

# The National Referral Mechanism

& Leave for those without an asylum  
claim

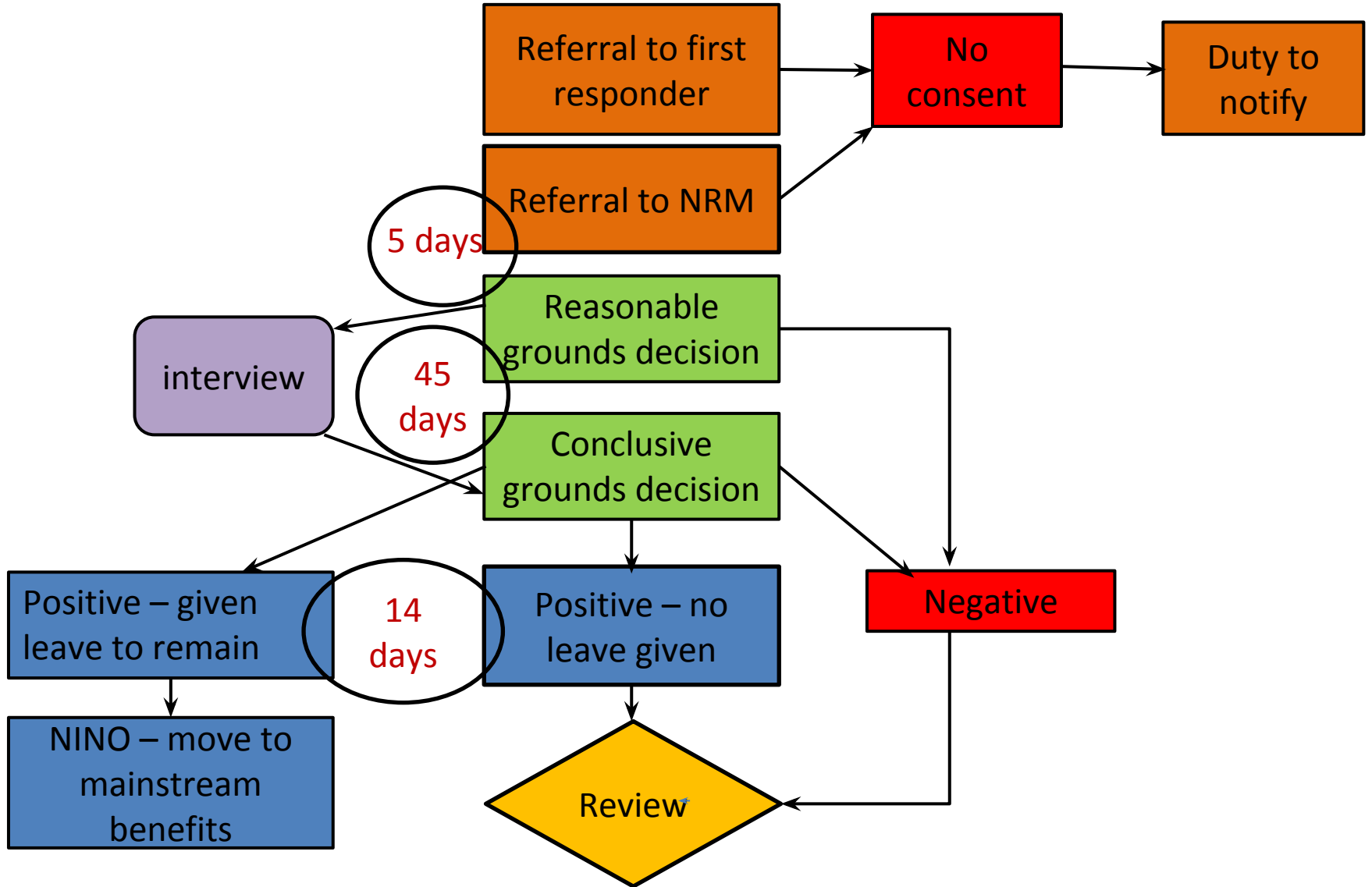
# National Referral Mechanism (NRM)

- NRM is the process through which the Competent Authority reaches a decision on whether someone is a victim of trafficking.
- NRM review (2014) recommended altering the Competent Authority system so decision-making was no longer solely made by UKVI/MSHTU (then UKHTC)
- Recommended professionalising the role of first responder through accreditation
- Pilot scheme following recommendations 2015-March 2017. Conclusions to be published

# How the NRM works

- Anyone can refer to a first responder with consent for adults
- If no consent, local authorities, UKVI/Border Force & police have a duty to notify
- First responder makes a referral to the Competent Authority (telephone referrals)
  - Will the first responder take on the referral?
  - Is the form correctly filled out?
  - Has the potential victim read the form?
  - Referrals in detention?
- Referral form includes some forms of exploitation for the first responder to identify
- Requires both a narrative account and identification of the indicators of trafficking/modern slavery
- Adults must **consent** to a referral to the NRM, but children do not.

# NRM outcomes



# Reasonable grounds

- Decision taken by the competent authority on the standard  
“I suspect but cannot prove”
- The Competent Authority can share information with the police at this stage on possible criminal offences

# Competent Authority

- Initial decision is made on referral (48 hours)
- Support provided once initial decision is made
  - in emergency situations local authority may accommodate.
- 45 day rest & reflection period.
- Contract holder provides transport to the safe-house. Location is on a no-choice basis unless someone will not be safe.

# Conclusive grounds decision

- A conclusive grounds decision is on the balance of probabilities.
- Refusal – 48 hours to leave accommodation. No ongoing support.
- Refusals can only be challenged by way of JR (within 3 months) if out of time can request reconsideration – will need to set out why decision incorrect.
- An immigration tribunal can always make a trafficking decision and direct HO to grant leave
- If positive CG then will require move-on accommodation: NASS (asylum seeking)/local authority/HB (if granted leave)
- If positive CG with no leave then immigration advice
- Delays in grant of CG where ongoing police investigation

# Discretionary leave

- Usually (but not always) granted with access to public funds. If not will need to make representations about individual's circumstances
- Discretionary leave can be renewed but if circumstances have changed then may no longer qualify.
- Should always pursue more permanent immigration routes – legal aid available for victims of trafficking for applications for leave to enter or remain



# Private and family life leave

- Immigration Rules:
  - 7 years in UK for someone under 18 + reasonableness
  - Half life in UK where between 18-25
  - 20 years in UK after age of 25
  - Very significant obstacles to integration if required to leave the UK
- Article 8 outside the rules but requires legal advice and evidence gathering

# Options for those without leave

- If no leave to remain is granted: can request review of decision with evidence of need (no time limit)
- EEA rights as individuals or family members
- Application based on long residence, private or family life (no in-country right of appeal)
- Assisted voluntary return
- Move on accommodation: where to stay on day 46?
  - NASS accommodation (asylum-seekers), Care Act/Children Act assistance, other resources?