

## **Submission to the Home Affairs Committee's inquiry into Human Trafficking**

from the National Chair of Independent Monitoring Boards

March 2023

### **Introduction**

1. Members of the Independent Monitoring Board (IMB) are unpaid public appointees, appointed by the Secretary of State with the statutory duty to monitor the conditions in places of immigration detention, and to report on whether proper standards of care and decency are maintained. Their role includes observing and reporting on the safety, humane treatment, health and wellbeing in these settings, and on the preparations for removal, transfer or release.
2. IMBs are also part of the UK's National Preventive Mechanism (NPM), set up under the UN Optional Protocol to the Convention against Torture (OPCAT), to prevent inhumane treatment in places of detention.
3. As part of IMBs' monitoring in places of immigration detention, members observe the processes designed to identify and support potential victims of human trafficking. This submission is based on Board's most recent annual reports, feedback from Boards' quarterly meetings during 2022 and observations in recent IMB monitoring in the immigration detention estate. It will address the following questions in the inquiry's terms of reference:
  - To what extent do support services meet the needs of victims who have been trafficked in or to the UK?
  - What evidence is there, if any, that the National Referral Mechanism process is being exploited by individuals seeking asylum in the UK?
4. This submission reflects current processes for dealing with potential victims of human trafficking, which IMBs have monitored. It does not take into account changes proposed in the draft Illegal Migration Bill currently before Parliament which, if agreed, will significantly alter those processes and reduce the safeguards that we refer to in this evidence.<sup>1</sup> If the Committee wishes, we can provide supplementary evidence on this point.

### **Key findings**

IMBs have found:

- Support services are limited in their ability to meet the needs of potential victims of trafficking, within immigration detention settings.

- A lack of information, in English or any language, to explain the processes designed to identify vulnerabilities to those in detention, such as being the victim of human trafficking or modern-day slavery.
- Instances where immigration detention staff are confused about the processes to identify victims of trafficking.

IMBs have identified the following concerns:

- Potential victims of human trafficking in immigration detention are not being identified, as a result of not having a Rule 34 appointment and subsequent Rule 35 assessment.
- Opportunities to identify vulnerabilities, such as being a potential trafficking victim, are missed during the initial screening process of those detained under short-term holding facility (STHF) rules at immigration removal centres (IRCs), due to attempts to speed up inductions.
- Insufficient translation or interpretation services during the check-in process for those arriving from STHFs into IRCs.

### **Identifying potential victims of human trafficking in immigration detention**

5. Home Office guidance states that any suspicions that a detained person may be a victim of human trafficking should be raised at the earliest possible stage. In IRCs, this can be done during the induction into detention and during the subsequent Rule 34 appointment.<sup>2</sup> Rules 34 and 35 of the Detention Centre Rules (2001) set out the requirement for every detained person to be given a physical and mental examination within 24 hours of arrival at the place of detention. Under Rule 35(1) medical practitioners are required to report any detained person whose health is likely to be injuriously affected by continued detention or its conditions and any individual who may have been a victim of torture and make any special arrangements (including counselling) which appear necessary to their supervision or care. Under Rule 35(2), medical practitioners are required to report to the Centre management any detained persons that they suspect of having suicidal intentions.
6. IMBs provided an update to the Home Office in July 2022 that there appeared to be a lack of understanding about Rule 35 assessments and asylum interviews. The IMB at Heathrow IRC noted that there were delays in obtaining Rule 35 appointments throughout the final months of 2022 but that the backlog had reduced significantly through January 2023.
7. The Board at Gatwick IRC found that wait times for Rule 34 assessments were short. Assessments with a GP were provided within a day to a few days after arrival and when this lengthened the healthcare team scheduled extra assessment sessions. However, members at Gatwick have observed that there is no information on display at the Centre to inform those detained about Rules 34/35 and that members sometimes talk with detained individuals who are not aware of Rule 35. During 2022, over 2,800 Rule 34 appointments were offered to

new arrivals during their initial healthcare screening at Gatwick IRC, of which nearly 1,100 (38%) were not accepted or appointments not attended. The IMB is not aware of how these appointments are described to those in detention, and only non-attenders with a known medical condition are followed up by healthcare staff. The IMB questions whether potential victims of human trafficking are not being identified as a result of not having a Rule 34 appointment and subsequent assessment.

8. The IMB at Yarl's Wood IRC raised concerns that, as large numbers of detained persons pass quickly through the Centre while it operates as a residential short-term holding facility (RSTHF), vulnerable adults may not be properly identified. As these men are moved within days, officers and medical personnel may not have the time to establish potential victims, who may be released into the community or transferred within the detention estate without appropriate support.
9. Similarly, Gatwick IMB raised concerns about the ability and capacity of staff to identify vulnerability for those detained under STHF rules at the Centre, particularly during periods of large and frequent inflows and outflows. IMB members cited the pattern of STHF arrivals as a contributory factor, with multiple cohorts of 30 or so men arriving late in the evening or during the night with little or no notice, in part of the Centre that had not been designed to deal with large volumes of arrivals. As a consequence, the Home Office permitted Serco to implement a shortened form of the arrival check-in process. With the permission of NHS England and the Home Office, healthcare at Gatwick IRC also initiated a short form of the initial screening process for those arriving from STHFs, to help receive men into the Centre more swiftly. However, the Board has raised concerns with healthcare staff that the opportunity to identify vulnerabilities at this early stage may have been reduced. The Board also observed that there were minimal translation or interpretation services during the check-in process for STHF arrivals, even though complex and sensitive questions related to potential vulnerabilities are asked at this point. After this was raised by the IMB, a translated set of written questions was introduced for the check-in process.
10. The Board at Gatwick raised concerns after being told by healthcare staff that one individual had not been provided with an assessment under Rule 35 because they did not have a diagnosed mental health condition, despite the legislation not requiring such diagnosis for such assessments. This raises concerns for the IMB about Centre staff's understanding of the policies to identify and support all of those with vulnerabilities, including modern slavery victims.
11. Staff at STHFs are responsible for being alert to signs of vulnerability, modern slavery and other forms of coercion and exploitation. Border Force locations where individuals are detained, such as STHFs, may be the first opportunity to identify individuals who may have been trafficked into the country. IMBs monitoring at ports and airports conduct routine audit of case files and examine the evidence of the work done by Border Force staff to identify such cases.

12. Reception interviews at STHFs are vital for identification of all risk factors including modern slavery and human trafficking. Identification of an individual who may be a victim of human trafficking during the reception interviews would trigger referral to the national referral mechanism (NRM). IMB members monitoring at STHFs have raised recent concerns regarding confidentiality during the reception interviews and especially the use of open reception-area seating to conduct reception interviews. Confidentiality is especially important due to the sensitive and personal nature of questions asked during reception interviews, and IMBs regard this as essential for the purpose of identifying risk factors related to issues such as human trafficking.

### **Support for potential victims of trafficking within immigration detention**

13. According to Home Office guidance, supplier and healthcare staff must notify concerns of potential human trafficking to detention engagement team (DET) staff. As first responders, DET or Home Office case workers make a referral to the UK's single competent authority (SCA) as part of the national referral mechanism (NRM) framework for identifying victims of human trafficking and modern slavery. Where an individual remains detained following receipt of a positive 'reasonable grounds' decision, it will be for the DET caseworker to ensure that any recovery needs, as identified through the modern slavery needs assessment, are met.<sup>3</sup> However, throughout 2022, IMBs across the immigration detention estate repeatedly raised concerns, both directly to Home Office officials and in their published reports, about the lack of engagement from DETs.
14. At Gatwick IRC, the local Home Office DET team gave an informal update to the IMB that there were relatively significant numbers of NRM referrals of those held at the Centre under Detention Centre Rules. However, the Board is concerned that this does not seem to be reflected in the number of individuals formally recorded as being adults at risk or having vulnerability. As a result of this inconsistency, the IMB at Gatwick does not have a clear view of which individuals detained at the centre are potential victims of trafficking, or the status of any referral. It is not clear to the Board whether members of staff also do not have access to this information. Due to this, the IMB at Gatwick is unable to monitor whether the needs of specific individuals, identified as potential trafficking victims and referred to the NRM, are being met.
15. Boards have also reported the absence or lack of engagement of DET teams. At Gatwick IRC, the DET did not start surgeries on the residential wings until early October, although these had been announced as starting in May. Members of the IMB continued to observe distress and anxiety amongst those detained at Gatwick IRC, caused by the lack of communication from the DET about the progress of their cases and what would happen to them next.

16. Between April and July 2022, the Board at Heathrow similarly observed a lack of engagement by the DET with those detained there. Board members at Heathrow continually tried the phone numbers given to detainees for these teams, but with little success. The IMB reported this to the Centre on a monthly basis at Board meetings and considered that more needed to be done to ensure adequate engagement. The effect of the lack of DET engagement on those detained at Heathrow culminated in a food and fluid refusal courtyard protest involving 28 detained individuals and causing the command suite to be opened. During this period, the IMB cited the lack of DET engagement as the most frequently raised issue within the centre.

We welcome the opportunity to respond and hope that these findings are helpful to the Committee's Inquiry.

**Dame Anne Owers**  
National Chair

**March 2023**

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#### **References**

<sup>1</sup> UK Parliament, Illegal Migration Bill.

<sup>2</sup> Home Office, [Detention Services Order 03/2022 'Adults at Risk: Detention of Potential or Confirmed Victims of Modern Slavery'](#) (June 2022)

<sup>3</sup> Home Office, [Adults at risk: Detention of potential or confirmed victims of modern slavery](#). Version 3.0 (January 2023).