



# Illegal Migration Act 2023

## 2023 CHAPTER 37

### *Modern slavery*

PROSPECTIVE

#### **25 Provisions relating to support: Northern Ireland**

- (1) Subsection (2) applies in relation to a person if—
- the Secretary of State is required by section 2(1) to make arrangements for the removal of the person from the United Kingdom, and
  - a reference relating to the person has been, or is about to be, made to a competent authority for a determination whether there are reasonable grounds to believe that the person is a victim of slavery or trafficking in human beings.

This is subject to subsections (3) to (5).

- (2) Where this subsection applies in relation to a person, the following do not apply in relation to the person—
- any duty of the Department of Justice in Northern Ireland under section 18 of the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2 \(N.I.\)\)](#) (human trafficking and slavery etc: assistance and support) to ensure the provision of assistance and support to the person;
  - any power under section 18(8) of that Act to continue the provision of assistance and support to the person;
  - any power of the Department of Justice in Northern Ireland under section 18(9) of that Act to ensure the provision of assistance and support to the person.
- (3) Subsection (2) does not apply in relation to a person if—
- the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation,

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 25. (See end of Document for details)*

- (b) the Secretary of State considers that it is necessary for the person to be present in the United Kingdom to provide that cooperation, and
  - (c) the Secretary of State does not consider that the public interest in the person providing that cooperation is outweighed by any significant risk of serious harm to members of the public which is posed by the person.
- (4) In subsection (3)—
- (a) the reference to a person cooperating with a public authority in connection with an investigation or criminal proceedings is to the person doing so to the extent that is reasonable having regard to the person’s circumstances, and
  - (b) “the relevant exploitation” means—
    - (i) the conduct or alleged conduct on the basis of which the reference mentioned in subsection (1)(b) has been, or is about to be, made, and
    - (ii) where a conclusive determination has been made that the person is a victim of slavery or trafficking in human beings, any other conduct resulting in that decision.
- (5) The Secretary of State must assume for the purposes of subsection (3)(b) that it is not necessary for the person to be present in the United Kingdom to provide the cooperation in question unless the Secretary of State considers that there are compelling circumstances which require the person to be present in the United Kingdom for that purpose.
- (6) In determining whether there are compelling circumstances as mentioned in subsection (5), the Secretary of State must have regard to guidance issued by the Secretary of State.
- (7) For the purposes of this section—
- (a) a person is a victim of slavery if they are a victim of—
    - (i) slavery or servitude, or
    - (ii) forced or compulsory labour,
 within the meaning of Part 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (see section 17(1A) of that Act);
  - (b) there is a conclusive determination that a person is a victim of slavery when, on completion of an identification process corresponding to one required by Article 10 of the Trafficking Convention, a competent authority concludes that the person is such a victim;
  - (c) “trafficking in human beings” has the same meaning as in Part 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (see section 17(2) of that Act);
  - (d) there is a conclusive determination that a person is a victim of trafficking in human beings when, on completion of the identification process required by Article 10 of the Trafficking Convention, a competent authority concludes that the person is such a victim.
- (8) In this section the following expressions have the same meaning as in section 22—
- “competent authority”;
  - “public authority”;
  - “the Trafficking Convention”.

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**Commencement Information**

**II** S. 25 not in force at Royal Assent, see **s. 68(1)**

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There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 25.