

Media kit: Modern slavery measures and the Border Security, Asylum and Immigration Bill

Published on: 5 February 2025.

This media kit was developed by the Modern Slavery and Human Rights Policy and Evidence Centre, based on its research and analysis. Please refer to the Centre when quoting or referring to it.

Key points:

1. The Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford published a [policy briefing outlining how to make the modern slavery measures in recent UK immigration laws compatible with human rights](#). Evidence shows that a number of modern slavery measures in recent immigration laws (which pre-dated the Border Security Bill) were incompatible with domestic human rights law and international obligations on modern slavery that the UK has signed up to.
2. The Border Security, Immigration and Asylum Bill published on 30 January repealed many of these measures, but not all, most notably around the Public Order Disqualification (see next section for breakdown). This measure enables the Home Office to disqualify potential victims of slavery and trafficking from receiving support and protection through the National Referral Mechanism (NRM), if the department assesses they are a threat to public order.
3. Research shows that Public Order Disqualifications (POD) have disproportionately affected people who were exploited in forced criminality (70% of all 330 people subject to the POD decisions in 2023), as well as Albanian nationals (70%) and people originally referred into the NRM by the Home Office Immigration Enforcement (74%).
4. The UK should ensure protections for modern slavery survivors are aligned with human rights law and strengthen support and protection to ensure people can feel safe to come forward and be protected from their traffickers.

Quotes:

Dr Marija Jovanovic, from the Bonavero Institute of Human Rights at the University of Oxford, who authored the policy briefing on the compatibility of the modern slavery measures in recent UK immigration legislation with human rights laws commissioned by the Modern Slavery and Human Rights Policy and Evidence Centre (also at the University of Oxford), said: “The evidence is clear: the modern slavery measures in the recent immigration legislation, which removed protections from certain categories of victims of modern slavery and human

trafficking, were incompatible with domestic human rights law and international treaties the UK has signed up to.

“The Bill introduced this week addresses some of these concerns. But if the UK Government is serious about abiding by its legal obligations, it should go further.

“It should amend sections of the Nationalities and Borders Act and the Illegal Migration Act on public order disqualification, which exclude from protection certain groups of victims of trafficking without necessary safeguards required by domestic and international human rights law.”

Jakub Sobik from the Modern Slavery and Human Rights Policy and Evidence Centre, said:

“The modern slavery measures in recent immigration legislation risked increasing trafficking and modern slavery in the UK so it’s good to see most of them repealed by the new Bill.

“Given the Public Order Disqualification removes support from potential victims of trafficking, it should only be applied in exceptional circumstances, justified in each individual case. The Government should bring it back in line with international law.

“All new legislation should aim towards improving standards of safeguards for survivors from before they were dismantled by the previous immigration laws.”

Modern slavery and the Border Security, Asylum and Immigration Bill.

The Bill aims to strengthen the UK’s border controls, reform the asylum system, and introduce tougher measures on illegal migration. But it also has implications for people affected by modern slavery, including:

1. The Bill repeals the Safety of Rwanda Act 2024, which could have resulted in potential or confirmed victims of modern slavery being removed from the UK to Rwanda.
2. The Bill repeals nearly all of the modern slavery provisions in the Illegal Migration Act 2023, which would have denied protection and support to those victims of modern slavery arriving in the UK irregularly.
3. The Bill however retains the Illegal Migration Act's powers to disqualify potential victims from support on “public order grounds”, which expanded the public order disqualification powers already in place through the Nationalities and Borders Act 2022.
4. The Bill leaves intact the modern slavery provisions in the Nationality and Borders Act, which Modern Slavery and Human Rights PEC-funded research found were having detrimental impacts on survivors.

On compatibility of measures on public order disqualifications (Section 29 IMA amending Section 63 NABA) with international law:

International law (most notably the Council of Europe Convention Against Trafficking in Human Beings - ECAT) expressly requires that every victim of modern slavery is identified and supported - including those with an irregular immigration status and those involved in criminal offences. In fact, ECAT guarantees additional protection for those two categories of victims (in

Articles 13 and 26 ECAT respectively). It allows only a narrow exception to this obligation on public order grounds (Article 13 (3) ECAT), which needs to be amply justified by public authorities in each individual case.

What Section 63 NABA does, and Section 29 IMA takes even further, is turn this around. Together they create a mandatory exemption from protection for the entire categories of individuals deemed to be a threat to public order – this list is non-exhaustive and includes those suspected of the involvement in terrorist offences (not yet convicted), those sentenced to a period of imprisonment for any offence, or any person who ‘otherwise poses a risk to the national security of the United Kingdom’.

These individuals have only an extremely narrow possibility to prevent such exclusion (‘compelling circumstances’). This clearly turns international law on its head and violates protective obligations.

For those reasons, the Modern Slavery and Human Rights PEC calls (both in this latest Policy Brief but also in its [earlier analysis of Section 63 NABA](#)) for repealing Section 29 IMA and amending Section 63 NABA to bring it in line with international obligations and domestic human rights law.

Impact of Public Order Disqualifications:

The [funded research commissioned by the Modern Slavery and Human Rights Policy and Evidence Centre \(carried out by BIICL\)](#), found that the Public Order Disqualifications (“POD”) have disproportionately affected people whose experience of modern slavery included an element of forced criminality (70% of all 330 POD decisions in 2023), as well as Albanian nationals (70% of PODs, despite representing approximately 25% of all NRM referrals), and people originally referred into the NRM by the Home Office Immigration Enforcement (74% of PODs).

Contact:

For more information or to arrange interviews please contact the Modern Slavery and Human Rights Policy and Evidence Centre’s Communications Director Jakub Sobik on j.sobik@modernslaverypec.org or 07912145610.