

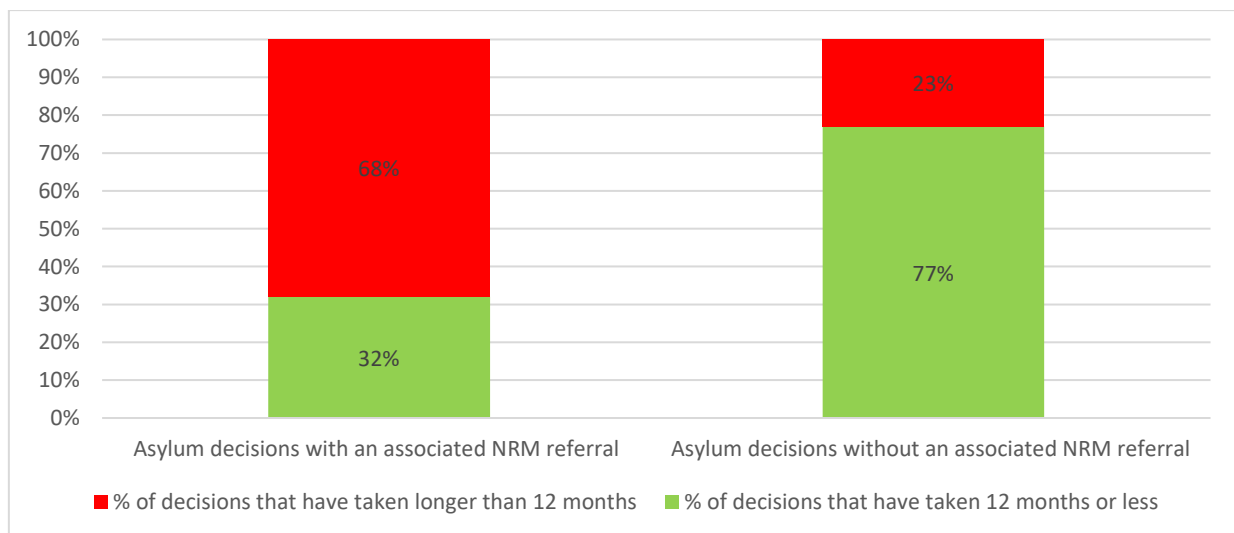
IASC paper: Asylum decision times for potential victims of modern slavery October 2021

The Nationality and Borders Bill aims, as one of its three key objectives, to make the system fairer so that those in genuine need of protection can be better protected.¹ There is, however, nothing in the Bill to address the current backlogs in decision-making which disproportionately affect victims of modern slavery. Since being appointed the Commissioner has been increasingly concerned about the length of time people are waiting for NRM decisions. The average (median) waiting time for a Conclusive Grounds NRM decision is now over 400 days² and many people will also be waiting for asylum decisions.

The interaction between the NRM and asylum systems is complex. The Modern Slavery Statutory Guidance stipulates that immigration teams should consider any outstanding immigration cases, such as an outstanding asylum application, following a negative Reasonable Grounds decision or any Conclusive Grounds decision.³ In reality, however, the process is not entirely linear.

The Commissioner has sought to understand whether those in the NRM are more likely to wait extended periods for an asylum decision than those who are not in the NRM. The Home Office has provided data on the proportion of asylum decisions taking longer than 12 months for asylum decisions made during 2018 and 2019. Sir Bernard Silverman, Professor of Modern Slavery Statistics at the University of Nottingham's Rights Lab, has also been consulted.

Figure 1: Proportion of asylum decisions made during 2018 and 2019 that have taken longer than 12 months vs 12 months or less



¹ Home Office (2021) Information relating to the Nationality and Borders Bill: [Nationality and Borders Bill - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/nationality-and-borders-bill)

² Home Office (2021) National Referral Mechanism and Duty to Notify Statistics: Quarter 2 2021 – April – June: [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 2 2021 – April to June - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2021-april-to-june)

³ Home Office (2021) Modern Slavery Statutory Guidance: [Modern Slavery: Statutory Guidance for England and Wales \(publishing.service.gov.uk\)](https://www.gov.uk/government/consultations/modern-slavery-statutory-guidance)

From the data provided, the following key conclusion can be drawn:

Considering cases resolved in 2018 and 2019, asylum decisions with an associated NRM referral are seven times more likely to have taken longer than 12 months than asylum decisions without an associated NRM referral.

Whilst this does not take into account those cases where decisions are still outstanding, it is a stark indication of the situation faced by many potential victims of modern slavery. Cases with an NRM referral make up a relatively small proportion of overall decisions. Concentrating efforts on streamlining the process for this small but particularly vulnerable group would have real benefits.

Table 1: Number of asylum decisions made during 2018 and 2019 having taken longer than 12 months vs less than 12 months

	Asylum decisions having taken longer than 12 months	Asylum decisions having taken 12 months or less	Total
Asylum decisions with an associated NRM referral	2,828	1,353	4,181
Asylum decisions without an associated NRM referral	10,371	35,264	45,635
All asylum decisions	13,199	36,617	49,816

The data show that the odds of having taken less than 12 months as opposed to more are about 3.5 for non-NRM cases but less than 0.5 for NRM cases. Non-NRM cases are over seven times more likely to have been resolved within 12 months.

The impact is exacerbated further by the fact that they are unable to work whilst awaiting NRM and asylum decisions. The evidence is clear that not working has a lasting impact. Unemployment is one of the most important factors affecting individual wellbeing, and there is strong evidence that the longer the time unemployed, the worse the effect.⁴

In light of this the Commissioner wrote to the then Minister for Safeguarding, Victoria Atkins, requesting that they examine these processes to ensure victims of modern slavery are not in this insidious position. The response to this can be found [here](#).

⁴ Wellbeing survey. (2017). Collated data from 99 studies. Available at: [https:// whatworkswellbeing.org/wp-content/uploads/2020/02/unemployment-reemploymentwellbeing-briefing-march-2017-v3.pdf](https://whatworkswellbeing.org/wp-content/uploads/2020/02/unemployment-reemploymentwellbeing-briefing-march-2017-v3.pdf).