

11 November 2021

Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

Dear Home Secretary,

Creation of the Immigration Enforcement Competent Authority

I write to you in relation to the update to the Modern Slavery Statutory Guidance on 8 November 2021 which noted the creation of the Immigration Enforcement Competent Authority (IECA). I understand that the IECA has been introduced to make reasonable grounds and conclusive grounds decisions for a specific cohort of potential adult victims of modern slavery as set out in the guidance.¹

I am concerned about the way in which this decision was made and that these new arrangements risk failing to identify potential victims of modern slavery. There was no consultation about this proposal, and it was only announced on the day on which the change was implemented. While officials have sought to reassure me that this is merely an organisational change and that the decision-making frameworks will remain the same, I have reservations that this will be the case. There is significant risk that those victims of modern slavery whose cases are assessed by Immigration Enforcement will have their cases judged by considerations about their immigration status rather than their rights to protection as victims of serious crime.

The current Single Competent Authority (SCA) was launched in April 2019, replacing the previous case management systems within the National Crime Agency and UK Visas and Immigration. The SCA has been described by the Home Office as a 'single expert unit' created to handle all cases and make decisions about whether someone is a victim of modern slavery, with emphasis on it being 'completely separate from the immigration system'.² I am extremely concerned that by introducing the IECA and returning to a dual system approach, we are taking a step backwards in our response to

¹ Home Office (2021), 'Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031731/modern-slavery-statutory-guidance-ew-non-statutory-guidance-sni-v2.5-final.pdf

² Home Office (2017), 'Modern Slavery Taskforce agrees new measures to support victims': <https://www.gov.uk/government/news/modern-slavery-taskforce-agrees-new-measures-to-support-victims>

modern slavery with considerable implications for victims. There will be a need to closely monitor the impact of this change.

I understand that many colleagues in the sector share my concerns and are also deeply disappointed about the lack of consultation with the Statutory Guidance Reference Group, the various Modern Slavery Strategy Implementation Groups or wider anti-slavery sector on this significant change.

I look forward to receiving your response. In the interests of transparency, I request that you respond in a way that enables me to publish your letter on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dan Yuen". The signature is written in a cursive, flowing style.

Independent Anti-Slavery Commissioner



Dame Sara Thornton DBE QPM
Independent Anti-Slavery Commissioner
5th Floor, Globe House
89 Eccleston Square
London
SW1V 1PN

DECS Reference: MIN/0203773/21

16th December 2021

Dear Dame Sara,

Thank you for your letter of 11 November regarding the creation of the Immigration Enforcement Competent Authority (IECA) and for your continued dedication to the victims of modern slavery.

The Government remains committed to tackling the heinous crime of modern slavery; ensuring that victims are provided with the support they need to begin rebuilding their lives and that those responsible are prosecuted. It is vital that when a potential victim of modern slavery is referred into the National Referral Mechanism (NRM) they receive a decision as quickly as possible to provide certainty and secure the correct support to assist with their recovery.

The creation of the IECA ensures that those making decisions are able to access the information they need to make the right decisions without unnecessary delay. There are various factors which may be pertinent to decisions about an individual, and it is operationally efficient for decisions to be taken by those who can consider their circumstances most fully.

I want to assure you that all decision makers will receive consistent training and be held to the same standards across the Home Office. Both competent authorities will be held to account through existing quality assurance processes and the Multi-Agency Assurance Panels will continue to quality assure all negative Conclusive decisions. Decisions will continue to be made in line with the definitions and standards of proof in the published Modern Slavery Statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland. This statutory guidance has been updated and published to ensure that the operational processes within the NRM remain clear and transparent, with roles and responsibilities understood. On 18 November my officials met with the Statutory Guidance Reference Group and welcomed feedback from members.

I agree that there is a need to monitor the impacts of this change. The data on decisions taken by the IECA will be set out in the quarterly publication of NRM statistics and we will publish a breakdown by competent authority once there is sufficient data to ensure that individuals are not identifiable. I will be monitoring the datasets closely.

I hope that these measures provide reassurance and signal that we remain committed to identifying genuine victims promptly.

Thank you for writing to me and for your continued efforts with the anti-slavery sector.

A handwritten signature in black ink, appearing to read 'Rachel Maclean', with a small flourish at the end.

Rachel Maclean MP