

Legislative Scrutiny: Immigration and Asylum Bill



Joint Committee on Human Rights

Response by the Latin American Women's Rights Service (LAWRS)

August 2026

About the Latin American Women's Rights Service (LAWRS)

LAWRS is a human rights, feminist organisation run by and for Latin American migrant women living in the UK. We support women who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, and/or enduring severe poverty and deprivation.

We also advocate for women's rights, migrants' rights and the rights of ethnic minorities at local, national and EU levels, working with sister organisations in the women, anti-trafficking, immigration and racial justice sectors, to tackle the vulnerabilities faced by Latin American women who are affected by intersectional layers of discrimination.

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Summary

- **The Bill's modern slavery provisions are incompatible with the UK's international obligations.** The Bill will expand bad faith and public order disqualifications, remove temporary leave for the purposes of recovery and implement immediate cessation of support following a negative conclusive grounds decision, removing the right to a 30-day recovery period. These provisions are incompatible with the UK's positive legal obligations to identify, protect and support victims and to investigate and prosecute perpetrators. The Bill is also incompatible with the non-punishment principle and the duty to uphold this in criminal, civil and administrative matters involving victims of modern slavery.

- **The Bill's changes to Article 8, alongside the wider 'restoring order and control' reforms, will violate the rights of migrant victims of Violence Against Women and Girls (VAWG).** Restricting the interpretation of Article 8 will harm victims who have been criminalised, made undocumented or forced into destitution. The Earned Settlement proposals will systematically prevent migrant victims from accessing settlement and safety. The Family Returns proposals will disapply safeguarding protections for destitute, undocumented children, removing a lifeline for undocumented victims. These provisions are incompatible with the UK's international obligations on non-discrimination, VAWG prevention, and the best interests of the child.

Q.5. Are the modern slavery provisions in the Bill compatible with the UK's obligations under Article 4 of the ECHR and the Council of Europe Convention on Action against Trafficking in Human Beings?

1. No. The modern slavery provisions in the Bill are incompatible with the obligations under Article 4 of the *European Convention on Human Rights* (ECHR), and the *Council of Europe Convention of Action against Trafficking in Human Beings* (ECAT). Under these conventions, the UK has positive obligations to identify and support all victims of trafficking, forced labour and modern slavery, and to prosecute perpetrators to the fullest extent. ECAT also enshrines the principle of non-punishment for crimes committed as a result of exploitation, and makes the government responsible for preventing trafficking in a wider sense. It is not enough for these rights to exist in theory; the government has an obligation to 'ensure the practical and effective protection of the rights of victims or potential victims of trafficking.'¹ **The Bill's provisions will effectively remove or prevent the exercise of these rights for many victims, as acknowledged by the Bill's own impact assessment.**²
2. Oversight bodies such as the Equality and Human Rights Commission (EHRC) and the Group of Experts on Action against Trafficking in Human Beings (GRETA) have warned that successive immigration legislation has put the UK at increasing risk of violating its obligations, whilst domestic and European court judgements have found the UK to be in breach of its legal duties.³ In reducing the support to victims and making identification more difficult, the government is attempting to circumvent its obligations. Unfortunately, the Bill's provisions also roll back aspects of the National Referral Mechanism (NRM) considered world-leading and best-practice. If the Bill passes, the result will be a further weakening of an already failing identification system that does not meet the clear obligations set out by these treaties, raising serious risks of human rights breaches and further judgements of violation.

¹ European Court of Human Rights. (2026), [Guide on Article 4 of the European Convention on Human Rights: Prohibition of slavery and forced labour](#).

² Home Office. (June 2026). [Impact assessment: Immigration and Asylum Bill](#).

³ For example, see: *R (ABW) v Secretary of State for the Home Department*, 2025; *V.C.L. and A.N. v the United Kingdom*, 2021.

Identification of victims

3. Under Article 10 of ECAT, the UK has an obligation to identify all victims of trafficking, forced labour and modern slavery. Article 13 of ECAT also prevents the removal of suspected victims before the identification process is completed.⁴ Furthermore, Article 4 of the ECHR places a positive obligation on the UK to prosecute perpetrators and prevent trafficking, both of which rely on 'early identification of victims.'⁵ Instead of improving the identification procedure, the Bill establishes barriers and interrupts the procedure in certain circumstances, effectively preventing victims from exercising these rights.
4. In its most recent evaluation on the UK, the Group of Experts on Action against Trafficking in Human Beings (GRETA) commended the Home Office's modern slavery statutory guidance for its acknowledgement that delayed disclosure does not equate to lack of credibility.⁶ As stated in the statutory guidance, *'a delay in disclosing facts should not be viewed as manipulative or taken to mean these facts are untrue... disclosures often come slowly and in a piecemeal way, sometimes over years.'*⁷
5. Unfortunately, the Bill seeks to rescind this trauma-informed approach, moving to treat delayed disclosures as evidence of lack of credibility. Victims who have not reported their experiences at arbitrary disclosure opportunities, or who disclose after being subject to removal action, face their claims being subject to bad faith disqualifications. The government argues that this is necessary to address the 'late presentation of modern slavery experience, which can significantly prolong the time taken to identify individuals and move them through the system'.⁸ This ignores the reality of disclosure which the statutory guidance currently acknowledges.
6. The Home Secretary has also described these late claims as 'vexatious' attempts to halt removal action, pointing to the two in five people referred into the NRM from immigration detention as evidence of this.⁹ The argument that the NRM is being abused by bad faith claims is wholly unsubstantiated. Despite record levels of referrals into the NRM in 2025, only 0.03% of referrals (6 out of 23,411) were disqualified for being made in 'bad faith'.¹⁰ Likewise, almost all (93%) of

⁴ Council of Europe. (2005). [Council of Europe Convention on Action against Trafficking in Human Beings](#).

⁵ European Court of Human Rights. 2026.

⁶ Group of Experts on Action against Trafficking in Human Beings (GRETA). (2026). [Fourth evaluation round: Evaluation Report - United Kingdom](#).

⁷ Home Office. (2026). [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland](#).

⁸ Home Office. 2026. *Impact assessment: Immigration and Asylum Bill*.

⁹ Taylor, D. (2025). ["UK anti-slavery commissioner condemns Shabana Mahmood's asylum comments."](#) *The Guardian*, 18 September; Home Office. (November 2025). [Restoring Order and Control: A statement on the government's asylum and returns policy](#).

¹⁰ Home Office. (February 2026). [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2025](#).

those referred from immigration detention eventually received a positive first-stage decision.¹¹ Preventing people from accessing the identification system based on the timing or location of their disclosure will stop victims from exercising their rights, undermining the government's responsibility to identify and support all victims.

7. At LAWRS, we regularly support women who have not received any legal or specialist advice before coming into contact with us. This is due to a myriad of factors, such as lack of information, communication barriers, inaccessibility of legal aid and coercive control from exploiters. When women eventually come into contact with an advisor, they are able to identify for the first time that they have been subjected to trafficking, exploitation and modern slavery. Victims who do not have access to specialist services may not recognise their experiences as modern slavery before immigration enforcement action begins. These victims may only be identified whilst in immigration detention, through screening assessments or by accessing legal advice for the first time. In fact, GRETA found that the level of referrals from immigration detention was much lower than it should be, as immigration authorities are routinely failing to screen individuals and act on indicators.¹²
8. Despite the Bill's move to punish late disclosure, the Bill's equality assessment itself states that delayed disclosure is not evidence of lack of credibility: *'there is extensive evidence that shame, fear, and coercion can delay disclosure. This may mean that individuals find it difficult to give a clear and timely account of their experiences which may impact credibility and bad faith considerations'*.¹³ Similarly, the impact assessment acknowledges that *'this measure may lead to more potential victims being excluded from the NRM on credibility grounds which will limit access to modern slavery support entitlements. This may result in poorer recovery outcomes for some and may risk re-exploitation of potential victims who have been convicted of a criminal offence.'*¹⁴
9. Whilst the Bill proposes to mitigate this risk with a 'compelling circumstances' clause, given the surrounding rhetoric and the clear intention to prevent claims being made from immigration detention, there is a high risk that this will not be applied appropriately. The expansion of bad faith disqualifications and removal of a trauma-informed approach to disclosure is therefore incompatible with the government's obligations under ECAT and the ECHR.
10. Additionally, the Bill's provision to immediately and automatically remove support and protections for those who receive a negative Conclusive Grounds (CG) decision will effectively prevent victims from completing the identification process. This also violates the right to a

¹¹ Home Office. (March 2023). [Modern slavery referrals for people detained for return after arriving in the UK on small boats](#) as cited in: International Organisation for Migration. (December 2025). ['Modern Slavery in the UK, announced policy changes risk leaving victims behind.'](#)

¹² GRETA. 2026.

¹³ Home Office. (June 2026). [Immigration and Asylum Bill 2026: equality impact assessment](#).

¹⁴ Home Office. 2026. *Impact assessment: Immigration and Asylum Bill*.

support period for victims. Article 13 of ECAT protects the right to a ‘recovery and reflection’ period of at least 30 days following a positive RG decision. This mandated period can only be revoked under public order or bad faith grounds.

11. The UK’s previous 45-day support period was reduced to 30 days by the *Nationality and Borders Act 2022* (NABA). At present, the Modern Slavery Statutory Guidance for England and Wales stipulates that a CG decision is made at least 30 calendar days after the RG decision, in accordance with ECAT. The Bill proposes changing this. Victims who receive a negative CG decision during the recovery and reflection period would have their support and protections immediately ceased. This is incompatible with ECAT and will have devastating consequences for the victims we support. As highlighted by specialist organisations, this time is already insufficient for victims to seek legal advice. Additionally, the most common reason for negative CG decisions is insufficient information.¹⁵ If the current timeframe does not allow for gathering enough information, this change can only lead to an increase in flawed decisions.
12. There is a significant risk that the immediate removal of support will block victims from formal identification. GRETA has repeatedly raised concerns about poor-quality decision-making, and the disparity in negative decisions between the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA).¹⁶ For example, in 2023, 76% of CG decisions by the SCA were positive, compared to only 30% made by the IECA.¹⁷ Moreover, a high proportion of CG decisions submitted for reconsideration are eventually overturned. According to the Home Office, over two-thirds (68%) of CG reconsideration requests resulted in a positive decision between April to June 2025.¹⁸ There is therefore a high risk that, by immediately withdrawing their already limited support, victims who have unfairly received negative CG decisions will be unable to request reconsiderations, forcing them to bear the consequences of poor-quality decision-making and preventing the exercise of their rights as victims.
13. This will be compounded by the chronic lack of access to legal advice, which further undermines the UK’s international obligations; Article 15(2) of ECAT requires the government to facilitate access to legal assistance and free legal aid for victims. Overwhelmingly, the victims we support through the NRM have no access to legal advice and representation, increasing the risk that they are incorrectly and unfairly refused identification. Given its repeated recommendations on this point, GRETA has now requested the government to address the inaccessibility of legal advice for potential victims as a priority action. It has emphasised that this is essential, given that successive immigration legislation has converted the NRM into a ‘quasi-judicial mechanism that is very difficult for victims to navigate.’¹⁹ We are concerned that, taken together, the Bill’s

¹⁵ Free Movement. (May 2026). [‘Nearly 90% of conclusive grounds reconsiderations result in positive outcome and more UK referrals than ever’](#).

¹⁶ GRETA. 2026.

¹⁷ Detention Taskforce. (July 2024). [Immigration Enforcement Competent Authority](#).

¹⁸ Home Office. (September 2025). [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 2 2025 - April to June](#).

¹⁹ GRETA. 2026.

provisions will increase this complexity and prevent victims from exercising their rights. This approach is incompatible with the UK's obligations on identification, legal support and safeguarding potential victims from removal.

Support for victims

14. Under Article 4 of the ECHR, the UK has a positive obligation to establish 'an appropriate legislative and administrative framework' which ensures the 'practical and effective protection of the rights of victims.'²⁰ Likewise, Article 12 of ECAT also enshrines the state's obligation to 'assist victims in their physical, psychological and social recovery'.²¹
15. Since 2023, the UK has provided victims with a short-term residence permit, known as Temporary Permission to Stay for Victims of Human Trafficking or Slavery (VTS). This also arises from the duties under Article 14(1)(a) of ECAT, which requires states to issue residence permits when they are necessary due to victims' personal circumstances. Enshrined by NABA, these permits are currently provided for the purposes of seeking compensation, co-operating with law enforcement or where necessary for victims' psychological and physical recovery.
16. GRETA has repeatedly recommended that VTS leave should be made more accessible, with the duration of leave extended. At present, VTS grants vary from 12 to 30 months, which is often insufficient for victims to access specialist physical or mental health support. In fact, very few recognised victims are granted VTS leave, making this right inaccessible in practice; in 2023, 113 adult victims received a grant for recovery needs, representing only 4% of the 3,139 adult victims identified that year.²²
17. All victims of modern slavery, trafficking and exploitation have complex needs and require specialist support. Instead of improving access to VTS leave and ensuring that it effectively facilitates recovery for victims, the Bill proposes completely removing VTS leave for the purposes of recovery. The negative impact on victims is acknowledged by the Bill's impact assessment, which states that *'removing TPS [Temporary Permission to Stay] recovery (assuming the individual does not receive another form of leave) may lead to poorer outcomes for some individuals with potential wider costs to the public purse, although the magnitude of this impact cannot be quantified.'*²³
18. We would argue that any refusal of temporary leave to remain will have devastating impacts at the individual level, and that this impact does not need to be quantified. It is clearly a breach of the government's obligations to facilitate recovery, and puts confirmed victims at severe risk of

²⁰ European Court of Human Rights. 2026.

²¹ Council of Europe. 2005.

²² Helen Bamber Foundation. (October 2024). ['Without secure immigration status, trafficking survivors cannot recover from trauma. It's time to change that.'](#)

²³ Home Office. 2026. *Impact assessment: Immigration and Asylum Bill*

re-exploitation without the right to work or access public funds; this in turn is incompatible with the wider duty to prevent trafficking and re-exploitation.

Investigation, prosecution and compensation

19. Both the ECHR and ECAT place obligations on the UK to facilitate the effective investigation of modern slavery, trafficking and exploitation. Article 4 of the ECHR and Article 27 of ECAT require the government to ensure that investigations and criminal proceedings are proactive, prompt and thorough, with due regard also given to the impacts of trauma on witness testimony.
20. As mentioned above, the Bill would remove VTS leave for the purposes of recovery, but retain it in cases where victims wish to seek compensation, or to co-operate with police investigations and criminal proceedings. However, the number of victims granted VTS leave for these purposes is already incredibly low. In 2023, only 10 adult victims were granted leave to allow co-operation with investigations, and GRETA has highlighted that ‘no residence permits have ever been granted to victims to enable them to seek compensation.’²⁴ There are clear barriers to exercising these rights which the Bill has not addressed, giving rise to potential breaches of these obligations.
21. Both GRETA and the European Court of Human Rights (ECtHR) have found that the UK is failing to uphold its procedural obligation to investigate and prosecute the perpetrators of these crimes.²⁵ These bodies have called attention to a worrying trend of offences being down-graded, where perpetrators are charged with less serious crimes despite clear indicators of trafficking and modern slavery. In part, this is due to a lack of trauma-informed approaches by police and a failure to understand the dynamics of modern slavery by investigators and prosecutors.
22. Unfortunately, we often support victims who have disclosed their experiences of exploitation, domestic servitude or trafficking to police, only to be disbelieved or have the cases closed almost immediately after their statement due to inconsistent or ‘insufficient’ evidence, without investigation. The fear of not being believed or supported by police is held by the majority of migrant victims, which is compounded by these poor experiences.²⁶ As GRETA highlights, this fear is also the consequence of the UK’s hostile immigration policies, which have increased the risks of detention and deportation for irregular migrants that attempt to disclose their experiences.

²⁴ Helen Bamber Foundation. 2024; GRETA. 2026.

²⁵ European Court of Human Rights. 2026;

²⁶ LAWRS. (May 2019). [*The Right to be Believed: Migrant women facing Violence Against Women and Girls \(VAWG\) in the ‘hostile immigration environment’ in London.*](#)

Case study: Gladys

Gladys* is from Latin America. She experienced gender-based violence and domestic abuse in her home country. An online friend offered Gladys somewhere affordable to rent in London, and she accepted in order to escape the abuse at home.

After arriving in the UK, Gladys' friend told her that the address was wrong and sent her a new address. When Gladys entered the property, she realised she had been tricked into moving to a brothel. A woman, who introduced herself as the 'landlady', forced Gladys into sex work with multiple male perpetrators. They advertised her 'services' online, and prevented Gladys from leaving the house where the exploitation took place. Gladys believes other women were also subject to the same exploitation.

Gladys managed to escape and called the police, leading to the perpetrators' arrest. However, a week later the police informed Gladys that they were closing the case due to lack of consistency in her witness statement. The police did not complete an NRM referral for Gladys despite her disclosure of sexual exploitation and trafficking. Gladys was left destitute and deeply traumatised by her experiences.

**Name has been changed to protect the woman's identity.*

23. Whilst the Government has claimed to be focused on 'driving up prosecutions and convictions' in response to a review of the Modern Slavery Act,²⁷ we do not see how this will be possible given the Bill's restrictions on identification and support. Additionally, the hostile rhetoric surrounding this legislation has a 'real-life impact' on victims (as stated by the Independent Anti-Slavery Commissioner), and is likely to aggravate victims' fears of disclosing to the police.²⁸ Without safe reporting mechanisms to improve victim engagement, the government will not be able to meet its aims or uphold its obligations on facilitating investigation and prosecution.

Criminalisation and non-punishment principle

24. Article 4 of the ECHR places a positive obligation on the government to identify victims and halt criminal proceedings against people reasonably suspected to be victims. Likewise, GRETA has repeatedly asked the UK to ensure that the 'non-punishment' principle, as outlined in Article 26 of ECAT, is respected, underlining that 'the non-punishment provision applies not only to criminal convictions, but also to civil or administrative forms of punishment'.²⁹ We believe that the Bill's provisions, including mandatory public order disqualifications and automatic deportations for custodial sentences, will undermine the non-punishment principle and see victims systematically barred from identification, safety and support as a result of their exploitation.

²⁷ Home Office. (December 2024). [Government response to House of Lords Modern Slavery Act 2015 Committee report, 'The Modern Slavery Act 2015: becoming world-leading again'](#).

²⁸ Taylor. 2025.

²⁹ GRETA. 2026.

25. The introduction of public order disqualifications under NABA included a broad list of circumstances where victims who had received a positive Reasonable Grounds (RG) decision would lose their right to a recovery and reflection period, or to continue with the identification process, including people who had been convicted of custodial sentences. This has caused victims to lose their right to support due to crimes they were coerced to commit as part of their exploitation.³⁰
26. Whilst Article 13(3) of ECAT provides for exemptions to the recovery period on the grounds of public order, GRETA has repeatedly stressed that this should only be applied ‘in very exceptional circumstances and cannot be used by states to circumvent their obligation to provide access to the recovery and reflection period.’³¹ This is in accordance with a December 2025 ruling by the UK High Court, which found the application of a public order disqualification to be unlawful and a cause of re-exploitation for the victim who was denied support.³²
27. Despite this, the Bill proposes changing public order disqualifications from a discretionary power to a mandatory duty with broad, automatic application. The threshold for application is also lowered, from having a custodial sentence to any ‘period of imprisonment’. To be compatible with the non-punishment principle and the government’s obligations on victim support, the disqualification of victims must be considered on a case-by-case basis, applied only in exceptional circumstances, and substantiated by evidence, for which the government has the burden of proof.³³
28. The Bill’s provisions are therefore incompatible with these obligations, and with previous court rulings, and will lead to serious harm for victims forced into criminal exploitation. Again, this is acknowledged directly by the Bill’s impact assessment: *“the legislation will lead to a lower number of potential victims receiving the support to which they would otherwise be entitled through the NRM. This may result in poorer recovery outcomes for some and may risk re-exploitation of potential victims who have been convicted of a criminal offence, once support is withdrawn. In addition, there is a risk that individuals who may have committed offences due to being enslaved will be removed from support, further increasing the chance of worsening overall outcomes.”*³⁴
29. Alongside the changes to the modern slavery system, Part 2 of the Bill contains a provision to facilitate the automatic deportation of people convicted of custodial sentences. Given the systemic failures to identify victims and the Bill’s restriction of access to the NRM, there is a high likelihood that victims of trafficking and modern slavery (particularly criminal exploitation), will

³⁰ European Court of Human Rights. 2026.

³¹ GRETA. 2026.

³² Hope for Justice. (January 2026). [‘High Court rules public order disqualification powers used ‘unlawfully’](#)’.

³³ GRETA. 2026.

³⁴ Home Office. 2026. *Impact assessment: Immigration and Asylum Bill*.

be removed from the UK before they can be identified. This is incompatible with Article 4 of the ECHR, and Articles 10 and 13 of ECAT.

30. The UK is already routinely failing to uphold the non-punishment principle for victims. In 2021, the ECtHR found that the UK breached its Article 4 obligations by prosecuting and convicting two victims of trafficking whilst repeatedly missing opportunities for identification.³⁵ The automatic deportation provision is likely to exacerbate the fear of reporting and will cause victims to be punished, whilst unfairly and unlawfully being prevented from exercising their rights.

Vulnerabilities and re-exploitation

31. Both the modern slavery reforms and wider provisions in the Bill are likely to entrench the root causes of modern slavery and exacerbate the risk of re-exploitation for victims, undermining the government's positive obligations under ECAT and the ECHR to protect individuals from trafficking, modern slavery and exploitation. As highlighted by ECtHR guidance on Article 4, this includes a responsibility to ensure that domestic immigration rules do not facilitate or encourage trafficking.³⁶
32. The anti-trafficking sector has repeatedly called attention to the systemic factors that cause exploitation, particularly for migrant workers, asylum-seekers and migrants with insecure immigration status. This analysis was echoed in GRETA's recent evaluation report, which highlighted examples of harmful policies like the visa sponsorship model, the No Recourse to Public Funds (NRPF) policy, and the low financial support levels provided to asylum-seekers, as well as their inability to work. GRETA reiterated the government's obligation under Article 12(7) of ECAT, to ensure that support measures take into account the specific needs of vulnerable individuals, and called for a reassessment of these policies in light of their impact on exploitation.
33. We are concerned that the Bill will sharply exacerbate the vulnerability of migrants, asylum-seekers and refugees to modern slavery, at the same time as restricting their access to identification and support. For example, the changes to the interpretation of Article 8 in Part 2 will make it more difficult for undocumented migrants to regularise their immigration status, making them vulnerable to destitution and exploitation. Many of the victims who we support were pushed into modern slavery because they had no paths to regularise their status; their exploiters subsequently weaponised their irregular status to prevent them seeking help or disclosing their experiences, trapping them in exploitation for years, in some cases. These changes will particularly harm victims made undocumented by their exploiters, which could constitute a further breach of the non-punishment principle.

³⁵ European Court of Human Rights. 2026.

³⁶ European Court of Human Rights. 2026.

34. Despite GRETA's confirmation that the visa sponsorship model makes migrant workers vulnerable to exploitation, the government intends to apply this model to refugee status. During the second reading of the Bill, the Home Secretary announced plans for a 'community sponsorship scheme', allowing businesses to sponsor refugees.³⁷ We are deeply concerned that refugees would become dependent on employers for immigration status and accommodation, replicating the vulnerability to exploitation that we have already documented with migrant workers. Additionally, the proposed 'refugee tax', requiring refugees to repay up to £10,000 in accommodation costs will also put people at risk of exploitation if they cannot access settlement due to outstanding debt, or if they decline to access Home Office accommodation during the asylum process for fear of incurring charges.
35. Elements of the Part 5 provisions will also disproportionately impact women, raising equalities concerns as well as undermining the government's duties to protect victims. The positive obligations arising from Article 4 and the vulnerability considerations necessitated by Article 12(4) of ECAT both require a consideration of the gendered impacts of trafficking and modern slavery for women. GRETA has stated that the government has consistently failed to address 'the intersections between trafficking and violence against women and domestic violence' through targeted strategies.³⁸

Case study: Isabel

Isabel* travelled to the UK in 2017 on a visitor visa to join her British partner. He promised to arrange a new visa to allow Isabel to stay longer, and said that in the meantime, she could work at his company. Isabel worked 7 days a week, from 10am until late at night. She was not paid at all for the first few months. After that, she was paid only £100 or £200 in cash each month. Isabel did not have a contract and her partner coerced her into signing a document saying the work was voluntary. He did not submit a visa application and Isabel became temporarily undocumented.

After Isabel and her partner got married, he submitted a spouse visa, but the abuse and exploitation escalated. She was officially added to the company payroll but was only paid £300 a month. Isabel's husband set up cameras in the business to watch her and routinely checked her phone. Whenever she tried to stop working, he threatened to divorce her and report her to Immigration Enforcement. He constantly accused Isabel of having affairs and prevented her from speaking to her family, leading to emotional distress and isolation. When the pandemic started, she was furloughed but her husband received the money and did not pay her.

In 2021, Isabel fled the relationship. After contacting LAWRS, she was supported with a referral into the NRM. However, when Isabel attempted to report her experiences to the police they minimised both the exploitation and abuse - the police officers told Isabel that her husband was 'just a jealous husband' and no action was taken against

³⁷ Shabana Mahmood MP, Home Secretary. (2026). [HC Deb, 13 July](#), vol. 789, col. 669.

³⁸ GRETA. 2026.

him. This experience was deeply distressing and made Isabel fearful of cooperating with the police again. After fleeing this relationship, Isabel was left destitute. She began a new relationship which also became abusive, leading her to return to LAWRS for further support.

**Name has been changed to protect the woman's identity.*

36. We are particularly concerned about the Bill's impacts on victims of domestic servitude and sexual exploitation, in which migrant women are overrepresented. The Bill's equality assessment acknowledges the potential for indirect discrimination - *'the procedural reform to the NRM may disproportionately impact women, who are more likely to be victims of sexual exploitation.'* - but provides no protective measures to mitigate these disproportionate, gendered impacts.³⁹ We also frequently support women who experience exploitation and modern slavery after escaping abuse, who are made vulnerable due to structural factors that prohibit access to support (such as the No Recourse to Public Funds condition), as well as the prevalent fear of reporting held by migrant victims. The Bill's provisions on bad faith disqualifications, the removal of a trauma-informed approach, lack of recovery support and the push towards punitive criminalisation are likely to be devastating for women experiencing both Violence Against Women and Girls (VAWG) and modern slavery, trapping them in cycles of abuse and exploitation.
37. As the Equality and Human Rights Commission has highlighted, the UK's immigration legislation has increased the likelihood of victims of sexual exploitation being detained or deported before they have a chance to be identified by the NRM, meaning they are at significant risk of being re-exploited. The Commission stated that this is a likely violation of Article 18(1) of the *Istanbul Convention*, which places an obligation on the government to prevent repeat acts of violence. It called on the government to 'ensure women survivors of rape and other forms of sexual or gender-based violence are not subject to immigration detention' and to 'ensure potential victims of trafficking can have their cases investigated and considered by the NRM before being removed from the UK, to prevent the risk of repeat exploitation, in particular of women and girls'.⁴⁰
38. Consequently, we reiterate our calls for these policies and the Bill's provisions to be reassessed. We recommend the implementation of safe reporting mechanisms, in order to encourage early victim engagement. Without this, the government will be unable to meet its obligations on prevention, non-punishment, victim identification or provision of support.

³⁹ Home Office. 2026. *Equality impact assessment*

⁴⁰ Equality and Human Rights Commission (EHRC). (February 2024). [Submission to the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence. UK implementation of the Istanbul Convention: Baseline Evaluation.](#)

Q.6. Are there any other human rights issues raised by the Bill or the government's implementation of its November 2025 policy statement "Restoring Order and Control"?

39. We are concerned that the Bill's provisions on Article 8, and the wider 'Earned Settlement' and 'Family Returns' reforms, are incompatible with the UK's obligations under the ECHR, as well as the *Istanbul Convention* and the *United Nations Convention on the Rights of the Child* (UNCRC). **We are not satisfied that the government has given sufficient weight to its obligations, and we anticipate clear, foreseeable violations of the human rights of migrant women and children, particularly those fleeing abuse and gender-based violence.** The Bill's provisions are also likely to undermine the government's own VAWG and Child Poverty strategies.

Interpretation of Article 8

40. Part 2 of the Bill proposes changes to the interpretation of Article 8 of the ECHR (the right to private and family life). This will make it more difficult for undocumented migrants to regularise their immigration status by restricting the definition of 'family life' and instructing courts to give greater weight to the public interest test. This includes giving periods of 'non-compliance' with immigration rules, debt, predicted future use of public funds, and criminal convictions greater weight over family ties. The Bill also directs courts not to consider any family or private life ties established during periods without legal status when dealing with Article 8 applications.
41. These provisions will directly harm victims and survivors of VAWG, modern slavery and exploitation. For example, as the government's own VAWG strategy acknowledges, criminalisation is often a consequence of abuse.⁴¹ Victims and survivors are coerced into offending by perpetrators, or are subject to counter-allegations that result in arrests of criminal charges. The women we support are frequently threatened with counter-allegations by perpetrators who say that they will be believed by police or social services over the victim, due to the language barrier and her immigration status. Despite this, the Bill's provisions contain no exemptions or consideration of the experiences of victims and survivors.
42. Likewise, public funds are a lifeline for women escaping abuse, particularly single mothers. By asking courts to weigh future public funds use more heavily, victims who need access to public funds to escape abuse and live independently will be significantly disadvantaged. This is particularly concerning, given that these victims are not eligible to access protections such as the Migrant Victims of Domestic Abuse Concession (MVDAC) or Appendix Victim of Domestic Abuse (Appendix VDA) immigration status. They may also be unable to access the usual parent visa route as they do not meet the financial requirements, as a result of the abuse experienced. Due to their exclusion from these protections, many of the women we support rely on Article 8

⁴¹ Home Office. (December 2025). [Freedom from violence and abuse: a cross-government strategy to build a safer society for women and girls](#).

applications to regularise their immigration status. These victims and survivors will be directly harmed by these changes.

43. The Bill makes no specific provisions for victims and survivors who were separated from their children due to abuse, who would face challenges proving a subsisting parental relationship. Trafficking and domestic abuse survivors who are separated from their children have not 'chosen' separation in any meaningful sense. Under the Bill's policies, perpetrators' use of children as a coercive method to retain women in abusive or exploitative situations would be reinforced. This will further expose children to violence and destitution.
44. The narrow eligibility of existing protections for migrant victims and survivors has been criticised by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). In its 2025 evaluation report on the UK's progress in implementing the *Istanbul Convention*, GREVIO stated that, whilst it '*acknowledges the support provided to women victims eligible for these schemes, ... under the Istanbul Convention, all measures taken for its implementation, in particular measures to protect the rights of victims of violence against women, are to be ensured without discrimination on the basis of the grounds laid out in Article 4, paragraph 3, which includes national or social origin as well as migrant status.*⁴² Given the failure of the government to uphold non-discrimination in measures for migrant victims, the move to restrict Article 8 protections will exacerbate the insecurity and inequality faced by migrant victims.

Case study: Marcia

Marcia* is from Latin America and is married to a British man, with whom she has a child. She is currently in the UK on a visitor visa. She paid a solicitor to submit a spouse visa but this turned out to be a scam. Due to her immigration status, she has No Recourse to Public Funds (NRPF) and no right to work. She has applied for a parent visa but has not yet received a decision from the Home Office.

Marcia's husband was abusive and controlling throughout the relationship. She reported him to the police several times, and he previously broke a Non-Molestation Order (NMO) in her home country. Marcia is not able to return home as he will not let her travel with the child.

After a physical assault, Marcia fled the home and her husband began to stalk her. He tracked her location, hired a detective to follow her and hacked her online accounts. He also messaged Marcia constantly, threatening to kill her or to kidnap the child if she did not return.

Marcia contacted LAWRS after several services declined to help due to her immigration status. LAWRS supported Marcia to submit a Change of Conditions

⁴² Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). (June 2025). [Baseline Evaluation Report: United Kingdom](#).

application to remove the NRPF condition. In the meantime, Children's Social Services (CSS) provided her with temporary accommodation under Section 17. However, Marcia was forced to resume face-to-face contact with her ex-partner as her immigration status prevented her from accessing financial support - she is destitute and depends financially on him. CSS also told her that the father must be allowed to continue seeing the child, despite her disclosures of abuse.

During child contact, the father kidnapped the child. Marcia reported the abduction to police but was not given a CAD number. She went to the police again several weeks later and was told they could not help. Eventually, the perpetrator agreed to take her to the child. However, when Marcia got into the car, he drove her to another city. She was extremely distressed and tried to call the police before the perpetrator threw her phone out of the window. When Marcia grabbed the wheel, he recorded her and then reported her to the police. Marcia was arrested for assault and is not able to see her child. She has now disengaged from LAWRS' support altogether, leaving her at risk of criminalisation and escalating harm.

**Name has been changed to protect the woman's identity.*

Earned Settlement proposals

45. Alongside the risk of human rights violations within the Bill's provisions, the government's wider immigration reforms will directly harm migrant victims and survivors of VAWG. In particular, the proposed Earned Settlement reforms contain no exemptions for migrant victims and will cause them to be excluded from support and punished for their experiences of abuse.
46. For example, the proposed settlement requirements will prevent victims and survivors from accessing Indefinite Leave to Remain (ILR), forcing them into prolonged financial insecurity and increasing their risk of becoming undocumented. As highlighted by Surviving Economic Abuse, '95% of victim-survivors of domestic abuse experience economic abuse, and 60% are in debt as a result'.⁴³ For women with insecure immigration status, this debt often relates to healthcare charges, visa applications or debt incurred whilst seeking immigration legal advice. This debt is not evidence of 'poor character', but is a direct consequence of abuse. Nevertheless, the Earned Settlement reforms propose excluding people with outstanding government debt (such as NHS debt or council tax arrears) from accessing ILR on the grounds of poor character.
47. The income and English-language requirements for ILR also contain no exemptions for women who are prevented from working or learning English by perpetrators, a dynamic which we often identify in our frontline cases. The proposal to add 20 years to the baseline qualifying period for people who have overstayed their visas will also directly harm women made undocumented, handing perpetrators more power to weaponise immigration status as a form of control.

⁴³ Surviving Economic Abuse (October 2021). [*Denied justice: How the legal aid means test prevents victims of domestic abuse from accessing justice and rebuilding their lives.*](#)

48. Likewise, the Earned Settlement model punishes people with NRPF who have been granted access to public funds by the Home Office. In its 2025 evaluation, GREVIO explicitly highlighted that the NRPF policy places ‘significant and systematic limits’ on migrant women’s access to support, stating that this is incompatible with the UK’s obligations under the *Istanbul Convention*: *“Together with women who do not have a regular migration status, [women with temporary residence permits] are extremely vulnerable to exploitation and abuse, including at the hands of spouses, extended family members and traffickers. Limiting their access to general and specialist support services for experiences of violence on the grounds of their residence or migration status runs counter to the obligation set out in Article 4, paragraph 3, and represents a form of discrimination that must be addressed urgently.”*⁴⁴
49. Instead of acting on GREVIO’s recommendation to ensure that the non-discrimination principle is upheld, the government proposes in its Earned Settlement reforms adding an additional 5 or 10 years to settlement routes for those who have accessed public funds. Research shows that almost all requests to lift the NRPF condition come from single mothers, and that women with NRPF are three times more likely to experience domestic abuse.⁴⁵ As such, the indirect discrimination inherent in the NRPF policy will be amplified by the Earned Settlement’s proposals.

Case study: Rebeca

After travelling to the UK on a visitor visa, Rebeca* became pregnant. Although she wanted to return home, Rebeca’s partner and his family persuaded her to stay in the UK. Rebeca’s partner promised to marry her and pay for a visa application to regularise her immigration status. However, the relationship became violent and he later refused to get married, saying this would give her “rights” in the country. As a result, Rebeca’s visa expired and she became undocumented whilst pregnant.

Without the right to rent or work, Rebeca was entirely dependent on the father of her child for food, essentials and accommodation. They ended their relationship, but continued to live together as Rebeca is destitute and has no access to income or public funds. She disclosed that the abuse escalated every time she asked her ex-partner for money for food.

When Rebeca’s ex-partner refused to support her visa application, she borrowed money to pay for immigration legal advice to submit a fee waiver application. The Home Office rejected this, arguing that Rebeca lives with a partner who has sufficient income to cover the application costs. As a result, Rebeca has been unable to pay for a visa application and remains undocumented. Rebeca gave birth in the UK and now has a debt of £12,000 to the NHS for her maternity care. The father of the child refused to help her pay this, claiming the bill is Rebeca’s

⁴⁴ GREVIO. 2025.

⁴⁵ The Unity Project. (July 2019). [Access Denied: The cost of the 'no recourse to public funds' policy.](#)

responsibility to resolve.

After Rebeca was detained by Immigration Enforcement and released on bail, the abuse continued to escalate. She fled the home with her child and is currently homeless. Rebeca has never reported the abuse to the police, as she is afraid that her ex-partner will try to take custody of the child if she does.

**Name has been changed to protect the woman's identity.*

Family Returns proposals

50. The Bill's provisions and Earned Settlement model will increase the risk of migrant women and children becoming undocumented. The proposed removal of safeguarding support for undocumented families, under the 'Family Returns' proposals, will put vulnerable migrant women and children at significant risk of harm. This is incompatible with the government's international human rights obligations.
51. The government's *Family Returns: Reforming Asylum Support and Enforcing Family Returns* consultation proposed a set of measures that will directly harm the welfare of migrant children, including the introduction of physical restraint and a cliff-edge in support for appeal rights exhausted families. Alongside this, the consultation proposed changes to the interpretation of Section 17 of the *Children Act 1989*. Local authorities would be prevented from providing 'Child in Need' support to nearly all destitute undocumented children, despite the Children Act's emphasis on equal protection and preventative intervention to avoid escalation of risk. When directed by the Home Office, social workers would be forced to disregard safeguarding principles and place immigration enforcement over the best interests of the child in decisions about support. Children denied Section 17 support would be left destitute and at significant risk of harm and exploitation.
52. Many of the migrant victims and survivors who we support rely on Section 17 support in order to flee abuse, as their NRPF condition blocks them from accessing benefits and mainstream domestic violence refuges. Often, our service users experience periods of severe destitution and homelessness while waiting for Section 17 support to be granted. By forcing more families to remain undocumented, and restricting access to this life-saving support, the migrant women we support will have to choose between remaining with abusers or becoming destitute. Both of these choices are likely to lead to human rights violations for vulnerable migrant women and their children.
53. Through these proposals, the government is seeking to use child destitution as leverage to coerce families to leave the UK. This is clearly incompatible with the spirit of the *Children Act 1989*, as well as Articles 2 and 3 of the *United Nations Convention on the Rights of the Child*, which require states to apply protection in a non-discriminatory way, ensuring that the best

interests of the child are the primary consideration in decision-making and policy design. The ECHR also acknowledges the extreme vulnerability of migrant children, placing a positive obligation on the government to prevent extreme destitution, which is a form of inhuman and degrading treatment (prohibited by Article 3). Moreover, the Government would fail to uphold its commitments from the Child Poverty strategy, which recognises the need to address multiple disadvantages and prevent Adverse Childhood Experiences (ACEs) in order to break intergenerational poverty.⁴⁶ It is clear that the government has not given any weight to these obligations in designing its Family Returns proposals.

Fear of reporting

54. The cumulative impact of the Bill's provisions and the wider 'Restoring Order and Control' proposals will see migrant victims and survivors of VAWG, trafficking and exploitation pushed into significantly increased insecurity, financial hardship and legal precarity. This will inevitably exacerbate their fear of reporting experiences of abuse. As a frontline service, we anticipate that migrant victims will be much more afraid of interacting with police, healthcare professionals and social services as a result of these legislative and policy reforms, placing them at risk of multiple forms of harm.
55. Given the devastating impacts of the government's proposed immigration reforms, we are pushing for the Bill to include a statutory firewall to prevent data-sharing with Immigration Enforcement in cases where migrant victims are reporting crimes or seeking support. Whilst the VAWG strategy published in December last year proposed a consent-based data-sharing mechanism, specialist organisations such as LAWRS and key stakeholders like the Domestic Abuse Commissioner have highlighted that this mechanism will be ineffective or harmful in practice.⁴⁷
56. Without a full firewall, it will be impossible for the government to achieve its own aims on halving VAWG in a decade and tackling child poverty, or to meet its international obligations. The practice of data-sharing and widely held fear of reporting prevent victims from accessing safety and justice, increasing the risk of complete disengagement with support services. This in turn prevents perpetrators from being identified and held to account for serious crimes committed in the UK, harming public interest and safety.
57. This is a view shared by the UK's Equality and Human Rights Commission, which stated that *'the harm to VAWG victims, and to the public interest, will only be satisfactorily addressed by ending data sharing for the purposes of immigration enforcement. We consider this essential to ensure*

⁴⁶ Cabinet Office. (December 2025). [Our Children, Our Future: Tackling Child Poverty](#).

⁴⁷ Dame Nicole Jacobs, Domestic Abuse Commissioner. (2026). [Evidence session No. 20](#): Oral evidence taken before Domestic Abuse Act 2021 Committee, House of Lords, 16 July.

*migrant victims are sufficiently protected and that the UK is compliant with its Istanbul Convention obligations.*⁴⁸

58. As the risk of detention, deportation and destitution increase for migrant victims as a result of the Bill and wider policy reforms, data-sharing will continue to threaten the UK's progress on implementation of the *Istanbul Convention*. Compliance with the positive obligations to prevent VAWG, protect victims and survivors, and ensure equal, non-discriminatory access to support measures will require the implementation of a full statutory firewall.

⁴⁸ EHRC. 2024.