

Homegrown slavery: ending state-sponsored trafficking

An 'ethiquitable' engagement approach

Migrants At Work

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Acknowledgement

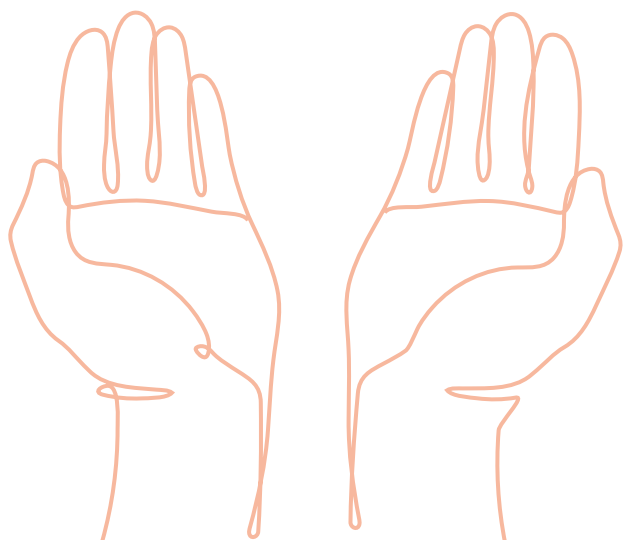
The report may be unsettling for some readers as it discusses the issue of “state-sponsored trafficking.” However, it is important to note that the research was conducted by People With Lived Experience (PWLE), who are advocating for systemic changes in the best interest of both PWLE and human rights. Some of the terms used in the report may be unfamiliar to readers, as they were coined by Migrants At Work based on the lived experiences of their Self-Organised Lived Experience (SOLEX) advocates and the experiences of their members and PWLE who participated in the research. These terms reflect the challenges faced by their local realities.

I want to extend my deepest gratitude to the People with Lived Experience Advocates and organisations who participated in this research. This includes Regularise, Natalia Byer from Polish Migrants Organise for Change (POMOC), Nathan D Ndlovu from Coventry Asylum and Refugee Action Group (CARAG), Rogelio Braga, Henry Chango Lopez (IWGB), Regularise, and the individuals with lived experience who shared their insights anonymously.

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I want to express my gratitude towards the people at the University of Liverpool and Modern Slavery PEC for their support in conducting this study. Specifically, I would like to thank Adam Burns, Rose Fatherazi, Victoria Tecca, and Jakub Sobik.

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Executive summary

This research report presents a collaborative effort between the University of Liverpool, Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC), and Migrants At Work. The aim was to investigate the pivotal role of individuals with lived experience in shaping policy and programme development to address 'homegrown slavery'¹ within the UK context. This study explored how engagement with lived experiences can provide a transformative framework for anti-trafficking endeavours, effectively addressing and eradicating homegrown slavery.

This study was structured into three phases. The initial phase involved primary data collection to identify and define the elements of homegrown slavery. Subsequently, the study delved into the intervention strategies adopted by People with Lived Experience (PWLE) within the labour market, targeting the fundamental vulnerabilities leading to homegrown slavery. The final phase centred on eliciting practical solutions from PWLE to prevent homegrown slavery efficiently and sustainably.

To gather relevant data, the study incorporated a multifaceted approach encompassing interviews with experts, focus group discussions, analysis of evidence of Migrants At Work casework, and examination of legal documents and literature. Several critical findings have emerged from this rigorous data analysis and were examined in this study.

The concept of homegrown slavery in this report stems from the founder of Migrants At Work's personal encounters with the French labour migration system in 1996 and the UK immigration system, as well as the assistance provided to migrant workers in the UK since 2009. The idea re-imagines the three constituent elements of the international definition of 'Trafficking in Person' into four based on evidence gained by Migrants At Work about how the system operates to fit the local reality, as opposed to the local reality having to fit the international definition. The re-engineered four elements are the 'Process,' the 'servile status,' the 'Exploitation', and the 'condition.'

The evidence of this study validates this lived, experienced-based conceptual framework that suggests that the UK government facilitates the trafficking of overseas workers into the country for institutions and practices similar to slavery via international agreements and temporary labour migration schemes, thus necessitating the redefinition of the phenomenon as 'Trafficking in Persons in Work' (TIPIW)². Study participants welcomed this refined concept, viewing the employer-sponsored³ visa as a licence for trafficking.

1. Refers to institutions and practices like slavery and slavery-like practices carried by persons or entities within a specific country which constitute an internationally wrongful act of a State.

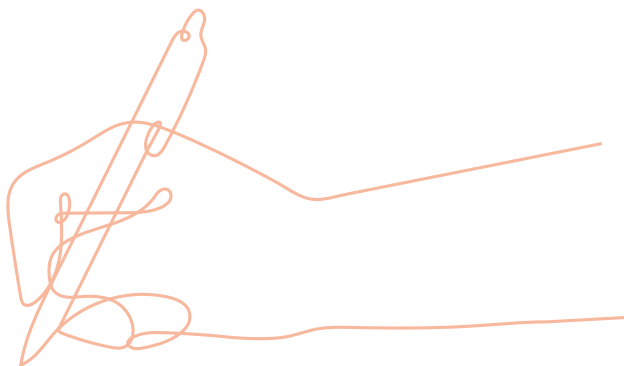
2. Refers to the recruitment of a person of servile status by a person or an entity who holds a license or authority granted to them by state authority.

3. This means the person or organisation licensed by the government or conduct of persons or entities exercising elements of governmental authority or Conduct directed or controlled by a State.

Homegrown slavery manifests in diverse ways. The study scrutinised the role, response, and perspectives of mainstream trade unions, migrant support organisations, and statutory agencies on Trafficking in Persons in Work. Evidence suggests that these entities lack the requisite expertise in labour migration law, prompting organisations led by PWLE to intervene on behalf of their service members. Remarkably, while advocates for PWLE are adept at assisting their community members, they face exclusion and exploitation in the anti-trafficking sector.⁴ The root causes identified include systemic racism and exploitation by migrant support organisations and the financial imperatives of the wider third sector. The author refers to such organisations as surrogates⁵. Surrogates perpetuate an inherently racist sector and lead an oppressive social justice agenda they have created and nurtured.

Although the study found no conclusive evidence of PWLE effectively and sustainably addressing homegrown slavery, primarily due to systematic exclusion, promising solutions surfaced from the interviews. These solutions, aligned with the 'Homegrown' concept and legal theories, provide the necessary platform for engagement with policymakers and businesses. To overcome practical barriers to meaningful engagement, participants proposed sectoral reforms and a human rights-based approach to enable a transformative legal framework. If implemented, this would empower Self-Organised Lived Experience (SOLEX)⁶ advocates to propel their anti-homegrown slavery agenda and effectively counter state-sponsored trafficking at a local scale.

As a result of this study's insights, several recommendations are offered to diverse stakeholders within the human trafficking sector. These recommendations advocate for PWLE's active inclusion, regulatory reforms, and application of human rights principles to instigate a comprehensive transformation in anti-trafficking efforts. By embracing PWLE expertise and perspectives, the report underscores the potential to revolutionise the approach to addressing homegrown slavery and achieving enduring change.



4. The term in the context of this study refers to a particular sphere or realm of action devoted to solving the urgent problem of Trafficking in Persons (anti-trafficking). This includes non-governmental organisations (NGOs), government departments, international organisations, advocacy groups, individual surrogate advocates, businesses, workers' organisations, and other stakeholders. In principle, they work together to spread awareness, support PWLE, implement prevention strategies, and promote stricter legal protections.

5. Persons or entities advocating on behalf of a group without receiving their direct consent or having no firsthand experience of their issues.

6. Self-Organised Lived Experience, or SOLEX, refers to an organisation or group established by or collaboration between those with lived experience of the issue at hand, who further advance and defend the interests of their community without requiring control by an external person or entity. They convene together to represent the best interests of their community by using their personal experience.

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1. Introduction and context

The transatlantic slave trade remains a haunting chapter in history, characterised by the inhumane transportation of enslaved Africans by traders. Although widely deemed abolished by international and domestic legal instruments, the grim reality persists today. Often perceived as a stronghold of abolitionist values, the UK bears witness to this disturbing truth and reality. Each day, the Home Office grants visa sponsorship licences to respectable UK employers who recruit and transport overseas workers into the UK labour market. Tragically, many of these workers find themselves vulnerable to exploitation.⁷

A wealth of evidence⁸ underscores the persistent efforts⁹ of the Gangmaster Labour Abuse Authority (GLAA) dedicated to identifying and rescuing these vulnerable workers. Termed 'homegrown slavery,' this unsettling phenomenon reveals a legal system sanctioned by the UK government perpetuating a form of state-sponsored trafficking. It is important to distinguish State-imposed Forced Labour, a scenario in which state authorities force citizens to work, where people have not offered themselves voluntarily, from state-sponsored trafficking, which is the process of bringing people into the condition of slavery or forced labour. The latter practice effectively empowers employers, recruitment collaboration¹⁰ and internationally organised crime gangs¹¹ by law to ferry sponsored workers via the so-called safe and legal migration routes from their nations of origin to the UK under the guise of legitimate means for labour. This bleakly echoes the historical slave trade, a process outlawed in the UK by Lord Mansfield,¹ but re-engineered by anti-trafficking laws embedded in immigration rules to minimise graphic images, while maintaining false morality tempered by a commitment to humane dignity in disguise. A contradiction that must be rectified according to international law.¹²

While the broader anti-trafficking sector valiantly confronts the multifaceted challenge of modern slavery, Migrants At Work has focused on a distinct facet – the unsettling nexus between state-sponsored trafficking and the enduring struggle against it. Amid this landscape, a glaring oversight emerges: the role of People with Lived Experience in the battle against Trafficking in Persons continues to be overlooked or ignored.

7. Das, S. (2022). *Trapped and destitute: how foreign nurses' UK dreams turned sour*. [online] the Guardian. Available at: <https://www.theguardian.com/society/2022/mar/27/trapped-and-destitute-how-foreign-nurses-uk-dreams-turned-sour>. Das, S., Moloney, C. (2023). *Sent home: how Kenyan's dream of life as a UK care worker turned sour*. Available at: [Sent home: how Kenyan's dream of life as a UK care worker turned sour | Social care | The Guardian](#)

8. GLAA (2023). Freedom of Information Act Request Ref: FOI 22-23 34. (2023). Available at: <https://www.gla.gov.uk/media/9697/foi-22-23-34.pdf> [Accessed 22 Oct. 2023].

9. GLAA (2023). Joint webinar to focus on protecting workers' rights in care sector. [online] Available at: <https://www.gla.gov.uk/whats-new/latest-press-releases/22032023-joint-webinar-to-focus-on-protecting-workers-rights-in-care-sector/> [Accessed 10 Oct. 2023]

10. A group of organisations that have partnered to pool resources into a central system to recruit candidates for vacant positions within that collaboration, whether on a commercial basis. Collaborations also come under the statutory definition of 'employment agency' in section 13 (2) of the Employment Agencies Act 1973.

11. Holland, L. (2023). 'I have put her as your wife, so take her': The fake families being smuggled into the UK. Available at: <https://news.sky.com/story/i-felt-scared-but-couldnt-do-anything-the-fake-families-being-smuggled-into-the-uk-12886913>

12. Article 3(1) of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

Migrants At Work is a non-governmental organisation (NGO) based in Birmingham, UK, led by people with lived experience of immigration system and race discrimination related to labour exploitation.¹³ A former child labourer leads the organisation with a personal experience akin to Trafficking in Persons in Work incidents along legal migration routes to France.¹⁴ The organisation stands at the forefront of efforts to address vulnerabilities to state-sponsored trafficking in the UK and beyond.

Since 2009, Migrants At Work has raised awareness regarding the behaviour of sponsored employers and criminal gangs. The organisation's specialised focus is on state-sponsored trafficking, a concept encompassing trafficking in-person offences committed by governmental or non-state actors whose actions can be directly or indirectly attributed to the state under international legal norms. The organisation identifies these perpetrators as 'sponsored employer(s), sponsor(s), or recruitment collaboration(s),' acknowledging their exercise of governmental authority or alignment with state directives.

Migrants At Work's operations exist at the crucial intersection between migration and labour laws, supporting migrants trafficked along purportedly 'safe' and 'legal' migration paths by sponsors. It actively fosters connections with other organisations that are led by, or represent the perspectives of, people with lived experience (PWLE). Specifically, Migrants At Work builds partnerships with groups led by SOLEX entities, professionals acting as surrogates for PWLE, and working groups led by surrogates across the UK. The development of this robust network within the migrant community has reinforced the organisation's commitment to combat state-sponsored trafficking from a PWLE-led perspective. By amplifying PWLE's voices and experiences, the organisation endeavours to revolutionise policies, enhance protective measures, and eliminate state-sponsored trafficking along legal migration pathways.

The landmark case of *Rantsev*,¹⁵ brought before the European Court of Human Rights, coupled with insights from legal scholars such as Jovanović, have illuminated the positioning of Trafficking in Persons (TIP) under Article 4 of the European Convention on Human Rights. These revelations have outlined the dual obligations of states: positive obligations to establish appropriate legislation, and negative obligations to abstain from actions infringing on conventional rights. Though almost absolute, the right to freedom from forced labour carries limited exceptions.¹⁶ Notably, the International Labour Organisation explicitly bans forced or compulsory labour as a tool for economic development, ensuring no derogation.¹⁷ Nonetheless, evidence has exposed how UK immigration laws compromise protection from forced labour.¹⁸

13. [Organising migrants in the community \(webnode.co.uk\)](https://webnode.co.uk)

14. Aké Achi (2022). At just 10 I was sent abroad so I could support my family back home. Available at [At 10 I was sent abroad so I could support my family back home](https://www.uknews.com/news/10-i-was-sent-abroad-so-i-could-support-my-family-back-home) | UK News | Metro News

15. *Rantsev v Cyprus and Russia* Application No. 25965/04, Judgment of 7 January 2010

16. [Article 4: Freedom from slavery and forced labour | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/our-work/43fdeb602.html)

17. International Labour Organization (ILO), *Abolition of Forced Labour Convention, C105*, 25 June 1957, C105, available at: <https://www.refworld.org/docid/43fdeb602.html>

18. *Okedina v Chikale* [2019] EWCA Civ 1393. Available at <https://app.cronerico.uk/law-and-guidance/case-reports/okedina-v-chikale-2019-ewca-civ-1393>

The UK government empowers non-state actors through the Employer's Visa sponsorship license scheme, perpetuating the exploitation of overseas workers brought under the Skilled Workers visa route via so-called 'safe and legal routes.'

Migrants At Work, in collaboration with the University of Liverpool, set out to study the pivotal role of individuals with lived experience in shaping policy and programme development to combat homegrown slavery. This endeavour is embedded within the overarching framework of a research project funded by the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC), aimed at advancing comprehension of survivor engagement and empowerment mechanisms within policies and programme systems targeting various forms of exploitation under UN Sustainable Development Goal 8.7. The framework strives to enhance the understanding and furnish practical models for success.¹⁹

Within this context, Migrants At Work pursued a fundamental research question: How can People with Lived experience engagement reshape anti-trafficking strategies to combat the problem of homegrown slavery effectively and sustainably? This enquiry was pursued with three specific research objectives:

1. To identify and explain the complex dimensions of the Homegrown Slavery phenomenon.
2. To explore optimal practices for Self-Organised Lived Experience (SOLEX) entities in disrupting homegrown slavery and evaluate their efficacy against four distinct prevention aims spanning Primordial, Primary, Secondary, and Tertiary levels.
3. To identify strategies adopted by SOLEX and those outlined in international and domestic legal frameworks, culminating in a comprehensive assessment of their implementation.

As discussed in the rest of the report, this study underscores the critical junction at which People With Lived Experience engagement converges with anti-trafficking endeavours. The insights gathered and discussed provide a foundation for refining strategies, aligning practices with legal norms, and confronting the sinister issue of homegrown slavery. Through this rigorous exploration, this collaborative work contributes to a more robust understanding of how to create lasting change within the complex landscape of exploitation and human rights violations in the UK.

19. See Wendy Asquith, Allen Kiconco, and Alex Balch, *A review of current promising practices in the engagement of people with lived experience to address modern slavery and human trafficking* (London: Modern Slavery and Human Rights Policy and Evidence Centre, 2022). Available at: <https://modernslaverypec.org/resources/best-practice-engagement-lived-experience>.

2. Research methods

This research project used qualitative data harnessed through five distinct channels of enquiry.

- 1. In-depth interviews with SOLEX key informants:** The study interviewed six carefully selected participants who met the following criteria: direct exposure to the UK immigration system's impact; lived experience of labour exploitation; foundational knowledge of the international Trafficking in Person definition; active engagement in international modern slavery policy and programming in the best interests of affected communities; association with refugees, asylum seekers, and migrants, including EU citizens; and representation from Black and Ethnic Minority backgrounds.
- 2. SOLEX Advocates Focus Group:** A focused group discussion was facilitated with two SOLEX advocates, fostering a dynamic exchange of perspectives and insights.
- 3. Desk-based review of Longitudinal Evidence:** A comprehensive analysis of the evidence accumulated over 14 years was undertaken. This involved examining Migrants At Work's casework data and quotes provided by the members of the selected participants' organisations. These collective narratives highlight the present realities faced by SOLEX communities.
- 4. Examination of Legal Documentation:** A thorough scrutiny of legal documents encompassing employment and immigration-related trade disputes adjudicated by the Employment Tribunal and Employment Appeal Tribunal was conducted. This investigative approach was amplified by a review of the literature authored by legal scholars, such as Maria Jovanović. Further insights were drawn from international and domestic human rights and immigration instruments.
- 5. Illustrative Case Study:** A pertinent case study was presented as an exemplar of effective practices, highlighting a positive model aligned with the SOLEX mission.

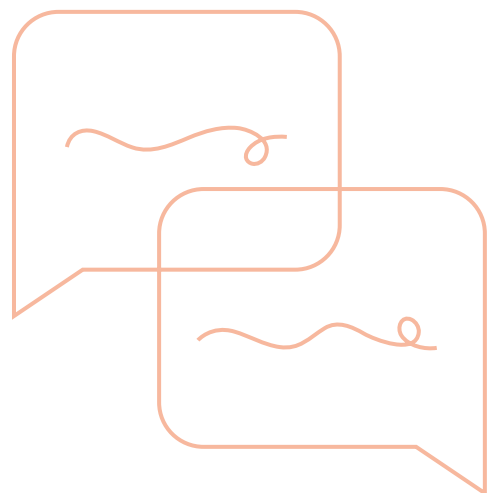
While this diversity of sources contributed to the strength of the evidence presented and discussed in this report, it is important to acknowledge the challenges and limitations encountered during the data collection. Despite Migrants At Work's deep connections within their community and the Anti-Trafficking sector, identifying SOLEX participants engaged in modern slavery policy and programming proved difficult. Moreover, some initially willing members withdrew from participation due to concerns stemming from the Home Office's mishandling of a sponsored care

worker's whistle-blowing case²⁰ and its intervention in Tesco's case²¹. This incident underscored the lingering apprehensions among Migrants At Work members, even those legally entitled to reside and work in the UK. Such concerns are illustrated in the screenshot below.

This example highlights the study's complex landscape and the importance of navigating these challenges to provide meaningful insights. The rest of the report provides a comprehensive discussion of the key findings of this study.



Figure 1: Communication with a potential study participant. Source: Migrants At Work, with permission from the participant.



20. Moloney, C. and Das, S. (2023). Care worker whistleblower outed by Home Office over exploitation claims. *The Observer*. [online] 5 Feb. Available at: <https://www.theguardian.com/world/2023/feb/05/care-worker-whistleblower-outed-by-home-office-over-exploitation-claims>.
21. Hough, A. (2012). *Tesco fined £115,000 for employing illegal foreign workers*. [online] Available at: <https://www.telegraph.co.uk/news/uknews/immigration/9658297/Tesco-fined-115000-for-employing-illegal-foreign-workers.html>.

3. Homegrown slavery: unveiling exploitative dynamics in sponsored workers' situation

3.1. Homegrown slavery

There have been instances of state-sponsored trafficking for exploitation where authorities have created and nurtured such trafficking through various means. For example, there have been humanitarian intervention projects like the Jordan Compact led by the UK, which aimed to improve the welfare of Syrian refugees while also developing the host economy, benefiting native Jordanians. Additionally, bilateral agreements on workforce recruitment and temporary work visa schemes have contributed to this issue.

The exclusion of PWLE in international programs is a fundamental problem with significant consequences. In Jordan, aid organisations have failed to incorporate the perspectives of refugees into their programming.²² The Jordan Compact aimed to improve refugees' right to work and was a progressive and innovative approach to international action.²³ However, it overlooked critical immigration conditions related to refugees' legal status, such as the right to non-refoulement and unrestrained movement and their ability to choose work that matches their skills and experiences.²⁴ Moreover, the Compact failed to address the restrictive legal framework that encouraged refugees to work in the informal market.²⁵ While Jordan has neglected these immigration conditions, the Hostile Environment²⁶ in the UK has purposely embedded restrictive immigration conditions to discourage illegal migration.

As stated previously, Homegrown slavery is defined as having four elements. First, the process by which it happens encompasses the 'Act' and the 'Means.'

The 'Act' refers to the process of hiring workers. In the Point-based system, care providers who want to sponsor foreign workers need to obtain a visa sponsorship license. To get this license, applicants must undergo a two-stage process: validation and evaluation. This applies to initial sponsor license applications and applications to add a new route to an existing license. South-Central Immigration Enforcement Assistant Director Matt Wilkinson commented on a recent operation targeting illegal workers: 'The success of this operation shows that we will stop at nothing to protect

22. Barbelet, V. and Wake, C. (2017a) Livelihoods in displacement: From refugee perspectives to aid agency responses, HPG Working Paper. London: ODI. p.8

23. Meral, A. (2020) Assessing the Jordan Compact One Year On: An Opportunity or a Barrier to Better Achieving Refugees' Right to Work, *Journal of Refugee Studies*, Volume 33, Issue 1, Pages 42–61, <https://doi.org/10.1093/jrs/fez074>

24. Barbelet, V., Hagen-Zanke, J., and Mansour-Illie, D. (2018) The Jordan Compact Lessons learnt and implications for future refugee compacts. Available at: <https://cdn.odi.org/media/documents/12058.pdf> [Accessed 29 May 2021].

25. Meral, A. (2020) *Journal of Refugee Studies*, Volume 33, Issue 1 (2020), Pages 42–61 <https://doi.org/10.1093/jrs/fez074>

26. House of Lords (2018). Impact of 'Hostile Environment' Policy Debate on 14 June 2018. <https://researchbriefings.files.parliament.uk/documents/LLN-2018-0064/LLN-2018-0064.pdf>

the vulnerable within our communities and take firm action against those who profit from exploitation.²⁷

Evidence from the Care Quality Commission's inspection reports suggests that protecting vulnerable residents and workers is not a priority for the Home Office. The validation process is merely a 'tick-box' exercise for immigration caseworkers, and severe and potentially deadly concerns are overlooked. The Home Office is failing to prevent care providers who do not comply with domestic laws and whose conduct could cause serious harm to the residents and workers from obtaining a visa sponsorship licence. This is because the suitability of holding a sponsor licence is based on the commission of immigration offences. Appendix B deals with these offences²⁸ but there is nothing on employment law or health and safety regulations. For instance, four inspections by the CQC between 2017 and 2021 revealed that the services delivered by one provider were performing inadequately. A line in the report is as follows:

We have identified breaches in the management of medicines, safe staff recruitment, and safe infection control practices[t]. This meant that people would have continued to be exposed to the risk of harm.[t] the failure to ensure the proper and safe management of medicines was a breach of Regulation 12 (Safe Care and Treatment) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.²⁹

In 2022, the Home Office granted this sponsor's licence despite their own guidance stating that CQC inspection reports must be taken into consideration by caseworkers.³⁰ Unfortunately, in 2023, sponsored workers and members of Migrants At Work who had raised concerns discussed in this report became victims of immigration abuse. As of the writing of this report, two members of Migrants At Work are still being held by this sponsor.

The 'Means' refers to the actions or systems used by sponsors to transport overseas workers into exploitation in the UK. The Home Office provides technical assistance through the Sponsorship Management System (SMS) to manage the recruitment process, report migrants' work activities to the Home Office, and withdraw their Certificate of Sponsorship (CoS).³¹ The SMS is at the core of bringing workers from

27. Home Office. (2023). *Press release: Six arrested in operation targeting illegal working in care industry [March 2023]* - UKPOL.CO.UK. [online] Available at: <https://www.ukpol.co.uk/press-release-six-arrested-in-operation-targeting-illegal-working-in-care-industry-march-2023/#:~:text=Immigration%20officers%20arrested%20six%20men%20and%20women%20of> [Accessed 23 Oct. 2023].

28. Home Office (2023). *Sponsor guidance appendix B: immigration offences and sponsorship*. [online] Available at: <https://www.gov.uk/government/publications/immigration-offences-and-sponsorship-appendix-b> Accessed 23 Oct. 2023].

29. We cannot reference this report because Migrants At Work members could lose their sponsorship.

30. Home Office (2023). *Appendix A: supporting documents for sponsor licence application (accessible version)*. [online] Available at: https://www.gov.uk/government/publications/supporting-documents-for-sponsor-applications-appendix-a/appendix-a-supporting-documents-for-sponsor-licence-application-accessible-version#Table_3..route-specific [Accessed 23 Oct. 2023].

31. Home Office (2021). The sponsorship management system (SMS) manuals Step by step guide for sponsors Manual 9 of 12: Reporting worker activity. (2021). Available at: https://assets.publishing.service.gov.uk/media/615c5a4c8fa8f5297f88cf08/9...Reporting_worker_activity_-_PBS840.pdf [Accessed 23 Oct. 2023].

their home country to the UK. At the same time, the recruitment process through a license is considered a private and commercial activity; the duty of reporting workers' activities and withdrawing the CoS results in the cancellation of permission to work and the curtailment of the visa, which goes beyond the scope of commercial activities.

Under international law, the State may be held responsible for the conduct of 'parastatal' entities when those entities are entrusted with the exercise of some aspects of governmental authority by the internal law of the State. Therefore, sponsors who undertake the responsibility reserved for the immigration office or secretary of state are exercising the public functions of an administrative character. Similarly, although the Home Office has authorised recruitment and exercised direction or control over the recruitment, although the conduct sponsors are accused of, namely the commission of forced labour offences, goes beyond the scope of the permission, their behaviour can still be attributed to the government.³²

A person of servile status: Legal concepts such as debt bondage, serfdom, child marriage, servile marriage, and child servitude are commonly understood by the public and are covered under international law. However, actual experience of individuals subject to immigration control is often at the mercy of a Hostile Environment policy driven by the state, which can lead to what can be described as servile status. In certain circumstances, threats, intimidation, extortion, and other forms of duress that prey on fear or desperation may constitute coercion, which may be inherent.³³ Abuse or exploitation of those with immigration status is one such circumstance created by the state. Debt bondage is rooted in immigration abuses.³⁴

Although Article 1 of the Supplementary Convention does not explicitly state that immigration abusive practices fall within its scope, they would still be covered by the provisions as they state that institutions and practices where they still exist, regardless of whether they are covered by the definition of slavery contained in this article, must be abolished.

Exploitation: Exploitation remains undefined in international law, which has consequences for exploited people that policymakers seek to protect.³⁵ The study found that the absence of clear parameters for determining what counts as exploitation allows states to misclassify victims as 'predatory economic migrants' or as 'criminals.'³⁶ After reviewing different attempts made to define or explain exploitation by legal scholars, the labour movement and international and domestic instruments, the study settled for the legal definition proposed by Jovanović as it

32. Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries 2001. (2001). Article 8 Available at: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

33. The Prosecutor v. Jean-Paul Akayesu (Trial Judgement), ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), 2 September 1998, available at: <https://www.refworld.org/cases,ICTR,40278fbb4.html> [accessed 24 October 2023]

34. Extracted from the Independent Domestic Abuse 'safety before status' report, It refers to is a form of perpetration that uses the 'insecure', 'uncertain' or 'unknown' immigration status of an individual (or their dependents) to threaten, coerce, exploit and/or subjugate them (or their dependents) as part of a pattern of control and/or abuse and violence. < <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf> >

35. Howard, N (2020). *What is exploitation anyway?* [online] Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/what-exploitation-anyway/>.

36. Jovanović, M (2020). What is exploitation in the context of 'modern slavery'? A legal proposal. [online] Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/what-is-exploitation-in-the-context-of-modern-slavery-a-legal-proposal/#> [Accessed 22 Aug. 2023].

captures the local reality. Indeed, Jovanović describes three pillars of exploitation underpinning 'modern slavery,' including 1) the abuse of A Position Of Vulnerability, 2) Excessive Gain and 3) Sustained Action. However, we draw a line between severe and everyday exploitation because from the evidence we have collected, settled³⁷ and unsettled³⁸ workers are not subject to the same severity level. Subsequently, we define exploitation in the context of homegrown slavery as follows: To exploit is to acquire disproportionate gains from the actions of an individual by abusing their position of vulnerability over a sustained period,³⁹ which amounts to ill-treatment.⁴⁰

Conditions: Refers to the manifestation of exploitation into Forced Labour, servitude, and slavery. Examples and details of these manifestations are described in the rest of this report.

Has it been the intention of the government to propagate Homegrown Slavery in the UK? While the government has not designed a Point Based System for trafficking overseas workers through legal migration routes, it remains that the process of bringing them to fill the jobs on the Shortage of Occupation list in response to the labour shortage crisis creates a servile status, which leads to exploitation.

International law governs the characterisation of a state's actions as internationally wrongful, separate from that state's own domestic laws.⁴¹ However, this poses a challenge when addressing human rights issues like modern slavery that are enabled through legal systems rather than direct state conduct. While states may be seen as unified entities under international law, this authority does not always translate into the ability to overhaul problematic domestic legislation that has become deeply entrenched. For example, the concept of homegrown slavery focuses on exploitation from private individuals or groups acting under state authority or direction, rather than direct misconduct from state actors. Even though states have contributed to creating legal systems that enable violations of sponsored worker's rights under international conventions (acting as a 'perpetrator' of sorts) they cannot be held directly accountable for the misconduct of private actors that stem from these legislative frameworks.⁴² However, the mere existence of lawful processes that sanctioned forced labour does not negate the fundamental nature of slavery. While this lawful process might eliminate all proof of ill-treatment and overlook starvation, beatings, and other inhuman acts, the admitted fact of slavery – compulsory uncompensated labour – would remain; moreover, regardless of the government's intention, involuntary servitude, even if tempered by humane treatment, is still slavery.⁴³

37. References to a person being settled in the United Kingdom are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain and work.

38. *Everyone who, not being a UK citizen, is present in the UK and who has leave to reside here other than to do so indefinitely has a precarious immigration status for the purposes of section 117B(5)*

39. Jovanović, M (2020). What is exploitation in the context of 'modern slavery'? A legal proposal. [online] Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/what-is-exploitation-in-the-context-of-modern-slavery-a-legal-proposal/#> [Accessed 22 Aug. 2023].

40. *Savran v. Denmark* [GC], no. 57467/15, 7 December 2021, § 12

41. UN General Assembly, *Responsibility of States for internationally wrongful acts: resolution / adopted by the General Assembly*, 19 December 2016, A/RES/71/133, article 3 available at: <https://www.refworld.org/docid/5863b8974.html> [accessed 24 October 2023]

42. Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, article 2, para 5 and 7

43. United States, Military Tribunal at Nuremberg, Pohl case

3.2. Exploitation under the facade of legality: unmasking the points-based system

The first objective of this study was to identify and explain the complex dimensions of Homegrown Slavery. In 2020, the Point Based System (PBS), which is part of the Hostile Environment policy (also known as the 'compliant environment' policy),⁴⁴ was unveiled by the former Home Secretary, Preeti Patel as follows:

[Today is a historic moment for the whole country. We will attract the brightest and the best from around the globe, boosting the economy and our communities, and unleash this country's full potential,⁴⁵ and deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger.⁴⁶

The data in this study included several exploitation scenarios resulting from sponsored employers' conduct, who were granted visa sponsorship licences to recruit overseas workers for exploitation in the UK. Those interviewed explained how individuals establish care companies and obtain sponsorship licences to bring care workers overseas to the UK. However, despite the legality of this process, many workers are trapped in exploitation. As one interviewee puts it a Certificate of Sponsorship, which can only be obtained from the Home Office, has become a certificate of exploitation.

The participants described cases where people affiliated with their organisations were brought to the UK and found trapped in exploitation. Indeed, '[t] people who arrive on visas, whom you would expect to have a far easier experience, than people who are here to seek asylum. All of them face a nightmare' (Interviewee 3). Participants stressed that the process was legal. Interviewee 3 further described this experience in the following words.

[t] They [Employers] are within the parameters of the law because they can successfully apply for a visa for a person and become a sponsor to bring the person here [the UK] and then exploit them[t]. There is a direct causal link between the Home Office and the Certificate of Sponsorship [t]. This is a licence. [t]. The Certificate of Sponsorship has now become a certificate of exploitation, and you can only obtain it from the Home Office. Therefore, the Home Office enables exploitation.

44. Taylor, R. (2020). Impact of 'Hostile Environment' Policy. [lordslibrary.parliament.uk](https://lordslibrary.parliament.uk/research-briefings/lln-2018-0064/). [online] Available at: <https://lordslibrary.parliament.uk/research-briefings/lln-2018-0064/>.

45. Patel, P. (2020). Home Secretary announces new UK points-based immigration system. [online] Available at: <https://www.gov.uk/government/news/home-secretary-announces-new-uk-points-based-immigration-system>.

46. Patel, P. (2020). Home Secretary's statement on the New Plan for Immigration. [online] Available at: <https://www.gov.uk/government/speeches/home-secretarys-statement-on-the-new-plan-for-immigration>

As an illustration, some sponsored employees may include employment agreements that contain unlawful recruitment conditions during the visa application procedure.⁴⁷ In the Certificate of Sponsorship application process, employers may carry out prohibited recruitment by employing agents to recruit personnel from restricted nations while falsely asserting compliance with the Code of Practice for the international recruitment of health and social care personnel in England.⁴⁸ Neither the CQC nor the Department of Health and Social Care holds them accountable. The low level of human resources available in Home Office compliance teams means they cannot undertake effective and regular follow-up compliance investigations and visits to ensure licence holders are meeting their responsibilities.⁴⁹ As evidence from Migrants At Work's casework files shows, sponsors certify to maintain and accommodate workers, but in practice, the maintenance and accommodation fees are given as loans. They mislead both the Home Office and workers.

Similarly, sponsors apply to join the Ethical Recruiters List but do not comply with the code of practice because a weak monitoring mechanism and enforcement system renders it meaningless. For example, ethical employers are asked to review any changes to the code of practice and renew their commitment to its guiding principles and best practice benchmarks. Sometimes spot checks are conducted. If they failed to reply within a specified period or were found to have breached the code, they were removed from the list.⁵⁰

The Cross-Whitehall International Recruitment Steering Group, chaired by the Department for Health and Social Care, oversees the implementation of the Code of Practice for the international recruitment of health and social care personnel. It is charged with ensuring ethical practices are followed across the sector and collaborates on global recruitment supply activity. However, it is unclear whether the group ensures that the government meets its obligations under government-to-government agreements, given the high level of abuse in the sector.

The study found that some sponsors take advantage of the immigration law that built exploitation in its provisions for sponsored workers, enabling them to recruit overseas workers at a cheaper rate, thereby undermining labour rights.

47. Migrants At Work's member contract

48. Recruitment from red-list countries is banned, and recruiting outside of government-to-government agreements is not illegal but not permitted in the UK.

49. Migrants At Work and Migrants Rights' Network. (2023) Written evidence submitted by Migrants At Work and Migrants' Rights Network Contents Available at: <https://1c90b8c5d3.cbaulcdnwnd.com/2c2ad19ba06d0401037ac354ac9dd061/200000364-1e6011e602/HUM0117.pdf?ph=1c90b8c5d3>.

50. [nhsemployers.org](https://www.nhsemployers.org). (n.d.). *Application process for the Ethical Recruiters List | NHS Employers*. [online] Available at: <https://www.nhsemployers.org/articles/application-process-ethical-recruiters-list>.

I am a biological scientist. My colleagues and I are paid less than our other colleagues. We perform the same job with no benefits. We work crazy hours. They have easy shifts and enjoy the holiday purchase Scheme, free car park, and life insurance. When we asked our manager to have the same pay and benefits, he said he does not have to pay us more because he is paying us above the minimum wage and at 80% of our annual salary, so he is not doing anything illegal. He says he is following immigration rules, and it is illegal for him to pay us 100%. If we complain again, he will cancel our visa. It is unfair to be treated this way because we are sponsored workers. They treat us like slaves. Our trade union officials say there is nothing they can do for us. It is wrong. (Rashid, Microbiologist, Job Code 2112).

The government's employer guidance states, 'If your job is on the list, you can be paid 80% of the job's usual going rate'.⁵¹ However, in certain situations, overseas workers may be paid less if they meet certain requirements, 'between 70% and 90% of the usual going rate for your job if your salary is at least £ 20960.'⁵² Some of these criteria include holding a PhD degree.⁵³

The immigration rule goes against the bilateral agreements between the UK government and its healthcare workforce partners. UK care providers employ Kenyan healthcare professionals under the agreement between the governments of Kenya and the UK to collaborate in the healthcare workforce. As per the agreement, Kenyan healthcare professionals should be employed on the same terms as their UK counterparts with similar rankings. However, sometimes, this does not happen, and Kenyan professionals are paid a lower rate, which contradicts the agreement.

In the Rules, the going rate does not apply to care workers, which means sponsors must pay at least £20,960 per year or £10.75 per hour (the National Immigration Rate, NIR). The Migrants At Work case files reveal that carers who collaborate with British colleagues are paid at NIR, while their British counterparts earn at the industry rate, with a starting salary of £21200. The UK should ensure that employment agencies follow legal frameworks and regulations. It is also important to prevent and punish unethical behaviour by implementing proper systems for legal action.

Cases reported to Migrants At Work indicate that sponsors often treat sponsored workers as their property and may resort to any means necessary to retain them or recoup the financial losses resulting from their departure.

To be honest, I never thought anything like this happened in the UK. Working for 23 days without a day off. Forced to stay in our employer's house. He deducts rent and food from our wages; this has been a nightmare. (Ali, Care Assistant, Job Code 6145).

51. Skilled Worker visa: shortage occupations - GOV.UK (www.gov.uk)

52. *ibid*

53. The study found that in some cases, employers may still apply these rules based on the nationality of migrants, even if they are not sponsored.

The findings suggest that employers consider overseas workers to be investments. Sponsors such as the NHS Trust take precautions to safeguard their investments by implementing repayment clauses in employment contracts. Sharp BH Global, an agency that recruits nurses from the Philippines for Leeds Teaching Hospitals NHS Trust, also enforces 'contractual measures' to ensure nurses fulfil their commitments.⁵⁴ However, Migrants At Work records indicate that sponsored workers who assert their labour rights are met with threats of contract breaches and repercussions from their sponsors. Consider this extract from the employment agreement of one of the Migrants At Work members.

Should you wish to leave the company or your employment is terminated, [t], before the three-year contract expires, you will be responsible for the costs incurred [t].⁵⁵

After resigning, he received the following update from his sponsor.

[t] Please be advised that we have consulted our legal team to apply to the court to recover the funds, this is currently in process, we hope you may settle as per the attached agreement. (Email: Mbaku's sponsor).

Where sponsored workers have attempted or removed themselves from the situation, sponsors have attempted to recoup their investments, including licence and recruitment fees. An email from a sponsored worker to the sponsor reveals that some migrants are being forced to pay for their freedom.

"[t] Please be reminded that this refund is actually obtainable from the government (UKVI) as indicated in my previous email and I am not legally/ contractually obligated to make this refund out-of-pocket. However, as you have insisted to obtain "all monies owed" to the company before I can obtain a reference, I am happy to refund the stated amount to [company]."

Migrants At Work files show that conversations secretly recorded between sponsored workers and their sponsors reveal how the workers' bank accounts are being used for tax fraud without their consent. For example, some workers were informed by their sponsor that they had not paid sufficient taxes after being unemployed for four months. The sponsor issued them payslips (see Annex 10.2) and transferred

54. Shanti. D. (2022). Trapped and destitute: how foreign nurses' UK dreams turned sour. [online] Available at: <https://www.theguardian.com/society/2022/mar/27/trapped-and-destitute-how-foreign-nurses-uk-dreams-turned-sour>.

55. Extract of restraint clause from a sponsored worker's contract and email from Mbaku's sponsor

their net income to their bank accounts while paying statutory deductions. However, the sponsor later demanded that workers withdraw their net income and return it in cash or deposit it into the sponsor's account. Additionally, the workers were required to repay statutory deductions, which some could not afford, leading them to borrow money that would be deducted from their future salaries. This unethical and exploitative practice enables sponsors to launder small sums of money in their workers' accounts.

Under certain circumstances, sponsored workers may feel forced to endure sponsor abuse without other options. However, experience shows that some individuals can eventually break free from their exploitative employers and sponsors with SOLEX assistance. Consider the following incident.

When your family sells off their possessions to send you to the UK, you think you must ignore whatever pressure your manager is giving you because you must send money back home for them to survive. I am not sure for how long I would have managed to work under these conditions. I am glad that I found someone who advised me to come to this community group, and now they are assisting me in finding a new employer (Mo, Home Carer, job code 6145).

The evidence gathered here also confirms and emphasises the importance of framing human trafficking within the context of human rights law. This approach is supported by several reasons outlined in Jovanović's legal theory⁵⁶:

- The approach allows victims to assert their rights and seek protection while holding states accountable for their anti-trafficking efforts. This contrasts with criminal laws, which often treat victims merely as reasons for prosecuting offenders.
- Adopting a human rights perspective helps counter the perception of Persons with Lived Experience as passive recipients of protection through the criminal justice system. Instead, it employs criminal law to conceptualise the issue, attributing human rights responsibilities to governments.
- This approach positions individuals with Lived Experience as rights-holders rather than victims, enhancing their agency.
- This approach enables international human rights bodies to utilise specialised anti-trafficking mechanisms to interpret affirmative obligations under the right to be free from slavery. This extends beyond human trafficking, such as non-trafficked slavery, servitude, and forced labour. This includes forced or compulsory labour that is not directly tied to human trafficking.

56. Jovanović, M. (2023). *State Responsibility for modern Slavery in Human Rights Law: A Right Not to Be Trafficked*. OUP Oxford. P 7

4. Role, response and perspectives of key actors for addressing trafficking in person in work

The project's second objective was to investigate the best practices for Self-Organised Lived Experience (SOLEX) entities acting in the best interests of their affected community to disrupt homegrown slavery. This study examined the strategic roles and positions in the sector to evaluate the performance of SOLEX. While the study set out to identify the role played by SOLEX, it found other surrogate organisations playing key roles and assessed their performance.

The UK modern slavery strategy⁵⁷ builds on and adapts the framework successfully implemented in serious and organised crimes and counter-terrorism strategies. The government's strategy is divided into distinctive strands, including 'Pursue'⁵⁸, 'Prevent'⁵⁹, 'Protect'⁶⁰ and 'Prepare'⁶¹. However, NGOs advocating for safe migration pathways to tackle human trafficking, modern slavery, and forced labour believe the recently agreed Global Compact for Safe, Orderly, and Regular Migration provides a roadmap for creating safe migration pathways that reflect migration and labour market realities, balance national interests and migrant rights, and improve conditions for sponsored workers.⁶² Nevertheless, these workers are still trafficked via safe and legal migration routes. Businesses are required to comply with immigration rules as directed by the government.

4.1. Statutory agencies

Migrants At Work's member cases show that immigration compliance visits can harm sponsored workers seeking help from statutory agencies. These two cases help explain this point.

In the first case, a worker assisted the Home Office with an investigation into their sponsor's conduct but was subsequently subjected to intimidation and threats from their employers.⁶³ As a result of the compliance visit, the sponsor's licence was revoked, leading to the withdrawal of the worker's and the entire overseas workforce's permission to work in the UK. They were given 60 days to leave the country.

57. Home Office. (2014). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

58. prosecuting and disrupting individuals and groups responsible for modern slavery.

59. preventing people from engaging in modern slavery crime.

60. strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness and resilience against this crime

61. reducing the harm caused by modern slavery through improved victim identification and enhanced support and protection.

62. [Safe Migration Pathways Key to Tackling Human Trafficking, Modern Slavery, Forced Labour | International Organization for Migration \(iom.int\)](#)

63. The case was reported in the media. Moloney, C. and Das, S. (2023). Care worker whistleblower outed by Home Office over exploitation claims. *The Observer*. [online] 5 Feb. Available at: <https://www.theguardian.com/world/2023/feb/05/care-worker-whistleblower-outed-by-home-office-over-exploitation-claims> [Accessed 1 Sep. 2023]

In the second case, a member of Migrants At Work requested intervention from the Home Office, but they failed to act. Consequently, the sponsor withdrew their Certificate of Sponsorship, and the individual was compelled to return home.⁶⁴

Similarly, the following quote from Amid summarises the complexity of the situation when people with lived experience cooperate with the Home Office.

[t] I am trapped in the UK. If the Home Office finds me, they will label me an 'illegal worker', deport me, and feel good about themselves. I followed the rules. What did I do wrong? I should have kept quiet. I wish I had never helped the Home Office with their investigation because it was a lose-lose situation. (Amid, Carer).

These examples highlight the Home Office's failure to follow its policy on human trafficking and modern slavery, which requires officers to refer suspected cases to the relevant competent authority.⁶⁵ However, the information gathered from these workers confirms that the Home Office did not refer these cases to the Gangmasters Labour Abuse Authority. Anyone, including British citizens, can be directed to the National Referral Mechanism. However, the study found that sponsored workers who understand their rights do not see any benefits in engaging with the Home Office or other statutory agencies because the information they provide can curtail their visas. They will avoid it at all costs for the reasons Amid explained above because the NMR is not safe. The notion of safety goes beyond the legal status alone.

The lack of an appropriate safeguarding system for sponsored workers is problematic. On one occasion, Migrants At Work assisted a sponsored worker who reported a case of 210 people trapped by their sponsor. Additionally, three sponsored workers in similar situations within the community took their own lives as they saw no viable or acceptable alternatives. However, reporting their employer and having their licence revoked would result in whistleblowing and the entire group of sponsored workers within the sponsor's business losing their jobs. They would also be given a 60-day notice by the Home Office to leave the UK.

64. Story reported in the media. Das, S. and Moloney, C. (2023). Sent home: how Kenyan's dream of life as a UK care worker turned sour. *The Observer*. [online] 3 Sep. Available at: <https://www.theguardian.com/society/2023/sep/03/sent-home-how-kenyans-dream-of-life-as-a-uk-care-worker-turned-sour> [Accessed 1 Sep. 2023].

65. Home Office (2018) Points-based system sponsor compliance visits. Available at: <https://assets.publishing.service.gov.uk/media/5a8afb22ed915d74e34049c8/PBS-sponsorship-sponsor-mgmt-compliance-v15.0.PDF> [Accessed 19 Oct. 2023].

4.2. The Gangmasters Labour Abuse Authority's (GLAA) enforcement team

The GLAA is a Non-Departmental Public Body which reports to the Home Office responsible for protecting vulnerable and exploited workers. They partner with organisations such as the police, the National Crime Agency, and other government law enforcement agencies to target, dismantle, and disrupt serious and organised crime across the UK.⁶⁶ They also engage with community groups. However, their connection with the Home Office can sometimes raise concerns among the migrant community because workers may view the GLAA as an extension of the Home Office, whose objective is crime prevention that may result in their deportation.

In 2020, Migrants At Work referred eight potential victims of trafficking among farm workers to GLAA intelligence and the police. However, the police closed the case without further communication. Later, the police reached out to Migrants At Work and requested that the organisation contact their members (the complainants) and provide them with updates on the progress of their case. The email then explained why such a request was made because they had the 'names and dates of birth for them all but no contact numbers, and in any case, they do not speak English.'⁶⁷

This response highlights concerns regarding the effectiveness of police investigations on trafficking offences involving sponsored workers. The police may encounter language barriers; however, it is unclear why they did not obtain the phone numbers of the eight potential victims interviewed across two locations by two separate investigating teams. This interview method led to potential victims feeling criminalised. Additionally, the GLAA did not acknowledge or respond to the initial communication from Migrants At Work, nor did they engage with the organisation during the investigation.

In 2021, Migrants At Work submitted a Subject Access Request to the employers of these workers and provided additional evidence to the Police and GLAA, requesting a reopening of the case. However, neither the police nor the GLAA intelligence team have yet responded to the organisation or their request.

In 2023, Migrants At Work referred a potential claim to the GLAA. GLAA initially refused to cite a visa sponsorship issue. However, our investigation revealed that the sponsor threatened the worker involved with a recovery of £5k if he exited his contract early. This amounts to debt bondage. The GLAA has police-style powers that should have been exercised in this case. However, they failed to do so.

Although Migrants At Work has collaborated closely with the GLAA Prevention team, engaging with the GLAA enforcement team continues to be challenging. Participants of this project experienced similar difficulties. Despite this, the GLAA prevention strategy remains the best current method for preventing homegrown slavery.

66. GLAA. (n.d.). *What we do - Regulation - Licensing scheme - Board - GLAA*. [online] Available at <https://www.glaa.gov.uk/who-we-are/what-we-do/>.

67. Email from Warwickshire Police, Serious and Complex Crime Division, dated Oct 2020.

However, it has not been used to its full potential. Migrants At Work is exploring a partnership with the Prevention team and using the GLAA Romanian prevention project as a template model to build trust between SOLEX and the agency and empower migrant workers.

4.3. Mainstream trade unions

Trade unions exist to protect workers' rights and improve their working conditions. However, a desk-based review of 143 cases revealed severe concerns in relation to homegrown slavery. These included 96 immigration/employment claims made by migrant workers, including 49 cases heard before the Employment Tribunal and Employment Appeal Tribunal from 1995 to 2023, 41 case files from the Migrants At Work project between 2018 and 2023, and six union case files handled by a union official with lived experience between 2009 and 2018.

From a sample of 52 immigration/employment cases, the study found that in nine of those cases, migrant workers had to defend their claims as litigants in person. In two cases, the relationship between the claimants and their representatives was unclear; in the other two, they made no representation. In the remaining cases, they benefited from direct representation by community law centres or lawyers provided by charitable organisations.

The study found no union representation, so whether these workers were union members was unclear. This is equally concerning because, in 41 Migrants At Work case files, three referrals came from a regional union organiser with lived experience after their union had failed to support them. In the other six cases, the union official aided members in their free time because their union refused assistance. Interestingly, this union official was disciplined by the union for this practice and advised members to seek advice from external organisations with lived experience.

Where unions fail to represent sponsored workers, SOLEX are often sought for support in disciplinary or grievance hearings related to the right to work due to a lack of expertise from union officials.

Let them know if you would like to attend as the union rep is useless on this matter and so is the union as a whole because they just don't know what they are doing[t] I just need advice on what I do with work and how to deal with them legally. I do not want to be contacting them again. [t] The union are trying to get their heads around it all. They think I am asking about the immigration stuff.⁶⁸

68. Extract from a migrant trade union member's email to SOLEX

The email evidence between union officials from 2014 shows that they lacked expertise and motivation when migrant trade union members requested their support and believed that the right to work was purely an immigration issue.⁶⁹

These examples illustrate that union officials often lack the expertise and time to assist sponsored workers. This is because labour migration is not their core business, and therefore trafficking for labour exploitation is unlikely to be a top priority.⁷⁰

4.4. Migrant support organisations

NGOs and community organisations are often the first point of contact for migrants due to lack of support from the immigration system, which results in them taking on roles and responsibilities and leading to unfamiliar issues with severe, lasting impacts for migrants. Studies have found that the intersection and interaction between migration and labour laws is highly significant yet often under-considered. As a result, labour lawyers may regard migration law as outside their purview and migration lawyers may neglect labour law.⁷¹ Other NGOs often lack expertise in both areas and may refer their service users to Migrants At Work.

After reviewing the 96 cases mentioned above, including the case of Miss W Sims,⁷² this study found that migrant support organisations may not be the best option for sponsored workers to seek support. Evidence from these cases indicates that migrant workers can be denied access to justice. For instance, Miss Sims sought advice regarding her immigration status and employment situation after being dismissed.

The claimant explained in her witness statement that she had approached various organisations from June 2018 onwards, including the Home Office, the local authority, the CAB, Lewisham Refugee Centre, UK Immigration help, Immigration Advice service, The South London Law Centre and the JCWI (Joint Council for the Welfare of Immigrants). [t] she was given the same advice from all of these organisations about any possible employment claim in the Tribunal consequent on her dismissal, that she should first resolve her immigration status[t] The Tribunal has found that the claimant was consistently advised to resolve her immigration status before seeking to commence an employment tribunal claim.

However, Miss Sims could not obtain the correct information for over a year. This example shows that these surrogate organisations cannot be relied upon to represent migrants in trade disputes, but they claim to provide support and training to their service users.

69. Email between GMB trade Union regional organisers, date August 2014

70. Eurofound (2016), Regulation of labour market intermediaries and the role of social partners in preventing trafficking of labour, Publications Office of the European Union, Luxembourg

71. Costello, C. and Freedland, M. (2014). *Migrants At Work*. OUP Oxford.

72. *Miss W Sims v The London Borough of Lewisham and Governing Body of Adamsrill Primary School*: 2300981/2019 - Reserved Judgment

4.5. Sponsors

Sponsored workers who lack proper support are vulnerable to situations similar to being held hostage, where they must pay their sponsor a ransom for their freedom:

'[t] before we can provide any reference & before you give your 4-week notice [t], we can discuss a possible leaving date and the monies you will owe for your sponsorship [t]' (Fahima, Carer, code 6145, their email from a sponsor).

This study highlights the issue of employees abandoned by their sponsors and left without work. In such situations, they are forced to engage in unpermitted employment to make ends meet. These employees must pay their sponsors to avoid being reported to the Home Office. We call this practice 'work-rent.' Migrants At Work's case files reveal that sponsored workers are often not deprived of their autonomy daily. However, the ability of migrant workers to maintain their legal status and remain employed is closely tied to their tenancy agreement and employment contract. This creates a dilemma for migrant workers who may hesitate to report exploitation and abuse out of fear of losing their jobs and legal status.

The tenant understands that the right to live and Dwell at the property strictly depends on the tenant remaining as a full-time Employee of the landlord's company [name], as agreed by the Tennant and Landlord, before taking up residence at the property. (Extract from one of our members' tenancy agreements.)

Employment contracts often include clauses that oblige workers to follow sponsors' directions.

[t] You agree that you will adhere to all UK Immigration and visa regulations and that you are aware if any UK Visa conditions are breached that, the Company will immediately advise UK Immigration authorities and that you may be deported from the UK and face criminal charges[t] (Extract of restrictive covenant from a sponsored worker's contract).

As discussed in Section 4.1, sponsors may threaten legal action if sponsored workers resign.

5. SOLEX, surrogates and engagement with lived experience

The previous section discussed actors involved in responding to homegrown slavery but only found surrogates in key roles. Therefore, this study attempts to understand what SOLEX organisations and advocates have done to engage the sector.

Self-Organized Lived Experience (SOLEX) advocates act in the best interests of the affected community. They occasionally attend meetings with various statutory agencies, such as the Red Cross, International Monitoring Authority, Home Office, Care Quality Commission (CQC), United Nations Human Rights Council (UNHRC), and Department for Business, Energy, and Industrial Strategy (BEIS). However, despite SOLEX's active engagement with these agencies, this study did not find evidence of meaningful engagement, as these organisations are often overlooked or ignored. Consider this email from Migrants At Work to the Home Office's modern slavery team:

[t]I hope you are well. It has been a year since my last email. Sadly, I have not heard anything back from you. In the meantime, we continue to assist many more migrants who can evidence their legal right to work but continue to be pushed into labour exploitation and destitution [t].

Since the Windrush scandal came to light in 2017, it has become apparent that many people have been wrongly denied their legal rights, including the right to work and personal freedom. Various organisations have bravely challenged the negative impact of immigration policies, such as the 'No Recourse to Public Funds' policy and the 'Seasonal Worker' visa. However, Migrants At Work had already begun raising awareness of the root cause of vulnerability that led to these trends since 2009. Despite their efforts, emails from Migrants At Work's lobbying activities show that they had tried unsuccessfully to bring these issues and their solutions to the attention of relevant UK officials from all departments a decade before the problems emerged.

In another case, a SOLEX advocate requested a meeting with MPs, including the former Secretary of State Amber Rudd, and the response was as follows:

Thank you for your email to Amber. However, this office is only authorised to communicate with Amber's constituents living in Hastings and Rye and not with the constituents of other MPs. So, the best thing to do would be to contact your own MP and ask him or her to contact Amber on your behalf.

A planned event in 2014 with a member of the shadow cabinet for international development was cancelled: 'Follow up on the meeting with [name] MP, the event is postponed as she [is] no longer shadow minister for international development. I will liaise with the new shadow minister and will keep you posted.' Another one was meant to take place with the Shadow Minister for the Middle East and Africa, '[t] So sorry this has taken so long to set up [name], and I would be keen to have this meeting[t].' Migrants At Work instead had a meeting with their senior parliamentary researchers. The organisation made several attempts to warn various agencies, including the OISC, regarding the role of immigration law and offer solutions based on lived experience. Additionally, we tried to inform the TUC about trade unions' lack of support for migrants.

Interviewee 3 met the Department for International Development before it was dissolved. They reported, 'They wanted to understand what type of language they should use for their non-governmental organisations to capture data better and to be seen as more compassionate or not patronising.' Interviewee 5 recounted their encounter with the Care Quality Commission, ending their reflections by stating, 'They are avoiding me now.'

These examples of failed attempts indicate that SOLEX organisations struggle to engage with other sector stakeholders. As a result, despite their efforts, they have not been involved in national or global anti-modern slavery policies and programming. Interviewee 3 believed that SOLEX's involvement in this area is a controversial topic that undermines the fight against trafficking: 'I think survivor engagement is very controversial. If anti-trafficking activities are not done by us or led by organisations like ours, I am not sure of its efficacy at all[t].'

Consequently, SOLEX are limited to intervening only in rescue operations, after exploitation has already occurred when individuals with lived experience reach out to them.

5.1. Good practice of improving outcomes for exploited individuals through SOLEX immigration advocacy

The first part of the third objective of this study was to identify effective strategies adopted by SOLEX to tackle TIPIW. The project could not find metrics to measure the impacts of PWLE engagement because SOLEX are not formally involved or integrated in the sector. However, since this study aimed to uncover PWLE engagement in reshaping anti-trafficking strategies to combat the problem of homegrown slavery effectively and sustainably, there is a need for metrics to measure the effectiveness of SOLEX strategies.

Jovanović explained that TIP, as the process of bringing individuals into exploitation, is a precursor to slavery and other forms of severe exploitation and, if uninterrupted, always results in exploitation.⁷³ Consequently, based on Migrants At Work case files, the study drew insights from four Prevention Aims indicators within the healthcare sector (see Annex 101) to develop a prevention model for SOLEX to evaluate the efficacy of their strategy in mitigating the real and immediate risks of trafficking. In this context, a strategy is deemed successful if it meets one or more of the following aims.

- a. **Primordial Prevention Aim**
Interventions are implemented before the causative risk factors develop.
- b. **Primary Prevention Aim**
Interventions implemented before evidence of the Vulnerability and Resistance State (VARS) have emerged.
- c. **Secondary Prevention Aim**
Interventions were implemented after the existence of VARS but before the person was abused to the extent that the victim's consent was negated.
- d. **Tertiary Prevention Aim**
Interventions are implemented after exploitation but before the victims run out of exit options.

As the study had no data to evaluate and classify the participants' strategies according to the above metrics, one of the case studies from Migrants At Work was presented to them. This was done so that they could evaluate how effective and sustainable Migrants At Work's method can be and potentially suggest adjustments. It is important to reiterate that Homegrown slavery, a concept proposed by Migrants At Work, is new and evolving.

73. Jovanović, M. (2023). *State Responsibility for Modern Slavery in Human Rights Law*. Oxford University Press. P4

Migrants At Work: case study

A migrant worker who had become trapped in a situation of exploitation sought assistance from Migrants At Work. Her distress arose from her sponsor demanding a payment of £16,000 in exchange for her release from contractual obligations. Promptly, Migrants At Work intervened on her behalf using the framework of immigration law to secure her liberation. This strategy proved to be an effective instrument for sponsors who disregarded immigration regulations.

Remarkably, Migrants At Work's involvement yielded results in a brief time. Within a mere day of the intervention, supported by the Anti-Trafficking Labour Exploitation Unit (ATLEU) and in collaboration with a care provider, the individual was released from contractual bindings without incurring any penalties. Extracting Migrants At Work members is part of their standard collaborative work involving a reputable employer and two surrogate organisations.

Migrants At Work's approach hinged on the strategic application of immigration law to advocate for their members. This intervention again shows the legal rules that empower sponsors to maintain sponsored workers in their servile status. The organisation's experience has demonstrated that leveraging immigration law is a compelling incentive for sponsors to rectify their actions, as they are made acutely aware that violations of immigration protocols expose them to grave repercussions. Governmental bodies like the GLAA, HMRC, and Employment Agency Standard are empowered to intervene.

The broader context of the Hostile Environment policy can wield considerable influence in improving the working conditions of sponsored workers. This scenario exemplifies the potency of Migrants At Work's efforts to extract their members from exploitative circumstances. This instance aligns with the tertiary-level strategies outlined in Annex 10.1. The Organisation's approach at this level involves liberating workers from exploitative contexts and cultivating an environment that fosters secure pathways towards dignified employment.

After Migrants At Work's intervention, their member has successfully transitioned to an ethical employer within the private healthcare sector. In his feedback, the new employer stated,

This is the best experience I have had with anyone on any HR issue as [the Migrants At Work officer] has both a lived experience as a migrant worker, a personal experience of being in an alien culture, an empathic communication style with employees and an understanding of both the relevant legislation and the rights of migrants & workers. I will not hesitate to recommend them to anyone, and I will certainly support them and use them again in the future.

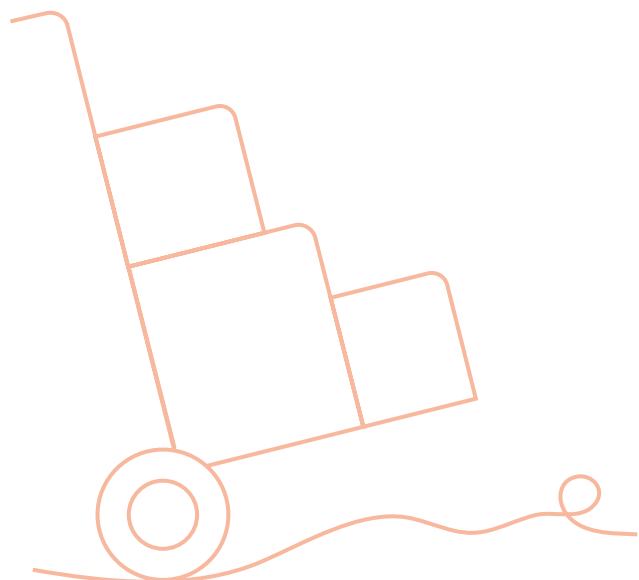
The participants in this study perceived this experience as a model of best practice. Interviewee 5 labelled it as follows:

Personalised holistic, ongoing support. [t] you make sure that a person is not only out of her harm's way but also does not fall into the next trap. You provide all the information to explain why and how she fell into the trap in the first place, for her to understand how not to make the same mistake.

Interviewee 5 praised the practice, 'It's a very, very good practice', but had two valuable observations. First, she wondered why the decent employer did not take the opportunity to empower his employees within his business, since the new employer suggested that his experience was positive. The partnership resulted in the extraction of the worker. Second, funds were lacking to sustain the best practice, and SOLEX could work with similar strategies to scale it up. Interviewee 2 agreed with Interviewee 5 but suggested empowering those affected to prevent risk factors rather than focusing on rescue operations after exploitation.

The person is clearly in this situation because of numerous factors, one being this type of immigration system designed in a way that you could lose your right to remain so easily. In addition to offering this type of support and letting people know about their rights, I also think [t] when people can advocate for their rights, including wanting to change legislation, you allow people to gain control in their working lives and on a broader scale in their lives if they want to fight and highlight these issues.

Interviewee 5's strategy aligns with the Tertiary prevention aim, but it is not sustainable or effective in addressing homegrown slavery. Instead, an effective and sustainable intervention must occur at the 'primordial level.'



5.2. Surrogates and poor practice of engaging with lived experiences

The the second part of the third objective was identifying strategies from international and domestic legal frameworks to address TIPIW. This study identifies multiple strategies, as discussed below.

According to the bilateral agreement on work–healthcare workforce cooperation, the UK and its partners are required to establish a joint committee to oversee its implementation. The Gangmasters and Labour Abuse Authority (GLAA) recently signed landmark agreements with the governments of Kyrgyzstan and Uzbekistan to enhance the protection for workers coming to the UK.⁷⁴

Since Brexit, the UK and the EU have established a Domestic Advisory Group under the Trade and Cooperation Agreement. The group comprises 38 members and an executive council of three organisations: the Confederation of British Industry (CBI), Unite The Union, and the Scottish Council of Voluntary Organisations (SCVO).

GLAA set up a GLAA/NGO working group. They developed the Level 1 Award in Workers' Rights and Labour Exploitation to equip students with skills and knowledge to protect themselves from labour abuse. Other mechanisms to combat homegrown slavery include the Director of Labour Market Enforcement, the Independent Anti-Slavery Commission, the Independent Chief Inspector of Borders and Immigration, and the Home Affairs Select Committee.

The UK government's Modern Slavery strategy includes a commitment to 'work with community leaders to deliver messages to offenders.'⁷⁵ While the ILO Protocol to the Forced Labour Convention, 1930, requires the UK government 'to [t] develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organisations, which involves systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organisations, as well as with other groups concerned [t]'. However, neither the government nor the agencies mentioned have engaged with SOLEX. It is important to note that the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 defines 'organisation' as any group of workers or employers that promotes and defends their interests. Therefore, any organisation that supports migrant workers is, by definition, a workers' organisation. As such, the government must consult with Migrants At Work and other SOLEX migrant worker-led organisations.

During the study, the researchers expected to find evidence from participants confirming their involvement in various government-led activities. However, the study found no meaningful engagement between SOLEX and government or statutory agencies. Instead, participants expressed extreme frustration about surrogates' role in the sector. As a result, the study investigated the root causes of the absence of PWLE and SOLEX organisations and their impacts.

74. GLAA (2023). *Kyrgyzstan - Uzbekistan - MOU - GLAA*. [online] Available at: <https://www.glaa.gov.uk/whats-new/latest-press-releases/30052023-glaa-signs-landmark-agreements-with-kyrgyzstan-and-uzbekistan/> [Accessed 20 Oct. 2023].

75. HM Government (2014) *Modern Slavery Strategy*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf.

5.2.1. Exclusion and discrimination

This section discusses the barriers to engagement and what must be done to break them to foster equitable engagement. The participants argued that SOLEX advocates face exclusion, discrimination, and exploitation. The study explored their concerns in understanding the roots of their grievances against surrogates.

The advocates interviewed for this study also criticised their exclusion and exploitation by surrogate organisations in the anti-trafficking sector. They questioned how organisations led by white people can address exploitation in a sector where people who lack privilege and are vulnerable to exploitation are from Black and Minority Ethnic (BAME) communities. Data shows that while 14% of people in the UK come from Black, Asian or minority ethnicity (BAME) backgrounds, fewer than one in ten voluntary sector employees identify as such. Meanwhile, a 2018 study of almost 2,000 members of charity senior leadership teams found that only 5.3% came from BAME.⁷⁶ SOLEX must also consistently challenge racism within surrogate organisations.

We are talking about exploitation in the workplace and racism, so why in the world all of you are white? I called the organisation right away. 'Why are you all white?' [t]. I hate to say this, but it is white supremacy in the sector. (Interviewee 4).

Surrogate organisations are not the only problem; interviewees argued that the migrant community operating in the anti-trafficking sector is broadly segregated based on ethnicity, nationality, and expertise.

This study found that the division of labour in anti-trafficking efforts often follows racial lines—activities requiring in-person interaction are typically reserved for people from BAME backgrounds. In contrast, technical roles are usually reserved for white people. Interviewees reported receiving a patronising message from surrogates that SOLEX advocates should temper their expectations. Surrogates operate under the assumption that people with lived experience are so broken by their experiences that they are incapable of making their own decisions. As a result, surrogates take a paternalistic stance in making decisions for them, as described by Chris Ash in their article on how to build a survivor-led anti-trafficking movement.⁷⁷

This dynamic conveys a problematic mindset that those with lived experience should remain restricted as 'victims' rather than rising above their station. Surrogates position themselves as saviours. Consequently, a troubling hierarchy emerges, where those with professional credentials see themselves as generals, while PWLE and SOLEX groups are relegated to being foot soldiers. These attitudes mirror systemic inequalities within the sector, maintaining imbalanced power structures rather than empowering the affected communities.

76. Batchelor-Hunt, N. (2020). *Breaking Down Barriers To Black Leadership In The Charity Sector*. [online] EachOther. Available at: <https://eachother.org.uk/black-down-barriers-to-black-leadership-in-charity-sector/> [Accessed 20 Oct. 2023].

77. Ash, C (2023). *How do you build a survivor-led anti-trafficking movement?* [online] Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/flipping-the-script-on-survivor-leadership-in-anti-trafficking/> [Accessed 10 Sep. 2023].

The participants argued that there is an ethnic hierarchy in the migrant community whereby white Europeans occupied the highest status, and non-white migrants were relegated to the bottom of the hierarchy: 'When we say lived experience, there is always a privileged one. I think this is the post-Brexit thing of white Europeans' (Interviewee 4). This is the classic case of the intersectionality of race and social injustice.

The hierarchy does not stop at the sectoral or ethnic levels. The study also found a hierarchy based on citizenship status. Interviews revealed tensions between white British and white Europeans. Despite being controlled by white-led organisations that are well-connected and politically active, these organisations may reject non-white British individuals.

This is the Brexit effect. For example, Interviewee 5 experienced a situation in which a white British citizen called Polish people 'vermin'. She explains that '[t]hey (White British) are comfortable in their position because they know that it would be very hard to challenge their position as they have backing from other British men[t].' Since Brexit, activists have established organisations to advocate for their rights based on citizenship. Interviewee 5 emphasised that those directly affected should be those driving changes. Why is citizenship advocacy necessary? For instance, an Italian national may not be the best advocate for French migrant workers because the challenges they face in immigration law are connected differently to employment law.

5.2.2. Drivers of exploitation

Ironically, while surrogates claim to challenge exploitation, SOLEX advocates feel surrogates drive exploitation instead. Interviewee 6 said, 'They [surrogates] may be kind people, but they are privileged people who had a normal life and developed their career and education. But the person with lived experience's life is destroyed. How is this person developing their career off the back of their misery?'

The interview evidence from this study suggests that although many surrogate organisations have charitable objectives, their services do not serve the affected community's best interests; instead, the findings indicate that migrants are treated as mere commodities rather than human beings, even to a group with the best interests.

Big charities do not want to be told this, but they drive exploitation. They have reduced people to more than one characteristic of service users. These big charities have become industrialised. So, the people who use their services have become economic units or chattels. Once you are not seen as a human who deserves rights, you are an economic unit ready for exploitation (Interviewee 3).

Interviewee 3 illustrated this point using the example of Ukrainian migrants, 'who are seen as refugees, so surrogates can't exploit them for their benefit', and hence,

as recognised refugees, Ukrainian migrants receive institutionalised government support through programmes like 'Homes for Ukraine'. In contrast, the participants further explained that refugee charities bid to offer services to refugees from places like Afghanistan; however, these individuals are treated as numbers rather than human beings, as surrogates generate income from migrants, refugees, and asylum seekers under the guise of support. The differential treatment and empowerment of Ukrainian versus Afghan refugees demonstrates how government support and recognition could protect people. At the same time, a lack thereof enables their exploitation, even by those claiming to help them.

If we provide services to x number of Afghans in hotels in Wolverhampton, we make X amount in profit. That is exploitation 101; because you are not helping them escape their precarious situation, there is now an economically beneficial interest. (Interviewee 3).

Interviewees also expressed that if surrogate organisations wish to collaborate with SOLEX organisations, they want to be equal partners with fair compensation for SOLEX members' contributions.

Either they [surrogates] pump funds directly to us [SOLEX] and collaborate but collaborate based on equity. It cannot be that they are the dominant partner, and we are somehow subservient to what they are trying to do. It should not be that way; it should be that we co-create and pay people their time is worth money. (Interviewee 3).

Interviewee 3 described how their organisation works around the frustrations of working with surrogate groups, explaining that they had to develop a mechanism whereby surrogates must pay to access their members. He added, 'So we give them prior notice that the psychologist assisting their members will attend the interview session, and this, this is the person's rate. You can't talk to the survivor if you are unwilling to pay them.'

5.2.3. Funding

The interviews revealed the challenges SOLEX organisations face in securing adequate funding, which hinders their capabilities and engagement in government-led activities. Surrogates acting as gatekeepers also undermine SOLEX's funding access, as some surrogate organisations secured funds only to outsource the activities to SOLEX on the ground. Other entities responsible for distributing grants to migrant organisations are selective:

A big organisation in London is responsible for distributing money [t], particularly related to migrants and refugee issues. [t]. So, we asked them to get involved in campaigning for the rights of undocumented people. They told my friend that they do not want to be involved in anything related to undocumented people because it looks bad to the Home Office (Interviewee 2).

Interviewees suggested that some surrogates are motivated solely by greed to secure their funding: 'If the funding goes, they will not continue collaborating with migrants.' (Interviewee 5). To address this, participants suggested increasing budgets for community development and empowering leaders to invest in SOLEX organisations as an alternative solution.

5.2.4. Impact of surrogate organisations

SOLEX advocates who participated in this study raised concerns that some surrogate organisations are motivated by money rather than genuinely serving their users' needs. Interviewee 5 shared her experience in a case where she had to raise a formal complaint,

[t] I did make a complaint, and I ended up talking to a Commission officer at the Council. [t] the family who was left without any support and it was winter, and they had no food, had no Gas, electrics. [t] It's just like we get the funds because there is a contract, and then we're not doing a good job. When it goes away, we just come back to what we were doing before. It's more to do with the money rather than anything else.

These unethical and unsustainable practices result in the severe neglect of migrant communities, as surrogates often leave when funding ceases, leaving service users vulnerable and at risk of re-trafficking. Surrogates can undermine years of relationship-building and trust between SOLEX organisations and their members. For example, Migrants At Work spent months developing a strategy and working with a new partner to extract PWLE from exploitative situations at no cost. Unfortunately, a well-established and wealthier surrogate organisation recently entered into contact with Migrants At Work's partner to offer remuneration to prioritise their service users. Migrants At Work has no resources and cannot compete with this surrogate organisation. As a result, the partner organisation has to stop its service.

Surrogates can remove SOLEX's most valuable asset, namely trust. If an organisation abruptly drops services out of disinterest or distraction, it breeds mistrust. Rebuilding such relationships requires considerable time. The damage from broken trust can set back progress for years, as SOLEX groups must painstakingly rebuild connections before achieving change again.

6. Reforming the sector and reframing TIP to enhance and anti-homegrown slavery

This study aimed to explain the concept of homegrown slavery and identify the optimal practices for SOLEX groups in addressing it. It examined strategies from international and domestic legal frameworks to understand effective and sustainable approaches to combat homegrown slavery. Additionally, the research explored whether anti-trafficking efforts and concepts like TIP need reform due to several issues.

First, as we set out to test whether reframing human trafficking from a criminal issue to a human rights issue would resonate with the participants, interview evidence supported this concept. The recent innovative legal theory proposed by scholars such as Jovanović validates this concept. This also shows that SOLEX advocate organisations are best placed to address the problem and that PWLE are one step ahead. The Palermo protocol, which requires the three elements of the international definition to be present in conduct to be characterised as human trafficking, cannot address the challenges sponsored workers face. The accounts of the PLWE, as found in the quotes supported by the interviews, compounded by surrogates' inability to respond to the homegrown slavery phenomenon, reinforce this urgency.

Second, for SOLEX advocates to effectively combat homegrown slavery, they must be strategically positioned to play critical roles. However, as section 5 evidence suggests, even if surrogate organisations, from statutory agencies to the GLAA, trade unions, and migrant support organisations, are ill-suited; they have colonised the sector while excluding SOLEX groups. Subsequently, we could not find evidence of surrogate organisations' strategies to develop metrics to measure the long-term impact of their involvement. Instead, informed by our case files, we designed metrics based on the Prevention Aims within the healthcare sector with four indicators: Primordial, Primary, Secondary and Tertiary aims. In exploring SOLEX grievances with surrogates, we found that the root cause is systemic racism, which severely impacts the community. Surprisingly, white advocates also have grievances against other white advocates related to division due to sectoral, ethnic, and citizen hierarchies.

Third, by reviewing various legal instruments, both domestic and international, and several local mechanisms that could foster PWLE engagement, the evidence suggests that effective processes do seem to exist. However, we found that surrogates undermined these processes. Therefore, all the participants agreed that reform was necessary to combat human trafficking more effectively and ethically. Some participants cited segregation and the overrepresentation of white voices as reasons for reform, arguing that surrogates should avoid becoming architects of these reforms. Instead, participants proposed PWLE-led working groups as a structure for SOLEX organisations to drive change. Most maintained that survivors should lead reforms; however, some participants were hesitant, warning of toxicity in

some survivor working groups based on negative individual experiences that forced them to withdraw from working with institutions. Nonetheless, the participants believed SOLEX-led collaboration could offer solutions if managed properly and safely. The participants argued that individuals/organisations acting as surrogates should not be considered advocates for SOLEX organisations due to their lack of meaningful engagement or personal lived experiences. The focus for SOLEX should be on innovation, particularly because established (surrogate) organisations currently hold a dominant influence in the anti-trafficking sector.

Essential to meaningful reform is the need to closely examine the adequacy of current definitions and concepts of Trafficking in Persons. The experts interviewed for this study understood the legal definition of TIP, which involves three elements: the 'Act,' the 'Means,' and the 'Purpose.' However, they acknowledged that this complex definition could make it difficult for individuals to identify their experiences of trafficking into exploitation.

[The] International law definition is too high a bar. Someone who is trafficked. They do not have to prove the purpose; why should they? The submission is that all the elements of the international definition of TIP do not have to be present for conduct to be categorised as Trafficking (Interviewee 3).

We understand that to streamline the definition of Trafficking in Persons, it is necessary to break down its constituent elements for simplicity. Additionally, there is a need to expand the interpretation of 'exploitation' to include certain currently overlooked abuses. Moreover, establishing a 'safe'⁷⁸ environment and role for advocates of SOLEX is essential. Such an initiative on definitions should work towards promoting and championing systemic changes in addressing trafficking issues.

Overall, a human rights-based approach as an alternative to addressing Trafficking in Persons emerged from the different data sources encompassed in this study. Interviews and literature review suggest that working within the human rights framework could create opportunities for 'ethical engagement.' The idea of equitable engagement calls for relationships based on human rights principles and supports justice, respect, and equality. This understanding emphasises respectful cooperation that upholds fundamental rights and recognises the inherent worth of everyone engaged. This idea prioritises considering how decisions affect human rights, encouraging accountability and empathy. It creates a climate of fairness and respect in which the various viewpoints and needs of everyone are honoured by promoting ethical and equitable actions.

SOLEX advocates seek engagement to achieve fair outcomes. PWLE are often referred to as 'survivors,' but there are problems with this label. One participant

78. An environment where migrants can evolve without having to deal with white fragility or discrimination.

stated that survivors are 'surviving' because something is missing (Interviewee 2). Another participant used the case of Holocaust survivors to argue that justice for the Jewish community was not 'survivor engagement' but results obtained through the courts. Any engagement that produces an outcome other than justice is illusory. He argued, 'You cannot have survivor engagement unless justice has been served' (Interviewee 3). Justice is, therefore, a missing element.

The interviews shed light on the perspective of SOLEX advocates who emphasise seeking justice rather than mere equality, as the latter might not inherently lead to justice. Despite this, the trafficking definition and policy solutions agreed upon through the Palermo Protocol fall short of providing either justice or equality, thus underscoring the need for equity as the prevailing standard. It is crucial to navigate the challenge of pursuing equity without succumbing to its pitfalls, particularly in a sector marked by systemic racism, where placing SOLEX advocates alongside surrogates might not automatically result in justice. While the influence of the legal system is significant, its effectiveness in delivering justice remains a separate consideration.

SOLEX advocates are dedicated to fostering meaningful engagement that achieves justice for people with lived experiences. This objective can be achieved through avenues that do not rely exclusively on legal proceedings. In addition to equity, ethical principles also deserve careful consideration. A vital priority is to recalibrate the power dynamics within the sector by placing SOLEX at the forefront.

Katherine Chon, Director of the Office on Trafficking in Persons, Administration for Children and Families, U.S. The Department of Health and Human Services introduced a framework for realising this shift.⁷⁹ Chon proposed framing Trafficking in Persons (TIP) as a public health concern, citing its merits. This approach informs the selection of interveners, cultivates engagement, and broadens the stakeholder spectrum. Thus, consulting with PWLE has become a statutory requirement in anti-trafficking endeavours. This framework facilitates the incorporation of critical perspectives into developing community-based initiatives and government policies aimed at preventing and eradicating human trafficking. Furthermore, it identifies avenues for empowering survivors of human trafficking to actively participate in and lead anti-trafficking initiatives, thus contributing to the effectiveness of intervention strategies.

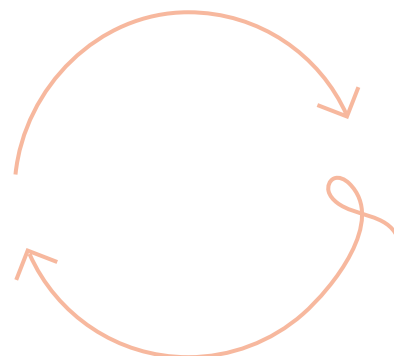
79. [The Power of Framing Human Trafficking as a Public Health Issue | The Administration for Children and Families \(hhs.gov\)](#)

6.1. Trafficking in person: definition, confusion and consequences

The Palermo protocol, and the framework for responses which it outlines for reducing TIP, cannot address the Homegrown slavery phenomenon, because the latter depends on the laws of a particular state. Instead, there is an urgent need to develop an innovative legal concept tailored to local conditions. Legal scholar Maria Jovanović valuably expounds on the multifaceted nature of Trafficking in Person (Human Trafficking) as a distinct human rights violation, manifesting through a two-step process.⁸⁰

In her analysis, Jovanović uncovered a fundamental interconnection between human trafficking and the pervasive practices of slavery, servitude, and forced labour. Moreover, Jovanović highlights the complex relationship wherein human trafficking assumes an independent yet implicit prohibition within the broader scope of freedom from slavery. This unique characterisation emphasises that human trafficking is a stand-alone violation of the right to be free from slavery, servitude, and forced labour, meaning that the process alone can constitute a human trafficking issue. Central to Jovanović's framework is delineating human trafficking as a 'Process' that culminates in exploitation. She characterises this 'Process' as the international supply chain leading into exploitation, representing the initial stages of the violation. We refined the process for this project as 'the International unfree⁸¹ human labour supply chain.' The subsequent 'Condition' refers to the resultant exploitative circumstances that embody its ultimate purpose. Crucially, Jovanović underscores that this 'Condition' may or may not invariably stem from trafficking.' Importantly, Jovanović highlights that the trafficking offence attains completion before actual exploitation materialises because, by design, trafficking is intrinsically linked to its primary purpose – exploitation.

Mirroring the principles of other 'absolute' human rights, Jovanović elucidates that prohibitions against slavery impose on states the obligation to prevent violations within specific, well-defined contexts proactively. This proactive stance is warranted in instances involving an evident/immediate and impending risk to an identifiable individual, coupled with the state's awareness of the risk. Successful prevention mandates that necessary actions fall within the realm of state authority and correspond to the authority's potential to avert such risks.



80. hment_data/file/577212/Labour_Market_Enforcement_Validation.pdf [Accessed 22 Aug. 2023]. Not to Be Trafficked. OUP Oxford. P 3
81. People are employed with the fear of losing their jobs, legal status, and livelihood if they attempt to enforce their rights.

7. Conclusion

People with lived experiences have been a trending topic for several years. Many surrogate organisations in the anti-trafficking sector have PWLE working groups that conduct some work or share their experiences. They are encouraged to assume roles and increase their responsibilities on certain boards or consultancy panels. Funders require projects to partner with lived experience experts; however, surrogates must understand that global anti-modern slavery efforts have been heading in the wrong direction for more than 23 years. This is because the Palermo Protocol tackles trafficking in person as a crime instead of a combined criminal and human rights issue. Since the implementation of the Protocol, the number of victims has risen, contrary to its initial goal of reducing or eradicating it. Unless human trafficking is embraced as a human rights issue, nothing will change, regardless of the PWLE representation on charity boards and working groups. The situation will worsen by merely creating an illusion of progress. Even sector reform and resourcing SOLEX groups cannot succeed without reframing Trafficking in Person. Any strategy is doomed to fail without addressing this underlying flaw in the approach.

In conclusion, the evidence from this project underscores SOLEX's potential and the limitations of surrogates in addressing the complex issue of Trafficking in Person in Work. The findings suggest that surrogates lack the expertise to identify the root causes affecting sponsored workers. Despite their experience in the field and their resources, there is a notable lack of clarity regarding the current supportive actions undertaken by surrogates to aid their service users in exiting the servile status created by legal rules. Our findings suggest that the recent supportive actions offered by surrogates can cause more harm than good. In stark contrast, although the evidence we found equally suggests that some SOLEX advocates' intervention can be harmful, they emerge as well-positioned to effectively extract those with lived experience. However, as it stands, we can only speculate about their ability to disrupt homegrown slavery processes.

This report offers more than one contribution—it provides the blueprint needed to reduce trafficking by half potentially. This bold claim is based on a 28-year refined homegrown slavery concept now supported by legal theory, which has proven effective in preventing and safely extracting sponsored workers trapped for years. We offer reform, reframing, and a cultural change that surrogates must accept as a new way of operating that could be uncomfortable yet necessary. These discussions may challenge preconceptions of expertise. However, this change is imperative.

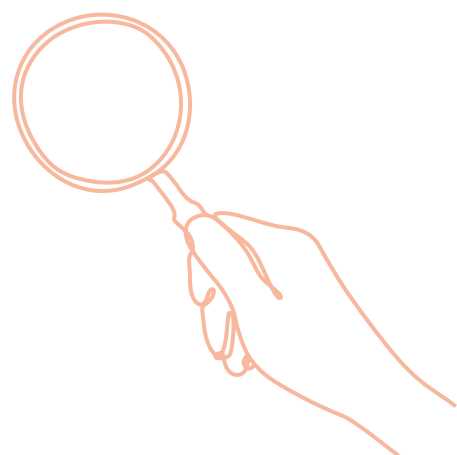
This report presents important new evidence, but the fact that this has remained hidden does not stem from any shortcomings in the activities or expertise of SOLEX advocates. Instead, it results from an epistemic discrimination culture spearheaded by surrogate organisations. PWLE and their advocates are not considered credible sources of information. They should be, but are not seen, innovators capable of bringing about the change they know will improve their livelihood or even making decisions that affect their lives. They are considered victims who cannot and should

not rise above their station. Thus, their experiences can be challenged. In the fight against trafficking, they are regarded as mere foot soldiers, not generals, who can make policies due to their place in the field. Surrogates colonise this sector. Consequently, our evaluation of their engagement strategies and methodologies lacks a foundation to propose actionable recommendations to reshape anti-trafficking endeavours for a more productive and enduring approach to tackling homegrown slavery.

Notably, a striking observation surface is that while the Hostile Environment policy may adversely affect migrants lacking work authorisation, it surprisingly can represent a potent tool in combating homegrown slavery. The crux of our enquiry revolves around how survivor engagement can be harnessed to redefine anti-trafficking initiatives and foster sustainability in addressing homegrown slavery. However, relying solely on lived expertise proves inadequate without establishing an encompassing framework that espouses 'Ethiquitable engagement for their involvement grounded in human rights principles.'

Hence, the current juncture suggests that our overarching question remains premature without these preconditions. Nonetheless, SOLEX has articulated potential methodologies that guide us toward a promising trajectory for effectively and sustainably addressing Trafficking in Person in Work in the future. These methodologies align harmoniously with the essence of the Homegrown slavery concept and the legal theories proposed by eminent scholars such as Jovanović. There is an alignment between engagement and a human rights-based approach to combating Trafficking in Persons in Work that has the power to catalyse the reframing of anti-trafficking endeavours, consequently fostering a more adept and enduring approach to tackling Homegrown slavery.

To this end, there is a positive vision that SOLEX, armed with its legal standing in human rights law, can wield the means to hold governments accountable for empowering sponsors. The primary enquiry of this study gained heightened relevance only when this juncture was reached. While indispensable, it becomes evident that ethical and equitable engagement must be fortified by establishing robust statutory frameworks to affect transformative change in the fight against homegrown slavery.



8. Recommendations

These recommendations aim to create and nurture engagement between SOLEX and policymakers. This is not intended to address the specific findings of this study.

For the government

To tackle Homegrown slavery effectively and sustainably, SOLEX, businesses and the government must work closely to establish an ethniquitable engagement framework. This is a precondition for a move to the public health approach to prevention, where there must be a requirement for the participation of those directly affected to be appropriately integrated into policy responses.

Consultation with SOLEX for policy reform

- The government should develop a national policy and action plan that involves systematic actions. (ILO Po29).⁸²
- The government should recognise the role and capacities of SOLEX advocates for policy development (ILO Recommendation 203).⁸³

More effective monitoring of international recruitment agreements

- The Home Affairs Select Committee to appoint an independent anti-trafficking SOLEX advocates organisation to ensure bilateral agreements between the government of the UK, including the relevant statutory authorities, and its international partners on the recruitment of overseas workers comply and do not conflict with existing national laws, regulations, and international labour standards.
- The Foreign, Commonwealth & Development Office (FCDO) and the Department for Business and Trade should develop a Code of Practice for International Recruitment in all sectors on the shortage Occupation list and ensure that the Bilateral Agreements implementing agencies in the partners' country and the UK work with SOLEX.
- The government should make provisions in these agreements to establish domestic advisory groups (DAGs) on TIPIW, whose primary purpose is to advise the implementing agencies and the Foreign Office on implementing the agreement. This process ensures that SOLEX advocates engage directly with the government's anti-trafficking policies. Thus, the obstacles that the report highlighted were removed.

82. International Labour Organization (ILO), Protocol of 2014 to the Forced Labour Convention, 1930, P029 , available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029 [accessed 20 November 2023]

83. International Labour Organization (ILO), Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3174688 [accessed 20 November 2023]

- The government must require that implementing agencies in the UK impose automatic financial and technical penalties where sponsors fail to comply with the Code of Practice for international recruitment without sponsored workers having recourse to litigate against the sponsor.
- Monitoring the application of the code and agreement is central to ensuring that overseas workers can fully benefit from the labour standards provisions. To this end, the government must allow SOLEX to file complaints against the UK and the relevant entity involved as a non-statutory independent body. The government must work with SOLEX to identify these bodies.
- The government must make it a requirement for the parties to appoint SOLEX advocates with the power to represent sponsored workers, where required or requested by sponsored workers, including in the workplace.
- Reform anti-human trafficking and modern slavery efforts to align with human rights law.
- Gangmasters Labour Abuse Authority to collaborate with SOLEX when engaging with international partners.

Coordination and intervention

The government must take systemic action in coordination with SOLEX organisations.

- Conduct a cross-sectional impact assessment of immigration bills to identify the early signs of systemic risk factors of state-constructed vulnerability.
- Ensure that the parties to the agreements take the most effective preventive measures recommended in the ILO Forced Labour (Supplementary Measures) Recommendation 203.

Business

Corporate social responsibility for bridging the gap between labour and migration laws

In the current climate, advocating for criminal measures to tackle Trafficking in Person is often detrimental to sponsored workers. Criminal or civil enforcement mechanisms can also be harmful and do not always achieve what people with lived experiences seek. Mechanisms such as the United National Global Compact platform or corporate social responsibility can achieve ethiquitable results for this group of workers. Businesses should bring human trafficking within corporate social responsibility and work with SOLEX to address homegrown slavery.

SOLEX

- Advocate for a human rights-based approach to catalyse the reframing of anti-trafficking endeavours:

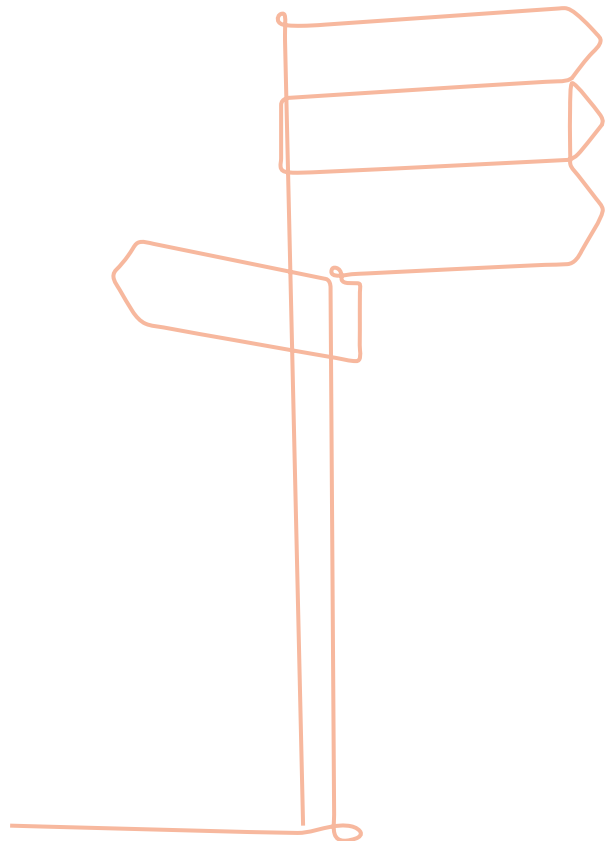
The legal framework to reframe TIP effectively and sustainably to TIPIW exists in international law. Equally, a legal framework exists to foster meaningful engagement with SOLEX. A national action plan is a missing link connecting the two elements to establish a meaningful engagement mechanism between SOLEX, statutory agencies, and businesses. SOLEX should urge the government to develop an engagement strategy to comply with international and domestic law obligations.

Surrogates

- Surrogates should provide full support and create opportunities for SOLEX.
- Refrain from using the term survivor or survivor engagement. Instead, advocate for using People with lived experience or lived experience engagement.

Academic

To invest in studies to further refine and assess the effectiveness of the Homegrown slavery concept in reducing harms relating to exploitation in the labour market.



9. Annex

9.1. Prevention aims

Prevention levels Monitor and review	Primordial	Primary	Secondary	Tertiary
Definition (Context)		Intervention implemented before evidence of a position of vulnerability has emerged	The intervention was implemented after the existence of APOV but before the vulnerability was abused to the extent that the victim's consent was negated.	Intervention is implemented after exploitation but before the victims run out of exit options.
Intent (Reducing trafficking persons in work footprints)		Reduce or eliminate causative risk factors.	Early identification of the immigration routes, the relevant skilled workers, and the perpetrators	Provide a safe path to decent work to prevent the abuse from developing into forced labour, illegal working, harm and NRM.
Action (Outcomes)		Prevent illegal recruitment	The Home Office conducted due diligence on receipt of the CoS application to identify the early signs of illegal recruitment.	Identify new sponsors and facilitate the switching rules.

9.2. Payslips

Pay Summary	%	Yearly	Monthly	Week	Pay Summary
Pay rate: #15 p/h	Contracted hours: 42	Immigration route: skilled worker	Job code: 2231 Nurses - Band 6	Hours worked: 0	Amount to be paid to the sponsor by the worker, including tax
Gross Pay	100%	£32,760	£2,730	£630	
Tax-free allowance	38%	£12,579	£1,048.25	£241.90	
Total taxable	61%	£20,181	£1,681.75	£388.10	
<i>20% rate</i>	12%	£4,036.20	£336.35	£77.62	
<i>40% rate</i>	0%	£0	£0	£0	
<i>45% rate</i>	0%	£0	£0	£0	
Student Loan	0%	£0	£0	£0	
National Insurance	7%	£2,422.80	£201.90	£46.59	
Total Deductions	19%	£6,459	£538.25	£124.21	£538.25
Net Wage	80%	£26,301	£2,191.75	£505.79	£2,191.75
Employers NI	9%	£3,265.08	£272.09	£62.79	£272.09
Net change from 2022	0%	£-147.39	£-12.28	£-2.83	
Total income owed			£2191,75		Debt: £3002.09 Instead of earning £2191,72, the nurse owes the sponsor. £3002.09

MODERN SLAVERY & HUMAN RIGHTS

POLICY & EVIDENCE CENTRE

Led by the Bingham Centre

The Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) was created by the investment of public funding to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to address it. The Centre funds and co-creates high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

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