related to trafficking and asylum:

'The reason for that was when I married and then I divorced from my husband, he [was] involved with some political activities and he was arrested and it's kind of linking to me and I decided to leave the country. . . . If you marry or you're an ex-partner, if the other one involved or been arrested, you therefore will become an accessory to crime and I feared for my own safety, that's why I left.' (Interview in UK with adult female from Viet Nam, May 2018)

The drivers of her leaving Viet Nam based around the persecution of her husband due to his political opposition, and her imputed political opinion, were clear. However, within the UK, it was exploitation within the UK that had led her to having an asylum application and NRM referral. Interviews with participants from Viet Nam revealed how political reasons for leaving in the first instance were common with arrests of fathers and brothers pre-empting migration of women and young people. They also revealed how duty to contribute towards family finances and debts were evident in many cases. Considerable risks were taken to facilitate such movement, with properties being mortgaged and land sold to finance these journeys.

5.3. Journeys towards Exploitation

A key finding in the 2017–2019 study was that vulnerability to trafficking is deeply contextual and influenced by a constellation of overlapping and interconnect risk factors across socio-ecological domains (P. Hynes et al. 2019). Individual level risk and protective factors were discussed by participants but were firmly embedded within broader family, community, and structural factors that create an enabling environment for trafficking to occur. Factors at the household and family level appeared to be particularly significant in the lives of people who had experienced trafficking. It was also found across Albanian, Nigerian, and Vietnamese cases that journeys undertaken were not always exploitative *en-route* but could become exploitative once in the UK

While journeys often began with rational decision making, these could be based on limited or unreliable information about costs, length, dangers, legal requirements, alternatives, or situations *en-route* and at destination. Once journeys began, they became progressively precarious with individuals facing new and rapidly changing vulnerabilities. Interviews detailed violence, extortion, abuse, exploitation, lack of food or water, and sometimes bearing witness to the death of others. Risks and harm tended to increase over distance as dependence on others increased. Journeys from Viet Nam were found to be particularly dangerous with widespread violence, abuse, and exploitation in multiple locations and over an extended period of time. Journeys from Albania often involved exploitation in another European country before arrival into the UK. People from Albania arrived into the UK in fear of their lives due to a variety of drivers, including blood feuds, domestic violence, and forced marriage, not always due to human trafficking. However, upon arrival, a consistent account emerged that vulnerability to exploitation was a key risk after their arrival into the UK as a result of the quality of asylum decisions and time involved in asylum processes.

As such, journeys to the UK which did not necessarily fit human trafficking definitions at the outset could become exploitative over time. It was often the case that for some who might fit the definition of having been ‘smuggled’ into the UK or Europe, exploitative circumstances stemming from delays in the asylum system took them closer to the trafficking definition upon having constrained choices. For Biggie from Nigeria, discussion about the asylum system related closely to the need to enter into the informal economy:

‘... you’re an asylum seekers there ... it also takes time for them to process your asylum [application]. When they reject you, you have the right to appeal, those things were delaying us so there were people that they had to live ... got into drugs and commit crime, they made money but not soft guys like us that would not do that.’ (Biggie, Interview 14, Nigeria, July 2018)

Biggie went on to explain this dynamic further:

‘The experience there is so, so hard. It’s so, so hard, that if you’re a woman, you must go into prostitution, you must sell yourself. That’s just the simple truth I’m telling you. When you don’t have a brother or a sister there, if you’re a woman you must go into prostitution to survive. The men go for labour ... ’ (Biggie, Interview 14, Nigeria, July 2018)

In the earlier 2012–2013 study, this dynamic was beginning to be understood when a representative from the Kurdish and Turkish community had noted that:

‘... that is the agencies, we call them ‘chetta’. These ‘chetta’ who are human transporters, they could exploit anything that they can. If you are a beautiful woman, they could exploit your body. If you are ... a person that has got land or money back at home, they could exploit that. Or they might push you into drugs business. They might push you into extorting money because that is what we are experiencing ... in the community.’ (Interview 1, UK, August 2013)

5.4. Time Spent in Asylum Processes

For Hoa, and woman in her 20s from Viet Nam who had received a negative CG decision from the NRM, the asylum application was ongoing, with an appeal pending:

‘In terms of my asylum process, I’m receiving a letter from the Home Office, they inform [me] that due to a backlog my appeals have to wait until further notice. . . . The first one took over a year, then we make a fresh representation, it’s a lengthy process.’ (Hoa, Interview 28, UK, June 2018)

Being rendered vulnerable to exploitation due to the time spent in the asylum process was consistently raised during interviews. A caseworker, speaking separately from this interview, elaborated on the timeframes involved:

‘For Lam it is eight years, the process of claiming. She’s only lately because she joined the application as a dependent. . . . Some people are 10, 12 years.’ (Interview 128, key informant, UK, July 2018)

Unaccompanied or separated children and young people, without parents in the UK, are particularly prone to becoming isolated and time delays have serious mental health consequences. [Beddoe \(2021\)](#) explored how the administration of asylum and trafficking decisions for unaccompanied and separated Albanian children increased the risk of human trafficking due to lengthy delays in making decision, finding in one case a young person waiting four years for a CG decision quickly followed by an asylum decision. Long delays characterise this process, leaving young people in limbo, unoccupied, anxious, socially isolated, unable to work or progress into higher education. The resulting deprivation of both emotional and social development during transitions into adulthood were part of this. Evidence within Beddoe’s study suggested that young people were at greater risk of trafficking within the UK as a result.

Participants not only detailed how time in the system could create space for exploitation to occur, but also how these systems could be improved. As Tina, a young Albanian woman outlined:

‘. . . The right support is to help everyone to get a visa, to let them live here, not keeping them for years without a decision and then when they want to, they say “Go back home, we don’t want you anymore here”. So keeping people with hope for four years, three years without a decision . . . they will cut off your dreams. . . . A negative decision from them and they cut off my dreams, everything.’ (Tina, Interview 34, UK, September 2018)

Interviews with key informants led to a similar focus on the need for good quality and timely decision, which, as one representative from civil society working across different nationalities suggested, is crucial if recovery and rehabilitation is to be taken seriously:

‘If they’ve got an asylum claim, what they need is them to make a decision about asylum because they could start working and they could start recovery.’ (Interview 144, key informant, UK, July 2018)

The impacts of parallel services outside mainstream support included bureaucratic delays and difficulties accessing services when unfamiliar with systems and processes. Access to legal support was discussed by a representative from a civil society organisation:

‘I think solicitors and the safe houses do the best job that they possibly can explaining to people what is happening. I think being in a foreign system is really difficult.’ (Interview 146, key informant, UK, July 2018)

5.5. Separation from Mainstream Support

Separation of asylum seekers and ‘victims’ of human trafficking from mainstream services also results in people being moved around different accommodation and/or not receiving adequate support. For Tina, an Albanian woman in her 30s, her experience of applying for asylum resulted in being relocated several times:

‘When I claimed asylum, I’ve been in the Home Office accommodation, temporary accommodation, in a hold cell for six to seven months, living from London, to Cardiff, from Cardiff to Gatwick, from Gatwick to [London borough], from there back to Croydon, from Croydon to Cardiff and then permanent accommodation in [London borough] . . . and now they kick me out! . . . They kicked me out last month from the accommodation, homeless. I had to go to a homeless charity and they put me in a hostel.’ (Tina, Interview 34, UK, September 2018)

Tina outlined problems and the disorienting effects associated with this type of support which was unreflective of her needs:

‘Let’s talk about the accommodation, so everyone [should] have their own room, not to share with two, three people . . . because it gives you a lot of stress, too much. I was sharing a room with another two girls in NASS accommodation and it’s horrible.’ (Tina, Interview 34, UK, September 2018)

One of the most alarming aspects of the impact of being moved through and around parallel services was non-identification as being somebody affected by trafficking or at risk of exploitation. A key finding in the 2017–2019 study was that Vietnamese males in their 30s to 40s were not being identified as having experienced trafficking either within the UKs criminal justice or immigration systems or upon their return to Viet Nam (P. Hynes et al. 2019). Such non-typical—or non-ideal—victims of trafficking who may have moved through differing forms of exploitation before being arrested, detained, prosecuted, and deported recounted how their choices were severely constrained by time spent in asylum processes and how the social stigma of having been in jail upon their return could be so strong that further onward migration, or experiencing ‘re-trafficking’, was envisaged across a range of interviewees.

6. Mistrust and the Hostile Environment

Mistrust and trust are complex, multifaceted, and relational but once lost, trust takes time to restore (Daniel and Knudsen 1995; T. Hynes 2003; Robinson 2002; Voutira and Harrell-Bond 1995). It has previously been argued that mistrust towards asylum seekers as a group directly contradicts policies to promote community engagement and initiatives to ‘combat’ human trafficking where trust is an essential component (P. Hynes 2009). Asylum seekers often have their individual accounts disbelieved by border guards, immigration officials, Home Office officials, uniformed officers, and other officials. The system to support asylum seekers leaves little room for political or institutional trust to be restored and hinders the restoration of social trust, all of which have negative implications for longer term integration possibilities for those obtaining refugee status. The trajectory of asylum policy under the arc of deterrence has hindered this further. The UK response to asylum seekers has become increasingly hostile over time an explicit ‘hostile environment’ was introduced in 2013 for ‘unwanted immigrants’ (Clayton and Firth 2021, p. 57). As such, any trust in political processes and institutions will have shifted further away from possibilities of restorative trust building.

Despite the limited and constrained choices people navigating these systems have, there is resistance to policy-imposed liminality involved. During the asylum and NRM processes some restoration of social trust is evident between individuals and at a personal level. However, restoration of trust is found to be lacking in institutions, political processes and those seen to be in positions of authority. For those experiencing trafficking or exploitation, mistrust of authorities can also result in not being identified as a person affected by trafficking or exploitation or not being willing to seek support. Such unequal power dynamics can impact on levels of disclosure.

An overview of the shift from a pre-1990s focus on ‘integration’ and shared futures towards a ‘culture of hostility’ and disbelief is provided in Figure 3 below. This shift has taken shape over time creating and enabling environment in which precarity and exploitation can thrive.

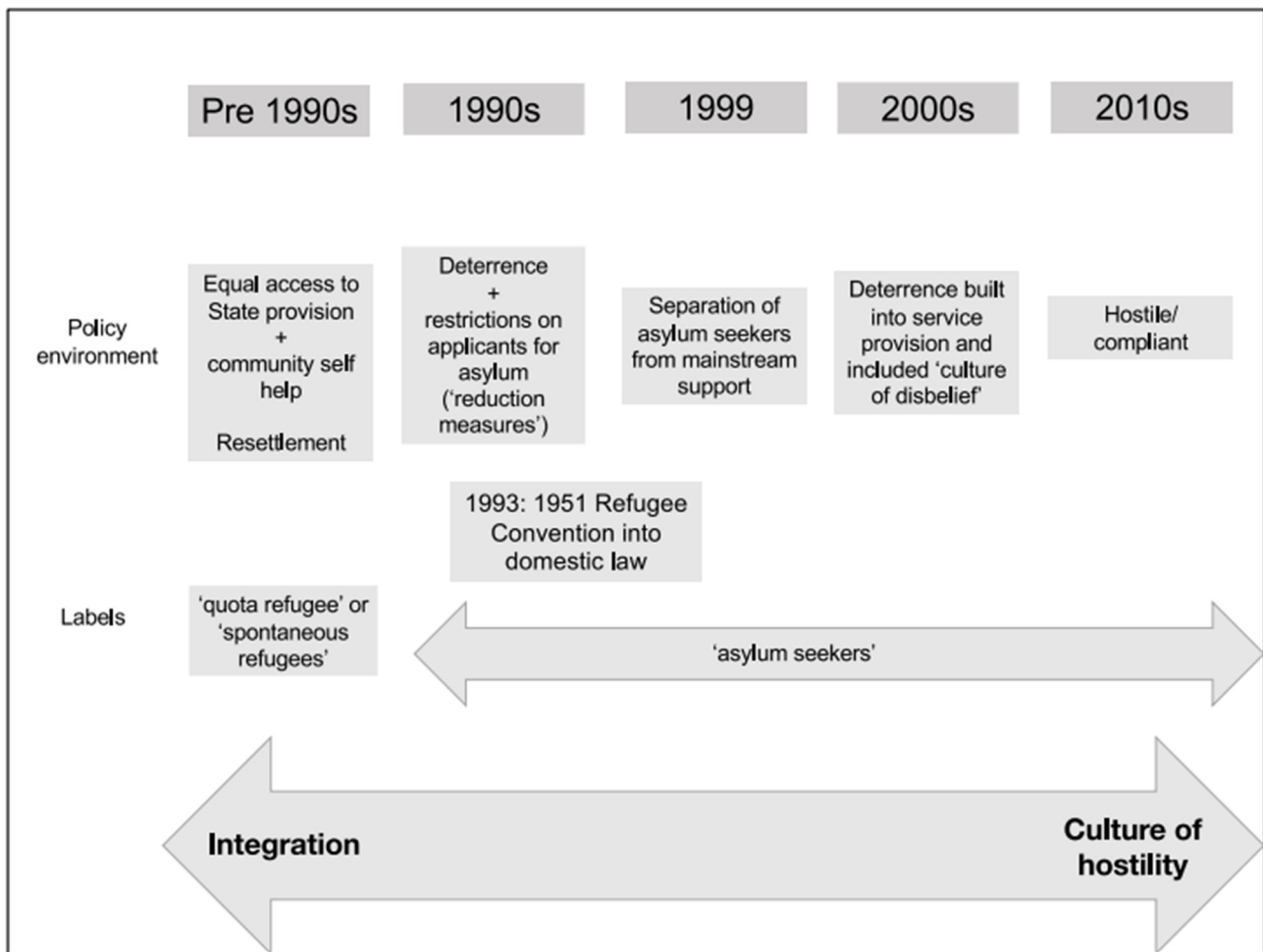


Figure 3. UK policy environment and labels for people fleeing persecution over time.

In the space of a few decades, new pejorative labels have been devised and space for trust has been further diminished. As one caseworker within a community-based organisation with many years of experience of working with asylum and trafficking cases outlined:

‘They [Home Office interviewer] say ‘OK, I believe you’ve been told to come here to work, so you were human trafficking, would you like me to refer you to NRM?’, ‘What’s NRM?’. NRM term has not been fully explained, some organisation that can support you . . . you might be interviewed by the police. As soon as the word police, ‘No, I don’t want to’ because the victim believes or is scared to death if the police ask them and they somehow disclose information about the agent, human trafficking, it will go all the way to Viet Nam, traced to their family and their family will suffer the consequences. But if you deny to be referred to the NRM, you will lose all the support available to you. I have seen that many, many times.’ (Interview 140, key informant, UK, July 2018)

This same caseworker also noted the immigration rather than rights-based focus of the NRM system:

‘I think some of the girls don’t want to be identified. And I think they should have a choice whether they go through the NRM or not, because they’re being judged by a system that is purely based on immigration, not what’s happen to them, that needs to change.’ (Interview 141, key informant, UK, June 2018)

Manifestations of mistrust towards asylum seekers was evident. For Tina, her experience of applying for asylum reflected this mistrust:

‘The person who helped me sent me straight to the Home Office and from there that was horrible when I claimed asylum as well, because they send me to immigration officers, they were screaming on the people, even on me, screaming. . . . “Why are you here? Why did you come?” like screaming. I was like, wow, all of them. . . . I was very scared, I was like oh my God, what’s going on here?’ (Tina, Interview 34, UK, September 2018)

Disbelief of young people’s accounts was a consistent theme around age and age assessments, which increased the risk of children being exploited and criminalised as outlined by a representative of civil society:

‘We’ve noticed a new increase in the number of young people being criminalised, including children. Really worrying numbers of children being found in a situation of exploitation, Vietnamese children being found in cannabis labs, the police raid the cannabis lab, they’re either there with adults . . . or they’re there on their own. The police are not picking up on the trafficking indicators, they’re not referring them to the NRM, sometime they’re being told by the young person that they’re a child and the police treat them as an adult.’ (Interview 138, key informant, UK, May 2018)

This representative went on to say:

‘[We find] child trafficking victims in prisons like Pentonville. For a little while it was just in the Midlands but we’ve seen it in London recently too, we end up having a huge amount of work to get them out of prison. They’re obviously represented by duty solicitors who are well meaning but again, they know nothing about trafficking, they don’t know how to use the Modern Slavery Act, they’re often advising these children to plead guilty, to get a reduced sentence.’ (Interview 138, key informant, UK, May 2018)

For children and young people to be imprisoned due to not being identified as having been trafficking is part of the bigger picture of social policies designed to deter rather than cater to the welfare needs or best interests of individuals. With recent proposals under the NBB, this culture of hostility will get worse, trust will be diminished even further, and people will increasingly be rendered vulnerable to the risk of legislative and policy-imposed exploitative contexts.

7. Conclusions

Responses to migration as a result of persecution, force, or coercion often bear little resemblance to the lived realities for people in need of asylum or protection from human trafficking. In the UK, there has been an increasing range of legislative and policy-imposed labels and categorisations applied to those seeking refuge or safety from exploitation. Visceral debates about immigration that at times spill into debates around asylum and UK responses are rooted in political discourse built up over time. Although there are clear definitional distinctions between asylum and human trafficking frameworks there are, in the case of the UK, both overlaps and disconnections across these frameworks. A key overlap relates to protections available and the need for people to claim asylum in order to have rights and the ability to imagine their futures.

This paper has provided an overview of three decades of how a former focus on integration has now shifted into a culture of hostility, disbelief, and mistrust in asylum legislation and policy, which spills into systems designed to keep people safe from exploitation. It has also explored how a fractioning of protection and international obligations has seen a proliferation of labels and also a fractioning of responses, support for basic needs, and welfare entitlements. UK responses are based on separation from mainstream support of both people seeking refuge from persecution and those experiencing or affected by human trafficking, and, in practice, time spent in the asylum system due to bureaucratic delays can lead to increased vulnerability to exploitation and increased mistrust in authorities. Separating people from mainstream support through the use of multiple labels, varied

entitlements, and parallel service provision is confusing for those most in need of protection and support. In other words, an age of fractioning of protection results in fractioned responses, separate support structures, and varied socio-legal categorisations.

Increasingly restrictive migration policies over time and now proposals for a Nationality and Border Bill will bring both asylum and modern slavery together into one piece of legislation. This NBB will threaten the very basis of protection for refugees under the 1951 Refugee Convention but will also set out an environment in which disclosure and identification of people affected by trafficking, exploitation, or modern slavery will become more difficult within a context of a harsh and increasingly hostile environment.

If the UK government is serious about identifying people as trafficked and facilitating disclosure, protection, and recovery, it is time for reversals in legislation, policy, and practice. Mature change to public discourse requires the need to link debates to reasons why people leave their countries of origin, responsible statements, and policies from governments and policies based on evidence rather than rhetoric. A reversal of hostile policies to safely fulfil protection responsibilities, a focus on listening to people within safe environments rather than an approach of disbelief, creation of space to allow trusting relationships to be developed within these systems, and attention paid to independent processes with reasonable timescales for status determination that do not render people vulnerable to exploitation or harm could be the first steps to achieve this.

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Notes

- ¹ View at: <https://www.unhcr.org/publications/legal/615ff04d4/unhcr-legal-observations-nationality-and-borders-bill-oct-2021.html> (accessed on 15 January 2022).
- ² For full details of methodology and methods see P. Hynes et al. (2019).
- ³ For details of the AASC contracts see: <https://asylumatters.org/wp-content/uploads/sites/24/2019/11/The-Asylum-Accommodation-and-Support-Contracts-A-Guide.pdf> (accessed on 15 January 2022).

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