

A second chance to be seen and protected

Analysis of policy and data on reconsideration requests for negative decisions from the National Referral Mechanism

Research summary

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Research by:

This is a summary of the report: *A second chance to be seen and protected: Analysis of policy and data on reconsideration requests for negative decisions from the National Referral Mechanism*. This briefing was commissioned by the Modern Slavery and Human Rights Policy and Evidence Centre (MSPEC), part of the University of Oxford, which in turn is funded by the Arts and Humanities Research Council (AHRC). The briefing is the second of a three-part series based on analysis of National Referral Mechanism (NRM) data by the International Organization for Migration (IOM). The full report can be accessed on the Modern Slavery PEC website at modernslaverypec.org/research-projects/statistical-analysis-of-the-national-referral-mechanism.

The Modern Slavery PEC has actively supported the production of this Research Summary. However, the views expressed in this summary and the full report are those of the authors and not necessarily of the Modern Slavery PEC.

Key findings

1. Since 2023 the percentage of reconsidered RG and CG decisions resulting in a positive decision were higher than the percentage of initial positive decisions in that period.
2. Overall, the percentages of negative RG and CG decisions which are reconsidered are extremely low but those decisions which are reconsidered have a very high likelihood of being given a positive decision.
3. Between 1 January 2021 and 30 June 2025 over 650 people who received a positive RG decision following a successful reconsideration request went on to receive a positive CG decision. 70% of CG decisions were positive for people who received a positive RG decision after a reconsideration.
4. There are higher percentages of reconsidered decisions by the Single Competent Authority (SCA) resulting in a positive decision than the Immigration Enforcement Competent Authority (IECA) at both RG and CG stages.
5. The IECA is overrepresented among reconsidered RG decisions compared to how many negative RG decisions it makes but is underrepresented in reconsidered CG decision until the most recent period that data is available.

Background

The NRM is of central importance to the UK's international obligations to identify and protect people who have experienced modern slavery. The 2005 Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) entered into force in the UK on the 1st April 2009 and the operation of the NRM began on that date in-order to meet the UK's responsibilities to identify potential survivors of modern slavery and provide support and protection while such persons are formally identified. There are two stages for decision-making within the NRM: reasonable grounds (RG) and conclusive grounds (CG). The RG decision is expected to be made within 5 working days (where possible) and is an assessment by the Home Office whether there are reasonable grounds to believe that an individual is a victim of modern slavery. The CG decision is made whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual is a victim of modern slavery.

The agencies with responsibility for NRM decision-making are the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA). Both the SCA and IECA sit within the Home Office. The SCA was established in April 2019 to replace the two separate decision-making authorities which existed at that time (UK Visas and Immigration which was responsible for non-EEA nationals and the UK Human Trafficking Centre which was responsible for EEA nationals). The SCA made decisions for all cases until the establishment of the IECA in November 2021. The IECA is responsible for specific cohorts of adults at the point of referral including: Foreign National Offenders, individuals in Immigration Removal Centres and those in Third Country Units. The cohorts are listed in the Statutory Guidance).¹

Despite the significance of the outcomes of NRM decisions there has never been a formal appeals procedure built into the NRM process or the statutory guidance for individuals to challenge a negative RG or CG decision. Individuals or their representative must instead request a reconsideration of the decision which depends on several circumstances and their request to have the decision reconsidered can be refused or accepted by a competent authority.

Since the publication of Version 3.7 of the Modern Slavery Act Statutory Guidance in February 2024, the policy on reconsideration decisions has been significantly revised in ways that limit the possibility for people to submit requests for reconsideration of an NRM decision. The table below demonstrates how policy in

1. All adult Foreign National Offenders (FNOs) detained in an Immigration Removal Centre, All adult FNOs in prison where a decision to deport has been made, All adult FNOs in prison where a decision has yet to be made on deportation, Non-detained adult FNOs where action to pursue cases towards deportation is taken in the community, All individuals detained in an Immigration Removal Centre (IRC) managed by the National Returns Command (NRC), including those in the Detained Asylum Casework (DAC) process, All individuals in the Third Country Unit (TCU)/ inadmissible process irrespective of whether detained or non-detained.

the Statutory Guidance has changed, and this briefing explores the significance of the opportunity that the reconsideration route provides for people progressing through the NRM system.

Version of Modern Slavery Act Statutory Guidance	Issue	Wording
3.6	Thresholds for accepting a reconsideration request	"The relevant competent authority must review whether there are sufficient grounds to reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so."
3.7-4.2		"The relevant competent authority must review whether there are sufficient grounds to reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so." "If a decision maker considers that there are good reasons that the negative reasonable grounds or conclusive grounds decision should be reconsidered, an individual can submit a reconsideration request or request someone involved in their case."
3.6	Timelines for submitting a reconsideration request for decisions not made in line with the guidance	"Reconsiderations requests made on the basis of specific concerns that a decision is not in line with guidance should be brought within three months of a decision notice being issued by the relevant competent authority subject to exceptional circumstances that may have caused reasonable delay. This is in line with the time limit on judicial review claims."
3.7-4.2		"A reconsideration request must be made within 30 calendar days of the negative Reasonable Grounds or Conclusive Grounds decision on the following grounds: There are specific concerns that a decision made is not in line with this guidance."
3.6	Timelines for submitting a reconsideration request for decisions where new evidence is available	"There are no time limits on requests for reconsideration on the basis of new available evidence. Where further evidence is provided to the competent authority, the relevant competent authority will consider whether the evidence is material to the outcome of the case in determining whether to reconsider."
3.7-4.2		"A reconsideration request must be made within 30 calendar days of the negative Reasonable Grounds or Conclusive Grounds decision on the following grounds: Where additional evidence can be provided which, taken with all the available evidence already considered, could demonstrate that the individual is a victim of modern slavery."

Version of Modern Slavery Act Statutory Guidance	Issue	Wording
3.6	Eligibility	"An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision by the relevant competent authority."
3.7-4.1		"An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision by the relevant competent authority."
4.2		"Paragraphs 14.217 to 14.235 [Those paragraphs are under the section Reconsideration of Reasonable Grounds or Conclusive Grounds decision] do not apply to individuals who have received a negative RG or CG decision, and where the SSHD intends to remove that individual to a country that is a signatory to the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) and European Convention on Human Rights (ECHR). For example, this may include individuals who have been served a notice or decision that informs an individual we are considering removing them to a country which is a signatory of ECAT and ECHR."

Table 1: Changes to wording of the policy on reconsideration requests in different versions of the Modern Slavery Act Statutory Guidance

Methodology

Previous analysis and discussion on reconsideration requests could only use summary data on the total numbers of reconsideration requests that were accepted. This briefing provides the first analysis of disaggregated data on cases where a reconsideration request was accepted since this data was first published in May 2025.² The data on reconsiderations covers the period between January 2021 (the first period that data is available for) and June 2025 (the most recently available data at the time of writing). The briefing looks at the numbers and outcomes of reconsidered decisions by common nationalities, first responders, age and gender (analysis of those different variables was not possible using the summary data) as well as competent authorities.

2. <https://datacatalogue.ukdataservice.ac.uk/studies/study/8910?id=8910#doi>

Findings

Since 2023 the percentage of reconsidered RG and CG decisions resulting in a positive decision were higher than the percentage of initial positive decisions in that period.

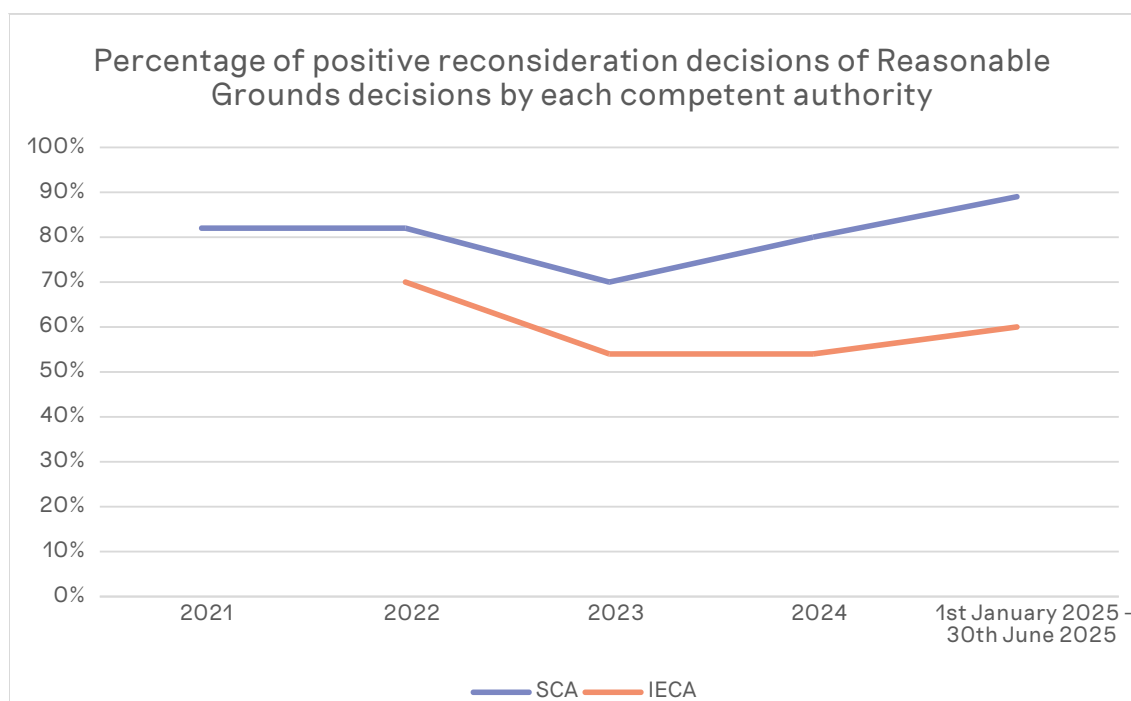
This demonstrates that the reconsideration process does provide a valuable opportunity for people to receive a positive decision. Such data may also strengthen the case for reforming policy on reconsideration requests to ensure that it is sufficiently accessible. The significant rate of positive decisions for reconsidered cases is also relevant to wider reform and scrutiny of the processes and policies for initial decision-making.

Overall, the percentages of negative RG and CG decisions which are reconsidered are extremely low but those decisions which are reconsidered have a very high likelihood of being given a positive decision. Between 1 January 2021 and 30 June 2025 over 650 people who received a positive RG decision following a successful reconsideration request went onto receive a positive CG decision. 70% of CG decisions were positive for people who received a positive RG decision after a reconsideration.

The first briefing in this series highlighted the significant numbers of negative CG decisions due to insufficient information to meet the standard of proof required. If data was available on the reasons when a reconsideration request is not accepted, it would be possible to see how many of the reconsideration requests for negative decisions for that reason were later given a positive CG decision, which would suggest that information did become available. There are significant impacts for individuals who lose their entitlements under ECAT when they receive a negative decision. Improving understanding of the outcomes for cases initially refused would provide new insights that could be used to inform policy changes to help improve the quality of initial decision making. This could mean there would be less reconsideration requests submitted in the future and fewer people affected by the consequences of an initial negative decision.

There are higher percentages of reconsidered decisions by the Single Competent Authority (SCA) resulting in a positive decision than the Immigration Enforcement Competent Authority (IECA) at both RG and CG stages.

Decisions that are accepted for reconsideration by the SCA are more likely to result in a positive decision compared to the IECA. The graph below shows that the difference between the SCA and IECA has increased every year. In the first half of 2025 89% of reconsidered decisions by the SCA were positive compared to 60% by the IECA.



Graph 4: (Data source: Home Office UK NRM statistics Q2 2025)³

The IECA is overrepresented among reconsidered RG decisions compared to how many negative RG decisions it makes but is underrepresented in reconsidered CG decision until the most recent period that data is available.

The IECA has been overrepresented in the requests for reconsiderations of RG decisions. In 2023 half (49%) of the reconsideration requests were for decisions made by the IECA who made just a third (33%) of negative decisions. In 2024 fewer than a third (29%) of negative RG decisions were made by the IECA but 38% of the reconsideration requests for negative RG decisions were made by the IECA. In the first half of 2025 the IECA were responsible for 40% of all negative RG decisions but 47% of the reconsidered RG decisions were made by them.

3. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

Recommendations for the Home Office to consider

Recommendations for the policies on reconsideration requests

1. The Home Office should withdraw paragraph 14.216 from the Modern Slavery Act Statutory Guidance to ensure that all people progressing through the NRM system have equal rights to have a negative NRM decision reconsidered.
2. The Home Office should consider revising the Modern Slavery Act Statutory Guidance to remove the 30-day time limit to submit a reconsideration request on the grounds of new evidence to restore focus on the material importance of new evidence for determining whether to accept a reconsideration request rather than when this evidence has become available or accessible.
3. The Home Office should consider revising the Modern Slavery Act Statutory Guidance to restore the three-month window for requests on the grounds of whether the decision was made in line with the guidance to realign the process with timeframes for lodging a judicial review.
4. The Home Office should consider revising the Statutory Guidance to acknowledge that judicial reviews may be used to challenge disqualifications from the NRM (which it acknowledges can be used in the case of decisions for an additional recovery period).
5. The Home Office should consider re-establishing Multi-Agency Assurance Panels (in an updated form) to review negative CG decisions to strengthen the quality assurance of decision-making by both competent authorities.

For how data on reconsidered NRM decisions are collected and published

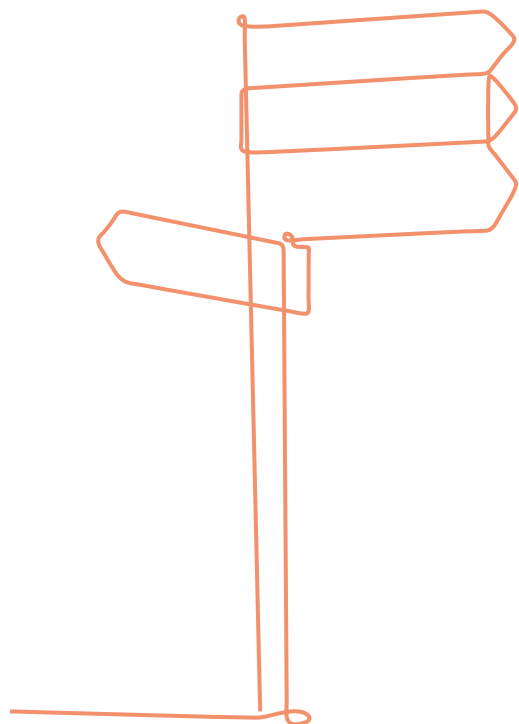
1. Consider collecting and publishing data on the numbers of reconsideration requests submitted which are not accepted and the reasons they were not accepted. This would mean people deciding whether to make a reconsideration request would be better informed about the likelihood of a request being accepted. It would also help to contextualise the very high percentages of reconsidered decisions which are positive.

2. Consider publishing data on judicial reviews and pre-action-protocols for decisions from the NRM.
3. Consider exploring the possibility to make enhancements to the UKDS NRM dataset to show the reasons for initial negative decisions for cases with a reconsidered decision which is positive.

Areas for further research and data analysis

Further qualitative and quantitative research and analysis is needed to better understand the differences in the outcomes of accepted reconsidered cases for the following cohorts:

- a. Those who have their cases decided by the Single Competent Authority, or by the Immigration Enforcement Competent Authority
- b. Male and female referrals
- c. Cases for referrals of children and adults
- d. Cases for referrals of people with different nationalities



The Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford exists to enhance understanding of modern slavery and transform the effectiveness of laws and policies designed to address it. The Centre funds and co-produces high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society and survivors to collaborate on solving this global challenge.

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