

**Written evidence submitted by the International Organization for Migration,  
Country Office for the United Kingdom of Great Britain and Northern Ireland  
(IOM UK)**

**Public Bill Committee for the Border Security, Asylum and Immigration Bill  
2025 call for evidence**

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**Introduction**

1. The International Organization for Migration, Country Office for the United Kingdom of Great Britain and Northern Ireland (IOM UK), is pleased to submit written observations to the Public Bill Committee for the Border Security, Asylum and Immigration Bill 2025.
2. Established in 1951, IOM is the leading inter-governmental organisation in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM is committed to the principle that humane and orderly migration benefits migrants and society. The Organization works with its partners in the international community to assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration and to uphold the well-being and human rights of all migrants.
3. According to Article 1 (c) of the IOM Constitution, one of the purposes and functions of the Organization is “to provide [...] advisory services on migration questions and other assistance as is in accord with the aims of the Organization.” The Government of the United Kingdom is one of IOM’s 175 Member States and a pivotal partner to the Organization.
4. It is in this capacity that IOM submits this evidence in response to the call for evidence published by the Public Committee for the Border Security, Asylum and Immigration Bill. IOM’s response focuses on two main areas; the role of safe and legal routes as part of a comprehensive approach to tackling irregular migration and parts of the bill that relate to protection and support for survivors of modern slavery. It also refers to the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000).

**Recommendations**

**Enhance safe and legal routes as part of a comprehensive approach to managing migration**

5. IOM believes that this Bill provides an opportunity to further consider the role of safe and legal pathways, including for family reunification for refugee status holders and migrants, as part of a comprehensive approach to tackling irregular migration.

6. Enhancing the UK's safe and legal routes is urgently needed to save lives and undermine the illegal business model of smuggling of migrants. **IOM recommends further consideration of enhancing resettlement, family reunification and complementary pathways as legal alternatives to perilous irregular movements by air, land and sea.**
7. Resettlement constitutes one of the traditional durable solutions for refugees, saving the lives of some of the most vulnerable populations. The UK has been a key resettlement state for several years. The Syrian Resettlement Scheme established the UK as a resettlement leader, with 22,842 people resettled from 2016 to 2019. Since then, the UK has established dedicated pathways for Afghans, under the Afghan Citizens Resettlement Scheme and the Afghan Relocations Assistance Policy alongside the broader UK Resettlement Scheme.
8. The safe and dignified resettlement of refugees and other humanitarian entrants requires a comprehensive, humane and protection-oriented approach. An enhanced UK offer on resettlement could comprise of a global scheme, with predictable funding, multi-annual commitments, offering international protection to refugees wherever the need is most acute. Travel, health and integration are all integral components of the resettlement process.
9. Family reunion protects the integrity of family units and greatly contributes to safe, orderly and regular migration. It is the right of non-nationals to enter and reside in a country where their family members reside lawfully or of which they have the nationality, in order to preserve the family unit.
10. Family reunion process should be accessible, safe and tailored to families' vulnerabilities and protection needs. Currently, a very small number of people arrive under the UK's family reunification pathways for refugee status holders. People experience access and procedural barriers, e.g. challenging procedural requirements, the potential need to cross at least one border as part of their application, and/or high visa and related fees. These challenges can sometime lead people to use smugglers to cross borders.
11. Noting the introduction in the Bill of provisions of biometrics information (Clauses 34 and 35), **IOM recommends extending this provision to specifically include biometrics for the purposes of family reunion, to enable greater opportunity for biometric information to be taken closer to where the applicants are based, thereby reducing the need to take difficult and sometimes dangerous journeys.**
12. Furthermore, IOM notes with appreciation the elements of Clause 34 that IOM itself tends to group under the thematic area of Humanitarian Border Management, facilitating movement/evacuation of persons out of (but not limited to) crisis areas where expedited procedures are recommended. In particular, IOM welcomes the clarification that biometrics registration may be taken by an authorised person, which might go beyond state officials (reference is made to Clause 34 (4) a. and b.). Finally, IOM would welcome a clear definition of the term "evacuee" and its related categories, as applied in this Bill.
13. Finally, complementary pathways comprise regulated routes to safety and offer sustainable and long-term solutions, while meeting international protection needs. Complementary pathways serve to increase the range of safe and regulated pathways for refugees to enter and stay in a country, have their international protection needs met and be able to support themselves in order to potentially reach

a sustainable and long-term solution. Examples of complimentary pathways include community sponsorship, academic scholarships; humanitarian visas; labour mobility schemes such as the recently concluded [Displaced Talent for Europe project](#) and private sponsorships.

**Repeal Section 29 of the Illegal Migration Act (IMA) to ensure potential survivors of Modern Slavery access the support they are entitled to and are not criminalised.**

14. Under the National Referral Mechanism (NRM), a positive Reasonable Grounds decision grants potential survivors of modern slavery access to specialist support and assistance funded by the UK and devolved governments.
15. IOM analysis of NRM data found that record numbers are already being denied protection through the NRM.
  - In 2024, only 40% of adults referred to the NRM received a positive Reasonable Grounds decision, the record lowest percentage since records began.
  - Only 5,412 adults received a positive Reasonable Grounds decision in 2024, compared to the 5,675 who received such a decision in 2019, despite twice as many adults being referred in 2024 than 2019.
16. IOM welcomes Clause 38 of the Bill which repeals many of the provisions within the Illegal Migration Act 2023 that pertain to the support and protection systems that exist for survivors of modern slavery.
17. However, IOM is concerned that Section 29, which relates to an amendment of section 63 of the Nationality and Borders Act 2022 (NABA), has not been repealed.
18. Section 63 of NABA disqualifies from protection potential or confirmed survivors of modern slavery on public order grounds.
19. Section 29 of the IMA significantly changes the Public Order Disqualification (PODQ), whereas NABA says that a decision maker “may” determine that a person should be disqualified, the IMA says that they “must” be disqualified unless there are “compelling circumstances” not to.
20. **IOM recommends that Section 29 is repealed alongside Sections 22-28, for the reasons articulated below.**

**Section 63 of the Nationality and Borders Act 2022 (NABA)**

21. IOM’s analysis of the NRM data finds that since its introduction in the NABA, 556 people received a Public Order Disqualification (PODQ) by the end of 2024. 63% of people who have received PODQ had been given a positive Reasonable Grounds decision as a potential victim of criminal exploitation.
22. The Public Order Decision Making framework is included within the Modern Slavery Act Statutory Guidance. Since the introduction of the PODQ, the Modern Slavery Act statutory guidance has explained that decisions are to be considered on a case-by-case basis.

23. This framework states that a “Low indicator” of a threat to public order is “Where it is accepted that the offence was committed as part of the individual’s exploitation as outlined in Section 45 of the Modern Slavery Act 2015.” However, it specifically notes “this indicator alone is not sufficient to categorise as low.” It is therefore possible that individuals who were criminally exploited have been disqualified from protection as a consequence of offences committed under the compulsion of their traffickers. IOM’s analysis of the NRM data finds that 90% of PODQ applications in 2023-2024 resulted in a disqualification.
24. The existence of Section 45 of the Modern Slavery Act, which provides a statutory defence for victims of modern slavery who were compelled to commit a criminal offence in the situation of modern slavery, has been highlighted in discussions around the risks of the PODQ. This submission includes recent cases illustrating where individuals recognised as having committed criminal offences as victims of modern slavery have been convicted and given custodial sentences.

### **Section 29 of the IMA**

25. IOM is concerned that if Section 29 is brought into force, it would further increase the potential for people who did manage to get a positive Reasonable Grounds decision to be disqualified from accessing protection that they are entitled to and leave them at increased risk of further exploitation.
26. Strengthening the PODQ through Section 29 is not a solution to prevent any alleged misuse of the NRM by Foreign National Offenders or people facing removal from the UK who falsely claim to be a victim of modern slavery. Any unevicenced NRM referrals could be given a negative Reasonable Grounds decision.
27. The fact that only 53% of Reasonable Grounds decisions made in 2024 and 55% in 2023 were positive (compared to 88% in 2022) suggests there is significant opportunity for people to be given a negative Reasonable Grounds decision which prevents individuals from accessing modern slavery protections.
28. IOM is also concerned about the potential impact of Section 29 on children, young people and women. IOM’s analysis of the NRM data finds that the recipients of a PODQ includes 11 boys aged 15-17 at the time of their referral to the NRM. All but one of them had received a positive Reasonable Grounds decision as a potential victim of criminal exploitation and seven were flagged as county lines cases.
29. IOM welcomes the inclusion of the offence of child criminal exploitation in the Crime and Policing Bill, but is concerned that the commencement of Section 29 could result in children and young persons being disqualified from protection due to offences in their childhood which were directly related to their exploitation. This undermines wider efforts to prevent child criminal exploitation or prosecute those responsible.
30. IOM’s analysis of the NRM data finds there have also been 22 women who have received a PODQ. 18 had a positive Reasonable Grounds decision for an NRM referral for sexual exploitation. 16 of the 22 women were referred to the NRM after the changes to Reasonable Grounds decision making in January 2023.

31. IOM welcomes the UK government's pledge to halve violence against women and girls by 2034 but is concerned that the UK government's decision to commence Section 29 of the IMA will mean more women and girls who have been the victim of modern slavery will be denied protection and will result in those and other women facing greater exposure to violence.

## Cases studies where people who were formally or informally recognised as a victim of modern slavery were convicted of cannabis production

### Case Study 1

In March 2024, Warwickshire police published a press release about a forty -seven-year-old Vietnamese man who was given a ten-month custodial sentence at Warwick Crown Court for the production of cannabis. The police’s press release mentions both the act and means of trafficking based on the man’s interview “he had been forced into a vehicle and brought to the grow in Nuneaton three months prior to his arrest. He said that he had been forced to water and feed the plants under threats of violence from the owners of the grow.” The investigating officer (a Police Constable) is quoted in the press release explicitly describing the man as a victim of modern slavery, “Nguyen has committed a crime and has been prosecuted to the law, but along with many other grow operators he is also a victim of modern slavery.”<sup>1</sup>

### Case Study 2

In August 2023, a Vietnamese man was given a seventeen-month custodial sentence at Carlisle Crown Court for the production of cannabis. The Recorder who issued the sentence described the man as a victim of human trafficking but also explained that he was not entitled to use the Section 45 defence. The media report quotes the Recorder as telling the man, “You moved to the UK in 2021, being a victim of human trafficking and therefore had to discharge a debt of many thousands of pounds . . . Even though the threshold of a defence of modern slavery was not reached, it is clear that the last few years of your life have been lived in circumstances akin to human trafficking . . . You could not use the defence of ‘modern slavery’, but you were in circumstances approaching it.”<sup>2</sup>

### Case Study 3

In August 2023, a twenty-one-year-old Albanian man was given an eight-month custodial sentence at Oxford Crown Court for the production of cannabis. The man was due to be sentenced in July 2023, but the sentencing was delayed due to there not being an interpreter available. The media report from July explains that “Recorder Joseph Hart, expressed some surprise that Lika had not been referred to the Home Office as a potential victim of modern-day slavery, given his account of being made to tend to the plants.”<sup>3</sup>

### Case Study 4

In August 2023, a twenty-one-year-old Albanian man was given an eight-month custodial sentence at Oxford Crown Court for the production of cannabis. The man was due to be sentenced in July 2023, but the sentencing was delayed due to there not being an interpreter available. The media report from July explains that “Recorder Joseph Hart, expressed some surprise that Lika had not been referred to the Home Office as a potential victim of modern-day slavery, given his account of being made to tend to the plants.”<sup>4</sup>

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<sup>1</sup> <https://www.warwickshire.police.uk/news/warwickshire/news/2024/march/ty-nguyen-sentenced-to-10-months-for-cannabis-production/>

<sup>2</sup> <https://www.newsandstar.co.uk/news/23713744.carlisle-cannabis-farmer-250k-crop-trafficked-uk/>

<sup>3</sup> <https://www.oxfordmail.co.uk/news/23666823.delay-sentencing-cannabis-farmer-came-oxford-illegally/>

<sup>4</sup> [Besmir Sula, 19, who paid £4,000 to gangsters to be smuggled to the UK, locked up for 15 months | Daily Mail Online](#) The article also mentions that an unnamed sixteen-year-old also found in the cannabis factory had pled not guilty and would face trial at a youth court in June 2023.

## **Further enhance alignment with the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000)**

32. As a signatory and party to the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000), the UK has several legal obligations aimed at countering migrant smuggling, while ensuring the protection of smuggled persons. IOM acknowledges that the UK has already criminalised migrant smuggling; the new Bill and previous legislation unambiguously criminalise the facilitation of irregular entry into the UK. The Bill also includes measures around effective border control measures and the integrity and security of travel documents. International cooperation is a key tenant of the UN Protocol, and this is also an important focus of the UK government.

33. With regards to the protection and assistance of smuggled persons, **IOM recommends the UK:**

- a. add further clarity in the Bill to ensure the full and unambiguous domestication of the Art. 5 of the Protocol to exclude the criminal liability of smuggled migrants;**
- b. further strengthen and expand Alternatives to Detention;**
- c. Incorporate explicit safeguards to ensure that asylum seekers, including those arriving irregularly, are not penalised for unauthorised entry, have access to fair asylum procedures, and are protected from arbitrary detention and deportation, in line with the UK's obligations under international law.**

34. With regards to non-refoulement and protection from unjust deportation, the UK could incorporate clear safeguards to protect migrants' rights to a fair appeal process and ensure that detention and deportation measures comply with international human rights and refugee protection standards. The Bill should establish procedural guarantees, including access to legal representation, non-penalisation of asylum seekers, and independent judicial oversight of deportation decisions. As suggested above, alternatives to detention, such as community-based case management programmes, should be explored for vulnerable individuals, ensuring that border enforcement remains both effective and humane.

### **About IOM**

35. IOM works closely with governments, UNHCR, NGOs and other partners, such as airlines and airport authorities, to enable resettlement. In the last decade alone, IOM has organised the resettlement movements of more than 1.19 million refugees and other vulnerable persons of concern from 166 locations around the world. Each year, on average, IOM supports over 30 States in conducting resettlement, humanitarian admissions and relocation for over 100,000 refugees and other vulnerable persons.

36. IOM UK has facilitated the resettlement of over 40,000 individuals in the last decade alone under the various UK Resettlement routes. IOM prepares refugees for their

early integration to life in the UK through pre-arrival activities delivered in multiple countries in the Middle East, North and East Africa and Southeast Asia.

37. IOM is constantly innovating to enhance early integration, e.g. through Skills Profiling and mental health assessments. In addition, between 2018-2024, close to 16,000 staff in receiving local authorities were trained by IOM to support the reception of refugees.
38. IOM UK worked in partnership to reunite families from over 88 countries, assisting over 15,000 individuals arriving in the UK in the last ten years.
39. IOM seeks to assist States in the development and delivery of programmes, studies and technical expertise on combating migrant smuggling and trafficking in persons, in particular women and children, in a manner consistent with international law.
40. Since the mid-1990s, IOM and its partners have provided protection and assistance to more than 100,000 men, women and children, who were trafficked for sexual and labour exploitation, slavery or practices similar to slavery, servitude, or organ removal.
41. In the UK, IOM works to address these challenges through a holistic and protection-centred approach that combines data analysis, support to survivors and capacity-building activities for governments. Strong international collaboration and private sector engagement are key to the effectiveness of these efforts. Its approach begins with data and evidence to inform policy and decision-making processes, as well as to raise awareness of these issues among the public and civil society organisations about key trafficking trends, including to help dispel misconceptions and misinformation.
42. IOM also supports States and border agencies, upon request, to implement a Humanitarian Border Management model in response to arrivals with complex legal status and protection needs whose migration may be motivated by crisis, including assessments, training, and readiness planning.