

A MISGUIDED APPROACH TO ENDING MODERN SLAVERY:

AN ANALYSIS OF THE MODERN SLAVERY ACT 2015

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by

Jocelyn Bell

San Marcos, Texas

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by  
Jocelyn Bell

Thesis Supervisor:

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Jessica Pliley, PhD  
Department of History

Approved:

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Heather C. Galloway, Ph.D.  
Dean, Honors College

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## Abstract

Parliament designed the Modern Slavery Act 2015 to end modern slavery in the United Kingdom. The goals of the Modern Slavery act were to increase punishments for traffickers, hold businesses responsible for labor abuses, and increase maritime power. The criminal approach the Modern Slavery Act ignores what trafficking victims need to end the cycle and does not require that business be actively trying to end modern slavery. The legislation does not offer a path towards citizenship and pushes the idea of illegal immigration. The Modern Slavery Act does not allow account for the negative impacts of Brexit to immigrants and trafficking victims. The desires and aspiration of the Modern Slavery Act overshadowed by the criminal approach that ignores the human rights issues at the core of modern slavery.

## Introduction

Human trafficking has been at the forefront of policy in the United Kingdom since W.T. Stead published *The Maiden Tribute of Modern Babylon*. The tale captures the narrative of the white slave at the end of the Victorian Era.<sup>1</sup> Stead's narrative captured the attention of the media and the middle class. Over a hundred years later, the narrative of the modern slave has taken over the narrative of the white slave. A modern slave is an individual who is in slavery, servitude, compulsory or forced labor, and/or victims of human trafficking.<sup>2</sup> Those trying to combat modern slavery are the same group

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<sup>1</sup> William T. Stead, *The Maiden Tribute of Modern Babylon* (London: Pall Mall Gazette, 1885) ; • Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University Chicago Press, 1992).

<sup>2</sup> Rose Broad and Nick Turnbull, "From Human Trafficking to Modern Slavery: The Development of Anti-Trafficking Policy in the UK." *European Journal on Criminal Policy and Research* (2018): 29-50, citation on 30.

of people that were combatting white slavery: the middle class and politicians. Middle class evangelicals, feminists, and legislatures, no matter their party lines, have made it their mission to end human trafficking and modern slavery.

It is hard to gauge the amount of trafficking victims in the UK, because it is an underground, illegal business. The statistics from the Home Affairs Committee in 2008 and 2009 estimated that there were at least 5,000 trafficking victims within the U.K.<sup>3</sup> In 2010, a report from the Association of Chief Police Officers estimated that 2,600 of women involved in off-street prostitution were victims of trafficking.<sup>4</sup> The exact statistics are unknown but have been used to support claims of trafficking within the UK.

In 2015, the U.K. passed the Modern Slavery Act. The Parliament designed the legislation as a ground-breaking way to fight against modern slavery. It uses a three-pronged approach: preventing modern slavery, prosecuting perpetrators, and protecting victims.<sup>5</sup> The perspective the Modern Slavery Act places the fault of trafficking on the traffickers. It does not place an emphasis onto the economic disparities that force people into trafficking situations.<sup>6</sup> A person defined as being held in slavery if they are required to perform compulsory or forced labor. The MSA extends to victims of forced labor or servitude, human trafficking, sexual exploitation, and removal of organs. The bill aims to end modern slavery through criminal prosecution. If a person is convicted of human

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<sup>3</sup> Mildred Sapienti, *Human Trafficking: United Kingdom Responses and Strategy* (New York: Nova Science Publishers, Inc., 2014): 1-100, citation on 3.

<sup>4</sup> Sapienti, *Human Trafficking*, 4.

<sup>5</sup> Jason Haynes, "The Modern Slavery Act (2015): A Legislative Commentary." *Statute Law Review* 37 (1) (2016): 33-56, citation on 34.

<sup>6</sup> Wendy Chapkis, "Trafficking, Migration and the Law: Protecting Innocents, Punishing Immigrants," *Gender & Society* 17, no. 6 (Dec 2003): 923-937, citation on 926.

trafficking or keeping someone in a slavery-like condition, then they can face up to life in imprisonment.<sup>7</sup> A person convicted of intending to commit human trafficking can face up to ten years in prison.<sup>8</sup> The push towards prosecuting criminal offences potentially leads to a victim being a criminal as well. The willingness of the victim to migrate illegally determines how the government sees them. When migrants make the decision to illegally enter another country, they are assuming the title of illegal migrant. Migrants are often driven to illegal immigration because of poor economic conditions. There is a demand for cheap labor, and migrants fulfill this need.<sup>9</sup> There is a cycle trafficking victim fall into. Unless there are programs in place to support the victims.

The criminal approach that bill takes does not protect the victims of human trafficking. The Modern Slavery Act lacks important opportunities such as protecting the victims from prosecution. Victims of human trafficking can often be put into prison for crimes they committed during their time held in a forced labor or slavery situation and for immigration charges. Brexit will negatively affect victims by creating more of them and pushing more towards illegal migration patterns. Lastly, the current victim support services will be examined.

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<sup>7</sup> Parliament of the United Kingdom. *Modern Slavery Act 2015*. 1-84, citation on 2-3.

<sup>8</sup> Parliament of the United Kingdom, *Modern Slavery Act 2015*, 4.

<sup>9</sup> Nazli Advan, "Human Trafficking and Migration Control Policy: Vicious or Virtuous Cycle?" *Journal of Public Policy* 32, no. 3 (2012): 171-205, citation on 173.

## History on Modern Slavery Law

The white slavery narrative dominated the media in the United Kingdom in the nineteenth and into the twentieth century. In the narrative, a young woman is seduced by the thought of going to the big city. The girl is trapped in white slavery until someone of authority rescues her from her life. The narrative stresses the enslaved girl's virginity and virtue.<sup>10</sup> With the 1921 International Convention for the Suppression of the Traffic in Women and Children, the white slavery narrative shifted to a global epidemic of human trafficking for sexual slavery.<sup>11</sup> The Sexual Offences Act 1956 made it an offence to procure a woman in any part of the world, including a common prostitute. The act of procuring a woman and leaving the United Kingdom, in order for the woman to work in a brothel, unlawful sexual intercourse, and holding a person's property as a form of manipulation all became illegal activities.<sup>12</sup>

The second half of the twentieth century was marked by immigration and criminal justice reform. The Immigration Act 1971 made it illegal to facilitate entry of illegal migrants into the United Kingdom. Prosecutors developed the Immigration Act 1971 to prosecute traffickers for crimes that involved transporting migrants over the UK borders.<sup>13</sup> The Criminal Justice Act 1988 and Proceeds of Crime Act 1995 was used to

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<sup>10</sup> Christopher Diffée, "Sex and the City: The White Slavery Scare and Social Governance in the Progressive Era." *American Quarterly*, no. 2 (2005): 411-437, citation on 415.

<sup>11</sup> Barbara Metzger, "Towards an International Human Rights Regime during the Inter-War Years: The League of Nations' Combat of Traffic in Women and Children," in *Beyond Sovereignty: Britain, Empire and Transnationalism, c. 1880–1950*, ed. Kevin Grant, Philippa Levine, and Frank Trentmann, 54-79 (New York: Palgrave Macmillan, 2007).; League of Nations, *Report of the Special Body of Experts on Traffic in Women and Children* (Geneva: Imp. de la "Tribune de Genève", 1927).

<sup>12</sup> Liz Kelly and Linda Regan, *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK* (London: Home Office, Policing and Reducing Crime Unit, 2000): 1-62, citation on 9.

<sup>13</sup> Kelly and Regan, *Stopping Traffic*, 10.

seize assets and conduct financial investigations of supposed traffickers.<sup>14</sup> Internationally, in 1996, the General Assembly passed the ‘Traffic in women and girls’ resolution. It called on states to criminalize all forms of trafficking and intensified strategies to address trafficking.<sup>15</sup>

Additionally, the United Nations developed the Palermo Protocol to establish international standards for human trafficking law. The Palermo Protocol created a definition of trafficking, though it has been criticized for being quite murky and up for interpretation. The UK government used the Palermo Protocol as part of their trafficking strategies. The Protocol was used to uphold international, human trafficking accountability when developing the Modern Slavery Act.<sup>16</sup>

The twenty first century did not differ from the twentieth century in their development of immigration and crime law. The Immigration and Asylum Act 2002 was short lived and soon replaced by Parliament with the Sexual Offenses Act 2003. The new legislation prohibits trafficking within, into, and out of the UK for sexual exploitation. If prosecuted successfully for this crime, one could face up to 14 years in jail.<sup>17</sup> The UK Borders Act 2007 widened the range of trafficking offenses. This was achieved by ensuring the imprisonment of an individual who has helped facilitate the arrival or entry of someone into the UK for the purposes of exploitation.<sup>18</sup> The Policing and Crime Bill

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<sup>14</sup> Kelly and Regan, *Stopping Traffic*, 10.

<sup>15</sup> Kelly and Regan, *Stopping Traffic* 14.

<sup>16</sup> Caroline Parkes, “The Trafficking Protocol has Advanced the Global Movement against Human Exploitation: The case of the United Kingdom,” *Anti-Trafficking Review* 4 (2015): 150-155, citation on 151. [www.antitraffickingreview.org](http://www.antitraffickingreview.org)

<sup>17</sup> Sapienti, *Human Trafficking*, 5.

<sup>18</sup> Sapienti, *Human Trafficking: United Kingdom Responses and Strategy*, 6.



proposed strict offences for paying for sexual services of a prostitute who was being pimped or trafficked.<sup>19</sup>

The National Referral Mechanism's (NRM) development led to a formal way to identify trafficking victims. The Organization for Security and Cooperation in Europe aided in developing the idea of a central National Referral Mechanism. The NRM intended to allow states to be compliant in identifying victims and caring for trafficking victims. The United Kingdom uses this method to identify and support suspected trafficking victims to the day.<sup>20</sup> It entitled anyone who had been trafficked to 45 days in reflection and recovery period. Here they could access services provided by nongovernmental organizations (NGOs).

All these previous pieces of legislation shaped the drafting of the Modern Slavery Act in 2013 and the passage of the act in 2015. It seeks to end the supply chain of human trafficking victims through criminal penalties and holding businesses responsible. Countries, such as Australia have drafted legislation that closely mirror the MSA, and other countries are considering passing legislation similar to the act.

The enactment of the Modern Slavery Act is a result of many headlines shining the spotlight on human trafficking. A prime example is a married couple arrested in Brixton. The couple had been housing three women in a house in slavery like conditions for thirty years.<sup>21</sup> Additionally, during 2013, as the act is being drafted, there was a rash of

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<sup>19</sup> Sapianti, *Human Trafficking*, 6.

<sup>20</sup> Abigail Stepnitz, "A Lie More Disastrous than the Truth: Asylum and the Identification of Trafficked Women in the UK." *Anti-Trafficking Review* 1 (2012): 104-119, citation on 110.

<sup>21</sup> "May in Plea Over 'Evil' Slavery," *Belfast Telegraph (UK)*, December 3, 2013, : <https://www.belfasttelegraph.co.uk/news/uk/may-in-plea-over-evil-slavery-29806460.html>

violence against women. An article published by the UK Government linked sexual violence in war-torn countries to the trafficking of women for sexual slavery, forced marriage, and other forms of trafficking.<sup>22</sup> In addition to violence against women, in November 2013, three men in Northern Ireland pled guilty to human trafficking offences. The traffickers were members of a Czech-based crime organization involved in trafficking women into Northern Ireland for sex exploitation.<sup>23</sup> This only piled on top of the 17 victims of labor trafficking rescued in a trafficking probe in Leeds. The rescue of the 17 victims of trafficking led to the arrest of eight individuals. Those rescued from the traffickers were mainly from Slovakia. They were involved in a large-scale benefit fraud and trafficking for labor exploitation in Leeds and other parts of the UK.<sup>24</sup>

With the headlines dotted with tales of human trafficking victims in 2013, Home Secretary Theresa May spoke out actively against human trafficking and modern slavery. The headlines focused on labor trafficking, as opposed to the previous focus on victims of sex trafficking. The focus of Home Secretary May's activism correlated with an increase in labor trafficking cases that were reported. When speaking at the Trust Women conference in London, she pushed private corporations to examine their supply chains for evidence of forced labor. The notion that corporations should be responsible for cleaning up their own supply chain is the driving force behind the Modern Slavery Act.<sup>25</sup> It pushes

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<sup>22</sup> Speech made by Karen Piece, "Preventing Sexual Violence in Conflict," April 16, 2018: <https://www.gov.uk/government/speeches/preventing-sexual-violence-in-conflict--2>

<sup>23</sup> "Police Welcome Guilty Pleas in Trafficking Case." *UK Government News (UK)*, November 29, 2013. *NewsBank*. <https://infoweb-newsbank-com.libproxy.txstate.edu/apps/news/document-view?p=WORLDNEWS&docref=news/14A671B7D9C843F8>.

<sup>24</sup> "17 Rescued in Trafficking Probe," *Belfast Telegraph*, November 29, 2013. <https://www.belfasttelegraph.co.uk/news/uk/17-rescued-in-trafficking-probe-29796070.html>

<sup>25</sup> "May in Plea Over 'Evil' Slavery."

businesses to ensure no modern slavery is occurring within the company's pool of staff. The multiple events of trafficking that occurred in the United Kingdom led to the drafting of the Modern Slavery Act. Theresa May was the Home Secretary of the United Kingdom, and the driving force in ending human trafficking in the UK in 2013.

### **The Modern Slavery Act and Human Rights Practices**

In the UK, the Modern Slavery Act proceed through Parliament to provide protection to victims and consolidate legislation covering all aspects of human trafficking.<sup>26</sup> The year before, the drafting of the Care Act provided care to vulnerable populations, such as elders or the disabled. The Modern Slavery Act is a liaison to continue Parliament's desire to protect the vulnerable. Once a trafficking victim has been removed from a slavery situation, it is up to the NGOs and police to refer potential victims into the Modern Slavery National Referral Mechanism.<sup>27</sup> Local authorities must make an inquiry to obtain protections for victims of modern slavery, but those identified as modern slaves are not granted protections from the Care Act, no matter their vulnerability.

In 2017, the UK government decided to extend the support period for victims of human trafficking. Victims have a 45-day reflecting period, in which the have support from counseling, accommodation, advocacy and expert advice. The changes in 2017 gave an extra 45 days to victims to receive support. The total allowance of time for a victim's reflection period is now 90 days. A Drop-in service is provided from the Salvation Army.

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<sup>26</sup> Gary Craig, and Stephen Clay. "Who Is Vulnerable? Adult Social Care and Modern Slavery." *Journal of Adult Protection* 19 (1) (2017): 21-32, citation on 21.

<sup>27</sup> Craig and Clay, "Who Is Vulnerable" 25.

The ‘drop-in’ amenities of the ‘drop-in’ service are not clear from the government’s website.<sup>28</sup> However, if the individual is found not to be a victim of modern slavery during their reflection period, they are forced into two options. The individual can either return to their country of origin or face criminal charges in the UK. The government does not provide clear guidelines on how a slavery victim is distinguished.<sup>29</sup> It is up to the discretion of the local authorities, such as: police, first responders, and non-governmental organization. The case is then managed by ‘competent authorities’ like the Home Office or National Crime Agency.<sup>30</sup> Both groups must work together to determine who is a victim of trafficking and who is not. In the eyes of the government or police, the victim may not seem as if they are enough of a victim. Yet, they may have still endured some slavery like conditions. If they are were trafficked from their country of origin to the UK, then sending them back would perpetuate the cycle of trafficking.<sup>31</sup>

The NRM is main mechanism through which victim’s services are given. In 2016, 3,805 possible victims were referred to the NRM. Only 1,075 of those applicants received a positive decision.<sup>32</sup> The National Crime Agency has a list of first responders to slavery situations. The groups range from police forces to different NGO organizations. A trafficking victim must fill out a laundry list of papers in order to gain access to victim’s

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<sup>28</sup> Home Office and Sarah Newton, “Modern slavery victims to receive longer period of support,” GOV.UK. October 26, 2017. Archived December 4, 2018. <https://web.archive.org/web/20181205030738/https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>

<sup>29</sup> "National Referral Mechanism." National Crime Agency. Archived on December 4, 2018. <https://web.archive.org/web/20181205031013/http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

<sup>30</sup> "National Referral Mechanism Reform."

<sup>31</sup> Avdan. "Human Trafficking and Migration Control Policy," 178.

<sup>32</sup> Kate Roberts, “Life after Trafficking: A Gap in UK’s Modern Slavery Efforts,” *Anti-Trafficking Review* 10 (2018): 164–168, citation on 164.

services. The victims do not get immediate access to victim's services. They must wait five, agonizing days for a decision to be made. Once the decision is made on if the individual is a victim of trafficking or not, they will be sent on different paths. The path for someone who has been approved is paved with some government support. The government will find the victim safe, government funded housing to reside in during their reflection period. After the 45-day reflection period, the survivor can cooperate with authorities to help them prosecute their trafficker, the Home Office can grant them leave to remain in the UK or return to their home country.<sup>33</sup>

With the now expanded 90-day period of reflection, the program gives victims an opportunity to recover psychologically from the trauma they have endured, but it does not allow them to build a life once the reflection period is over. During that three-month period, individuals cannot work. They may have shelter from a government entity, but they have no real source of income. The things a survivor can do during their period of reflection are seek counseling, possibly learn a trade from an NGO, or help the UK government build a case against their trafficker. The Modern Slavery Act demands for the prosecution of any traffickers. The extension of the period of reflection allows victims a longer time frame to stay in the United Kingdom. During this period, the police have access to victims to help build their cases against traffickers. During this time, the trafficking survivors can testify. At the end of their reflection period, they can try to get their stay extended so they can apply for asylum or be repatriated to their country of origin. Often in their country of origin, they can be subjected to the perils of the

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<sup>33</sup> "National Referral Mechanism."

trafficking world once again.<sup>34</sup> It is a cycle that could be ended by allowing a path to asylum, but that is not the priority of the authorities. The UK government's priorities lie on prosecuting the traffickers, and not supporting the victims after escaping trafficking.

### **Punishing Victims for Crimes**

Victims of trafficking may commit crimes during their time as modern slaves, due to debt bondage or another form of coercion. International and UK legislation should protect them from being prosecuted for the crimes they committed during the time held captive. However, often times victims are subjected to criminalization, just as their traffickers are.

Minorities are often the target of criminalization, and Vietnamese are often targets of criminalization. Only 27% of referrals to the National Referral Mechanism are accepted, but only 11% of Vietnamese referrals get accepted.<sup>35</sup> The government would prefer to criminalize Vietnamese migrants, as opposed to helping them get out of trafficking. Many had been trafficked to the UK by their family members or organized crime group, like cartels. The legislation creates a dualism between the guilty and innocent and deserving and undeserving. The undeserving victim would be those who

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<sup>34</sup> Avdan, "Human Trafficking and Migration Control Policy," Peter Dwyer, Stuart Hodgkinson, Hannah Lewis, and Louise Waite, "Socio-Legal Status and Experiences of Forced Labour among Asylum Seekers and Refugees in the UK," *Journal of International and Comparative Social Policy* 32, no.3 (2016): 182 - 198); Sine Plambech, "Violence in the Safety of Home: Life in Nigeria After Selling Sex in Europe," *Gender: Beyond Trafficking and Slavery Short Course, Volume 8*, ed. Sam Okyere and Prabha Kotiswaran (BTS, 2015): 68-71.

<sup>35</sup> Maeve McClenaghan, "UK condemned for deporting survivors of trafficking back to Vietnam - Activists say British authorities are failing to identify and protect victims who have been trafficked to the UK as slaves, many of them children." *Guardian, The: Web Edition Articles (London, England)*, December 20, 2016. Archived December 4, 2018. <https://web.archive.org/web/20181205022418/https://www.theguardian.com/global-development/2016/dec/20/uk-condemned-for-deporting-survivors-of-trafficking-back-to-vietnam>

were trafficked against their will, by their family or an organized crim group. However, if the individual has decided to be migrate illegally, the law sees them in a different light. The routes by which trafficking victims enter the country may constitute a criminal offense.<sup>36</sup> Even if they are trafficking victims, they may be prosecuted for crimes committed under duress to survive.

The cannabis industry has been a spotlight for labor trafficking in the UK. The focus is placed on minorities as being the main cultivators of cannabis. In January 2011, 1,405 individuals were arrested for crimes related to cultivating cannabis. Many of those arrested for cannabis cultivation migrated from Vietnam.<sup>37</sup> Recently, it has been discovered that many had been trafficked by organized crime syndicates. The organized crime groups are largely involved in the production of cannabis.<sup>38</sup> Culturally, in the UK, drugs have been associated with ethnic minorities. However, there is no evidence that Vietnamese dominate any part in the consumption of drugs or dominate the production of cannabis in the UK.<sup>39</sup> Nor is there a huge population of Vietnamese in Britain. Those Vietnamese currently living in the UK are part of the third and fourth wave of migration. The third migration wave to the United Kingdom brought a criminal economy with them. The migrants entered from the former Soviet Union and Eastern Europe in the late 1980s and 1990s.<sup>40</sup> With the fourth wave of migration, organized crime intensified. The 4<sup>th</sup>

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<sup>36</sup> Margaret Malloch, *Criminalizing Victims of Human Trafficking: State Responses and Punitive Practices* (Edinburgh University Press, 2016), 175-193, citation on 176.

<sup>37</sup> Malloch, *Criminalizing Victims of Human Trafficking*, 177.

<sup>38</sup> Daniel Silverstone and Stephen Savage, "Farmers, Factories and Funds: Organized Crime and Illicit Drugs Cultivation within the British Vietnamese Community," *Global Crime* 11 (2010): 16-33, citation on 17.

<sup>39</sup> Silverstone and Savage, "Farmers, Factories and Funds," 18.

<sup>40</sup> Silverstone and Savage, "Farmers, Factories and Funds," 21.

wave migrants are strongly associated with the cultivation of cannabis. Most are economic migrants who attempt to come to Britain because of smuggling or trafficking. Most have traveled from North Vietnam as economic migrants, but they enter the United Kingdom through illegal opportunities like smuggling and trafficking.<sup>41</sup> Some attempt to claim asylum, but the road to obtaining an asylum is messy and often lead back to modern slavery, as will be discussed later. Daniel Silverstone and Stephen Savage interviewed Vietnamese migrants to understand the process of coming to the UK illegally.

According to the migrants interviewed by Daniel Silverstone and Stephen Savage, many coming to the UK to work in the cannabis industry, it is a lucrative experience full of opportunities to gain wealth. Many migrants have returned with great wealth after participating in cannabis cultivation.<sup>42</sup> The cost to be smuggled to the UK ranges from 12,000 to 15,000. Payments for smuggling can be made once the journey is complete or by working during the time the migrant is in the UK.<sup>43</sup> This accumulation of debt from the journey to the UK feeds into the cycle trafficking. The debt bondage obtained can be worked off through the cultivation of cannabis. By working to cultivate cannabis, the migrants can pay off their debt bondage. This type of debt bondage has been seen again and again within the realm of trafficking. The Modern Slavery Act makes this form of coercion illegal. Even if someone has decided to migrate illegally, the debt bondage that accompanies them forms a means of control. Any crimes committed while trying to

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<sup>41</sup> Silverstone and Savage, "Farmers, Factories and Funds," 22.

<sup>42</sup> Silverstone and Savage, "Farmers, Factories and Funds," 24.

<sup>43</sup> Silverstone and Savage, "Farmers, Factories and Funds," 24.



escape eradicate the debt bondage accumulated, should be protected by the Palermo Protocol. Yet, that does not stop countries, like the UK, for prosecuting victims of laborer trafficking for crimes like deception, fraud, and obtaining false documentation to access work or benefits.<sup>44</sup> The status of victims is often overshadowed by the overarching view of these foreign migrants as illegal aliens.

Migration policy is often dominating the narrative of asylum seekers in the United Kingdom. In 2004, 80% of those in immigration detention were asylum seekers.<sup>45</sup> In 2013, there were approximately 30,400 people in detention centers under the Immigration Act.<sup>46</sup> They had committed crimes in relation to their immigration. There were many who claimed to be trafficking victims that spent months inside of detention centers on immigration holds.<sup>47</sup> Trafficking victims are in direct violation of the Immigration Act by entering the country illegally. The cross section between smuggling and trafficking is a murky area. There a portrayal of asylum seekers as “undeserving” and “deserving.” Those who are undeserving are the people from countries with the “other” and males, who are often not seen as victims of trafficking. Those who are deserving of an asylum will be young girls who do not seem to pose a threat. Victims who have been under abusive conditions are less likely to be as forthcoming about their abuse.<sup>48</sup> If they do not disclose their abuse, then they may not receive asylum. The government can then

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<sup>44</sup> Malloch, *Criminalising Victims of Human Trafficking*, 178.

<sup>45</sup> Maggy Lee, “Chapter 8: Immigration detention in Britain,” *Human Trafficking*. Cullompton, England: Willan, (2007): 159-177, citation on 160.

<sup>46</sup> Patricia Hynes, “Missing Adults: Asylum Seekers and Human Trafficking,” *Missing Persons: A Handbook of Research*. Taylor and Francis (2018): 101-111.

<sup>47</sup> Malloch, *Criminalising Victims of Human Trafficking*, 179.

<sup>48</sup> Hynes, *Missing Adults*, 101-111.

deport them back to their country of origin. Once back in their country of origin, they can be pushed back into the cycle of trafficking.

The cycle of exploitation includes those in prostitution. In the UK, the purchase and sale of sex between two consenting adults is legal. However, the acts of soliciting, kerb crawling, brothel keeping, and other forms of exploitation are illegal.<sup>49</sup> A victim of modern slavery could be prosecuted for any of these crimes. Once in prison, traffickers see this as an opportunity to exploit women further. Information about inmates is posted online. Traffickers cherry-pick their targets based on their charges, prostitution or drugs, and contact them. The traffickers may use corrupt bondsmen to bond women out.

Migrants may come to the UK to sell sex because the act is legal and be forced into a trafficking situation. Yet, because they consented to selling sex they are not seen as the innocent victims that prosecutors want. The threat of being prosecuted for crimes related to prostitution is in addition to being prosecuted for illegally entering the country. This is where victims go missing within the system. During the reflection period allotted for victims, many go missing. The UK government does not try to seek out and find the individuals. The victims just disappear into the abyss of citizens in the United Kingdom. Do they do this because of fear of prosecution or fear of their traffickers? There is little data reported on what happens to the trafficking survivors who disappear during their period of reflection. The government does push the survivors to help in prosecuting their traffickers. However, after months of abuse and coercion, many are not going to want to

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<sup>49</sup> “Prostitution” in *Third Report of Session 2016-17*. House of Commons Home Affairs Committee. 1-57, citation on 4; Paramjit Ahluwalia, “Shackles of Misery: Paramjit Ahluwalia Looks at the Government’s New Modern Slavery Bill,” *Socialist Lawyer*, no. 66 (February 2014): 12-13, citation on 12.

speak with the police. They themselves are criminals if they have sold sex or been smuggled into the country.

The National Referral Mechanism must put more effort into identifying victims once in custody. For some, they have spent up to five months in prison before being recognized as a victim of human trafficking.<sup>50</sup> That is time spent in jail without resources to deal to with the trauma they have endured. It is very clear that the government's priority is to prosecute those who infringing on the law. Their second priority is to identify victims of human trafficking. Human rights should be placed before prosecution rates of traffickers. Once someone claims to be a victim, the claim should be identified quickly to see if there is any validity within the claim. This would allow for the statutory defense outlined in section 45 of the Modern Slavery Act to be put into place, allowing the trafficking victims to be protect from prosecution. Additionally, it would allow for factual prosecutions to take place, ensuring a fair and just criminal system to be established.

### **Brexit and immigration's effects of modern slavery**

Negative attitudes about immigrants can be heard in many developed countries around the world. The idea of the "other" coming into one's country is a scary thought

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<sup>50</sup> May Bilam, "Female Trafficking Victims Unlawfully Held in UK Jails Due to 'Disturbing' Failure to Identify Exploitation, finds report," The Independent (UK). September 16, 2018. <https://www.independent.co.uk/news/uk/home-news/human-trafficking-women-uk-victims-prisons-jail-modern-slavery-prison-reform-trust-hibiscus-a8534726.html> ; Kieran Guilbert, "Female Trafficking Victims Wrongly Jailed Due to UK Government 'Failings'," Reuters. September 17, 2018. <https://www.reuters.com/article/us-britain-slavery-women-prison/female-trafficking-victims-wrongly-jailed-due-to-uk-government-failings-idUSKCN1LX23Z>

for many. The negative attitudes have influenced immigration policy. Immigration policy and human trafficking policy has been shaped by the isolationist attitude of many in the United Kingdom. The drafting of the Immigration Act of 2016 followed the MSA. The Immigration Act of 2016 sought to revise labor markets, just as the Modern Slavery Act had. It sought to end the employment of illegal workers in the UK. If a person is found guilty of working illegally in the UK, they can face up to a year in jail and a fine. If a person is found guilty of being employed legally, but has been trafficked, they can still face jail time. These measures seem to be fueled by impending action of Brexit. It favors an isolationist viewpoint in the United Kingdom and punishes the other from entering the country, leading to more cases of human trafficking.

Human mobility has dominated immigration policy since the early twentieth century in Britain, and immigration policies have not dissipated in this century.<sup>51</sup> Immigration policies regulate the selection and entrance of foreigners and dictate the conditions of residency.<sup>52</sup> Strict immigration laws results in migrants using third parties to smuggle them into the country. Both economic migrants and refugees fall victim to the lure of traffickers. Some victims immigrate voluntarily, but once in the UK they fall victim to traffickers. Organized crime networks take advantage of illegal immigrants.<sup>53</sup> The cost of being smuggled rises with stricter immigration policies. The movement of people into a country illegally becomes higher stake. The extraordinary costs of being smuggled can be enough to put a migrant into debt. The debt bondage is taken advantage

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<sup>51</sup> "UK Immigration Acts through the Ages." BBC News. October 10, 2013. <https://www.bbc.com/news/uk-politics-24463873>.

<sup>52</sup> Avdan, "Human Trafficking and Migration Control Policy," 175.

<sup>53</sup> Avdan, "Human Trafficking and Migration Control Policy," 178.

of by the agencies and organized crime groups that smuggle people into the country. This leads to voluntary migrants being placed into involuntary, trafficking situations.

The high stakes scenarios migrants are forced into can be due to their debt not being paid off, or their debt being paid off to the traffickers, they may still owe money to families and friends. Research with Chinese migrants showed Julia O'Connell Davidson those with large debts can be vulnerable to forced labor in destination countries.<sup>54</sup> It can take months or years for migrants to pay off their debts. Employers may honor a contract of indenture once an individual is in their destination country.<sup>55</sup> However, the contracts may lead to coercive and exploitative situations. Testai found migrants perceive this debt as a normal part of migration. A Nigerian woman agreed that her madams charged too much money, but she perceived her madame as another version of Jesus Christ.<sup>56</sup> The desire for a better life overshadows the debt that may accumulate from the journey,

The United Kingdom has flexible employment contracts, a legal alternative to exploitative labor. These include zero-hour contracts. Zero-hour contracts allow for employers to not provide minimum working hours and the worker does not have to accept any work offered. The contracts give migrants the legal status of "worker." This gives migrants access to holiday leave, holiday pay, and the national minimum wage rate. However, the zero-hour contracts have negative consequences on migrants. Those with zero-hour contracts earn lower gross-weekly pay and work fewer hours.<sup>57</sup> With little

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<sup>54</sup> Julia O'Connell Davidson, "Troubling Freedom: Migration, Debt, and Modern Slavery." *Migration Studies* (2013): 176–95, citation on 180.

<sup>55</sup> O'Connell Davidson, "Troubling Freedom," 180.

<sup>56</sup> Patrizia Testai, "Debt as a Route to Modern Slavery in the Discourse on 'Sex Trafficking': Myth or Reality?" *Human Security Journal*, no. 6 (2008): 68-76.

<sup>57</sup> Steve French, "Between Globalisation and Brexit," 26.

income and the inability to earn a living wage legally, migrants will turn to exploitative jobs. This leads to immigrants becoming vulnerable to labor trafficking.

Migrants in the United Kingdom are often vulnerable to trafficking once their visas expire. The story of Tino and Angel reveal what it is like for those whose lived through the expiration of their student visas. Once Tino completed his degree, he worked at a well-paying job. Tino's employers failed at processing his new visa application. The authors never mention Tino again throughout the piece. What became of Tino after his failed visa renewal is unknown. Angel was studying at a university in the UK, but Home Office shut down the school and her visa was terminated.<sup>58</sup> Angel decided to study in the UK to escape an abusive partner that awaited her in her home country. Once her visa was terminated, she had the option to return home to an abusive situation or engage in illegal, possibly exploitative work. Angel approached a businessman for help. He advised her to drop her claim to change her immigration status and work for him. She took on the status of an illegal immigrant and accepted his offer. Once within his grasps, the businessman made sexual advances to her. Angel refused his advances and quit. This left her isolated, destitute, and ill.<sup>59</sup> The immigration process forces migrants into illegal working situations like Angel's. It does not allow for migrants to easily change their immigration status, as seen with Tino and Angel. Their only option is to enter unauthorized, exploitative work. The working situations can turn them into labor trafficking victims through held wages and threats of revealing their immigration status. If arrested, Angel

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<sup>58</sup>Peter Dwyer, Stuart Hodkinson, Hannah Lewis, and Louise Waite, "Socio-Legal Status and Experiences of Forced Labour among Asylum Seekers and Refugees in the UK," *Journal of International & Comparative Social Policy* 32 (2016): 182-198, citation on 188.

<sup>59</sup>Dwyer, Hodkinson, Lewis, and Waite, "Socio-Legal Status and Experiences of Forced Labour among Asylum Seekers and Refugees in the UK," 188.

and Tino would be illegal immigrants first. Angel could claim to be a victim of modern slavery but her chances of getting an asylum are slim. With 66% of asylum seekers denied, their chances of gaining asylum are slim.<sup>60</sup> In conjunction, the National Referral Mechanism only identified 176 trafficking victims in 2012.<sup>61</sup> When compared to the number that applied

The British immigration authorities do allow for the entry of low paid, low skilled workers to fill shortages in the labor market. A8 migrants are those who arrived in the UK after their country joined the EU in 2004. A2 migrants are those who arrived after the addition of their countries to the EU in 2007, and A2 migrants can obtain a Blue Card, giving them access to unrestricted labor markets. Around two thirds of the workers entering the UK with A2 and A8 visas are Eastern European.<sup>62</sup> The A8 and A2 migrants fill the shortages of labor in the markets. There are jobs in every country that citizens do not want to work. Those jobs are typically low paying a gritty. Immigrants will fulfill those jobs when citizens will not. The A8 migrants are concentrated in low wage, low skilled sections of the labor market.<sup>63</sup> Many of these workers are engaged in temporary contracts brought together by employment agencies. The low paying jobs and the workers that fill them allow for companies to cut their labor costs. As Steve French notes,

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<sup>60</sup> Tim K, "Modern Slavery and Human Trafficking: National Referral Mechanism Statistics April to June 2018," National Crime Agency. October 19, 2018. Accessed November 11, 2018. <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2018-nrm-statistics>; Oliver Hawkins, "Asylum Statistics," House of Commons Library, (January 2018): 1-22, citation on 7.

<sup>61</sup> Serious Organized Crime Agency, *National Referral Mechanism Statistics – October to December 2012*. April 2013. [file:///C:/Users/Jocelyn/AppData/Local/Packages/Microsoft.MicrosoftEdge\\_8wekyb3d8bbwe/TempStatDownloads/EXT-6483\\_NRM\\_Stats\\_UK\\_inc\\_devolved\\_Qtr4\\_2012\\_NPM\\_v1.0%20\(1\).pdf](file:///C:/Users/Jocelyn/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempStatDownloads/EXT-6483_NRM_Stats_UK_inc_devolved_Qtr4_2012_NPM_v1.0%20(1).pdf)

<sup>62</sup> Jon E. Fox, Laura Moroşanu, and Eszter Szilassy, "The Racialization of the New European Migration to the UK," *Sociology* 46, no. 4 (August 2012): 680–695, citation on 681–682.

<sup>63</sup> French, "Between Globalisation and Brexit," 26

many of those being taken advantage of these situations are non-EU migrants. The migrants' status is often determined by their work contracts. To stay in the UK, they must take these jobs. However, the jobs rarely provide a living wage, leading migrants to take on second or third jobs or seeking exploitative jobs. It is not illegal for them to seek out other employment. However, businesses are often seeking out cheap labor to keep their costs low.<sup>64</sup>

The Modern Slavery Act requires businesses to put out a statement regarding the steps they are taking to eliminate forced laborers in their supply chain.<sup>65</sup> Forcing businesses to release statements on the human trafficking within their labor force, has no effect on the modern slavery occurring. Business do not actively have to do anything to deter business from using agencies to bring in low-wage workers on these visas. The Modern Slavery Act does not pose any sanctions on companies for not doing anything to combat modern slavery, so why would they change? Force and coercion can continue to be used on these workers to keep them quiet, and businesses will never be face criminal punishment.

The hospitality sector provides an example as to how modern slavery emerges from immigration policies. The hospitality sector is labor intensive. Pay cost are important to the business owners, as they are to every business owner. There is very little unionization among workers in hospitality. The sector relies heavily on the use of subcontractors. The subcontracted work is often given to recruitment agencies. Hotel

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<sup>64</sup> French, "Between Globalisation and Brexit," 26.

<sup>65</sup> Parliament of the United Kingdom, *Modern Slavery Act 2015*.



management is often not aware of the staff's legal status.<sup>66</sup> The sector often has issues complying with supplying the national minimum wage to its workers. According to an article by Steve French, the reason for the exploitation of workers in the hospitality industry is due to the lack of a sophisticated human resources department within the sector. Many workers are paid per room they clean, so if occupancy rate is low, the workers get paid less. Zero-hour contracts are vitally important for this industry.<sup>67</sup> The work is seasonal and event-based, leading it to need a more flexible staff. Migrant workers provide this flexibility. When the Modern Slavery Act prompted businesses to put out statements about human trafficking in their labor force, the hospitality industry put out vague responses. Many of the companies ensure their customers that they have conducted risk assessments. However, the industry relies on the low wage migrants to keep their business running. Marriott Hotels have dedicated their funds to fight against human trafficking of children.<sup>68</sup> A statement released by Marriott Hotels focuses on children, not adult trafficking victims. They do not publish any information on who makes up their current workforce. To help fight against modern slavery they could publish information to give researchers a better understanding of those being employed inside the company. The statement put out by Marriott and many other companies is compliant with the Modern Slavery Act. Companies are not required to focus on adult victims or youth victims. Companies are not required to release the findings of their risk assessments.<sup>69</sup> The legislation only requires business to put out a statement. It does not

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<sup>66</sup> French, "Between Globalisation and Brexit," 27.

<sup>67</sup> French, "Between Globalisation and Brexit," 28.

<sup>68</sup> "Marriott International, INC., "Our Commitment to Human Rights," July 2015. <https://www.marriott.com/Multimedia/PDF/Corporate/HumanRightsCommitment.pdf>.

<sup>69</sup> French, "Between Globalisation and Brexit," 29.

constitute what companies actively must do to ensure human trafficking is not occurring in their supply chains.

Additionally, those seeking asylum have an impact on the supply chain of migrant workers in the UK. In 2016, 30,747 sought asylum and 66% of those applicants failed to qualify for refugee status.<sup>70</sup> Over thirty thousand people living in limbo until they have a decision about their status. The amount of asylum seekers reflects the anti-immigrant attitude that has plagued the UK. Currently, the refugee crisis in the UK and Europe has led to an influx of refugees to the area. The civil war in Syria has been a driving factor in the global refugee crisis. Syrians have fled to Europe in hope of receiving asylum. Syrians are not the only ones seeking an escape from violence. There are many war-torn countries across the globe with refugees seeking opportunities for a better life in a developed country. Refugees are easy prey for traffickers. In the United Kingdom, refugees have their lives placed on hold while trying to receive asylum. The asylum processes deter immigrants with threats of detention and destitution.<sup>71</sup> The UK's immigration detention estate is one of the most abundant in Europe. Many asylum seekers must rely on friends, charity, and their community for basic needs. In addition to relying on the support of others, asylum seekers often find themselves participating in undocumented and exploitative work. This is their only way to make a living while their asylum claim is being considered.

Asylum seekers with refugee status may also fall victim to modern slavery.

Despite their protected residency status, the status change does not eliminate issues with

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<sup>70</sup> Oliver Hawkins, "Asylum Statistics," House of Commons Library, (January 2018): 1-22, citation on 6-7.

<sup>71</sup> Hynes, *Missing Adults*, 101-111.

work or welfare.<sup>72</sup> The welfare system can render individuals homeless or in poverty. The economic factors that brought asylum seekers to the UK are not automatically solved with the change in residency status. The factors that contribute to the susceptibility of refugees to poverty include poor coordination between asylum accommodation and the lack of available social housing. Refugees experience high unemployment. The jobs available to them are often low wage, if they pay anything. Refugees take second jobs that are often exploitive. Business owners and managers use the desperate nature of refugees to underpay them. While they do not face the possible criminal prosecution that those with no papers or secure immigration status, those with successful asylum still find themselves in exploitative situations. Their desire to help their families and give them a better life overshadows the harsh working conditions.<sup>73</sup> The Modern Slavery Act offers no way to fix the supply chain of migrants working within these businesses.

Supportive services offered to legal migrants may not be used due a fear of losing their immigration status. In a sample group of trafficking victims examined by Kate Roberts, 76% of those using the supportive service City Hearts, seemingly have disappeared.<sup>74</sup> The reasons for denying supportive services vary. Michael Bradley wrote a piece for *BBC News* to investigate the reasons for denial of services. The denial of services leads to the asylum seeker or victim of trafficking going missing to authorities.<sup>75</sup> Victims of modern slavery can have Stockholm syndrome. The victims may also not see

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<sup>72</sup> Dwyer, Hodkinson, Lewis, and Waite, "Socio-Legal Status and Experiences of Forced Labour among Asylum Seekers and Refugees in the UK," 192.

<sup>73</sup> Dwyer, Hodkinson, Lewis, and Waite, "Socio-Legal Status and Experiences of Forced Labour among Asylum Seekers and Refugees in the UK," 194.

<sup>74</sup> Roberts, "Life after Trafficking," 164.

<sup>75</sup> Hynes, *Missing Adults*, 101-111.

themselves as a victim of trafficking. After years of living in secrecy and avoiding authorities to hide their immigration status, victims do not trust authorities.<sup>76</sup> The mistrust with authorities leads victims to be unsure who the police are going to believe. Are they going to believe the victim, without illegal immigration status, or the trafficker? The combined factors can cause victims to mistrust the system that seeks to help them. With no promise of changed immigration status, why would they risk deportation to gain supportive services?

Through the asylum process, insecure immigration status leaves people invisible and vulnerable. The asylum process can be long and tedious. Asylum seekers need wages to support themselves in the meantime. They are often caught between a rock and a hard place. Do you enter forced labor to support yourself or family, or let yourself and your family fall into a destitute situation? When people with insecure immigration status go searching for work, they often find themselves in exploitative work situations. The businesses rely on secrecy among their workers. They control migrants through debt bondage, with holding wages, keeping the migrant's documents, and threats of telling the authorities about their illegal status. When the only work available is exploitative, it leads to a continuous cycle of trafficking. The workers come to the country seeking opportunities and escaping political violence but end up in an exploitative situation. No one goes searching for the asylum seekers once they go missing. They are not the innocent young women and children that are painted in the traditional narrative of

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<sup>76</sup> Michael Bradley, "Human Trafficking: Why Do so Many Victims Refuse Help?" *BBC News*, October 17, 2013. Archived December 4, 2018. <https://web.archive.org/web/20181205040007/https://www.bbc.com/news/uk-england-24548143>

trafficking. They are refugees from war torn countries that are exploited while trying to start a new life. The system exploits immigrants and does not adequately supports their needs. In order to end modern slavery, asylum processes need to be easy and provide seekers with more support.

Brexit has added to the anti-immigrant attitudes running ramped in the UK. Theresa May announced the Brexit referendum announced in 2017. Brexit is the UK's exit from the European Union, effective in 2019. The immigration status of European citizen in the UK would change with Brexit. The threat of losing their visas is enough to keep some migrants quiet and leading them to underground employment.<sup>77</sup> The hospitality industry is at risk of becoming more exploitative with Brexit because it made up of EU migrants. Traveling and immigrating from Europe to the UK will become more dangerous. It will lead the migrants to use alternative methods, like smugglers, to enter the UK. This form of voluntary migration often ends in the migrant being trafficked once they get into the country due to their illegal nature. The added risk has led to major vacancies with the hospitality sector. Vacancies within the sector have grown by 79 percent in the last five years.<sup>78</sup> The UK has low unemployment rates, so with the EU population eliminated from the sector, many jobs in the hospitality industry will remain vacant. The companies will need to find ways to fill the vacancies. How they will fill them will most likely be using subcontractors, as they do now. However, the agencies

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<sup>77</sup> Lizzy Buchan, "Hard Brexit could derail May's fight against modern slavery, campaigners warn," *Independent (UK)*, January 14, 2018. Archived December 4, 2018. <https://web.archive.org/web/20180325001018/https://www.independent.co.uk/news/uk/politics/hard-brexit-theresa-may-modern-slavery-fight-campaign-peter-kyle-open-britain-immigration-a8155986.html>

<sup>78</sup> French, "Between Globalisation and Brexit: Migration, Pay and the Road to Modern Slavery in the UK Hospitality Industry," 29.

used to obtain employees could result in a trafficking situation. Debt bondage could be used to control the migrants once in the country. Companies compare more about the bottom dollar, than where their workers are coming from.

Additionally, prosecuting human traffickers would be complicated with Brexit. Human trafficking is largely a transnational crime. The UK needs collaboration and information exchange with EU partners to actively track and monitor traffickers. According to the Anti-Trafficking Monitoring Group, the UK government plans on maintaining a working relationship with the EU. However, the leaving of the EU will not require the two groups to work together. The UK will not have access to ECRIS, the European Criminal Records Information System.<sup>79</sup> Brexit will also lessen the accessibility to Eurojust. Eurojust is the EU's Cooperation Unit. The cooperation unit consists of police authorities and judicial figures to investigate cross-border criminal investigations.<sup>80</sup> The UK has a strong desire to prosecute traffickers. Yet, they will have limited access to information that could allow them to prosecute traffickers. Brexit is counterproductive to the UK governments overarching desire to increase the prosecution of traffickers. The Modern Slavery Act was passed to up the ante for traffickers. The lack of information to prosecute the traffickers will not deter traffickers from committing trafficking offenses.

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<sup>79</sup> "Brexit & the UKs fight against modern slavery." *Anti-Traffick Monitoring Group* (2017): 1-32, Citation on 12.

<sup>80</sup> "Brexit & the UKs fight against modern slavery," 8.

The UK government has only exacerbated trafficking conditions with current immigration policy and Brexit. Immigration policies focus on the detention of the illegal migrants and not the identification of potential trafficking victims. Additionally, the process to receiving asylum can ultimately lead migrants into trafficking situations. The government makes it seem as if they are trying to help migrants by going on a crusade against human trafficking. Yet, it is extremely difficult to receive an asylum, Brexit will force EU migrants into illegal immigration activity to receive work, and Brexit will sever ties to vital trafficking resources. The Modern Slavery Act does not compensate for these pitfalls within immigration. The harsher sentences for traffickers will soon mean very little without the resources of the European Union.

### **Conclusion**

The Modern Slavery Act was drafted to combat the popular issue of human trafficking. It differed by not focusing on sex trafficking victims. The Modern Slavery Act focuses on labor trafficking victims but does not get to the root cause of why the modern slavery occurs. Human trafficking often occurs because of economic distress. The economic distress is not solved by placing trafficking victims into jail or detention centers. The police and other trafficking officials need to be trained to identify trafficking victims more readily.<sup>81</sup>

The programs in place often do not help victims. The National Referral Mechanism only gives trafficking survivors a short window of time to get their affairs in

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<sup>81</sup> Anne T. Gallagher and Nicole Karlebach, "Prosecution of Trafficking in Persons Cases: Integrating a Human Rights-Based Approach in the Administration of Criminal Justice," High Commissioner for Human Rights, United Nations (2011).

order and process what they have been through. The resources offered are offered for such a short amount of time. There is no program to help trafficking victims gain a visa. It differs from the TVPA in that manner. Even though the Trafficking Victims Protection Act (TVPA), provides a difficult route to obtain a visa, it gives survivors a reason to help prosecute their traffickers. This leaves trafficking victims to go back to their countries of origin. Here they may face violence or be re-trafficked. The UK Parliament needs to establish a method to allow victims to obtain visa. This could allow them to prosecute more traffickers, by giving victims an incentive to cooperate with police. It allows for the criminal approach and the human rights approach to be used to aid victims. In addition to providing visas, the UK government should ensure support to survivors for longer. Three months is not a long time for someone who has post-traumatic stress disorder (PTSD), difficulty finding work, difficulty obtaining a visa, or the threat of violence in their home country. The current system gives victims minimum options to aid in their survival after trafficking. It can lead to many of the victims 'going missing,' and being trafficked yet again.

Additionally, the criminal approach attacks those migrating voluntarily. It forces them into the stereotype of an illegal migrant. Asylum cannot be claimed until a person is in the UK. Once there, the asylum process can happen relatively quickly or be stretched out. The 66% of asylum seekers are refused asylum.<sup>82</sup> Either way, how many refugees are going to want to go back to their war-torn countries after arriving in the UK? The desire to create a better life overshadows the looming status of illegal alien. The Immigration

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<sup>82</sup> Oliver Hawkins, "Asylum Statistics," House of Commons Library, (January 2018): 1-22, citation on 7.



Act attempts to persuade businesses to not use these individuals in their workforce.

However, the bottom dollar is what most businesses are concerned with.

The Modern Slavery Act seeks to end the supply of chain of migrants used in businesses. It focuses on ending labor trafficking. However, the criminalization of migrants only harms the victims. The UK needs to develop more programs to help migrants obtain refugee status. The UK also needs to develop more programs to assist the victims of human trafficking. The current programs and asylum process lead back to cycle of trafficking. Additionally, the UK government needs to keep better track of victims to ensure they are not going back into trafficking. The government stresses aiding in the prosecution process but offers the victims little protection and little benefits for the victims. The Modern Slavery Act stresses that business release statement about what they are doing to combat modern slavery. However, offers no sanctions or punishment if business is not fighting to end human trafficking within their supply chain.

A human rights approach could help victims of human trafficking more. The current practices only target the trafficker. They do relatively little to help the victim. Establishing a visa process and welfare benefits could persuade survivors to help prosecute their traffickers. However, current process gives them no reason to cooperate. In addition to creating more benefits to trafficking victims, the UK government needs to look at why people are entering trafficking in the first place. The lack of people being approved for asylum and the anti-immigrant attitude in the UK contribute to the trafficking process. Brexit is doing no favors to current anti-trafficking mechanisms. With the thought of Brexit looming in the horizon, many EU citizens will be trying to get

to the UK. That could be through illegal methods or legal methods. The hospitality industry and cannabis industry thrive off the migrants. The UK needs focus on allowing those individuals to obtain visas if they are going combat trafficking officially. The focus needs to shift to the economic reasons why migrants end up in trafficking and seek to prevent that before it occurs.<sup>83</sup> In current states, those who are coming here illegally are going to be sentenced to immigration detention centers or they are going to be sent back to war-torn countries. The current trafficking legislation perpetuates the trafficking issue.

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<sup>83</sup> Chapkis, "Trafficking, Migration and the Law," 926.