

Official

**Independent
Anti-Slavery
Commissioner**

Dame Sara Thornton DBE QPM
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6 August 2021

Matthew Rycroft CBE
Permanent Secretary
2 Marsham Street
London
SW1P 4DF

Dear Matthew,

Vietnamese nationals arriving by small boats

I write in relation to my statutory duty to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences, and the identification of victims.

You will be aware that increasing numbers of Vietnamese nationals are being encountered having arrived by small boats. I am concerned that the system failed to respond appropriately to the changing methods of criminal gangs, intelligence was not shared effectively, the response lacked agility and as a consequence we missed the opportunity to identify victims and offenders. This failure appears to have resulted in further trafficking and exploitation.

In January 2021 I was briefed by the NCA on increasing numbers of Vietnamese nationals detected using small boats during 2020. We know that this trend has continued during 2021, something I have discussed with senior Borders, Immigration and Citizenship System (BICS) officials. I am assured by the NCA that relevant intelligence was shared with BICS in relation to this clear change in methodology.

[REDACTED]

I have recently heard from an NGO who have received referrals for 62 Vietnamese nationals who arrived by small boats between 07/06/2021-05/08/2021. The vast majority told them that they did not disclose their trafficking experiences during the asylum screening interview through fear. I am aware that following initial screening, a number of Vietnamese nationals arriving on small boats during recent months have been detained and had their claims routed for consideration and



decision by the Detained Asylum Casework process¹ rather than in the community. Once referred into the NRM there are concerns that these individuals are at risk of re-trafficking when released from detention, often into asylum accommodation, following a positive Reasonable Grounds (RG) decision. I have been told by the NGO that Vietnamese clients have disclosed owing large sums and that they are under pressure to resume working to repay their debts. At least two Vietnamese clients being supported by this NGO have disappeared following their release from detention.

Vietnamese nationals are consistently among those most commonly identified as potential victims of trafficking in the UK.² There has been a clear shift in method of entry, resulting in interaction with the asylum system. UKVI asylum caseworkers appear not to have questioned negative responses on trafficking during screening interviews. I am also concerned that, despite known risks, there are not sufficient measures in place to safeguard and prevent Vietnamese nationals from going missing.

Siloed and disjointed working was a key finding in ICIBI's inspection which I commissioned on the work of Border Force, Immigration Enforcement, and UKVI to identify, investigate, disrupt and prosecute modern slavery perpetrators.³

I look forward to receiving your response.

Yours sincerely,



Independent Anti-Slavery Commissioner

¹ Home Office (2019), 'Detained Asylum Casework (DAC) – Asylum process (Version 5)': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/788720/detained-asylum-process-v5.0.pdf#:~:text=This%20guidance%20tells%20officers%20about%20the%20circumstances%20in,where%20appropriate%20in%20the%20management%20of%20such%20cases

² In 2020, 657 Vietnamese nationals were referred into the NRM, the third most commonly referred nationality.

³ ICIBI (2020) [2020-09-15 Modern Slavery Report \(fv\).pdf](#)

Official



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Dame Sara Thornton DBE QPM
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26 August 2021

Dear Sara,

Thank you for your letter of 6 August about Vietnamese nationals and the risk of trafficking and exploitation related to small boats.

I am grateful to you for raising this important issue with me. As you know, the Home Office takes modern slavery and organised immigration crime issues very seriously. I am keen to ensure our response is co-ordinated with law enforcement so that we can prevent, identify and support victims and bring those who exploit people to justice.

Through our One Home Office transformation programme we are seeking to break down siloes and work across commands. This one of the reasons we have established the Borders and Enforcement Capability in the Home Office, working together under a single Director General who we are currently recruiting.

As you know, the Home Office has provided continued funding this year to support the work of the Modern Slavery and Organised Immigration Crime (MSOIC) Programme, led by the National Police Chief Council Lead Chief Constable Shaun Sawyer, to drive forward work to improve the response to these crimes, including clandestine events. The programme continues to develop and deliver products to improve the identification, investigation and prosecution of modern slavery and OIC cases, whilst also creating opportunities to safeguard and support victims, including Vietnamese nationals.

The National Crime Agency (NCA), Immigration Enforcement (IE) and Border Force have a multi-agency intelligence structure that delivers a proactive response to the sharing of routine and fast-time intelligence across all threat pillars of Organised Immigration Crime (OIC), Modern Slavery Human Trafficking (MSHT) and Clandestine Migration – including irregular channel migration. This whole system response ensures effective compliance with international, domestic standards and expectations for information sharing between the UK and international law enforcement partners.

We are fully committed to identifying and supporting victims of modern slavery, and trafficking; ensuring they are given access to the help they need. This includes making

sure that first responders have thorough training on MSHT in order to understand the indicators of modern slavery, identify potential victims and refer an individual's case through the National Referral Mechanism (NRM) so that they can be identified by the Single Competent Authority (SCA) and provided with support if it is needed.

Arrivals by Small Boats

You stated in your letter that increasing numbers of Vietnamese nationals are being encountered having arrived by small boat. Our internal management information shows that between 1 January and 31 July 2021, over 1,000 Vietnamese nationals arrived in the UK by small boat, the fourth most frequent nationality encountered in the mode.

We believe that COVID restrictions within Europe might have impacted on migratory flows, potentially leading to concentrations of Vietnamese migrants upstream of Northern France. This could explain the large numbers of Vietnamese seen in a comparatively short space of time in small boats earlier this year. However, since a high point in May, the incidence of Vietnamese in small boats has declined rapidly. From February – May 2021 the average number of Vietnamese arrivals by small boat was 210 per month; from June to mid-August 2021, the average number of Vietnamese arrivals by small boat was 106.4 per month.

A key aspect of the shared intelligence approach is the timely distribution of information between partners on planned and opportunistic movements of small boats from France to the UK. This includes developing intelligence not just on threats, but across sub-threats such as specific nationalities. In country, Immigration Enforcement has a casework intelligence function that provides ongoing support to Police investigations involving Vietnamese nationals, making links between these investigations and immigration histories to provide alternative lines of enquiry.

Disclosure of trafficking experiences

It is concerning to learn that Vietnamese nationals are not disclosing their trafficking experiences during asylum screening interviews.

All officers that screen asylum claimants have been trained to look for indicators of modern slavery and to make the appropriate referral. Officers will be looking at the demeanor of the claimant and the statements made before or during the screening interview for indicators of modern slavery. The screening interview itself contains a direct question about modern slavery and other questions such as their purpose of coming to the UK and how they travelled to the UK and who organised it that may indicate that the person may be a potential victim of modern slavery.

Asylum, Detention and Bail

New Immigration Rules came into effect on 31 December 2020 which allow an inadmissibility decision to be taken on an asylum claim on the basis of a person's earlier presence in, or a connection to, a safe third country, even if that country will not immediately agree to the person's return.

This policy states that if an individual appears to stand a greater chance of being promptly removed if substantively considered and refused, it will usually be appropriate for it to be routed for a substantive decision. This includes where the person is suitable for the Detained Asylum Casework framework (DAC) and there is a route of return to the country

of origin.

In that respect, we have not deviated from any existing policies, and all decisions to detain and progress Vietnamese nationals through the DAC process are made in line with current guidance

Where Vietnamese nationals are detained, their detention is reviewed regularly to ensure it remains lawful, appropriate and proportionate. All Home Office staff working in the detention system are given training and support to identify and act upon indicators of vulnerability, including recognising victims of trafficking and modern slavery at the earliest opportunity. If an individual is suspected to be a victim of trafficking, they will be referred into the National Referral Mechanism (NRM).

Potential victims of modern slavery fall under the Adults at Risk in Immigration Detention policy, which enables officials to balance evidence of vulnerability against immigration factors to determine the appropriateness of detention. Decisions are taken on a case-by-case basis, and where detention is no longer considered appropriate, individuals will be released on immigration bail.

Individuals released on immigration bail, will be required to attend a Reporting Centre to maintain contact with the Home Office if they are in one of our priority cohorts. If a person fails to attend a face to face reporting event, there is a set process for IE staff to follow. IE will attempt to contact the reportee using any details they have provided. If that is unsuccessful, we would approach their representative, or any known family members to regain contact. A 'Fail to Report' SMS text is sent out to the person, where we hold their contact details, to remind them of the need to report and to encourage them to contact us at the earliest opportunity.

Dependent on the person's circumstances, IE may opt to conduct a compliance or enforcement visit to the last known address. Where contact has not been re-established through any of the above, IE will refer the case to be placed on the Police National Computer with a "locate" marker or "wanted missing" marker dependent on the circumstances.

Accommodation

The facilities used to accommodate asylum seekers outside of the immigration removal estate operate on a non-detained basis. Asylum seekers who are not being detained for immigration purposes have the right to unrestricted movement and, therefore, are not prevented from leaving their accommodation as they wish. Our accommodation providers complete an induction with all new arrivals, and this includes actions to maintain their personal safety. All supported asylum seekers are able to access Migrant Help for advice regarding their asylum application but also, to escalate any concerns they have which will be acted upon by the Home Office working with Police and other agencies. We work closely with local police to ensure that patrols around asylum accommodation is appropriate to manage risks.

If an individual has been identified as a potential victim of trafficking/modern slavery or there are concerns regarding trafficking, the accommodation provider will be notified of this so that they're aware of this vulnerability factor.

The Asylum Safeguarding Hub and the Asylum & Accommodation Support Contracts (AASC) Service Delivery Managers are currently working with the contracted accommodation providers to formalise the processes for reporting missing asylum seekers, but generally any potential victims who go missing will be reported as such.

Regarding your concerns surrounding re-trafficking of vulnerable individuals, those who are referred to the SCA through the NRM are eligible to access services and support once a positive Reasonable Grounds decision has been reached. Victims have access to additional services to reduce the risk of further exploitation, which includes government-funded support through the Modern Slavery Victim Care Contract. This includes material assistance, financial support, translation and interpretation services, information and advice, and access to medical care and counselling.

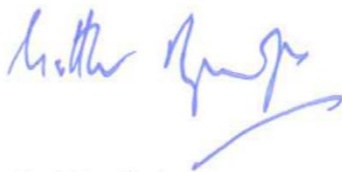
Safeguarding Vietnamese nationals to prevent them absconding

NPCC focus has been on trying to better safeguard and prevent exploitation on the people who are absconding and being reported as missing. Chief Insp Alan Rhees-Cooper on behalf of the NPCC Missing Portfolio has taken the lead on establishing two working groups (one focusing on children and the other on adults) to identify the issues and implement solutions.

Thank you again for raising your concerns with me, I hope this reply assures you that we are absolutely looking to work through work siloes and disjointed working as part of our One Home Office transformation. We will continue to work closely with law enforcement to protect victims of trafficking and the Home Office, alongside NPCC and NCA looks forward to discussing these issues further in September.

Yours sincerely,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Rycroft', with a long horizontal flourish extending to the right.

Matthew Rycroft