

19 October 2021

Rachel Maclean MP
Parliamentary Under Secretary of State (Minister for Safeguarding)
2 Marsham Street
London
SW1P 4DF

By email: PS.RachelMaclean@homeoffice.gov.uk

Dear Minister,

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 in the identification of victims.

In January 2021 I was briefed by the NCA on the increasing numbers of Vietnamese nationals arriving in the UK via small boats during 2020. I am aware that this trend continued during 2021 and that, on average, between February and May 2021 210 Vietnamese nationals arrived on small boats per month.¹ [REDACTED]

I then heard from an NGO supporting 62 Vietnamese nationals who arrived via small boats between 7 June 2021 and 5 August 2021. The vast majority told them that they did not disclose their trafficking experiences during the asylum screening interview through fear. Many later disclosed owing large sums of money and needing to resume work to re-pay debts. In addition to questions about use of the Detained Asylum Casework process² for this cohort, there are concerns about individuals going missing once being referred into the National Referral Mechanism (NRM) and released from immigration detention. The Salvation Army has also informed me that the number of Vietnamese nationals going missing from the Modern Slavery Victim Care Contract (MSVCC) has increased.

I was subsequently made aware of a case in June 2021 in which over 160 Vietnamese nationals arrived via small boats on the same day and were placed in hotels across four police force areas. All of the individuals

¹ Letter from Permanent Secretary Matthew Rycroft to Dame Sara Thornton (26 August 2021)

² 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-processv5.0.pdf#:~:text=This%20guidance%20tells%20officers%20about%20the%20circumstances%20in,where%20appropriate%20in%20the%20management%20of%20such%20cases

went missing within 24 hours. The response varied across forces, with some opening multiple missing persons investigations and others considering the individuals to have absconded, and therefore the case being the responsibility of Immigration Enforcement.

In August 2021 I wrote to the Permanent Secretary, noting my concerns that the system had failed to respond to the changing methods of criminal gangs and as a consequence, opportunities to identify victims and offenders had been missed. The response from the Permanent Secretary confirmed that the number of Vietnamese arrivals declined between June and mid-August 2021 and referred to some of the measures in place to safeguard this cohort. It also highlighted the two working groups led by the National Police Chiefs' Council (NPCC) established to consider the law enforcement response to this issue.

Last month, I convened a meeting with The Salvation Army, the National Crime Agency, the MSOIC unit and a representative from the NPCC. This provided an opportunity to share insight and consider possible actions in response. As a consequence of that meeting I am making the following three recommendations to the Home Office.

1) Ensure culturally sensitive support for victims.

There is evidence that when Vietnamese victims are supported with other Vietnamese nationals and in a way that is culturally sensitive they are less likely to leave support. It was also highlighted that Vietnamese victims wrongly fear that they have to pay for NRM accommodation. It was suggested that existing good practice across the MSVCC should be identified and shared more widely, and that First Responders should consistently communicate with potential victims that NRM support is free of charge.

2) Improve the communication process between Immigration Enforcement and the MSVCC.

When potential victims of trafficking are identified in IRCs and are released into hotels or other forms of asylum accommodation there can be delays in notifying the MSVCC and therefore providing timely support can be a challenge. It was suggested that there is scope for this process to be improved to provide a more joined-up response to safeguard potential victims.

3) Improve the process for obtaining biometrics from those arriving via small boats

When there are large numbers of small boat arrivals at Tug Haven, I understand that the facilities there for taking biometrics can become overwhelmed and that individuals have been asked to attend a location at a later date to have their biometrics taken. However, there are cases where individuals are going missing prior to any biometrics being obtained. This is particularly problematic for police forces when they then conduct missing persons enquiries.

I have raised my concerns about the way in which the system as a whole is failing to protect Vietnamese migrants from trafficking and while there is some evidence that the numbers at risk are falling we still need to take action. The three recommendations above are small, practical steps that would make a difference.

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,



Independent Anti-Slavery Commissioner



Home Office

Tom Pursglove MP
Minister for Justice and Tackling Illegal
Migration

Rachel Maclean MP
Minister for Safeguarding

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

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

4 November 2021

Dear Sara,

Thank you for your letter of 19 October about Vietnamese nationals and the risk of trafficking and exploitation related to small boats. We are responding jointly as Minister for Justice and Tackling Illegal Migration and Minister for Safeguarding respectively.

We are grateful to you for raising this important issue. As you know, the Home Office takes modern slavery and organised immigration crime issues very seriously. We are 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.

The decline in the incidence of Vietnamese nationals using the small boats as a method of crossing, which the Permanent Under Secretary outlined in his letter of 26 August, has continued.

Culturally sensitive support for victims

The Home Office remains committed to ensuring that the support needs of all victims, including specific cultural needs, are taken into account at all times throughout a victim's journey within the National Referral Mechanism (NRM).

Guidance is in place to ensure that First Responders clearly explain the support available to victims when seeking their consent to enter the NRM and receive the support provided under the Modern Slavery Victim Care Contract (MSVCC). Prior to your correspondence dated 19th October 2021, The Salvation Army has held sensitivity training for first responders on the 7th and 8th October 2021, with a specific focus on Vietnamese victims. The aim was to improve understanding of the specific cultural considerations for identified potential victims.

Upon entry, and at all relevant assessment stages under the MSVCC, the cultural needs of the victim are taken into consideration. This includes at the initial and full risk assessment stages. Each assessment is conducted in a language understood by the victim and ensures that tailor made support is provided throughout the process.

In respect of law enforcement operations and investigations, the safety of the victim should always be paramount. Officers should be aware of the sensitivities of victims of modern

slavery and take a tailored approach to each victim to ensure they identify and understand their needs.

Communication between Immigration Enforcement and the MSVCC

We are committed to safeguarding the vulnerable people in our care and to ensuring victims of modern slavery and trafficking are given access to the help they need. Where a person in detention is granted immigration bail, a number of steps are in place to ensure their safe release whilst balancing the need to not unduly prolong detention while arrangements are made.

However, we recognise that more can and should be done. We continue to review and improve our processes, including strengthening coordination between the Home Office and our partners to ensure a joined-up approach to safeguarding potential victims of modern slavery. In particular, we have recently started discussions with The Salvation Army to identify further ways in which current processes can be streamlined. Our aim is to reduce the amount of time between release being authorised and release being affected whilst ensuring individuals undergo an Initial Risk Assessment to identify and enable access to appropriate onward support prior to being released from detention. Our officials will be happy to keep you informed of progress.

Obtaining biometrics from those arriving via small boats

Biometric capture is a key part of recording each individual's arrival and, where appropriate, their asylum or other immigration claim. Under current processes biometrics are captured immediately on arrival at onward processing centres (Intake Units/Immigration Reception Centres (IRCs)/Short-Term Holding Facilities (STHFs)). Some individuals may be taken direct to Initial Accommodation or secure hotels before processing at intake units/IRCs/STHFs. Individuals transferred directly to Initial Accommodation or secure hotels are conveyed to asylum intake locations as soon as possible after arrival to complete these processes. We expect to move this biometric capture to the point of arrival once new facilities are in place at Dover, so that this is completed as soon as possible following arrival in the UK.

We hope that this response assists with your recommendations and would like to thank you again for bringing them to our attention.

Yours Sincerely,



Tom Pursglove MP
Minister for Justice and Tackling Illegal Migration



Rachel Maclean MP
Minister for Safeguarding