

**Putting the 'Slave' in 'Anti-Slavery':
A Critical Analysis of the UK National Referral Mechanism**

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Abbreviations

ATMG – Anti-Trafficking Monitoring Group

FLW – Frontline Worker

MSHT – Modern Slavery and Human Trafficking

NRM – National Referral Mechanism

PRIT-NRM – Person/people referred into the National Referral Mechanism

Abstract

This thesis presents a critical analysis of the UK government's National Referral Mechanism (NRM), which supposedly exists to identify and support victims of 'modern slavery and human trafficking' (MSHT). Critical scholarship on MSHT has argued that anti-trafficking is anti-immigration, but this conclusion has not been properly applied to literature on the NRM. I argue that the NRM is best understood as part of the anti-migrant hostile environment rather than simply being subordinated to it. Resistance to entering the NRM can be well-understood by looking at the lives of undocumented people, for whom evasion of state systems can be a normal part of life. This thesis addresses how and why the NRM is being sustained and how it can be resisted. It draws on elements of critical realist philosophy, as well as anarchist, decolonising and feminist literature, and is based on a thematic analysis of 20 semi-structured qualitative interviews with people in different roles in and around the NRM. The thesis explains that the NRM is sustained by the strategies of frontline workers, who produce referrals in the face of prevalent resistance. These encounters can be understood in relation to the ideological obedience typical within bureaucracies and the ideological insubordination commonly found among disenfranchised people. The most significant ideology for extending the reach of immigration controls through the NRM is the MSHT construction, which encourages those who seek to support abused and exploited people to facilitate harmful state interactions. This thesis ultimately argues that transformation depends upon distinguishing between the valuable labour of support workers and the organised domination of their labour through the NRM bureaucracy. It urges the importance of discourse and practices of solidarity with all who are persecuted by immigration controls, and provides evidence that such alternatives are already being practiced.

Introduction

The National Referral Mechanism (NRM) is described as the UK government's system for identifying and supporting victims of modern slavery and human trafficking (MSHT) (NCA, n.d.b). Introduced in 2009, it is usually understood in the context of a narrative provided by anti-slavery and anti-trafficking campaigns, which relay horrifying stories of exploitation and abuse perpetrated by 'traffickers' against their 'victims' (Doezema, 2005; Andrijasevic & Mai, 2016). This discourse suggests that since the 1990s there has been increasing awareness of MSHT and a growing proactive response to tackle it, which combines the efforts of international organisations, governments, NGOs, and private companies (Soderlund, 2005; Moore, 2015). These and other diverse actors work to address a topic that is described as 'the great human rights issue of our time' (May, 2016: 23). In this view of things, the NRM was introduced following calls from the anti-slavery sector to improve support to victims of trafficking and to fulfil the UK government's obligations under the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005). Such positive intentions were stated with increasingly strong conviction as the Conservative-led coalition government came to power in 2010 and Theresa May (2016), first as Home Secretary and then as Prime Minister, made 'defeating modern slavery' a personal and national passion project. The agenda places a lot of emphasis on police operations, immigration enforcement, prosecution of perpetrators and, quite centrally, the NRM (Home Office, 2014b).

The initial work of the NRM is done by 'first responder' agencies, including police, border force, local authorities, charities and NGOs. First responders identify 'potential' victims of modern slavery, and, until 2019, referred them to one of two 'competent authorities', the Modern Slavery Human Trafficking Unit, formerly UK Human Trafficking Centre, or the Home Office's department for Visas and Immigration (UKVI), formerly UK Border Agency. The government moved to a Single Competent Authority in April 2019, formed within the Home Office (Home Office, 2019b). The Competent Authority will initially make a 'reasonable grounds' decision, confirming or denying whether there are reasonable grounds for believing that the individual is a victim of modern slavery (Home Office, 2019b). If the decision is positive, they will, ideally, be offered temporary support,

including accommodation if needed, and a reflection and recovery period of at least 45 days (increased to 90 days in 2019), though this period is typically much longer (ATMG, 2013a; Home Office, 2019b). That is because during this time, the competent authority will begin to gather information relating to the case in order to make a ‘conclusive grounds’ decision. This decision is made on the ‘balance of probabilities’ that it ‘is more likely than not’ that the individual is a victim of human trafficking or modern slavery (Home Office, 2019c: 53).

The support provisions within the NRM are largely outsourced by government to the third sector (see Salvation Army, 2020). Echoing previous claims, the government stated that the latest victim care contract would ensure:

‘the safeguarding and protection of victims and provide tailored support for individual recovery needs, lifting victims out of situations of exploitation and putting them in a position where they can begin to rebuild their lives with increased resilience against future exploitation’ (HM Government, 2020: 31).

The NRM is commonly criticised for failings, including discrimination, insufficient provisions and legal support, delays on conclusive grounds decisions and those decisions carrying no rights, and support ending too soon and suddenly (ATMG, 2014a, 2014b; Oppenheim, 2014; Burland, 2017a; Human Trafficking Foundation et al., 2017). But it is also claimed that more victims are being identified and protected (UK Parliament, 2021), that the NRM provides ‘successful delivery of support to all adult victims of modern slavery in England and Wales’ (Salvation Army, 2018: 2) and that it helps to build a ‘clearer picture about the scope of human trafficking and modern slavery in the UK’ (NCA, 2018). In short, the NRM is presented as a flawed but integral system in UK anti-slavery efforts, with an increasingly positive impact – a trajectory that will continue if participation in the NRM continues as the government advises.

This thesis presents a very different account of why the NRM exists, how it is being sustained and the consequences of the mechanism, both on those who enter into it and on the interests that are being served by its reproduction and expansion. This all leads to very different recommendations regarding what should be done. The thesis aims to provide a response to the following research questions:

1. How is the NRM being sustained?

2. Why are frontline workers helping to sustain the NRM?
3. What alternative ideas, practices and forms of organisation to those which sustain the NRM are implied by the observations of this research? And which are already taking place?

I argue that pervasive ideologies, most notably the MSHT construct, have enabled the government to incorporate more people into the production of its hostile environment for migrant people than would otherwise choose to facilitate it, and that FLWs are significant to the production of NRM referrals. I argue that progress depends upon distinguishing between valuable support work and the harmful bureaucratisation of that labour, all of which is blurred under the banner of 'the NRM', and I evidence examples of the distinction. While large numbers of UK nationals and children enter the NRM, I do not focus on them in this research – a decision I justify and discuss in Chapter Four and in the Conclusion of the thesis.

In Chapter One I discuss the history of anti-trafficking and anti-slavery discourse and agendas. Drawing heavily on critical literature, I address various problems with the MSHT narrative, including its constructions of 'victim', 'trafficker' and 'rescuer' (Faulkner, 2018). The problem is conceived of as one of isolated examples of exploitation performed by 'traffickers' and 'organised criminals' (Sharapov, 2017). The discourse thereby excludes wider histories of colonialism, structures of capitalism and a global system of border controls as insignificant to the exploitation being described (Gadd & Broad, 2018). These excluded factors are then all drawn upon as part of the solution. We are told we need to recreate the British history that ended the transatlantic slave trade (O'Connell Davidson, 2017), that we must deliver people back into the 'freedom' of capitalism (Howard, 2018), and that we can protect migrating people by intensifying immigration controls (Anderson, 2013). MSHT has been reified in the public mindset despite being a deeply ambiguous and contradictory concept. With many scholars who have gone before, I conclude that anti-trafficking is anti-immigration (Chapkis, 2003; Anderson, 2013). These conclusions have not been applied in literature on the NRM. I argue that the NRM is not subordinate to immigration control, but is immigration control, serving the same agendas in many of the same ways.

In Chapter Two I extend the conclusion of Chapter One, showing the equivalencies between the NRM and other immigration controls. Behind distorted perceptions of immigration and immigration control, an illegality industry (Andersson, 2014) has emerged, in which large corporations make vast profits through government contracts to facilitate and prevent the movement of people. At the same time, the rescue industry (Agustín, 2007) seeks to intervene in the lives of those deemed vulnerable in their migration experiences, yet functions along many of the same logics and practices as the rest of the illegality industry. The resulting nexus sees many of the same people being subjected to processes like destitution, detention, rescue, support services, and deportation, with charities and private corporations being funded by governments for every interaction (Gammeltoft-Hansen & Sørensen, 2013; Corporate Watch, 2017a; Shih, 2018; Grayson, 2020). The blurring of private companies and charities within the sometimes monopsonised (one buyer) marketplace can be seen in and around the NRM as well (see Home Office, 2019a; Grierson, 2020a; Migrant Help, 2021). Nevertheless, the anti-slavery sector suggests that the harmful results are failures of well-intentioned processes, rather than the predictable consequences of harmful politics.

The third and final chapter of the literature review turns to an ideological conflict between insubordination and obedience to state authorities. This undergirds the political conflict between the survival strategies of undocumented people, which commonly involve avoiding state processes (Crawley et al., 2011), and the bureaucratic mentality (Hudson, 2016) which here serves the expansionist and controlling projects of the state. Understanding this tension is necessary for understanding the interactions between frontline workers (FLWs) in and around the NRM and the vulnerabilised people they seek to refer into the NRM, which I consider in the findings. This raises the question of how people in bureaucratised roles are best able to serve those harmed by the bureaucracies in which they work. Through literature on street-level bureaucracy (Lipsky, 2010) I discuss the role and extent of discretion that actually exists among those who enact policy, complicating any ideas of direct obedience, and the potential for moral disobedience that exists among those who work on the ground and who interact directly with those harmed by formal obedience to rules (Dodson, 2009).

As the culmination of Chapter Three illustrates, this work is concerned with more than describing the NRM, it is concerned with what it would mean to transform the practices that are currently performed so that they better serve the wellbeing of those vulnerable to exploitation and abuse in the UK. This work therefore utilises a normative critical methodology, and Chapter Four outlines the theoretical justification for my approach and the methods by which I conducted the research. This is a critical research project, broadly inspired by the philosophical underpinnings of *critical realism*, and I outline the critical realist approach to ontology and epistemology. I conducted semi-structured interviews with 20 participants with different experiences and roles in and around the NRM (see Appendix 1) and performed a thematic data analysis. This heterogenous sample provided different angles on the NRM bureaucracy, which I could draw together into a constructed dialogue, noting similarities, differences and contradictions.

In Chapter Five, the first of three findings chapters, I address the question of how the NRM is being sustained. Having interviewed two people who have been through the NRM, neither of whom knew what it was, I focus on my interviews with frontline workers, who play a very significant role in sustaining the flow of people into the NRM. The chapter evidences the strategies FLWs use to successfully refer people into the NRM in spite of their significant resistance, and the minimal role people play in their own entry into the NRM. I counter a claim that is repeatedly made, including by some participants, that the NRM is being 'abused' by those entering into it (UK Parliament, 2017; Home Office, 2021b). I present numerous challenges to this troubling inversion of the relationship between the state and those the state abuses. I conclude the chapter by making clear that if the suggestions of some participants were being met, regarding standards of information provided to people prior to their entering the NRM, there is overwhelming reason to think that the numbers entering the NRM would be far smaller than they are.

Given the conclusions of Chapter Five, Chapter Six considers the underlying ideological causes of FLW participation in the NRM. I briefly consider why practical benefits are certainly not a sufficient explanation. I then evidence that some participants clearly did not evaluate state violence equivalently to other forms of violence. I go on to evidence participant allegiance to state instructions regardless of harmful consequences, and illustrate capitalist realism (an ideology of the inevitability of capitalism) (Fisher, 2010) in

the perspectives of some participants, as well as the naturalisation and validation of immigration controls. I devote the rest of the chapter to evidencing how MSHT is reinforced through strategic ambiguity and the efficacious consequences of its reification. It is through these elements that more people are serving neoliberal interests than would choose to without the humanitarian discourse of MSHT and practices of the NRM.

In Chapter Seven, and based on all that has gone before, I argue that the NRM bureaucracy should be dismantled. Because bureaucracies give a distorted presentation of what is valuable and what is harmful, it is easy for an argument such as mine to be misunderstood. There is much valuable labour that is performed under the banner of the NRM, organising care for people neglected by the state and protecting people from it. My contention is that this labour should be clearly demarcated from the organised domination of that labour by the government's NRM bureaucracy. I evidence at length this misattribution of value and harm within discussions of the NRM, drawing heavily on Kathy Ferguson's (1984) *The Feminist Case Against Bureaucracy*. I finish Chapter Seven by evidencing resistance practices among FLWs, similar to those considered in the literature in Chapter Three, showing that the alternatives to bureaucratic organisation of the valuable labour can be and are being embodied already. These alternatives, which involve activities of resistance, are organised along the same principles by which the caring labour is itself performed.

This research is timely. In 2021, the UK government introduced proposals for sweeping changes to immigration law, including making arrival in the UK without permission a criminal offence, which the UNHCR has said would create an 'asylum model that undermines the established international refugee protection system' (UNHCR, 2022). Additions to the Nationality and Borders bill include the powers to remove British citizenship without notice, another attack on basic principles of justice and international law, that will assuredly target minorities and people of migrant heritage (De Chickera, 2021; Brentnall, 2022). In 2022, the government hastily arranged with the Rwandan government to remove asylum seekers to the latter country in a deal that, according to the UN, breached international refugee law and has been described by the former director of Anti-Slavery International as essentially a 'crime against humanity' (McQuade, 2022). In the same timeframe, a separate 'Immigration Enforcement Competent Authority' was introduced into the NRM with no consultation, only being announced on the same day it

was implemented (Bulman, 2021). It should now be clear that there can be no genuinely humanitarian agenda that assimilates to the logics and practices of immigration control. With the numbers entering the NRM and the recorded number of those refusing to enter the NRM both at record highs (Taylor, 2022), this thesis considers how those currently working in a sector that implicitly validates the hostile environment by seeking only to protect ‘victims of MSHT’ from the oppressive processes of immigration control, can instead join with a wider resistance against this tyranny in all its forms.

This research contributes new knowledge in a few ways. It provides a necessary reframing of the NRM as immigration control. It offers strong evidence of the equivalency of practices between the ‘trafficker’, as presented in MSHT discourse, and the anti-slavery sector. It applies strategic ambiguity and labelling theory to the analysis of how MSHT informs practice, showing specifically how this rhetoric creates a false sense of unified intent and changes how material realities are viewed and responded to. This research also provides a specific example of the neoliberal bureaucratisation of humanitarianism, while giving attention to important acts of resistance. Progress that is in keeping with the interests of undocumented people and that can serve to dismantle the oppressive practices and consequences being performed and delivered through the NRM bureaucracy, does not involve a total exchange of an existing reality with another reality not yet in existence. Rather, it involves encouraging and expanding the ideas and practices (including those already at work) that actually serve to liberate those being persecuted by the UK government’s immigration controls, including those outworked through this faux-humanitarian agenda.

The impact and implications will, I hope, be both practical and academic. This research should provide strong encouragement and support to those already engaged in resistance in and around the NRM and potentially nurture more. The strong challenge I make in the forthcoming chapters to the discursive acceptance that government rhetoric denotes government intent, should insist that future work on UK anti-slavery policy and practice instead engage with government as if policy evidences intent. This requires acknowledging and engaging with the lack of unity at play and making explicit the political conflict among the actors in the anti-slavery sector. While aversion to this is understandable, such

recognition is demanded by both the evidence presented throughout this thesis and our present era of escalating oppression of migrant people.

Chapter One

Modern Slavery and Human Trafficking as Statist Constructions Validating Neoliberalism

Introduction

Since the 1990s, concerns and campaigns around human trafficking and contemporary or modern slavery have been a significant part of humanitarian discourse and agendas. Often focused on horrific stories (Andrijasevic & Mai, 2016) and overwhelmingly large statistics (Weitzer, 2014), anti-trafficking and anti-slavery work has received a great deal of attention (Limoncelli, 2016) and financial backing (Dottridge, 2014). Modern slavery and human trafficking (MSHT) campaigns have assimilated a diverse array of actors across a wide political spectrum, from second wave feminists like Gloria Steinem to Evangelical Christians, ethnic minority organisations to capitalist corporations, worker unions to state governments (Weitzer, 2007; Chuang, 2015; Ford, 2015; Afruca, n.d.). The presentation of horrific stories, like the forced migration of women and girls for sexual exploitation, and the labelling of those stories as slavery, all helps to create this topic's gravitational pull. Slavery has become a word which engenders widespread condemnation (UN, 2022), so for those looking for a justice issue seemingly without divisive politics, a campaign against slavery appears entirely suitable. MSHT campaigns present a picture of exploitation and abuse existing as a chaotic underbelly to the ordered structuring of law, capital and migration, with criminal actors exploiting the most vulnerable for personal profit. The scale of this 'hidden crime' (HM Government, 2015: 4) is repeatedly presented as vast, and the response is consistently assumed to require law, law enforcement and amenable civil society actors. It is widely accepted among these actors that the response to the villainy they describe must include high levels of intervention and data gathering, forceful action and punitive responses (Sharma, 2005; Faulkner, 2018; Musto, 2020).

But a substantial body of critical research has challenged the ideas, framings and agendas of the MSHT constructions (e.g. Sharma, 2003; Agustín, 2007; O'Connell Davidson, 2015; Kempadoo, 2016). Such work has shown how inappropriate the representations of the people concerned can be, and has challenged the causal problems implied in such campaigns, and the solutions offered. In this, the first of three literature review chapters,

I consider key tenets of the MSHT agenda through the lens of such critical literature and concur with this literature that anti-trafficking is part of anti-immigration (Sharma, 2005). I then show that grey and academic literature has typically not applied such conclusions in discussions of the National Referral Mechanism (NRM), and instead claimed the NRM is limited by or subordinate to immigration control (see Detention Action, 2017; ATMG, 2018; JRS, 2019; Fuentes Cano, 2020). I argue that this is not just insufficient, but inaccurate. The NRM *is* immigration control, serving the same purposes and conducting many of the same activities as other instruments of the hostile environment.

The 'Victim'

Human trafficking grew exponentially as a topic of concern in the 1990s, mostly centred on the matter of the trafficking of women and girls for sexual exploitation. This was strikingly similar to the moral panic surrounding 'white slavery' in the late 19th and early 20th centuries (Doezema, 2010). These narratives would tend to involve the kidnapping of white women by foreigners, to be sold into prostitution in another country. For most of the discourse's history, the classic image of human trafficking has been the 'suffering' woman or girl forced into prostitution (Doezema, 2010). Soderlund argued in 2005 that nothing is referred to as slavery more often than sex trafficking. And in Robinson's (2011) study of public perceptions of human trafficking in Moldova, participants showed understanding that the crime could affect men, women and children, and involve different types of servitude, but responses still tended to focus on the trafficking of women for prostitution. While in recent years the transition to the 'human trafficking as modern slavery' conception has seen other types of work and workers more commonly included within this construction, like labour exploitation and domestic servitude, a high proportion of NGOs in the anti-trafficking sector are still substantially concerned with exploitation in the sex industry (Limoncelli, 2016), and British newspapers still predominantly relate trafficking to the young, vulnerable female suffering sexual exploitation (Gregoriou & Ras, 2018). Similarly, over the 2010s, Danish media coverage on trafficking has expanded from prostitution and human rights to a focus on migration with legal and security implications, yet it is still women who are described as 'victims of trafficking' while men are primarily cast as 'migrant workers in exploitative situations' (Plambech & Pedersen, 2019: 3).

One of the reasons this gendered presentation is so heavily criticised in the literature, is because it regularly presents the exploited party as being without agency (Soderlund, 2005; Agustín, 2006; Bastia, 2006; Doezema, 2010; Faulkner, 2018). This has multiple problematic connotations. Firstly, agency is such an explicit aspect of individual behaviour in real-world situations, that the depiction of an agentless individual is inherently fictitious. So even in exceptional instances of such force, where individuals have no choice in the events that unfold, this relates to events, not to their very identity (Agustín, 2006). In majority, when such constructions are applied to real people, they prove to be ill-fitting in the face of the complex mixture of will, consent, choice, coercion, want, need, fear and hope (see Anderson & O'Connell Davidson, 2002; Kempadoo, 2007). Many will therefore be excluded from categorisation as a victim of trafficking because their actual existence as a person with agency does not fit with objectifying conceptions of someone who has things done to them, but who does nothing themselves (see O'Connell Davidson 2006). So even those who are labelled as victims of trafficking are rendered unable to own any of their choices. In order to be blameless, they also have to be passive (Srikantiah, 2007). Decisions to migrate, to work in the sex industry, to engage with people regarded by some as 'traffickers', are not regarded as calculated decisions based on an informed evaluation of minimal options, all of which may be distressing. Instead, they are sweepingly presented as matters over which the victim had 'no choice'.

To the extent that structural oppressions are acknowledged in such narratives, it is in order to silence claims of autonomy as the product of false consciousness, brought about by deprivation and abuse (Chuang, 2010). Anyone who is not placed into this narrow construction of victimhood is an 'illegal immigrant' (Anderson, 2008a: 2), 'economic migrant' (Faulkner, 2018: 8), 'fraudulent' claimant (Craggs & Martens, 2010: 39), or alternatively party to their own abuse (Friedman & Johnston, 2013). Research with migrants has shown that people are harmed by such distinctions. This is because interventions are often unwanted, and the 'victim' category usually excludes many people in need, limiting support to a select few. Furthermore, this kind of intervention legitimises other border control interventions, nurturing instability whilst falsely claiming the protection of 'true' victims (Andrijasevic, 2003; O'Connell Davidson, 2006; Agustín, 2007; Mai, 2013).

The ‘Trafficker’

The ‘trafficker’ is similarly dehumanised by popular presentations of ‘modern slavery’. With the structural factors which vulnerablise the ‘victim’ de-emphasised, the trafficker must bear the weight of all responsibility for everything that befalls the ‘victim’. The trafficker is presented as a manipulator, but in further reducing the personhood of the victim, the trafficker is more than deceitful, they are a ‘brainwasher’ who satisfies the victim’s longing for love, attention, safety and protection (Sanchez, 2016), only to exploit and abuse their victim in the end.

According to popular presentations, traffickers are ‘evil’ (Aradau, 2004: 261), and furthermore a ‘foreign evil’, who, in contrast to presentations of white victimhood, is commonly racialised as non-white (Chacón, 2010: 1631). This has had the effect, in anti-trafficking narratives, as in the white slave trade panic, of combining a concern about exploited and penetrated victims, with a wider anti-migrant concern about an exploited and penetrated country. Traffickers are presented as social and spatial outsiders to the community (Molland, 2010). The threat that ‘their’ ways, morals and behaviours are not like ‘ours’ is intrinsic to the concept of the trafficker. Slavery is seen as the mark of a pre-capitalist barbarism, brought into society by foreign, uncivilised men (Anderson, 2013). Slavery, in the popular conception, is not a social or legal institution, but exists because of individuals who act beyond the boundaries of civilised, liberal society (Fudge, 2018). The reason for the trafficker’s villainy, beyond economic self-interest, is unquestioned in common rhetoric.

Traffickers are subject to a ‘double narrative’ (Molland, 2012: 57). There is a strong emphasis on the ability of traffickers to adapt according to changing markets and anti-trafficking measures (Molland, 2012), connected with state-backed insistence that trafficking is conducted by organised crime groups (Home Office, 2014a). On the other hand, the trafficker is often depicted as interacting at a very informal level (Molland, 2012), even involving the abuse of familial trust (Gregoriou & Ras, 2018). In this way ‘the trafficker’ can morph into whatever is most terrifying – an idea that is freely endorsed by culture and media. In 2019, the BBC showed two crime drama series concurrently, *Shetland* and *Baptiste*, which both had human trafficking story lines in which the traffickers

targeted the families of the detectives who were investigating their crimes (Bartlett et al., 2019; Aird et al., 2019). The picture given is one of immense power, invasive knowledge, and insidious integration of the criminal world into 'civilised' society. Such narratives help to nurture the idea that the threat to the trafficking victim is a threat to us all.

But research with those involved in trafficking activity presents a different picture. If states construct scarcity, vulnerability and fear among any given population, the power dynamics among the subjugated people will inevitably be unstable. However, this does not mean that positions are fixed in such environments. Prior victimizations can provide pathways into roles that the criminal legal system prosecutes as 'trafficking' (Broad, 2015). Indeed it is often the less powerful people in hierarchical enterprises who are 'successfully' prosecuted because of the amount of time they spend with 'victims' (Kangaspunta, 2015). Those who are seen as aiding and abetting 'traffickers' in one context may be regarded as personally coerced in another (Viuhko & Jokinen, 2009) and some of those convicted as offenders would likely have been processed as victims if authorities had intervened at a different point in their lives or had heard their stories told in a different way (Broad & Gadd, forthcoming). In the UK, data sources on those convicted of 'trafficking' offences show a lack of previous convictions, especially for activity associated with organised crime (Broad, 2018). Instead, the same study found that social restrictions and exclusions, such as immigration controls, a lack of access to services, problems accessing employment or 'legitimate' income sources, and homelessness, were important factors for understanding their engagement in 'trafficking' activity (Broad, 2018). These are essentially the same factors that leave victims of so-called 'modern slavery' in such exploitative circumstances. This is important, among many other reasons, for showing the commonality across 'victims' and 'traffickers' in 'modern slavery' situations.

These two constructions, 'victim' and 'trafficker', serve a few key purposes, which the next few sections will consider. Firstly, they exclude state and capitalism from the paradigm of exploitation. By pinning the problems the victim faces almost entirely on the 'trafficker', these narratives obfuscate the causes of the 'victim's' vulnerability and the related empowerment handed to the 'trafficker' (Sharapov, 2017). Such causes place the decisions that are made in such dynamics in a very different light, and are often significant to the way those framed as 'victims' and 'traffickers' understand their own situations (Kempadoo,

2007; Broad & Gadd, forthcoming). Secondly, and relatedly, the ‘trafficking victim’ reduces the pool of exploited, suffering and abused people as the focus of concern. Rather than being concerned about the circumstances of all exploited people, the field is narrowed on a particular kind of victim falling foul of a particular kind of exploiter. Finally, these constructions provide state and non-state actors with the justification to intervene in the lives of those they characterise as ‘victim’ and ‘trafficker’, in the role of ‘rescuer’. Such interventions are often unwanted by both ‘victim’ and ‘trafficker’, and serve the agendas which are causally responsible for creating the vulnerable context in which these dynamics often play out (Mai, 2013).

Excluding the State and Capitalism

The lack of involvement of the state is the most defining aspect of what is meant by the ‘modern’ part of ‘modern slavery’. Historically, any state regulated slavery, like the chattel slavery of the 18th and 19th Century, was a three-party power dynamic. The ‘slave owner’ did not wield authority through their own embodied ability to terrify. Rather the power to subjugate those enslaved to them was backed up by the substantial force of the state. It was the state that ascribed the status of ‘slave’, bestowing on them the ‘double character’ of ‘thing’ and ‘person’ (O’Connell Davidson, 2015: 115). This turned them into property, whilst also ensuring they bore criminal responsibility for any effort to escape or disobey those whom the law established to be their ‘owners’ (O’Connell Davidson, 2015). In contrast, the state conceives of ‘modern slavery’ as precisely that which excludes the state from the explicit picture of exploitation. What results is an ‘individualization of the problem’ with one person depriving other people of their freedom (Kempadoo, 2015: 11). The ‘trafficker’ is so manipulative, or so forceful, that they embody in themselves the capacity to terrify. Conceptually separated from all related matters, it is, in Sharapov’s words, ‘[p]roblematized as *a stand-alone phenomenon* of organised criminality’ (2017: 94, italics original). In this construction, the causes of vulnerability, and the other factors that coerce likely ‘victims’ of modern slavery, like poverty, become a vague and unexplored aspect of their experience.¹ In so doing, the state that creates these other factors similarly slips into the background. For it is the state that constructs precarity through immigration

¹ I use the quotation marks around ‘victim’ and ‘trafficker’ to denote the way these ideas are constructed in popular representations.

controls and scarcity through insufficient welfare. It is even the state that funds the industries that incarcerates undocumented people in immigration detention centres (Andersson, 2014). Despite the opprobrium, the situations described as MSHT are in fact manifestations of the ‘ultimate dream of domination: to have the dominated exploit each other’ (Scott, 1985: 302). Modern slavery is constructed as a problem evolving from the bottom of society upwards, perhaps to the threatening scale of organised crime, but never from the top down (at least not in Western nations). Traffickers facilitate a connection between vulnerabilised people and those who would exploit them. Viewed from the top down, in the context of wider social hierarchies, traffickers would be conceived as similar functionaries to detention centre officers, or recruiters in the mainstream economy’s fractured supply chains – opportunistically benefitting from incarceration or exploitation, but not the chief beneficiaries.

Simultaneously therefore, the financial interests that the state props up are likewise excluded from the modern slavery paradigm. Classic examples of modern slavery can be distinguished from exploitation in the formal economy based on who gets the profits. The car washes are not just employing Eastern Europeans, they are managed by the same population (Paton, 2015). The exploiters of modern slaves are typically foreign nationals (Gadd & Broad, 2018) and are therefore subject to the same kinds of visa restrictions as their victims. Very often the ‘exploiters’ are poor migrants, who have been or are being exploited themselves (Surtees, 2008; Gadd & Broad, 2018). Some situations, for instance some domestic servitude cases, might involve exploiters who are UK citizens, but in either case, the profits of the exploitation are not ascending to the top of the economy. Claims that slavery makes high profits for slaveholders, while depressing a country’s economy (Datta & Bales, 2013), enable a government driven distinction that modern slavery is different to the ‘law-breaking of the powerful’ (Sharapov, 2017: 94). But this distinction is shown to be false when we consider the radically unequal distribution of GDP growth across national populations, and the scale of severely exploitative practices existing in the supply chains of the mainstream economy (LeBaron & Phillips, 2019).

The agenda that predominates comparisons between chattel and transatlantic slavery and the variously conceptualised phenomena of MSHT is often described as *new abolitionism*. It also insists that the ‘new’ slavery is worse, more widespread or less visible than the ‘old’

(Gross & Thomas, 2017). New abolitionists envision their campaigns as a continuation of the abolitionist work of figures like Wilberforce and Lincoln, two rich, white politicians whose roles in legislative changes around slavery/the slave trade, have become the stuff of modern, heroic mythology. New abolitionists side-line the significance of slave rebellions, revolutions and the activism of freed or fugitive slaves (O'Connell Davison, 2015). The agenda is rooted in a flawed liberal concept of slavery and freedom as oppositional categories (O'Connell Davidson, 2013). O'Connell Davidson's (2010, 2013, 2015) work shows that condemnation of 'slavery' has coexisted with increasing restrictions on those categorised as 'free'. This is grounded in Losurdo's (2011) work which sees the liberal revolution as demanding equality for some while deepening inequality for others. Any such understanding of the graded nature of freedom makes clear that attempts to categorise the global 'free' from the global 'unfree' are doomed from the start.

Recently, new abolitionists have sought to side-line critical analysis of modern slavery constructions with self-contradicting arguments. Fiona David is Research Chair at Minderoo, formerly the Walk Free Foundation, the organisation founded by Andrew Forrest, an Australian philanthropist, who collaborated with Kevin Bales (the leading academic proponent of new abolitionism and founder of Free the Slaves) on the Global Slavery Index. David argues that specific definitions of modern slavery, forced labour or human trafficking do not matter to the victims themselves, they only matter for things like international collaboration and legal investigations (David, 2015). But she was also heavily involved in the Global Slavery Index, a hugely influential contribution to the global reification of 'modern slavery' as a distinct phenomenon.² Her article misses the point that these definitions will ultimately matter very much to the victims of such abuses, because of the significance that states and NGOs place upon one construction which they do not place upon another. What is investigated, who is punished, who is served, and who is supported, will be decided based on how these categories are conceived of and defined. Her observation that categories do not alter the person's experience of exploitation is

² I do not mean 'reification' in the Marxist sense, but rather the 'treatment of a relatively abstract signified (e.g. technology, mind, or self) as if it were a single, bounded, undifferentiated, fixed, and unchanging thing, the essential nature of which could be taken for granted' (Oxford Reference, n.d.: 1).

actually a valid one. The problem is that such categories are brought to the fore in the first place and realised in subsequently influential ways.

Underlying a lot of anti-trafficking narratives are real experiences of dreadful abuse, but this materiality becomes subordinate to a discursive reality (Molland, 2012) which can create inappropriate archetypes and serve conflicting agendas. By this I mean that situations of real abuse and exploitation are retold in ways laden with meaning and causal explanations that are projected onto the story by the storyteller. These sweeping ideas about modern slavery and the global movement to end it belie the varied ways in which the movement is constructed in localised settings, not least by nation states who have collapsed the goals of protecting the vulnerable into nationalistic concerns about protecting the state from undesirables (Limoncelli, 2010). This is the central naivety of anti-slavery and anti-trafficking campaigns, as numerous scholars have illustrated (Anderson & Andrijasevic, 2008; Bernstein, 2010; Thompson, 2014; O'Connell Davidson, 2015): the apolitical nature of the rhetoric and the depictions of isolated evil and righteous rescue are always attached to very political activities when in the hands of powerful actors.

Capitalist Realism

'Modern slavery', we can see, functions as a construction to present exploitation as an exception, rather than a normal part of the mainstream economy. This indicates the kind of ideology that must be present for such exceptionalism to appeal and appear plausible to so many people. Here it is useful to draw on Mark Fisher's (2010) Žižek-inspired theory of 'capitalist realism'. Fisher argues that in neoliberalism's apparent end to the paradigm wars, the public do not simply think that capitalism is the best or only option, but cannot conceive of what it would mean not to live under capitalism. In Neil Howard's (2018) interviews with slavery abolitionists, he finds evidence of capitalist realism. Most do not have much of an understanding of how capitalism works or the vulnerability that is intrinsic to its functioning. Instead, their outrage at exploitation is reduced to a binary lens of consent and coercion:

"As a result, when confronted with data showing that the coerced often consent to their coercion, the common response is one of denial or baffled silence. That silence is echoed when asked why they think that people have to make this choice. While some will identify 'poverty' as the reason, none are able to explain

what poverty is, what causes it, or what relation it has to property” (Howard, 2018: 270).

The lack of understanding or acknowledgement of capitalism is an essential aspect of the popular support that ‘anti-slavery’ campaigns have received in the absence of more politically informed and fundamental justice movements.

In 2020, the Department for Education released new rules stating that schools were not to use materials produced by organisations that expressed anti-capitalist views, categorising it as an ‘extreme political stance’ akin to opposing freedom of speech (ironically) and endorsing illegal activity (Busby, 2020: 2). This stated in policy something which had been an existing educational gap anyway, as Bill Bigelow says of the United States, the curriculum ‘teaches students to not-think about capitalism’ (Sanchez & Bigelow, 2012: xv). Several generations have been intentionally deprived not just of an education around alternatives to capitalism, but even a lack of information on what capitalism is, how it works, and indeed what is replacing large parts of it. Indeed, rather than nurturing that which differentiates people from machines, like creativity and inquiry, neoliberal programming in the UK education system seems designed to produce compliant followers of instruction (Barrs & Rustin, 2017). The inherently exploitative nature of wage labour, that is wage slavery, which was a focal issue for emancipatory action from at least the 18th Century to the 20th (van Elteren, 2003; O’Connell Davidson, 2014), is entirely absent in new abolitionist anti-slavery campaigns. Such an educational void, in schools and wider structures, media and culture, is essentially about nurturing the idea that exploitative relationships like wage labour are in fact freedom, and are an acceptable and positive aspect of a healthy economy.³ In substitution, once detached from capitalism, MSHT is affiliated with historic chattel slavery and the transatlantic slave trade, in an utterly superficial comparison that ignores the anti-blackness of those histories and undermines the current black liberation struggle (Bravo, 2011; Woods, 2013; Beutin, 2017; Gross & Thomas, 2017; O’Connell Davidson, 2017).

³ Fisher’s description of capitalist realism is altogether bleak, as if capitalism, by virtue of being accepted as the only option, does not need to present itself as a positive thing in its own right. The MSHT agenda, at the level of governmental discourse, certainly includes more implicit positivity regarding capitalism – that it is freedom. But it is the lack of understanding of capitalism and the related belief in its unavoidableness that is most pertinent to the participants of this research, so it is this, rather than other capitalist ideologies, that I am focusing on.

The neoliberal era has seen the systematic use of state policy to privilege a minority of private interests, by emphasising property ownership, so-called free markets and free trade. Using the claim of 'non-intervention', it creates an institutional framework to allow an elite minority to control as much of life as possible so as to maximise private profit (McChesney, 1999; Harvey, 2007; Saad-Filho & Yalman, 2010). While incorporating the contradictions of both liberalism and capitalism, neoliberalism is relatively distinctive, though broadly used in activism and academic literature. Its significance largely relates to an era of capitalism in which growth premised on the principles of industrial capitalism has been substantially replaced with its opposite – neofeudal rentier economies, in which wealth is not primarily created through the industrial production of capital, but through the extraction of economic rent. This has involved privatising and financialising sectors previously held in the public domain, including anything from education to prisons and policing, health care to transportation (Hudson, 2021). The extracted wealth is held over the heads of the public in the form of bank, student and credit card debt, while housing and other prices are inflated (Hudson, 2021). All of this has also instigated what Mark Fisher (2010) described as a 'business ontology': a widespread assumption that everything in society should be run like a business, even, ironically, as businesses cease to function as they once did. While Marx and other reformers believed industrial capitalism would be the path out of feudalism, neoliberal policy is wielded to the interests of the finance, insurance and real estate (FIRE) sector, creating debt peons of the general public (Hudson, 2021). Liberalism was initially (at least notionally) about limiting the areas of government influence (Smith, 2013). Neoliberalism on the other hand is not about less government, but about 'shifting the techniques, focus and priorities of government' (Isin, 1998: 173). The objective of such measures, as it relates to workers, is to lower labour costs, reduce workers' rights and depress expectations of the standards of work and life that the market will afford to them (Gordon, 2018). Workers' freedom of choice remains intact while factors such as economic status, visa restrictions and social inclusivity are degraded. The exploitation of the worker is therefore the last and intended action in a string of decisions that have deprived workers of power, instead placing it into the hands of business owners (see Gordon, 2018).

MSHT campaigns offer the only form of moral outrage at exploitation that governing institutions will validate. As a result, they cling to a construction that is deeply contradictory, gendered, racist and xenophobic, because the very thought that would resolve such contradictions has been rendered entirely implausible prior to examination. Instead, new abolitionists contend that it is important to distinguish between appalling working conditions and slavery, and between slavery and people being forced into work by economic circumstances and impersonal forces – but it is not clear why this distinction should be emphasised, or how their construction succeeds in making it (O’Connell Davidson, 2010). Relevantly, Howard’s (2012) research has elsewhere shown just how naïve anti-trafficking actors appear to be to those they seek to advise. This is a recurring finding in research on MSHT, as the structural and situated factors which influence the decisions of migrants and workers are commonly misunderstood or are not known by anti-trafficking actors (Agustín, 2007; Molland, 2010; Mai, 2013; Cheng, 2015). This is understandable because, as I will describe later in this chapter, anti-trafficking NGOs have arisen as a product of neoliberal restructuring.

The Reification and Strategic Ambiguity of MSHT

The concept of ‘modern slavery’, ardently pressed in propaganda, policy and practice is reified in spite of ongoing contradictory ideas about what it even is. Ambiguity is necessary because reification is a fallacy of ambiguity, in which an idea or set of ideas are spoken of as concrete actualities. Because the ideas are treated as concrete, rather than abstract ideas, disagreements about concepts are thought of as disagreements about lived social realities. The realities FLWs interact with are therefore understood through the prevailing prism of an evil, unscrupulous and controlling trafficker and a passive, suffering and helpless victim (Bastia, 2006; Faulkner, 2018; Gregoriou & Ras, 2018). When this prism is embraced, non-intervention is eschewed (Agustín, 2007; Mai, 2013; Sikka, 2019). At the same time, it is through ambiguity that governments can prioritise specific areas of concern without making those choices overt. Those areas of concern are then understood as the real ‘MSHT’ (Sikka, 2019). As we will see in Chapter Six, dominant claims steering the understanding of what MSHT is can co-exist with conflicting ideas (covered by ambiguity) among stakeholders.

Eisenberg's (1984) discussion of *strategic ambiguity* within the area of organisational communication can help us to understand collaboration in the face of diverse understandings. Eisenberg describes strategic ambiguity as having a positive function. He asserts that clarity is not always the goal of communication, and that ambiguity can enable 'unified diversity', meaning separate objectives and various viewpoints can overlay one another (Eisenberg, 1984: 3ff). Thus, strategic ambiguity allows for divergent interpretations from diverse groups to pursue potentially conflicting goals (Leitch & Davenport, 2007). By using ambiguous terms, individuals can maintain the unity of the group, and represent the opinions or serve the will of the collective.

Eisenberg (1984) advocates the usefulness and at times importance of ambiguity in functional organisations and interpersonal relations. He writes that the 'overemphasis on clarity and openness in organizational teaching and research is both non-normative and not a sensible standard against which to gauge communicative competence or effectiveness' (Eisenberg, 1984: 5. Italics original). I agree with this sentiment in the sense that clarity is not normal, and in some cases non-normative, and not a suitable way of gauging communicative competency. Ambiguity in non-hierarchical interpersonal relationships can foster harmony, avoid conflict-causing clarity and serve the will of the collective. However, in hierarchical structures, ambiguity can incorporate diverse interests in the service of one agenda instead of many. One can argue, as Eisenberg (1984) does, that clarity is only a marker of effective communication if the goal is to be clear; but if the goal is to not be clear with people who hold not just different, but opposing objectives, and to incorporate them into a dominant agenda, then strategic ambiguity is an undemocratic tool of the hegemony. Eisenberg (1984) cites Yoder (1983), saying it is impossible to exercise power if political actors are prevented from using ambiguity. If this is true, then the legitimacy of the power should be questioned. The point to make is that the reification of 'modern slavery' does not just have negative effects on those denied the label (ATMG, 2010), or those who have been 'anti-trafficked', to use Clancey et al.'s (2014) term for those who are recognised as 'victims'. It also has an effect on how stakeholders within the anti-slavery sector, who have conflicting interests, discuss their disagreements. The government takes advantage of the fact that 'modern slavery' is a concept that

compassionate stakeholders want to believe in because, thanks to capitalist realism, it is the only nominal paradigm of exploitation where outrage is validated.

Strategic ambiguity is effective because the elusiveness and inconsistency of the ideas makes comparison of the gap between the idea and the reality harder for individuals to conduct. This allows the generally postulated and desired notion – that there is a unified objective being collectively pursued – to be maintained, and the practices serving the actual agenda to be continued. Despite the popular assumption that people are uncomfortable with contradiction, research on organisations shows that people demonstrate belief in contradictory ideas without acknowledging the contradictions or experiencing them as uncomfortable (El-Sawad et al., 2004). We will see evidence of such doublethink among the participants of this project, in which contradictory ideas are held by the same person. This seems all the more likely in a setting in which people are *encouraged* to sit with and utilise contradictory ideas.

The ‘Rescuer’

The ‘helpless victim’, the ‘evil trafficker’ and the isolated incident of exploitation, all set the stage for the third character: the ‘righteous rescuer’. Governments usually ignore the fact that voluntary agreement (the basic premise of free market relations) is complicated by imbalances in power. But within scenarios construed as modern slavery governments are keen to suggest that voluntary negotiation is in no way possible. As the civility of voluntary association is replaced by the construction of force alone, it is taken without question in most anti-slavery campaigns that evil force must be responded to with righteous force (Hill, 2016; Schwarz, 2021). There is no imagination that either ‘traffickers’ or their ‘victims’ are in a state to be reasoned with, nor is there an impetus to try. Work has shown that people fear anti-trafficking interventions, suffer from their enactment and evade or flee ‘rescue’ (Soderlund, 2005; Kempadoo, 2007; Chuang, 2010; Howard, 2012; Mai, 2013; Clancey et al., 2014). Nevertheless, there has been substantial consensus across the anti-trafficking third sector and governments that criminal law and law enforcement are needed in the fight against modern slavery. The assumption that the victimised ‘others’ are amenable to ‘our’ intervention is largely presupposed (Heron, 2007). The constructions of ‘victim’ and ‘trafficker’ allow those who emphasise the problem of modern slavery to

intervene in the lives of such 'victims' without receiving their consent, without knowing what these people would perceive as an improvement, and without always making their lives better as a result. The imperialistic 'rescue industry' this has formed (Agustín, 2007, 2012), maintains an image of compassion overlaying a perpetually entrenched global divide between the 'haves and the have-nots' (Kempadoo, 2015: 8).

Running through the history of the 'rescuer' has been an interplay between the third sector and governments. The rise of the NGO aligned with a global neoliberal restructuring in which states in the global north, and the international institutions they overtly influenced, were engaged in projects which seriously undermined democracy and independent nationalism (see Hickel, 2017). The 'structural adjustment programmes' introduced by the International Monetary Fund and the World Bank, imposed radical free market policies on nations in the global south, weakening the influence and capacity of states to support industry and development, and minimising state welfare projects (Gary, 1996). According to Hickel (2017: 170), structural adjustment doubled absolute poverty in Africa and was the 'greatest single cause of poverty in the twentieth century, after colonialism'. In this environment NGOs were presented as agents of democracy, evidencing the self-organising capabilities of civil society and the related redundancy of the state (Kamat, 2003), but others argue that international donors were intentionally funding NGOs to undermine states of the global south from below while the IMF and the World Bank attacked from above (Gary, 1996).

During the neoliberal era, NGOs did not just replace state welfare, but other political organisations, like trade unions and welfare associations, as the representatives of civil society to the state (Kamat, 2004). Post-WWII, the trade unions had come to rely upon the state to support the trade union agenda. But since the 1980s, neoliberal policies have rolled back decades of regulations, granting expansive legal rights to corporations while launching a multipronged assault on unions that were mostly unprepared for the changes that came and were unable to respond effectively (Gallin, 2000; Collins, 2016). Unlike the democratic self-representation of trade unions, in which the constituents of the relevant demographic organise themselves, those managing NGOs are typically self-appointed representatives of the people they claim to serve (Kamat, 2004). Given that neoliberalism has been defined by increasing control by private corporations of public policy, NGOs fit

within the undemocratic and hierarchical ethos of neoliberalism much better than trade unions. They often have no direct constituent accountability or clear monitoring procedures and are run by self-appointed leaders (Gallin, 2000), with trustees and chief executives often drawn from the business sector (Wallace, 2004). They therefore do not typically share the lived experiences and primary concerns of those they 'represent'. Being restrained by policies shaped by a handful of key institutions, like the IMF and the World Bank, and incorporating business logics into their own structuring assimilates NGOs into neoliberal framings, values and practices (Wallace, 2004). This assimilation is evidenced in part by the shrinking political education of the third sector. NGO staff workers became far less versed in radical political writings on the underlying structures of oppression than they were in the 1970s and 80s (Mitlin et al., 2007).

Even while NGOs have been co-opted to 'cushion the blow' of policies like structural adjustment (Gary, 1996: 151) workers themselves can be dependent upon NGOs for support and advocacy, even while objecting to the ways in which they are represented by such organisations (Hahn & Holzscheiter, 2013). The prominent role of NGOs is sustained by the enduring disempowerment of those they represent, and their lack of access to direct democracy and self-representation. It is noteworthy, for example, that in Indonesia, the dominance of NGOs as worker representatives lasted only as long as Suharto's authoritarian regime. Once that administration collapsed in 1998, and a more democratic society replaced it, NGOs lost their significance as representatives of workers, and were replaced by unions of workers representing themselves (Ford, 2009).

While recent scholarship has offered reasonable challenge to the kind of account I have presented of NGOs as the 'Trojan horses' or 'handmaidens of neoliberalism' (Wallace, 2004: 202; Da Costa, 2015: 1), they have done so by illustrating the diversity of organisations and operations that can be labelled as NGOs and the exceptions that can be found among them (Bernal & Grewal, 2014). The critical narrative on NGOs nevertheless holds true for much of the third sector, and pertinently for NGOs that have dominated the anti-trafficking realm. The lack of self-representation in anti-trafficking has been well-recorded, with numerous scholars noting that the voices of victims/survivors are absent or excluded from discourse, policy and NGO administration (Agustín, 2005; Davies, 2009; Kamler, 2013; Kempadoo, 2016; Peck, 2016). Brennan (2005) argues that the sustainability

of anti-trafficking would depend upon survivors taking an active leadership role in policy and agenda setting. But Musto (2008) rightly contends that the major dependence of anti-trafficking NGOs on state funding means that such a vision of constituent empowerment is so unlikely as to be almost impossible.

In the case of trafficking and anti-trafficking, the very construction comes not from civil society's representation of its own concerns (see Brennan, 2005), but is framed so as to fit within statist management schemes (Alpes, 2010). Rather than civil society producing NGOs to represent them, states have advocated NGOs as their chosen representatives of the victim group it is vaguely constructing, like the intergovernmental organisation OSCE⁴ creating targeted campaigns to raise awareness of trafficking and to strengthen NGOs in their response (Campbell, 2013). In anti-trafficking we can see, and this will be evident throughout this work, government is mediating the relationship between the 'victims of trafficking' and the NGOs that apparently represent them to the state.

That said, in anti-trafficking, the relationship between the third sector and the state has been two-way. As anti-trafficking NGOs, by definition, were responding to a state-framing of migration, they have typically seen it as a key part of their responsibility to lobby government for more action to tackle trafficking. NGOs were influencing state constructions of the issue from the start (see Doezema, 2005) and in so doing bolstering the state's rhetorical justifications for resource control and heavy-handed interventions. For instance, during the early years of anti-trafficking law and policy, prostitution abolitionist NGOs successfully lobbied the US government to make US financial assistance conditional on the recipient's commitment to an anti-prostitution stance (Chuang, 2010). Elsewhere NGOs have adopted the role of training law enforcement staff, including immigration control, in anti-trafficking (Van Dyke, 2017), nurturing the idea of the border as a site of protection. Once the state concedes to any such demands, the ensuing policies require NGOs to propagate harsh lines of differential citizenship and exclusion, and to exacerbate penalising treatment of sex workers (Campbell, 2013), undocumented people (Sharma, 2003), black people (Beutin, 2017) and other 'working-class, immigrant communities of color' (Shih, 2021: 58).

⁴ Organization for Security and Co-operation in Europe.

Critical literature has shown at length that the rescue industry and the neoliberal hegemony in which it is situated are functioning in much the same way as colonial endeavours of the past, with the West holding the same justifications, based on the same colonial conceptions of itself and the 'others' with whom they are interacting (Kempadoo, 2016). As early as the anti-slavery movements of the 18th Century, colonial and imperialist interference was being justified under the banner of fighting slavery (McGrath & Watson, 2018). Quirk and Richardson (2009) show that anti-slavery efforts sought to differentiate civilised and uncivilised people, legitimising imperialist expansion between 1850 and 1914. Anti-slavery was both a symbol of civilisation and something which served the colonial expansion. There seems therefore to have been an unreflexive and smooth transition from kidnapping Africans, shipping them across the Atlantic Ocean and enslaving them for generations in shackles on plantations, to making the same journeys for further interventions, including teaching the same 'uncivilised' peoples about not enslaving others.

Such contradictions continue today between agendas which cause and campaign against slavery-like circumstances. The picture offered by the Global Slavery Index and US Trafficking in Persons reports is one of high levels of modern slavery in poverty stricken (and previously colonised) countries, and low levels in the wealthy West, with weak responses from the poor governments, and stronger responses from Western states (McGrath & Mieres, 2014). National rankings present 'developed' countries as the models that lower-ranked countries should emulate, being examples of 'wealth, stability, freedom from corruption and poor governance, along with protection and assistance for citizens' (McGrath & Mieres, 2014: 8). Inexplicably discounting things like the US prison industrial complex as somehow not being slavery, whatever slavery is conceived as being *new abolitionists* insist it is found 'over there'. Where it can be found in the global north, it is attributed to the migration from the regions where slavery abounds (McGrath & Watson, 2018). Instead of acknowledging the failure of neoliberal policies (and Western intervention generally), global capitalism is broadly maintained as a paradigm of freedom, while individuals, particular unscrupulous corporations, and governments that oppose Western authority, are all presented as the real problem (Kempadoo, 2015). Only now, the narrative has abandoned the development/cooperation concepts of the second half of the

twentieth century, and has rehashed the colonial picture of the uncivilised other, implying that countries said to have high numbers in 'slavery' are allowing such activities (Dottridge, 2017). Locating the causes of poverty within the culture itself, rather than in rampant imperialism, turns imperialism into a moral responsibility to act on behalf of a culture incapable of acting in its own best interests (McGrath & Watson, 2018). Uninterested in either situated subjectivities or the systems that maintain global inequality, anti-slavery missions progress in a single-minded fashion. There is precious little to distinguish such humanitarianism from the 'white man's burden' mentality of the colonial era (Kempadoo, 2015; Faulkner, 2018).

Rights

What is largely missing from classic new abolitionist presentations of modern slavery, and the construction of rescue and rehabilitation as its response, is the subject of rights. The trouble is that in popular representations, anyone who is disempowered enough by their trafficker to be considered a genuine slave, and to have suffered enough to be a genuine victim, would not be able to utilise the rights that migrant and workers' rights activists call for. In this way the 'victim' by definition is rendered incapable of political agency (Aradau, 2004). This obfuscates the fact that the populations most subject to exploitation, both the exceptional kind presented in anti-slavery propaganda, and the 'unexceptional' kind within the mainstream and informal economies, are those who are vulnerablised by state actions, and refused rights to begin with (see Sharma, 2005). This can happen, among other ways, through the criminalisation of industry, restrictions on movement and visas, and racial discrimination. What is principally needed is to decrease vulnerability by removing policies and actions which directly subjugate such populations, and to increase their rights (like the right to live and work, and to have access to public services), in order to protect and include them within the fold of societal relations (see Bastia, 2006). This, however, would be divisive, challenging powerful vested interests, including those who finance and thereby frame MSHT campaigns.

Consequently, the modern slavery agenda avoids the large-scale topic of rights for the excluded subclasses of society. Instead, dominant in the modern slavery discourse is the underlying emphasis that slavery can mostly be found outside the mainstream economy,

or in the 'twilight zone' between market and non-market relations (Anderson & O'Connell Davidson, 2002: 62). Take, for instance, the popular trafficking example of prostitution. As it is an industry often considered outside the legitimate economy, the crime, the culprit, and the victim can all be considered aberrations of an otherwise functional economy, because the industry itself is stigmatised. Similarly, the widely endorsed separation of home life from the labour market means that regulations of workplaces do not cover situations of domestic work (Demetriou, 2015). This partly explains the high degree of exploited domestic workers, and why government statistics present domestic servitude as a separate category from labour exploitation (Strauss, 2016). Notably, as forced labour sits astride this line of distinction, campaigns which discuss examples of other exploitations taking place in the UK, often turn attention away from the UK when discussing forced labour, and comment on its existence overseas (e.g. Anti-Slavery International, n.d.c; Anti-Slavery Day, 2018). When it is discussed in the UK, the emphasis is either on illegalised industries, like cannabis cultivation (see Kelly, 2019; Ramiz et al., 2020), or on 'bad apples' within fractured supply chains (LeBaron, 2021: 31). In either case 'modern slavery' is being conceptually separated from legitimised capitalism or the corporations taking the largest profits, and therefore also from the idea that worker rights are the appropriate protection.

The fixation on such victimisations means there is no implied challenge to the standard and quality of rights that exist within the mainstream economy. Indeed, because such situations of modern slavery are foregrounded, the implication is that current forms of capitalism are serving the population better than situations which, for one reason or another, do not fit into the paradigm of 'legitimate' capitalism. Campaigns and agendas that draw special attention to such people who are vulnerable to modern slavery (Refuge, 2018; Unseen, n.d.a) are either tacitly or unknowingly implying the proportionate health and validity of work in more formal sectors, and in so doing, nurturing the idea that special attention, rather than rights, is a suitable response. However, the problem is not usually that people have been prevented from accessing the labour market, rather the problem is a lack of social protection against the market (Martins Jr, 2016). Calls for sex work to be abolished, or attempts to rescue people from such work, often seek to provide alternative forms of employment in low wage factory or service jobs, as if this work is free from precarity or the potential for extreme exploitation (Soderlund, 2005; Moore, 2015).

Because the work is ‘reputable’ and ‘moral’ (Moore, 2015: 56), and in an industry that is considered legitimate, private companies can construct and benefit from the narrative that taking one’s place within the mainstream of modern capitalism is the path to freedom.

Rights for Whom?

When discussions do take place among anti-slavery organisations and advocates regarding the importance of rights (Human Trafficking Foundation et al., 2017; ATMG, 2018), they are largely premised on the dichotomous foundations of anti-trafficking constructions: the human rights that ultimately validate broad intervention, and the notion of ‘rights for victims’.⁵ Rights relate to who a person is and are therefore, by definition, pre-emptive. They are intended to empower people and to protect them. Rights for victims are therefore as insecure and undependable as that temporarily constructed identity. The anti-slavery/anti-trafficking discourse is fundamentally *ex post facto*, intercepting existing power imbalances or exploitative situations, punishing already committed wrongs, and providing aftercare to traumatised victims. The only pre-emptive action of the dominant agenda is disempowering, increasing control over marginalised groups under the guise of protecting human rights (O’Connell Davidson, 2015). For instance, it discourages people (particularly women and children) from migrating for their own protection (Faulkner, 2018) and reinforces border control measures to ensure that they cannot (O’Connell Davidson, 2016); all in the name of humanitarianism (Walters, 2011). Providing rights to ‘victims of trafficking’ only builds upon this *ex post facto* response framework, as rights belong to those who have suffered ‘sufficiently’ to warrant them, and are still enough like a victim for them to be relevant.

Any efforts to increase the rights of all currently marginalised groups are not suitably confined within the framework of anti-trafficking. A truly rights-based response to exploitation in modern Britain would be a reversal of deregulation policies and hostile environment actions, to be replaced by expansive rights for workers and migrants without depending on any template of victimhood. For instance, one reasonable explanation for why unions have not engaged much in anti-trafficking campaigns is that the anti-trafficking

⁵ References to other rights do exist in the discourse. ATMG (2016a; 2018), for instance, do include discussions of rights for Overseas Domestic Workers.

project of dividing between the ‘deserving’ and ‘undeserving’ is anathema to the democratic representation of all worker interests at least notionally found in the union model. The individualistic, victim-centred human rights framework conflicts with the more expansive standard setting of union negotiations (Shamir, 2012). Similarly, campaigns like Status Now 4 All, which calls for all undocumented people in the legal process in the UK and Ireland to receive immediate indefinite leave to remain, has 135 signatory organisations, only one of which is primarily an anti-MSHT organisation (Status Now 4 All, 2021). For the most part, anti-MSHT groups instead call for ‘victims of MSHT’ to be given exceptional treatment from the present immigration system (see Human Trafficking Foundation et al., 2017; Anti-Slavery International, n.d.b).

Persistent Neo-Colonial Interventionism

There is a problem however with rooting the response to exploitation solely within the paradigm of rights. This relates to the fact that rights for one person necessitate an obligation to another. Any right I have requires other people to do what will provide for my right or avoid doing that which will impinge upon it (Graeber, 2011a). Most of the rights discussed among worker and migrant rights advocates depend on recognition from the state that it will own the obligation that will fulfil the relevant rights, and thereby provide increased social security. But these efforts can fail to account for those who want to be excluded from civil society and state systems, at least partially (O’Connell Davidson, 2006; Agustín, 2007). As this literature review will go on to show, this is by no means a small number of people. Until such a time as rights and equality are more fundamental, inclusive aspects of the way UK society is organised, many migrants and workers will continue to exist in the unstable terrain of conditional recognition of ‘victimhood’ and the weak rights which are *sometimes* attached to that temporary status. Avoiding interaction with the state can therefore be more freeing, rather than risking interaction before discovering what specifically the state will choose to do to them. It is a problem therefore if those who seek to serve the best interests of vulnerabilised migrants and workers view the pursuit of state recognised rights as the only avenue worth pursuing, given that, as we shall see, this is by no means the attitude held by all people being labelled as ‘victims’. Therefore rights-based campaigning that centres on specific individuals can sacrifice those individuals to the altar of future progress.

This topic of 'victims' evading state, NGO and other such interventions is discussed in some literature that critiques the rescuer role (Agustín, 2007; Mai, 2013). This, in turn, is relevant to a wider body of literature critical of MSHT agendas, which illustrates their neo-colonial realities (Agustín, 2012; Kempadoo, 2016). This is because all of the approaches so far discussed insist that there must be intervention into the lives of those who are labelled in any way. They are either offenders (of state or people) or victims (of 'othered' villains). They either need punishment or support provided by the approved channels. Whatever conclusion is reached, there is an imagined need for intervention. There is no scenario offered in which not getting involved in the lives of these people is imagined to be the most suitable course. That 'we' must be involved in 'their' lives is a colonial axiom. As this literature review continues to outline the harmful consequences of state interventions, both immigration control and 'humanitarian', it will become more explicit why those who interact with people in the demographics being discussed must give far greater consideration to non-intervention and alternative interventions. Observing a problem is not the same as having a solution, and where solidarity and support can be offered to those easily labelled 'potential victims', it may involve assisting them in their undocumented survival tactics, quite separated from the measurable systems and programmes of anti-trafficking.

Big Claims Based on Questionable Research

Such criticisms as those I have laid out above are unfortunately drowned out in the volume and prominence of more popular, better funded representations, which also have the advantage of their simplicity, their shock factor, the positive light which they throw on to their receiving audience, and the appeal to emotion over analysis of power. Across modern slavery propaganda, momentum for current anti-slavery efforts is spurred on by appeals to the efforts of abolitionists from the past. William Wilberforce is commended for his role in educating the people of his day about the atrocities of slavery with powerful images (Pupavac, 2015). Aspiring abolitionists of our own day invest a lot of their time, money and efforts in 'educating' people about modern slavery. Indeed, a lot of anti-trafficking work is limited to raising awareness, under the apparent assumption that '*if only we knew more we would do more*' (Newcomb, 2014: 154. Italics original). It is notable that some of the most popular contentions and statistics of MSHT campaigns are subject to extraordinarily

little analysis by the large industry of organisations who repeat them: like the statements that human trafficking is growing worldwide, or that it is the second or third largest criminal industry in the world, after arms dealing and drugs (Weitzer, 2014).

The numbers rolled out regarding the scale of modern slavery have a similarly shocking effect: 27 million slaves worldwide (Bales, 2012) creating \$32 billion per year for their exploiters (ILO, 2008). These are subject to similar scholarly objections. Anderson (2008b) critiques Kevin Bales' (2005: 96) self-styled vacuum cleaner approach to developing such insight – 'sucking up data from every possible source'. She challenges the idea that applying statistical techniques to differing definitions, measures, and data collection points can produce useful content or valuable results. UK estimates are widely shared but hold no more evidence of rigor. The often-cited Home Office estimate of 13,000 potential victims of modern slavery was based on a Multiple Systems Estimation, in which statistician Bernard Silverman (2014) extrapolated the 'dark figure' of potential victims from those who had been recognised as potential victims by frontline services. Aside from all other shortcomings, this presupposes a correlation between 'identified' and 'unidentified' victims. The method has been comprehensively critiqued as unsuitable (Whitehead et al., 2021; Broad & Gadd, forthcoming). Even Silverman (2014) repeatedly cautioned that the model was based on assumptions, but this was lost in the popular reproduction of the figure. In 2017, this estimate was revised up by 'tens of thousands' by Will Kerr, the head of the National Crime Agency, on the similar rationale that as more incidents were being uncovered, the estimate of undiscovered cases should be multiplied (Gadd & Broad, 2018: 1441). The Global Slavery Index estimated in 2018 that there were 136,000 victims of modern slavery in the UK, a claim that the Office for National Statistics (ONS, 2020) said 'cannot be regarded as accurate or reliable'. And yet, it is numbers such as these that 'create certainty in spaces of great ambiguity' and 'gain credibility through frequent repetition' (Engle Merry, 2016: 127).

Of course, what Wilberforce is principally remembered for is educating people about the horror of what happened, rather than addressing the economic vested interests and structural racism that enabled it. His oft repeated line, 'you may choose to look the other way, but you can never say again that you did not know' (LGA & IASC, 2017: 4), is prioritising a particular human suffering over a certain economic doctrine. Similarly, it is

NGOs' representations of suffering victims that stoke political reactions (Aradau, 2004). As such, emulating Wilberforce today seems to mean that it does not really matter whether these facts and statistics are even remotely true. They are still successful in stirring shock and outrage. And because the purpose of such statements is to be repeated, to raise money (NGOs commonly engage in often large-scale fundraising campaigns to garner financial support from donors who have limited awareness of the issues NGOs are targeting (Aldashev et al., 2020)), and to enable rescues, it does not altogether matter whether trafficking is the third largest criminal industry, or the fifth, the first, or in truth, not an identifiable 'industry' at all. This emotive awareness raising strategy has been criticised in the literature on the grounds that focusing on specific instances of exploitation, without engaging in the structural issues people are faced with, results in blunt approaches like discouraging certain work and migration, and conducting uninformed interventions (Quirk & O'Connell Davidson, 2015b; Olayiwola, 2019).

Anti-trafficking is Anti-immigration

The dominance and starkness of 'modern slavery' representations have successfully obscured in the public imagination what critical literature on anti-trafficking has illustrated for years; that anti-trafficking is anti-immigration (Chapkis, 2003; Sharma, 2005). The history of anti-trafficking constructions and agendas has been inextricably linked to shifting state attitudes and practices regarding borders. During the Cold War, the West had more liberal, porous borders, while Communist states exercised control over their own citizens' mobility, in what was regarded by the West as an affront to human rights (O'Connell Davidson, 2016). During this era, refugees had ideological and political value (Chimni, 1998). Those who fled countries behind the Iron Curtain served the idea of the United States as the rescuer of all nations, and this provided validation for a heavily interventionist foreign policy (Ritivoi, 2008). Similar sympathies could be found in the UK during this era of lower migration, as refugees were symbolic of an educated choice for liberal freedom (Anderson, 2013), though racist responses to immigration during this period were rife (Nwonka, 2020). With the fall of the Berlin Wall, mobility increased from crumbling Communist states and the freedom of movement which had been a hallmark of the liberal West was undercut by a new political anxiety, as permeable borders were seen to threaten sovereignty, security, 'legitimate' economies and political institutions (O'Connell Davidson,

2016). The UK is among those developed nations that has experienced unprecedented immigration since the early 1990s (Scott, 2017). At this point, the political appeal of refugees waned, and the UK, along with others, included them within the wider group of undesirable immigrants, and increased the exclusionary and hostile treatment of those seeking asylum (Mayblin, 2020).

It was in this post-Cold War period of increasing anti-migrant sentiment and policy that concerns over human trafficking proliferated (Wong, 2005; O'Connell Davidson, 2016). As discussed, this was overwhelmingly concentrated on the trafficking of women and children for sexual exploitation (UN, 2000; Doezema, 2005). Countering the reconstruction of prostitution as sex work, prostitution abolitionists argued that sex work was violence against women and campaigned for the rescuing of prostituted victims. This, however, did not elicit a strong response from the public and policy makers until the migration element was introduced (Milivojevic & Pickering, 2013). The potent rhetoric of human trafficking campaigns came to insist that trafficking was modern slavery (Chuang, 2014). In the early 1990s, Western governments and institutions started funding information campaigns, mostly in Central and Eastern Europe, Southeast Asia and Central America, discouraging emigration, essentially by associating undocumented migration with human trafficking (Nieuwenhuys & Pécoud, 2007). And for those who migrated anyway, Western nations framed border controls, which disrupted travel and closed safe transit routes, as intervention to protect victims of trafficking (Anderson et al., 2009). All the while the dominant discourse in the West was embedding the idea that immigration control was an indisputable moral, security and practical necessity for existing nationals (Isbister, 1996; Whitaker, 1998). The fact that most of those being labelled as victims of trafficking wanted to migrate was not enough to cause a mainstream re-examination of the concept (Agustín, 2007). When NGO networks and state delegations gathered to negotiate the 2000 UN Palermo Protocol on trafficking, sex worker rights groups argued that the reality of the 'active, aware' migrating sex worker was being expunged by the trafficking construction (Doezema, 2005: 67). In the decade that followed prostitution abolitionists continued to dominate media narratives and influence legislation (Bernstein, 2010).

Despite the objections at the time, and the wealth of criticism since (Scarpa, 2020), the Palermo Protocol has become a key point of reference for the international discourse on

trafficking, and the formulation of subsequent legislation, though different states have conceived of 'trafficking' in very different ways (Allain, 2014). More importantly, and regardless of diverse implementations, discourses that centre on such protocols and their legal definitions coerce stakeholders into a 'statist perspective' on the social reality of migration (Alpes, 2010: 119). Such a perspective is problematic, eschewing the nuanced causes, relational dynamics and intentionality of most migration, in favour of a 'categorical fetishism' that treats different labels for migrating people (such as refugee, economic migrant, illegal immigrant, victim of trafficking, smuggler or trafficker) as clearly distinct and that imagines people who can fit comfortably into one particular category (Apostolova, 2015: 16; Crawley & Skleparis, 2018). The Palermo protocol separated smuggling and trafficking into (badly) defined compartments, allowing states to pretend that anti-trafficking and strong borders were not just compatible, but often the very same thing. Thus anti-trafficking has been denounced in critical literature as inherently harmful (Sharma, 2005; Anderson et al., 2009). Even to engage in the anti-trafficking discourse, say for the purpose of accessing benefits offered to recognised victims, one has to validate the exclusionary, anti-migrant premise on which it is based. One cannot argue, for instance, that survivors of 'slavery' should be exempt from immigration controls (see Anti-Slavery International, n.d.b), without implicitly suggesting that it is more acceptable for people who are labelled differently to be subjected to them. What is more, in practice, rescue missions are not the exception to immigration control they are presented as being. Rather, on a globalised scale of nationalised borders, rescue operations are integrated into and facilitate immigration control, 'legitimizing even murderous actions against those rendered as immigrants' (Andersson, 2016; Sharma, 2017: 46). Anti-trafficking therefore facilitates a global apartheid in which immigration controls enable the movement of capital and *some* people, while escalating the desperation, restrictions and criminalisation of others (Sharma, 2005).

In sum, it is important to see that trafficking is a constructed way of understanding migratory experiences that has been produced by state and state-friendly actors. Trafficking was not formulated as a concept by those who are labelled its victims, and anti-trafficking measures were not produced by its victims. At every stage in its history, trafficking and anti-trafficking has been formed and sculptured to validate and serve anti-

migrant politics for neoliberal interests, to present the migration of certain peoples as intrinsically abnormal, dangerous and harmful, and to argue that immigration controls, rather than violent institutions of restriction and harm, are inherently justifiable and somehow protective and emancipatory. As immigration controls have been increasingly internalised, structuring class in the UK, the 'modern slavery' agenda has similarly expanded anti-trafficking instruments into the domestic sphere.

My concern therefore turns to the central bureaucracy of the UK anti-MSHT agenda – the National Referral Mechanism. Two other studies on the field of anti-trafficking have analysed bureaucratic dynamics in the sector, both considering anti-trafficking discourses in other countries through a Bourdieusian lens and exploring the relative stability that exists within the field. Atasü-Topcuoğlu (2015) suggests that the accumulation of symbolic capital and the development of symbolic systems creates and closes the ideological borders in which the discourse takes place, meaning those who do not share certain axioms are consistently excluded. This means that disagreements that take place within the anti-trafficking field are premised on certain agreements that cannot be challenged. Howard (2017) similarly shows that even when certain problematic assumptions of an anti-trafficking discourse are successfully undermined, the more problematic and foundational ideologies that informed the anti-trafficking conceptions can remain untouched. As this thesis will continue to explore, this closed discourse of ongoing critique within a relatively stable mechanism (the National Referral Mechanism) relates to just such implicitly agreed upon axioms and shared ideological presuppositions.

Criticisms of the NRM

The National Referral Mechanism (NRM) is the government system supposedly created to identify and support victims of human trafficking and modern slavery. In actuality, it fits neatly into the anti-trafficking lineage outlined above, and by being a state-led, state funded mechanism, it has increased the government's capacity to wield non-state actors to the fundamentally anti-migrant agenda that anti-trafficking serves, for instance through the requirements placed upon the NRM's subcontractor organisations. It is curious then that criticisms of the NRM, even in academic work, have typically fallen short of describing the NRM as immigration control. Instead, the repeated assertion is that the NRM is simply

subordinate to or limited by immigration control (see Detention Action, 2017; ATMG, 2018; JRS, 2019). What might seem like a minor quibble is a fundamental shortcoming of third sector and academic discourse on the NRM. I will first illustrate the extensive criticisms that have been levelled at the NRM, before elaborating on the problematic void in both grey and academic literature.

The third sector, including first responder NGOs and charities, has been heavily critical of the NRM and government decisions regarding it throughout its thirteen-year history (ATMG, 2010, 2013, 2014b, 2014a, 2021; Elliott & Garbers, 2016; Burland, 2017a; Human Trafficking Foundation et al., 2017). The observed failings include insufficient provisions and legal support for people referred into the NRM (PRIT-NRM), delays on conclusive grounds decisions lasting over a year or years, those decisions carrying no rights or residency allowance when they come and support ending too soon and suddenly (Oppenheim, 2014; ATMG, 2014b; Burland, 2017a; Human Trafficking Foundation et al., 2017). The Anti-Trafficking Monitoring Group (ATMG) is a significant coalition of thirteen anti-trafficking organisations, who 'monitor the UK's implementation of European anti-trafficking legislation' (Anti-Slavery International, n.d.a: 1). Its Five-Year Review of the NRM said that at its worst, the NRM is 'discriminatory, flagrantly disregards specialist professional opinion and places victims of trafficking into situations of despair' (ATMG, 2014b: 4). Various voices have problematised UK Visas and Immigration's (UKVI) role in decision making in the NRM; UKVI was widely considered to be influenced by the competing agenda to control immigration, displaying national biases, including against Nigerians and the Vietnamese for instance (CSJ, 2013; Boff, 2013). Of the two original competent authorities that made decisions on NRM cases, UKVI was significantly less likely than the UK Human Trafficking Centre to give positive conclusive grounds decisions, identifying someone as a 'victim of MSHT' (ATMG, 2014b), with many suggesting its responsibility for immigration control and its role in the NRM presented a conflict of interests (CSJ, 2013; Demetriou, 2015). Additionally, the NRM reforms, announced by government in 2017, have done nothing to simplify the immigration system for PRIT-NRM, even those who receive positive Conclusive Grounds decisions, nor have they better enabled access to welfare and support post-NRM (Brotherton, 2019).

What should be noted here is the nature of the critique the NRM has received. Evaluation has focused on outcomes of the NRM, which result in recommendations for improved outputs. These have, in considerable majority, been ignored or rejected by government, resulting in the same criticisms and recommendations being repeated over the NRM's history. I offer three examples. Criticisms of the disparity in treatment of EU and non-EU PRIT-NRM can be seen from the start. The Anti-Trafficking Monitoring Group wrote that an investigation should 'check' that non-EU PRIT-NRM were not being discriminated against in the decision-making process, given that non-EU nationals were statistically much less likely to receive positive conclusive grounds decisions than British or EU nationals (ATMG, 2010: 33). In 2013, this was heightened to a 'valid concern' that NRM decisions were discriminatory (ATMG, 2013a: 8). In 2014, it recommended that 'the Home Office UK Visas and Immigration is immediately removed from its role as Competent Authority in the current NRM' (ATMG, 2014b: 28). In 2017, the Human Trafficking Foundation et al. (2017: 6) were still noting the 'discrepancy', proposing that all negative decisions have the potential for review. The 2018 annual statistics shows this 'discrepancy' is still vast (NCA, 2019)⁶, affirming what former director of Anti-Slavery International described as the 'inbuilt institutional racism' of the NRM (Grant, 2015: 16).

Secondly, the NRM has been repeatedly criticised for not guaranteeing leave to remain to people who receive positive Conclusive Grounds decisions and are undocumented (Human Trafficking Foundation et al., 2017; Esslemont, 2019). Instead, some victims receive their positive Conclusive Grounds decisions with a letter telling them they have no leave to remain in the country (Human Trafficking Foundation et al., 2017). Early reports stated that 'required' departures of trafficked people should 'preferably be voluntary' (quoting the Council of Europe Convention on Action Against Trafficking in Human Beings (2005)). This, it was argued, should give regard for their 'rights, safety and dignity' (ATMG, 2010: 21), while a later report said that in cases where return poses 'real risks...a period of leave to remain should be considered' (ATMG, 2014a: 15). In 2017, because of the pressures PRIT-NRM receive from immigration authorities after leaving the NRM, the Human Trafficking

⁶ The 2019 and 2020 NRM statistics reports (Home Office, 2020a; 2021) were published by the Home Office instead of the National Crime Agency like previous years. The later reports were structured very differently to the earlier ones, including less and different information, and were also presented in a way that disrupts cross-year analysis.

Foundation et al. (2017: 7) insisted that a positive Conclusive Grounds decision ‘must carry status’ of at least a year, a plea that has been repeatedly denied by the government on the grounds that it would incentivise fraudulent claims – a belief that displays a lack of any confidence in its own mechanism (Brotherton, 2019; Roberts, 2019).

Finally, the Anti-Trafficking Monitoring Group’s 2010 challenges to the quality of decisions, the lack of a formal appeal and the need for an independent review of decisions (ATMG, 2010), were all still being called for by the Human Trafficking Foundation et al. in 2017. A pilot trialled multi-agency decision making in 2015-16 (Elliott & Garbers, 2016; Ellis et al., 2017) but the government’s reforms in October 2017 transitioned decision making to a ‘Single Competent Authority’ instead, maintaining decision making within the Home Office. Despite claiming that the Single Competent Authority is an expert case-working unit and ‘separate from the immigration system’ (Home Office, 2017b: 4), it is unclear what makes either of these statements true. Given the determination to keep decision making within the confines of the Home Office, which has previously been reluctant to reveal their decision maker training materials for parliamentary scrutiny (ATMG, 2014b), the separation between the NRM and the prevailing Home Office concern for immigration control is certainly not self-evident. These proclamations were further contradicted by the introduction of an ‘Immigration Enforcement Competent Authority’ in 2021 (Bulman, 2021). Furthermore, the apparent ‘expertise’ was certainly undermined in February 2019, when it came to light that the Home Office was advertising a decision maker role in the NRM that was temporary, required no previous experience, and was just above the minimum wage (Bulman, 2019c). Whatever the proclaimed expertise of the Home Office decision makers (Home Office, 2017b), the caseworkers in the Single Competent Authority still do not usually meet the person who receives their Conclusive Grounds decision (Home Office, 2019c). There is still no formal appeals process against negative decisions (ATMG, 2021), but the government did vow to set up an ‘independent panel of experts’ to review negative Conclusive Grounds decisions (Home Office, 2017b: 5). These Multi-Agency Assurance Panels have been heavily criticised by the ATMG (2021: 4) among other reasons because the ‘evidence reaching the panels is minimal and of poor quality’, they have no involvement at the Reasonable Grounds decision stage, and they have a ‘lack of decision-making powers’.

By not acknowledging that the most influential actors in the formulation of NRM (and general anti-slavery) policy hold an opposing objective to the emancipation of PRIT-NRM, such commentators are left no choice but to locate the problem at the level of implementation, and to assume that the proclamations made by government over the objectives of the NRM are what they say they are. The belief is that there is a common objective *for the NRM* (whatever other objectives the government is pursuing with immigration controls) and that the problems merely lie in the implementation. This serves to justify ongoing service to the NRM and the repeated statements of what would be procedural problems and disappointing outcomes if we supposed the objective was the emancipation of people entering the NRM. However, as I have shown, the notion that anti-trafficking pursues the emancipation of those identified as ‘potential victims’ is premised on a false separation from anti-immigration. This widespread assumption – that a positive common objective underlies the surface level harms of the NRM – is deeply flawed.

Refusing to Acknowledge that the NRM is Immigration Control

Beyond the grey literature, academic work has similarly committed itself to the idea that the problems of the NRM lie in the implementation, rather than the government’s objective. The largest work on this topic in recent years is *The Modern Slavery Agenda: Policy, Politics and Practice* (Craig *et al.*, 2019), which includes chapters from academics and practitioners. The book has much of value to contribute to these discussions, yet in it, Ruth Van Dyke (2019: 63) claimed that modern slavery ‘is a key priority for the Prime Minister and the Home Office’, and that ‘the evidence suggests that policy implementation is the issue’. Vicky Brotherton (2019: 105) argued that without improvements to data collection, ‘calibrating the success of these criminal justice measures, and the effectiveness of the wider anti-slavery response, will not be possible’. And Alex Balch (2019: 91) raises and then side-lines the question of what the agenda is pursuing, by implicitly arguing for an essential, emancipatory agenda at work:

*‘While the stated aim of the government’s strategy is clear, there will always remain questions about hidden, or conflicting, agendas around broader immigration and labour market policies (Andrijasevic and Anderson 2009). While we may never know the true motives of some politicians, any assessment of policy impact needs to consider the **unintended consequences** of the different legal and policy regimes that have been put in place. As is well known, reforms*

*tend to meet resistance, and **intended results** can be confounded by path-dependent effects and exogenous factors. All of this underlines the need to expand the research agenda to the **broader outcomes** of the modern slavery framework' (Bold mine).*

The prevailing way of discussing the government intentions in the literature on the NRM, is to speak as if government rhetoric denotes government intent. We must instead dialogue as if government policy denotes government intent. By speaking of 'intended' and 'unintended' results, Balch reasserts the assumption about government intentions that he has only just brought into question: what are the intended results? To describe the consequences of legal and policy regimes as 'unintended' either implies that we do know the 'true motives' of the politicians who shape policy, the very thing he has claimed we 'may never know' or it suggests that the agenda has an essential objective that remains the same even if the politicians who shape the policy of that agenda intend something else. The assumption is that the intention for the essentialised strategy is increased emancipation for 'victims'. Such an assumption is produced by assuming that the rhetoric of government (the institution that dictates NRM policy) is at some level genuine and 'clear', and that implementation and results fail to reflect the genuine intentions expressed by the rhetoric. In short, contra the conclusion of Sharma (2005) and others that anti-trafficking is anti-immigration, such sentiments validate the notional distinction of the UK anti-trafficking agenda as distinct from and in conflict with the hostile environment. If we instead base our conception of government intentionality not on its words, but on its central policy instructions, we would be required to conclude that its objective for the NRM is other than it claims and that the NRM is but another part of immigration control.

This puts stakeholders in a difficult position. If they admit that the NRM is part of the hostile environment, the discussion would have to challenge the assumption that obeying NRM policy is in the interests of the people they say they want to serve. But questioning their collaboration with the NRM would challenge significant vested interests, not just financial and status-based, but the conceptualisation actors within the NRM have of themselves and of what they are a part. So instead, the shared essential objective of the NRM is assumed, despite every aspect of the NRM which indicates the falseness of this assumption (including all of the problems already discussed), and the emphasis is instead placed on implementation and results.

Focusing on results keeps the question of agenda forever out of reach. Among the comments above were assertions that discovering the success of the NRM, by an emancipatory standard, was not entirely possible because of a lack of information on the outcomes of the NRM. The claim is that we are not gathering enough data, that some data cannot be gathered and that even when it can be gathered the results do not directly communicate the validity of the policy because of ‘path-dependent effects and exogenous factors’ (Balch, 2019: 91; Brotherton, 2019). This helps these commentators to hold on perennially to the idea that NRM policy is (or at least might be) constructed by a government that actually wants to serve the emancipation of PRIT-NRM. So while Balch claims that research needs to focus on outcomes, no amount of information on the outcomes need ever displace the assumption that the dominant objectives match the dominant rhetoric, and that the implementation is still failing to live up to the proclaimed goals.

Conclusion

Despite the escalating disempowerment, exploitation and abuse rendered by neoliberal policy (Harvey, 2007), the MSHT construct has successfully presented neoliberal agendas and instruments as part of a global project of emancipation through emotive narratives of victimhood and rescue. Years of critique have not stopped the most ardent of campaigners from asserting that dominant practices are designed to bring freedom. If failures are acknowledged at all, they are still presented as implementational errors. For as long as any credence is given to the notion that intention is represented by rhetoric, no outcomes of anti-slavery work can undermine the claim that good objectives are being let down in their enactment.

We must therefore conclude that Balch and others are wrong to prioritise research concerns on the *outcomes* of the NRM. Instead, we must study the NRM at the levels of policy and implementation and use such contemplations to reassess what the dominant objective for the NRM actually is. When we conclude, as I argue we must, that the NRM is not subordinate to immigration control, but is itself immigration control – through which the government seeks to reduce, not expand, the freedom of PRIT-NRM – we can then begin the discussion that must be had among stakeholders working in and around the

NRM: that is, whether the NRM should be served or resisted. If we determine that the government's objective for the NRM is indicated by policy rather than rhetoric, then engaging in the rhetorical debate while submitting to the policy perpetuates the chimera. If the policy denotes the objective then the policy should be resisted. The fact that the results of the NRM repeatedly produce the same harms as other immigration controls is not because the NRM is subordinate to immigration control. It is because the NRM is immigration control, serving all of the same purposes, and doing so by perpetrating many of the same activities. The next chapter will illustrate this at length. For now, we must conclude that when examined in the light of critical literature on MSHT, and its overwhelming evidence that anti-trafficking is anti-immigration, literature on the NRM has persistently refused to follow these findings through to their natural conclusions on the NRM; that it too is immigration control, and that therefore the harms that result from the NRM are not unintended, but are just as intended as the harms caused by other immigration controls.

Chapter Two

The Uniformity of Agenda, Practice and Consequences Across the NRM and Other Immigration Controls

Introduction

The first chapter concluded by arguing that critical literature on MSHT has not been followed through to its logical conclusions regarding the NRM. Instead of acknowledging the NRM to be immigration control it is imagined to be subordinate to it. In this second chapter of the literature review, I will consider just how strong the equivalencies are between the NRM and other immigration controls. I will argue that the equivalency has been lost in discussions of the NRM because of two processes of obscuring, which I will discuss largely in tandem. The first is an obscuring of the harms caused by immigration controls, the practices that cause such harms, and the political and economic interests served by such practices. The second obscuring is the similarity of NRM practices to those of other immigration controls; an obscuring caused by discursive differences, in which the same practices are framed in very different ways, aided by the MSHT construction.

I begin by showing the disparity between perceptions and reality of immigration and immigration controls. Below the prominent narratives, an illegality industry (Andersson, 2014) has burgeoned, in which private companies are provided with vast quantities of public funds to 'control migration'. I discuss something of the waste of money and human life this industry has caused. Because this industry is little understood, the equivalency of what Agustín (2007) calls the *rescue industry* is also missed, yet charities and NGOs have thrived as a result of the same production of precarity. In the UK, the NRM has integrated and institutionalised this uniformity, increasing the degree to which anti-slavery is not just similar to, but in partnership with, the illegality industry. This happened by bureaucratising the anti-slavery sector, which is now, because of the NRM, centralised and led by the UK government. This has imposed even more practices onto the anti-slavery sector that are entirely like other immigration controls, and the last section of the chapter provides examples of this equivalency.

Immigration and Immigration Control in the Public Imagination

In the 21st Century, immigration has repeatedly (though not continuously) trumped all other issues as the UK public's biggest concern (Page, 2009; YouGov, 2022). A large amount of polling data says that the public has had a majority preference for reducing immigration for decades (Blinder & Allen, 2016; Katwala and Somerville, 2016). One survey found that the top five reasons the public has for wanting to reduce the number of immigrants in the country are: (i) that immigrants cause job shortages; (ii) overcrowding; (iii) immigrants are a drain on public funds; (iv) the need to look after British people first; and (v) that immigrants cause housing shortages (Duffy & Frere-Smith, 2014). Others suggest that public concerns stress threat to British customs and traditions and the potential of increased crime (McLaren & Johnson, 2007). Cultural concerns are emphasised in right-wing ideology and voting behaviour (Davis & Deole, 2015). In Brexit campaigning, the free movement of people from the EU was described as undermining sovereignty and was seen to explain the economic and social problems that escalated after the financial crisis of 2008, including 'crime, real wage decline, inequality, unemployment, access to social services, health provision, and benefits and transfers' (Alfano et al., 2016: 2).

Despite the high levels of public concern, a lot of work has shown that public beliefs about immigration are often poor reflections of the reality.⁷ For instance, the typical survey respondent overestimates 'non-western' migrants as 25% of the UK population, when the entire foreign-born population (western and non-western) is only around 11% (Blinder & Allen, 2016). The public significantly overestimates the number of migrants, asylum seekers and people of ethnic minorities in the UK, and these categories can be viewed as an undifferentiated demographic (Saggar, 2003). When thinking about 'immigrants', the UK public are most likely to think of asylum seekers and least likely to think of students, despite students being the largest group of immigrants to the UK and asylum seekers being the smallest. Similarly, the public imagination focuses on permanent migration, while temporary is much more common (Blinder et al., 2011).

⁷ I am not suggesting that the information that follows, which includes statistics on complex phenomena, is the reality that the public imagination fails to reflect. Such data is itself often inexact and sweeping and cannot always be relied upon to provide a clear picture of the realities of immigration or immigration control. Such research can however be sufficient to make clear that there is a significant gap between the public imagination and the realities of immigration and immigration control.

Anxieties related to immigration also appear not to be garnered from the reality of immigration itself. Fitzgerald et al. (2012) found that anxiety about crime is a greater predictor of anti-immigrant bias than concerns over the economy, but crucially the objective realities of criminal and economic threats were both relatively weak predictors of immigration attitudes. Instead, media representation proved significant in connecting immigration and crime. Such work is borne out by literature considering folk devils in the crime-migration nexus, be it the 'black mugger' (Hall et al., 2013) the 'Muslim-terrorist-refugee' (Martin, 2015), the trafficker or the 'Asian grooming gang' (Cockbain, 2013; Cockbain & Tufail, 2020; Broad & Gadd, forthcoming). All of which have involved substantial disparity between the moral panic and the actual level of threat. Reporting on immigration issues is often inaccurate and disproportionate, over-representing crimes perpetrated by asylum seekers and refugees, and under-representing the far more common cases of crimes *against* new immigrants (Robinson & Reeve, 2006). While the very act of framing migration as 'illegal' associates it with criminality, thereby constituting migrants as the bearers of risk (Karamanidou, 2015). Unsurprising then that around a third of the UK public have been found to believe immigration increases crime rates (Bell, 2019). Other concerns, for instance about immigrants lowering wages, have similarly persisted in the face of repeated evidence of their falsity (Goodfellow, 2019).

Negative opinions of immigration inversely relate to local community experiences, suggesting that 'much of the opposition to migration comes from general concerns about the country as a whole rather than from direct, negative experiences in people's own communities' (Blinders & Allen, 2016: 8). Indeed, the white British population in areas of lowest ethnic diversity are typically most in favour of reductions in immigration (Duffy & Frere-Smith, 2014). Yet nor is the concern over immigration related to personal economic circumstances, but rather to the social, cultural and economic impacts on a wider group with which a person identifies, based, for instance, on ethnicity, class or the nation as a whole (Hainmueller & Hopkins, 2014; Hatton, 2016). Saggar et al. (2012) found no significant impact from new immigration on local neighbourhood cohesion, and advised policy makers to focus on deprivation rather than migration when using policy to address integration and cohesion. However removed the public imagination is from the reality of immigration, the panic has had evidently major political implications, perhaps most starkly

illustrated in 2016. Tong and Zuo (2019: 465) show that prior to Brexit, British newspapers extended the stigmatising labels of immigrants onto the EU, 'othering' it with immigration as a threat to national security and prosperity: 'It is thus worth asking whether and to what extent we should blame the press for Brexit.'

It might be assumed that attitudes to immigration tell us attitudes to immigration control, the latter simply intuited from the former. But this is far from the case, and the gap between public perceptions of immigration control and the reality may be even greater than the gap found on immigration. Much scholarship has taken it as read that immigration controls exemplify government responsiveness to public concern and desires, but significant work challenges this idea (Gilligan, 2015). While the government's recent response has been 'hostile', Katwala and Somerville (2016: 3) argue that the public would be more accurately described as in majority pro-migrant, but 'anxious, conflicted, and worried about the impacts of migration', a distinction that is lost in public discourse. Ellermann (2006) shows that the public desire for restrictive immigration controls is at the legislative stage, and that public attitudes are significantly different at the level of implementation, where the reality of both the violence of such controls and the people those controls are outworked on become clearer. Once enacted, such policies can spark significant public mobilisations to oppose their realisation in people's lives (see Ellermann, 2006; Anderson et al., 2011; Freedman, 2011). Indeed, the public resistance to enacted immigration controls can be so strong, that states and their immigration officials have developed strategies to remove these actions from the public view. These include arrests in the early hours of the morning (Gibney, 2008) and planes for deportees only (Ellermann, 2006; see also Taylor, 2021). People can be taken into custody from asylum reporting centres, unbeknownst to them upon entering (Gibney, 2008). According to the UNHCR, in some countries, 'immigration detention has historically been one of the most opaque areas of public administration' (APT et al., 2014: 21). Many detention centres are in isolated places and information about them is often not made public (Cornelisse, 2010). States' creative use of geographical landscapes can disrupt and harm asylum seekers while diverting public attention (Mountz, 2012, 2015, 2020). The centralising of decision making on immigration control in Germany has severely detracted from the influence of local activism in

protecting people targeted by immigration officials (Ellermann, 2006). Such centralisation is fundamental to immigration control in the UK.

Furthermore, media also serves to remove the human harms from public consciousness. Media coverage which favours restrictive policies avoids personal accounts and speaks about immigration more generally (Patler & Gonzales, 2015). Similarly, at the level of policy formation the public are passive observers of discussions that sound abstract, speculating on large numbers and vague threats and futures (Gilligan, 2015). European immigration control policy is subjected to little public debate and is highly untransparent (Guiraudon & Lahav, 2000), determined top-down by relatively autonomous political elites (Statham & Geddes, 2006).

On some topics it is explicit that governments cannot be *responding to public desire* because the topic in question is defined by government, and public opinion is not informed by the distinctions that exist. For instance, take the statement that in public opinion, 'Opposition to immigration is often focused on illegal immigration' (Blinder et al., 2011: 16). The meaning of 'illegal immigration' is dependent on state decisions about what movement and presence is 'legal' and what is not – decisions that are sometimes changing and crucially, not understood by the public, who will instead project illegality onto certain kinds of people (Ruhs & Anderson, 2010; Flores & Schachter, 2018). The various ideas the public may therefore hold about what they are objecting to are much less likely to relate to the actual practices of illegalisation and the people subjected to them, and much more likely to relate to the popular discourse about 'illegal immigrants' and the sanitised immigration controls (stripped of violence) that 'reduces' their existence in the country. This is further evidenced by the popular but impossible claim that illegal immigrants are receiving benefits from the welfare system (Reuters, 2020), and by the public outcry following the Windrush scandal in 2018, which showed that government processes of illegalisation were being performed on people the public had not imagined. Similarly, a 2011 Ipsos MORI poll found that 65% of people said that Britain should accept fewer asylum seekers, but respondents also agreed that we must protect refugees (64%) and asylum seekers (73%) who 'need a place of safety in Britain' (Blinder et al., 2011: 13). These statements are contradictory, as the declarations affirming protection for those in need would result in the acceptance of more asylum seekers. This illustrates how easy it is for

survey questions about public attitudes on immigration control to be so simplified and disengaged from policy and practice that it is impossible for them to be reflected in policy and practice.

While some work has shown that public views and concerns on immigration are responsive to shifts in actual immigration levels (Duffy & Frere-Smith, 2014; Ford et al., 2015), the above has illustrated that on matters of scale, economic influence and criminality around immigration into the UK, concerns are speculative and premised on spectacle, which leads us to the overwhelming role of race in the public imagination of immigration. Consider the often-repeated statement from politicians, including Ed Miliband while leader of the opposition, that it is not 'prejudiced to worry about immigration' (Wintour, 2014). Such statements only hold the most tenuously theoretical plausibility that they do when understandings of immigration controls are as removed from historic and present reality as they are. Miliband's words obfuscate everything that indicates that the panic about immigration, including in the lead up to Brexit, was and is thoroughly racist (McGeever & Virdee, 2018). Studies show that the public is more likely to oppose immigration of people of non-white, othered ethnicities and races (Blinder & Richards, 2020), and public anxiety differs depending on the racial category of the 'immigrants' represented in the news (Brader et al., 2008). Because it is not possible to tell by looking who is 'legal' and who is 'illegal', or who is a British-born citizen and who is an 'immigrant', laws and policing practices cast suspicion and coercion onto those who 'appear' to be immigrants. Thus centralising the racism that was obliquely present in the Commonwealth Immigrants Acts 1962 and 1968, which developed the immigration control system in the UK (Bowling & Westera, 2018). Racism was institutionalised in policing and the criminal legal system through the development of immigration controls at this time (Gordon, 1983; Hall et al., 2013), a collaboration that endures through policies like 'Operation Nexus', which sees police officers working with immigration officials to build cases against 'non-citizens' (de Noronha, 2019). The emphasis on street-level discretion of individual officers helps to obscure the way race and discretion entwine when officers are tasked with performing immigration control (Parmar, 2021). Local racist attacks cannot be separated out from anti-immigrant policies either as racist attacks can focus on signs of material deprivation, which are constructed by immigration controls (de Noronha, 2019). In all these ways,

racialisation, criminalisation and illegalisation continue to produce one another (de Noronha, 2019).

The gap this literature presents between the reality of immigration and public conceptions of it, suggests that objections to immigration are ideological, a topic onto which wider anxieties are funnelled, centred as they are on what Benedict Anderson (2006) famously called 'imagined communities' – that is, nations – not on the communities in which people experience life and relationships. The level of fiction required to imagine a nation as a community lends itself to equally imagined problems and solutions of the imagined community. The simple idea that immigration is about the arrival and integration of 'outsiders' bolsters the mythic idea of a nation as an integrated community of 'insiders', and immigration controls as the instrument for realising the distinction between the two. As Albrecht (2002: 1) notes, the:

'media and a wide range of political parties throughout Europe also participate in and profit from the discourse on safety, crime and immigration. The concept of a 'Fortress' from this perspective points to urgent needs for the exclusion of risks and the pursuit of safety as well as preservation of economic and social stability'.

Unsurprising then that Stanley Cohen (2011b: 242), originator of the theory of the moral panic, believes 'anything connected with immigration, migrants, multicultural absorption, refugees, border controls and asylum seekers' will be 'the most important site' for moral panics in our present era.

It is worth noting that Bridget Anderson (2012b: 1244) argues that the rise in procedures like deportation have been 'accompanied by an increased visibility of enforcement', pointing to the Home Office's funding of Sky TV's *Border Force*, a programme that followed immigration enforcement officers as they raided workplaces, interrogated suspects, prevented entry and deported people from detention centres. Such programming creates what Nicholas De Genova (2002) calls the 'Border Spectacle', in which 'illegality' is presented as a real thing related to someone's personhood, rather than a construction produced through such visible enforcement. This may not be as contrary a view as it first sounds, given that representation is key, and this again involves appropriating real people's lives in whatever ways serve the dominant narrative. As Jusionyte and Goldstein (2016: 3) have observed, while 'visibility entails accountability to the law and subjection to its

enforcement, processes occurring behind the scenes are often blurry and secretive'. Just as with the anti-trafficking presentations considered in the last chapter, the genuine materiality of the lives that are referred to becomes subordinated to a discursive reality (Molland, 2012) that here belongs to the state and media.

This discursive reality presents a vision of an ambiguous and unexplored future, the practicalities of which are contradictory, so as to sustain a status quo that is only discursively objected to, while being practically supported. For example, since 2010, the government has proclaimed that it wants to reduce net immigration to the tens of thousands, something its own policies could not produce (McNeil, 2020). The 'deportation gap' between the numbers that are considered 'eligible' for deportation and the numbers that are actually removed, has been consistently large (Gibney, 2008; European Commission, 2014). For all the written claims about public demands for deportation (e.g. Cameron, 2015), rarely if ever do they give a basis for establishing the realism of such a policy preference. As Cosby et al. (2013) observe in the U.S. context, the consequences of deporting the full number of 'deportable' people are unknown, the historic examples of deportation experiments have typically been short-lived and have not maintained public support, and given the modern media's capacity to disseminate visual coverage, the reality of such a project would likely elicit public outrage. A similar gap exists between the estimated number of potential victims of MSHT (e.g. GSI, 2018) and the fractional numbers referred into and positively recognised in the NRM (Home Office, 2020a), with repeated rhetoric that 'abuse' of the system cannot be tolerated (UK Parliament, 2017; Home Office, 2021b). What then, would be the reality if all 'genuine victims' (itself a problematic concept) were discovered and referred into the NRM? These questions are simply not broached in any of the common rhetoric demanding deportations or NRM referrals. Nor is the matter of just how much is being done under the banner of 'immigration control' that does not serve to reduce the number of 'illegal immigrants' in the UK.

From this, two points should be considered. Firstly, as with the word 'immigrant', the words 'immigration control' and related terms can be used by people who are either misconceiving what is actually enacted, on whom and why, or barely be conceiving of anything at all. Rather than indicating policy preferences, statements like 'deport illegal immigrants' or 'refer victims of slavery into the NRM', when expressed by stakeholders or

members of the public, may be better understood as people using the language of government policy to give voice to underlying emotions, like anxiety. This does not mean that individuals need to think about what the related policy might be, let alone whether the practices governments will attach to these terms will placate the emotive concerns that drive the public to make such demands, or be acceptable to the public's values. After all, that government's must present their service of a minority as beneficial to the majority in order to survive has been an enduring critique of state systems (Malatesta, 2019 [1891]). Secondly, as discussed in the last chapter, it is worth regarding the sustained status quo, however prominently criticised, as acceptable to and in line with dominant interests. The next two sections will consider the questions of what, if not the public, fundamentally dictates immigration control policy and why it is formed into what it is.

Neoliberal Bordering

The increasing intensity of immigration controls has risen as a major component of neoliberal restructuring, with border controls and citizenship as central tools of neoliberal global governance (see Ong, 2006; Walsh, 2011). Despite popular discourse commonly turning immigration controls into a discussion of numbers (Allen & Blinder, 2013), that is, how many are 'let in' and 'kept out', immigration controls are fundamentally about structuring class in society, much as apartheid and Jim Crow laws have elsewhere. Instead of being embraced as valued, humanised members of society, migrant people entering the UK do so under highly restrictive visa rules over matters including what sector of the economy they can work in, who they can work for, what hours they can work, whether they can get married, what services they can access and more (McKay et al., 2006; Anderson, 2010; Anderson et al., 2014; Farmer, 2017). With every restriction, the UK government increases the precarity of workers, producing illegality and constructing an exploitable workforce for specific segments of the labour market (Anderson, 2010). Restrictions, detention and deportation do not solely serve a politics of physical exclusion. Rather, immigration controls stratify society. The category of 'undocumented migration' exists not to physically exclude, but rather to include under conditions of extended vulnerability (De Genova, 2002), handing power to employers (Anderson, 2010), and funnelling the constructed subclass of society into otherwise deregulated, and commonly exploitative, working environments (see Lewis & Waite, 2015).

This suits the needs of labour-intensive industries, who can respond to migrants' vulnerabilities with low wages and poor working conditions, in order to stay competitive (Gordon, 2018). Policies on migration are geared towards employer demand, switching according to the changing requirements of the nation's labour market (Anderson, 2007). The proclamations from government about wanting to lower levels of immigration (Asthana, 2017) belie the reality that the economic growth they strive for is dependent upon such a destabilised (and often undocumented) immigrant workforce (Bloch et al., 2009: 15). The overwhelming majority of illegalised people in the UK likely did not enter the country without status, but came legally and lost their 'legality' once here (Pew Research Center, 2019). Ruhs and Anderson have shown how specific prohibitions on legal residency statuses are so multifaceted that between the imagined binaries of the legal and illegal migrant exists a large category of 'semi-compliance', where completely legal adherence to visa requirements is unlikely, as rules are broken either because they are not known or understood, or details are trivialised by migrants and the citizenry alike (Anderson, 2007; Ruhs & Anderson, 2010).

Large, semi-compliant populations allow a choice on the government's part as to where the enforcement of the letter of the law should and should not apply. In reality, this and other immigration controls are enacted along financial, racial and gendered lines (Anderson, 2013; Bowling & Westenra, 2018; de Noronha, 2019), performing a de facto divide and conquer among what might otherwise be a coalition of the disenfranchised. While class had mostly disappeared from public discourse, it has re-emerged in a backlash against multi-culturalism, and is used as a middle-class dismissal of the white working class, to suggest that ethnicity rather than corporate finance has been problematically prioritised over working-class interests (Anderson, 2012a). As Anderson (2012a: 11) notes:

'precisely at the moment when immigration debates have made the 'race' of white UK working-class citizens and Eastern European nationals (but not white middle-class people) more visible, it is characterised as raceless. And at a time when discrimination on the grounds of poverty is endorsed, immigration is acknowledged by elites as a 'class issue'.

The prevalent determination to argue that immigration controls are not inherently racist is not matched by any equivalent claim that immigration controls need not be inherently against the poor, who are explicitly targeted by policies against 'low skilled', 'low waged'

and ‘poorly educated’ people (Anderson, 2013: 41). At the same time, the gendering of men and women facilitates the exclusion of both through immigration controls. To give just one example of each: because men are regarded as predominantly economic agents, they are commonly discriminated against when it comes to inclusion on the grounds of family ties (Wray, 2015); and existing ideas of male and female labour, and the perception of the domestic realm as a space of unpaid work and legitimately low regulation, sees policies on domestic worker visas exacerbating the exploitability of women (Anderson, 2013).

Such practices produce what is variously discussed as conditional inclusion (Hackl, 2022), partial citizenship (Parreás, 2001), or the marketisation of citizenship (Anderson et al., 2014), all of which refer to the undermining of citizenship as a right. The last of these has seen benefits being sold to high earners and the wealthy, while the poor, the low-income worker, the unpaid carer, the elderly and the disabled, find themselves excluded by these very factors (Anderson et al., 2014). As these engineered conflicts rage, private corporations are making large profits by performing an array of dubious services inconspicuously included under the banner of ‘immigration control’, capitalising on and reproducing these social divisions.

The Illegality Industry: Profiting from Immigration Control

Lots of sectors of the economy are therefore being bolstered by state policies that increase the precarity of migrants. One such sector is immigration control itself. In recent years, an array of opportunities has opened up to profit from state attempts to ‘manage’ migration (Gammeltoft-Hansen & Sørensen, 2013). In 2006, the then Home Secretary John Reid included the asylum system in his condemnation of a department that was ‘not fit for purpose’ (Hobson et al., 2008). Like neoliberal policies more generally, this opened up private markets for services previously performed by the state, and in so doing provided a buffer to direct criticism of the government (Scott, 2017). The revolving door between politicians and big business, an ongoing dynamic in the modern political landscape (Monbiot, 2020), saw John Reid leave government and become a group consultant for G4S⁸

⁸ G4S is the world’s largest security company and the third largest private corporation in the world (Tyler et al., 2014; Davis, 2022).

at £45,000 a year (Syal & Hughes, 2009). G4S has been one of the largest competitors in the detention market which Reid's actions in government had helped to vastly expand (see Sambrook, 2010). The consequences of privatising services or enforcement which interacts with vulnerablised people creates a market that is invested in the perpetuation of vulnerability. Private companies are overwhelmingly profit-driven, and the need to be competitive in the market, while still making a profit, drives down standards. Furthermore, in this industry, companies are free to lower standards because the recipients of their 'product' are not those who grant them their contracts; instead the contracts are given by the government which is substantially causing the recipients' problems while also constructing the recipients as a problem. Furthermore, these companies have substantial vested interests in the perpetuation of their profits, and as their profits are dependent upon a steady supply of more vulnerablised people, their own actions and their lobbying of government are directed towards constructing more of the same (see Ackerman & Furman, 2013).

The UK was the first European country to privatise its detention regime (Arbogast, 2016) and has one of the biggest detention systems in Europe (Silverman 2017). The connection between the privatisation of immigration detention centres and the growth of detention has been made clear (Bacon, 2005). The use of detention is sustained by government dependence on global security firms and the influence of lobbyists (Webber, 2012). The running of UK detention centres is outsourced to private companies. Until recently, this included G4S and the GEO Group, but now all detention centres are run by Serco and Mitie, the last of which won a contract in 2018 valued at over £500m (McIntyre, 2018; Silverman et al., 2021). These private companies are permitted to pay wages of £1 an hour to those detained. A high court ruling deemed it lawful because the work, which can include cleaning, hairdressing and welfare support, is supposedly 'voluntary' and designed to 'alleviate boredom' (Taylor, 2019b). Like prisons, detention centres are not bound by minimum wage laws. But with futures troubled by, among other things, incarceration itself, the idea of the work being 'voluntary' is a spurious notion. Not only is there evident uncertainty in one's future, but many people interviewed in detention struggle to see a future at all, viewing it with 'nothing short of despair' (Phelps, 2009: 28). Most detainees are not deported, but are returned into society with the same lack of rights as when they

went in (Phelps, 2010; Vanderbruggen et al., 2014), illustrating evident waste even by the government's own measures.

The same is true of deportation. Contrary to what many might expect, the growth in immigration has risen within the context of mounting immigration controls (Gilligan, 2015). Judged by its proclaimed goals, Europe's efforts to fight migration should be declared a complete failure, in that it has resulted in more of what it claims to want to cut – more concerning forms of 'illegal migration' (Andersson, 2016). These measures are not curbing the tide of migration itself, instead they target specific routes and practices. As such, every intervention created to disrupt one practice leads those who migrate and facilitate migration to create new and typically more precarious pathways, which the immigration control industry insists must be dealt with using the same approach of 'security' and 'prevention' (see Andersson, 2016). As such the 'illegality industry', as Andersson (2014: 1ff) terms it, creates more need for itself with every intervention. The profit imperative even affects the practices of staff members. Former employees admitted that G4S encouraged guards to use violence during deportation to discourage noisy resistance from those being deported, as this might result in the pilot refusing to carry them, costing G4S money, which the company threatened would be deducted from guards' salaries (Arbogast, 2016, citing Rodier, 2012).

Similarly, asylum has long been a profitable business opportunity in the UK (Squire, 2009). Asylum policy has become increasingly unstable as a direct consequence of privatisation and austerity measures, and according to Darling (2016a) it intensified in 2012 when the Home Office signed six contracts, known as COMPASS, to just three private contractors: Clearel (now Clearsprings⁹) and again G4S and Serco (Darling, 2016b). Prior to this, asylum housing was provided by local authorities, housing associations and some private actors (Darling, 2016b). While private companies see excess money as profit, local authorities had been able to use such money for 'wraparound services' (Darling, 2016a: 494). And while factors like damp and vermin infestations would cause a local authority to reject a property as unacceptable for asylum housing, private companies look at the lowest end of the market (Perraudin, 2017). Charities have repeatedly spoken out against the cost-cutting,

⁹ The contract was initially awarded to Clearel, a joint venture between Clearsprings and Reliance (now Tascor), but the latter later withdrew.

the appalling conditions that asylum seekers are made to live in, the unresponsiveness of contract providers, and the lack of safety felt by asylum seekers (Perraudin, 2017; Migrant Voice, 2017; Bulman, 2019a).

While such appalling conditions are highlighted by asylum seekers and their advocates, and intermittently raised in some national newspapers, they are not out of keeping with the intentional construction of hardship within the asylum system. Over the past twenty years, European politicians have shifted the language of asylum from being humanitarian and political, to being a primarily economic issue, validating an asylum system that is supposed to be difficult, to avoid ‘economic pull factors’ (Mayblin, 2020: 4). Thus, increasingly austere conditions serve both to cut costs for companies that have won government contracts, and to deter ‘illegitimate claimants’. So while Serco, which is described as ‘the biggest company you have never heard of’ (Arbogast, 2016: 23), was fined £6.8 million for contractual failings from 2013-2018, such as insufficient property standards and issues not being addressed quickly enough, it was still awarded some of the new asylum contracts in 2019, worth approximately £4 billion (Perraudin, 2017, 2019; Home Office, 2019a).

Notably, charities have also engaged in this market competition. In the 2019 bout of contracts, the charity Migrant Help was awarded a £100 million contract for Advice, Issue Reporting and Eligibility Assistance services (AIRE), despite warnings that separating the reporting of repairs from the companies performing the work would slow the process and create dangerous living situations (Grayson, 2020). Many complaints from asylum seekers are now targeted at Migrant Help and the AIRE contract, including 120 UK organisations in an open letter to the Home Office, describing the ‘drastically increased waiting times’ (Refugee Action et al., 2019: 7; Bulman, 2019a). In this way, just as privatisation provided a buffer to direct criticism of government, this new additional contract, which directs public funds to yet another external provider, functions as a barrier to direct criticism of the private housing providers. Bulman (2019a: 13-20), writing for *The Independent*, even quotes asylum seekers saying that it was better when G4S took housing complaints: “It’s got much worse. Now we don’t even know who to report to”; another said, “I never thought I would say this, but I miss G4S”. AIRE is therefore another public expenditure to a non-public organisation – in this case a charity, earning between £10-20 million a year

from the deal (Corporate Watch, 2019) – and is even nurturing preferential remembrances of the last stage of privatisation.

The array of activities that are privatised are extremely dubious. In 2012, the firm Capita¹⁰ was awarded a potential £30-40 million contract to find and evict 174,000 ‘illegal immigrants’. This contract was even scrutinised by the UK government’s Home Affairs Select Committee. The work involved sending texts and letters to the illegalised people already on the Home Office’s Migrant Refusal Pool Database, which left the Committee wondering why the UK Border Agency were not doing this work themselves (Scott, 2017). The Independent Chief Inspector of Borders and Immigration found that of the cases Capita had been assigned, less than 1% had left as a result of their intervention (Vine, 2014). Elsewhere, the government’s equality helpline, which deals with people who have faced discrimination based on their sex, race or disability, was also outsourced in 2016, once again to G4S. This was despite a track record of ‘endemic racism’ – so described by the coroner following the killing of Jimmy Mubenga at the hands of three G4S guards (Sambrook, 2014), and a damning report by the Ministry of Justice on abuse of inmates and falsification of records at G4S-run youth prisons (White, 2016). There is also evidence of G4S overcharging the Home Office tens of millions of pounds for a tagging contract in which they were claiming to be tagging people who it turned out had left the country, were in prison or were dead (Travis, 2013), which later led to three executives being charged with defrauding the Ministry of Justice (BBC, 2020). The full list of such failings is extensive and brings into question just what such companies would need to do to not receive government contracts (Williams, 2013).

A lack of space precludes elaborating on similar contracts going to Tascor¹¹ to run short-term holding facilities and to escort people during their deportation, to Carlson Wagonlit¹² for deportation travel arrangements, to G4S and Care UK¹³ for medical services in some

¹⁰ Capita is a major outsourcing corporation that runs administrative and support services for other corporations (Corporate Watch, 2017a).

¹¹ Tascor is a subsidiary of Capita. It specialises in providing security and ‘facilities management’ for UK state agencies (Corporate Watch, 2017a).

¹² Carlson Wagonlit is a global business travel services company, essentially a large-scale travel agent for companies and governments (Corporate Watch, 2017a).

¹³ Care UK are a private company that mostly provide residential care for older people. They have been a prominent applicant as NHS services have been privatised (Corporate Watch, 2012).

detention centres which have been outsourced from the NHS, or any other such arrangements (Arbogast, 2016; Corporate Watch, 2017a; Silverman et al., 2021). But the point should be clear. While the politics of austerity and reduced welfare were presented as measures related to fiscal prudence (MacLeavy, 2011), the above provides brief illustrations of just how copious the unnecessary expenditure has been in areas that receive less media attention than, say, unemployment benefits. The *illegality industry* fails even according to its own proclaimed objectives of ‘securing’ and ‘protecting’ borders, as arrivals through irregular migration have increased, as have fatalities and smuggling networks, perpetuated by the economic incentives of the illegality industry itself (Andersson, 2016). In the light of the corporate interests that sustain this industry, the arguments commonly made regarding the practical necessities of immigration controls are shown to be irrelevant to much of what is done under the banner of immigration control, as it is in fact doing the opposite.

The profits secured from migrant people are not disconnected from law enforcement, but it is those very interests that are being served by the majority of its anti-migrant agenda. At the same time as police forces like Greater Manchester Police are choosing not to investigate nearly half of reported crimes, apparently due to a lack of funding (J. Williams, 2017), law enforcement agents are investigating and conducting operations where no crime has taken place, in order to find undocumented or semi-compliant people who occupy little or no accommodation space (Corporate Watch, 2017b). People who are often reluctant even to use health services in times of crisis because of fears around immigration control (Papageorgiou et al., 2020). From occupying no housing and being afraid to use public services, undocumented people are then incarcerated at a cost to the public purse of approximately £95 a day (Silverman et al., 2021). Again, most of those detained will be released, not deported (Phelps, 2010; Vanderbruggen et al., 2014). In this way, millions of taxpayers’ money is being spent on detaining people who are not even deported. Undocumented people are excluded from social housing and marginalised in private housing, typically experiencing accommodation issues of overcrowding, lack of personal and communal space, high rents, poor quality accommodation or tied accommodation related to their work, or they are simply destitute (Bloch et al., 2009; Crawley et al., 2011; PICUM, 2014). Immigration controls therefore target populations who are already the

most vulnerablised, and who are therefore less likely to be a burden on public services and housing (see PICUM, 2014; Papageorgiou et al., 2020). The most oppressive measures currently being implemented against the most excluded people are being justified in their imagined service to the national social and economic good. In practice, these measures cost the public purse vast sums which go to profit private corporations, destroy lives, and severely damage the fabric of communities by tearing away at levels of interpersonal trust (Aliverti, 2015). Despite the influence of these corporate interests, street-level actors perform immigration controls from a belief that they are defending the social, economic and national order (Alpes & Spire, 2014). As I have shown, the disparity between the idea of what is being served and the reality is very far apart indeed.

The Rescue Industry: Profiting from the NRM

There is an array of literature that uses different terms to describe overlapping concepts regarding the profitability of facilitating both immigration and immigration control. Andersson (2014) includes under his term, 'the illegality industry': border forces, police, international organisations, defence contractors, policy institutes, humanitarians and NGOs. These last two groups are also included in Agustín's (2007) concept of the 'rescue industry', discussed in the last chapter. Agustín has been criticised for the broad sweep of different and sometimes opposing actors that she incorporates under the banner of the 'social agents' that make up the rescue industry (O'Connell Davidson, 2010). Despite this, Gammeltoft-Hansen & Nyberg Sørensen (2013: 7) specifically include the concept in their revised description of the 'migration industry', which they argue comprises illegalised actors, like smugglers, as well as the 'legal' ones, and includes 'facilitation, control and rescue...as different subcategories within the migration industry'. Schapendonk (2018: 665) suggests that it is better not to think of these as subcategories, but as a 'complex web of relations' which, in their interplay, shape migrant trajectories. What is clear is that any organisations and actors that can legitimately be regarded as stakeholders in such an industry must all have a vested interest in the vulnerablisation of migrating people, and the main product created by the 'legal' actors in this sector is more of a need for their own interventions (Andersson, 2014). The endurance of this industry is dependent upon the sustaining of policies that produce vulnerable migrants, who the 'legal' organisations insist

need to be interacted with, whether it is to 'care' for them, stop them, detain them or deport them.

The illegality industry is given little media attention, particularly its significance for why immigration controls are expanding as they are. Because this is obscured, the parity between the illegality industry and the anti-slavery sector, or the 'rescue industry', is similarly overlooked. The rescue industry, like the illegality industry, is highly profitable (Shih, 2018). And, as I began to note earlier, the overlap between private companies competing to lock people up and charities competing to 'support victims' is substantial. For instance, I mentioned that Migrant Help took over some of the work from Serco, who hold contracts for three detention centres and two regional asylum housing contracts (Home Office, 2019a; Grierson, 2020a), by securing the contract for Advice, Issue Reporting and Eligibility Assistance (Home Office, 2019a). At the same time, Migrant Help are one of two support providers to victims in the Northern Irish and Scottish NRMs, and a subcontractor to the Salvation Army for victim support in England and Wales. In the NRM, as elsewhere, the government privatises something it could be doing itself, creates a pool of money, and encourages a competition among private service providers. The same people are often entering the NRM and detention centres multiple times. The private and third sectors have a vested interest in the government maintaining a regular supply of destitute-level people, being passed back and forth from destitution to care to detention, with groups like G4S and charities like the Salvation Army profiting from the constant supply. Charities' profits must be reinvested in their organisation. As the discussion of the cyclical nature of the illegality industry should have made clear, self-expansion is the most observable consequence of the industry as a whole, other than the human cost. Within the highly financialised, neofeudal economic system, expansion of companies and bureaucracies is a common way of spending hoarded money and stabilising hoarded power, even if the resulting work is pointless or harmful (see Graeber, 2018). So the difference between charities and private corporations regarding their profits does not provide much distinction when it comes to the incentivisation to perpetuate their own involvement in the illegality industry.

What I want to make clear is the way in which the creation of the NRM institutionalised and expanded the interaction between government, private corporations and charities in

the anti-slavery agenda, incorporating more organisations and thereby reorienting the practices and objectives of those groups to serve neoliberal agendas. Neoliberal policy emphasises privatisation, devolution and the contracting out of services, which necessarily pressures non-profit organisations into adapting to changing government policies, conforming to the logics of neoliberal management and shifting from a 'value-driven calculus to one driven by efficiency' (Hasenfeld & Garrow, 2012: 302). The anti-slavery sector called for the development of the NRM following the ratification of the *Council of Europe Convention on Action against Trafficking in Human Beings* in 2009, in order to improve the support provided to 'victims of trafficking' (Broad & Gadd, forthcoming), almost certainly anticipating that government would be steered by *their* concerns, rather than the other way around. Yet from the beginning, the NRM was structured according to neoliberal logics. Organisations are encouraged to compete for the main contract, which has gone to the Salvation Army since 2011, who then subcontract to a collection of other competing organisations.

Winning these contracts involves adapting to government demands and internalising corporate logics. This was evidenced by Garland and Darcy's (2009) analysis of the Salvation Army in Australia, and the government contract it held for a system called 'The Job Network', which saw NGOs competing to provide labour market services to unemployed people. The authors show the conflicts that existed between the founding values of the Salvation Army and the demands made upon the organisation by the government contracts. Additionally, increasingly close monitoring of the organisation's practices and decisions constrained its ability to manage itself and its relationship with clients. Diversity and creativity of responsiveness were pushed out in favour of a one-size-fits-all measurement regime. The monopsonistic quasi-market created pressures that ultimately challenged the value commitments the organisation had held (Garland & Darcy, 2009). In order to quash the independence of its contractors, the government attached confidentiality clauses preventing them from criticising any aspect of government policy and thereby stunting the advocacy potential of the Salvation Army (Webster, 2010). Garland's (2008) study of the relationship called into question whether the third and government sectors should even be conceived of as differentiated realms.

Similarly, in the UK, the NRM contract was held for its first two years by the Poppy Project and Migrant Help, the former claiming in 2011 that the redirecting of its funds to the Salvation Army was politically motivated, based on the Poppy Project's strong challenges to numerous government decisions (Hill, 2011).¹⁴ The decision came just a few months after the chief executive of Eaves, the charity that ran the Poppy Project, returned her OBE along with public criticism of the government's cuts and 'Big Society' agenda (Ishkanian, 2014). Nine years on and deeply embedded in the reproduction of the hostile environment, the Salvation Army received the NRM contract for another five years in 2020 (Home Office, 2020b). Just like the illegality industry, the anti-slavery sector creates more work for itself, by insisting that it is needed to train law enforcement officers, collaborate with government in service provisions, and inform rather than oppose government in the development of policy (Salvation Army, 2021; Unseen, n.d.b).

The institutionalisation of the anti-slavery sector within the illegality industry and the role of the NRM as another arm of the hostile environment, can all be further evidenced by showing examples of the NRM's emulation of other immigration controls. These practices receive little public discussion but are highly significant to the realities and harms of immigration control. But for ideological manipulation and the compulsion to comply with prevailing neoliberal agendas, advocates of undocumented people would have little cause to engage in such harms. The remainder of this chapter is therefore given to elaborating on just a few examples of these practices. These examples illustrate standard stages in the NRM experience. I focus on *everyday bordering* (Yuval-Davis et al., 2018), in which more and more roles within society are being burdened with activities that enforce immigration controls, expanding the hostile environment. Once state connections are forged by those practices, *dispersal policies* isolate migrant people, disrupting their work and social networks (Hynes, 2009). Finally, I consider the way the asylum system has been transformed so as to intentionally perform *slow violence* and *necropolitics* on asylum seekers (Mayblin, 2020). In all these ways we can see the NRM performing the same functions, often simply with a different rhetorical framing.

¹⁴ Eaves is also an anti-prostitution organisation, so the shift can also be seen as a move away from the particular focus of trafficking as sexual exploitation.

Everyday Bordering

Far from being just guards at the border, immigration enforcement has been expanding internally since the Second World War. Over time, the enforcement of those restrictions has been placed on the shoulders of more and more citizens, something Yuval-Davis et al. (2018) describe as *everyday bordering*. I draw on their outline of the history of everyday bordering in the UK at length, to show its creeping expansion over half a century. They begin with the 1971 Immigration Act, which significantly embedded everyday bordering in the UK. It required the captains of ships and aircraft to provide the names and citizenship of all passengers and to detain and return all who had their entry refused. Penalties for non-compliance were introduced in 1987. In 1996, the Conservatives introduced fines of up to £5000, imposed on employers who hired migrants without state authorisation to work. In the late 1990s and 2000s the Labour government increased regulations for employers on such matters, and expanded everyday bordering, introducing £2000 fines for every illegalised passenger on vehicles entering Britain, and placing restrictions on marriages entered into for legal status. The 2006 Act introduced more demanding checks for employers to carry out, higher fines, and made knowing employment of irregular migrants a custodial offence (Yuval-Davis et al., 2018). Pre-2004, actual enforcement of such laws was minimal, but in 2007-2008, 15,500 raids were carried out, resulting in 10,750 arrests. After 2010, the government came to realise that the majority of irregular migrants had overstayed their visas. The aim was then to discourage overstaying and to restrict the ability of those who overstayed to live and work. The 2014 Immigration Act took everyday bordering beyond employers, to include employees of both private and public organisations, like banks, the DVLA and hospitals, as well as private landlords (Yuval-Davis et al., 2018). These people must establish residency status before services are provided (Hiam et al., 2018). Enforcing immigration controls has increasingly become part of what it means to be a good citizen (Anderson, 2013). In general, the expanding influence of internal and external borders is resistant to contestation because any successful challenges to immigration legislation have simply resulted in further legislation (Webber 2012).

More pertinent still, this everyday bordering can be seen in the third sector, which has been co-opted into engaging and processing irregular migrants into 'voluntary' removal and detention, even of children (Webber, 2012). In 2017, Corporate Watch produced a

report which found that homelessness charities were informing the Home Office of irregular migrants, to assist in their removal from the UK. The report found that orders for the targeting of foreign rough sleepers for deportation came from the Home Office and local councils. They were assisted by charity managers, whose funding was dependent on these same bodies. The outreach workers on the ground, though generally compassionate people, found themselves serving this agenda because the changes, which began around 2010, were introduced incrementally, and they typically did not see the ultimate consequences of their actions. For instance, they would add the locations onto a database funded by the Greater London Authority and managed by a compliant charity: St Mungo's. They would accompany immigration officers on visits, but arrests would be carried out at a later date. And they would assist in arranging 'reconnections' (a word commonly used in the sector to mean removals), but would not know what happened to people after they left. Charity bosses defended their actions claiming returns are the best option for many non-UK rough sleepers, and that their role is to persuade them to leave 'voluntarily'. However, not only are 'voluntary' returns carried out with the threat of force, but enforced deportation and detention are more common (Corporate Watch, 2017b). Nine months after the report was released, the High Court ruled that the process was illegal and discriminatory, following a case brought by the Public Interest Law Unit and North East London Migrant Action, on behalf of three men (O'Neill & Hurst, 2017; Hughes, 2017; Taylor, 2017). Further analysis shows that these practices are continuing under alternative and subtler strategies (Corporate Watch, 2020), and the Salvation Army (who hold the NRM contract) is included among a list of religious and community groups allowing the Home Office's Immigration Enforcement teams to run sessions in spaces intended as safe havens for homeless people (Taylor, 2019a).

Government backing allows the state to direct and limit victim support provisions, and to guide the ideologies and goals of contracted NGOs (Connelly, 2015). Like everyday bordering in the areas discussed, the NRM uses charities and other services that have high levels of contact with migrant populations, to gain access and control in ways which the government would be unable to do without their assistance. For instance, the 'duty to notify' is a requirement placed on some public authorities to notify the Secretary of State of any suspected victims of modern slavery or human trafficking who choose not to enter

the NRM. This was included within the Modern Slavery Act (2015) and is akin to the police practice of reporting the status of crime victims to immigration authorities, which was reportedly stopped following the Windrush scandal in 2018 (Dodd, 2018). In practice, police policies continue to be contradictory, discouraging the sharing of information with the Home Office and then requiring it again (Delvino, 2019).

The NRM's steady growth is partly achieved through the offer of positive incentives, but it is not the only area of immigration controls that adopts this approach. The government has gradually increased the use of Voluntary Assistance Schemes, which offer limited financial support to refused asylum seekers to 'enable' them to be moved to their 'country of origin' (Gibney, 2008). This process is apparently less violent, and therefore seemingly more humane, and is also favoured by the Home Office and the National Audit Office because it is less expensive than other measures for deportation (Gibney, 2008). In light of Voluntary Assistance Schemes, one can see why the government would seek out other ways of increasing the 'voluntary' engagement of groups subjugated by border controls. Like Voluntary Assistance Schemes, the NRM offers migrants minimal support in return for engaging with the government and becoming subject to other immigration processes. For instance, like asylum seekers, people referred into the NRM (PRIT-NRM) are not allowed to work (Van Dyke, 2019), causing serious problems for those with dependents, in the UK or abroad. The asylum system has been identified as creating a susceptibility to forced labour, primarily due to restrictions on rights like the right to work (Lewis & Waite, 2015). Likewise, on departing the NRM, foreign nationals have precarious status which increases vulnerability and the risk of being 're-trafficked' (Human Trafficking Foundation et al., 2017), and are typically deported (Ferrell-Schweppenstedde, 2016). People positively identified as victims of modern slavery can be required to attend immigration reporting centres every few weeks, from which they can be taken into detention with no warning (Gallagher & Featonby, 2019). Like all other immigration controls, the NRM is therefore something many people try to avoid. Many people refuse referral into the NRM because of concerns about detention and deportation (Brotherton, 2019), which mirrors migrant concerns when interacting with other third sector organisations around their potential allegiance to government and the passing on of migrant information (Crawley et al., 2011).

The use of Voluntary Assistance Schemes increased in the years leading up to the UK's creation of the NRM. The NRM allowed the government to meet its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (2005), ratified four years earlier, but the decision-making process that defines the UK's structure was not outlined in that convention, which was instead more generally holistic and inclusive. As shown in Chapter One, the human trafficking discourse allows governments to ramp up border controls in the name of humanitarianism (Walters, 2011), preventing movement across borders (Anderson, 2013) and conducting simultaneous immigration and modern slavery raids (Hill, 2016). But I argue further that the specifics of the NRM played upon the 'success' (by government standards) of incentives in Voluntary Assistance Schemes, to use the victim identification mechanism for immigration control. Gibney (2008: 167) writes that despite migration and human rights constraints, liberal states like the UK are still able to meet their immigration control objectives if they 'innovate in the policy realm'. Despite the elaborate and far-reaching narrative of MSHT, I present the NRM as just such an innovation in immigration control. Given that the right to exist in the UK is essentially the most important provision that can be offered, the NRM does not even rank as the most humane arm of the immigration system for the 'lucky few'. Recognition of refugee status in the asylum system comes with five years leave to remain, and the opportunity later to apply for indefinite leave (Human Trafficking Foundation et al., 2017). The NRM offers no such thing.

Similarly, the government has sought to include the public in the policing of migrant people (Aliverti, 2015). Here again, there is direct equivalency in the anti-migrant and modern slavery campaigns of government which target the public to elicit their involvement. Government campaigns to get the public to report when they see 'signs of modern slavery', which emphasise poverty and foreignness, are targeting the same populations and encouraging the same practices as the Home Office efforts to get the public to report immigration law-breaking to Crimestoppers (Anderson 2008, 2012a; Aliverti, 2015). The type of campaign, the practices, the populations and the ultimate consequences on the people concerned are substantially the same in both anti-slavery/NRM focused campaigns and the more explicitly anti-migrant campaigns. The key difference is the humanitarian veneer to the former compared with the 'civic responsibility' rhetoric of the latter. Indeed,

by foregrounding 'modern slavery' campaigns the Conservatives could appear to take immigration control seriously, while not appearing to be uncompassionate, which they have been criticised for in their anti-migrant rhetoric and policy (Gadd & Broad, 2018). But by drawing on both strands they are able to appeal to a wider array of the public, and to different sensibilities within that public.

Aside from the sheer quantity of rhetoric from government on modern slavery, there is another reason that may have obscured the assessment of the NRM as immigration control. As important as Yuval-Davis et al.'s concept of everyday bordering is to understanding the government intentions for the NRM, they describe the phenomena as expanding significantly with policies introduced in the Immigration Acts 2014 and 2016 (Yuval-Davis et al., 2018). By this timeline, it was five years after the introduction of the NRM that policies were introduced significantly extending everyday bordering to include employees of public and private organisations, like banks, hospitals, the DVLA and private landlords (Yuval-Davis et al., 2018). The point being that the NRM (and indeed the homelessness sector (Corporate Watch, 2017b)) prefigured the wider expansion of everyday bordering in society. In 2009, when the NRM was introduced, everyday bordering was largely limited to employers, and there was no subterfuge as to why they were being burdened with checking the citizenship status of their workers. Within this context it is understandable that in spite of significant scholarship which has shown that anti-trafficking serves immigration controls (Sharma, 2005; Anderson, 2013), reports specifically on the NRM would not easily jump to the conclusion that rhetoric expressing concern about a vulnerable group of migrants (however vaguely categorised) would hide so ulterior a motive; that despite the rhetoric, the actual legislation and administration of the NRM would be utilising the frontline workers of the government's own services, and those of charities and NGOs, to function as everyday border guards.

Dispersal and Geographies of Exclusion

Dispersal is a practice in which the state intentionally moves asylum seekers or refugees to be housed in a different region. Until the 1990s, dispersal had been an uncustomary (yet racist) policy (Bloch & Schuster, 2005). Initially used in response to black settlement in the post-War era, it continued to be implemented in situations where large numbers of refugees were coming from a specific situation, like Uganda, Vietnam, Bosnia and Kosovo.

The New Labour government introduced dispersal as an integral element of the asylum system in the 1999 Immigration and Asylum Act (Bloch & Schuster, 2005). The rationale given was that it would prevent a high concentrations of asylum seekers in one area and thereby avoid social tensions and costs being excessively placed on only a few local councils (Home Office, 1998; Boswell, 2001). In actuality, the dispersal of asylum seekers has been practised in conflict with these objectives. An analysis conducted by *The Guardian* (Lyons & Duncan, 2017) found that the poorest third of the UK was housing five times the number of asylum seekers as the richest third. This was causing excessive pressure on councils that had shown willingness to provide support to asylum seekers, and stoking rather than relieving tensions between poor UK nationals and asylum seeker populations in their region (see Mason et al., 2016; Lyons & Duncan, 2017). The deliberateness of these policies was also evidenced by the fact that 34,936 asylum seekers were living in areas with Labour-led councils, while only 1,680 were in Conservative-led areas, the party in government at the time (Lyons & Duncan, 2017). This is also another example of the government contributing to, rather than responding to, negative attitudes towards immigration.

Migrating to another country is financially, socially and psychologically costly. The choice of destination country is informed by important factors that help to mitigate and redress these costs. As well as being informed by economic concerns at home and labour market factors in destination countries, people are influenced by colonial links, ethnic networks, and familial ties (Czaika & de Haas, 2017). Having friends, family or at least a shared language community can assist with finding work, housing, and childcare, and can reduce the stress associated with migration and one's vulnerability to exploitation (Czaika & de Haas, 2017). All of these provisions, supports and securities are being directly disrupted by dispersal (Darling, 2016a). What is more, if a region has a high population of a specific ethnicity, the local council can tailor services to that community (see Bloch & Schuster, 2005). The goal of dispersal, that is, to disperse diaspora, makes such specific local council support less likely. And as already stated, the disruption this causes to accessing work is disregarded by the state because in the majority of cases those being dispersed are not recognised as having a right to work (Bloch & Schuster, 2005). In short, dispersal is a policy in direct conflict with the freedom and wellbeing of migrant people.

Yet again, we find this same practice in the NRM. People in the NRM have no say over where they are placed in a safe house or National Asylum Support Service (NASS) accommodation, which commonly removes them to an entirely different part of the country (ATMG, 2016b). The dispersal practice in the NRM is easily framed as a protective measure, removing 'the victim' from the threat of their exploiters (see Salvation Army, 2018). Such a rationalisation would imply that this practice only coincidentally mirrors dispersal policies in cases where the PRIT-NRM is not an asylum seeker, and is due to subordination to immigration controls where they are. The proclaimed intent of this NRM policy is undermined by the harm it does to PRIT-NRM, which has been raised in literature critical of the NRM, noting dispersal harm during initial removal to a safe house (ATMG, 2016b) and when being dispersed from the safe house following conclusive grounds decisions (Human Trafficking Foundation et al., 2017). Here again we see that the tendency of MSHT campaigns to present the 'trafficker' as the main or sole problem faced by the 'victim', obscures both the other vulnerabilities and persecutions faced by 'victims' and the full implications of anti-slavery interventions, including the disruption of vital networks. Urgently responding to the threat of the 'trafficker/victim' relationship, whatever the reality of that dynamic might be, can allow for the obliteration of everything else in that person's life which does not relate to their victimhood, but which is essential to their life and wellbeing. Unfortunately, the criticisms in the grey literature do not consider dispersal in political terms as I have done above. Instead, it is presented, as with all immigration controls, as the naturalised context in which the imagined objectives of the NRM are seen to face problems of implementation.

In the same vein, Mountz (2012, 2020) has illustrated at length that immigration detention centres are placed in remote locations, as part of an intentional strategy of isolating individuals, populations and communities through 'dispersal, separation, concealment, control, death, and the creation and creative use of islands' (Mountz, 2012: 92). Being detained in a centre in a remote location restricts access to asylum systems and makes it much harder for advocates to reach those who are detained (Mountz, 2004). People are also moved between detention centres at the whim of the Home Office (BID, 2009). To believe that it is purely a matter of concern for victim protection that leads the government to move PRIT-NRM to a different region, without any concern for where they

want to be or if they want to move at all, is to be convinced that rhetoric, not action, denotes government intentions. What we can see here, once again, is a practice that has historically been entirely geared against the interests of migrant people in the UK, also being practised within the NRM in the same ways, but attached to alternative, humanitarian sounding narratives.

Slow Violence and Necropolitics

Lewis and Waite (2015) show the way in which the 'humanitarian' face of border controls, the asylum system, equally serves in the intentional creation of a sub-class of migrant workers. The denial of basic rights, the minimal offering of support and the implementation of an intentional policy of destitution are active contributions to asylum seekers' vulnerability to exploitation. Recently, Lucy Mayblin's (2020) path-breaking work examining the asylum system has illustrated that the housing and support provided should not be conceptualised as an uncomplicated positive in the midst of evidently harmful negatives. Rather, her work carefully shows how the discourse on asylum seekers has been shifted from humanitarian or political constructions to an economic one, in which policies are designed to avoid functioning as 'economic pull factors' encouraging more immigration and asylum applications. This has turned the asylum system into a purposeful process of gradual impoverishment. Mayblin understands the asylum system as evidencing what Mbembe (2003) described as 'necropolitics', and what Nixon (2011) calls 'slow violence'. Necropolitics is the idea that when states create the legitimate, who are included, they simultaneously create the illegitimate, who are excluded. The excluded are not simply killed, but are allowed to die in the decisions that prioritise the legitimate populous. They are targeted not for what they have done, but because their existence is considered to be detrimental to the wider, legitimate society. Slow violence refers to structural harms that are gradual, out of sight, and perpetrate a delayed destruction that is stretched out over space and time.

Mayblin et al. (2019) observe all this in the asylum system. In interviews with asylum seekers they show how being prevented from working (which most did not expect), and being made dependent on asylum support (which most did not expect) held these people in a state of constant stress, anxiety and shame, impacting their everyday life in shopping, eating, clothing, personal grooming, transport and socialising. They write:

“Those interviewed for this research are, in many cases, being ‘kept alive but in a state of injury’ (Mbembe, 2003: 21). They are being exposed to ‘gradual wounding’, both physical and psychological. These outcomes are not accidental, they are intentional. As politicians of various political persuasions have explained, life in the asylum system is meant to be hard so that more asylum seekers are not ‘pulled’ to the UK by the promise of a better life. We can say, then, that while human rights law is meant to ensure the equality [of] all human beings, it is clear that there is a practical regime of differential humanity operating here” (Mayblin et al., 2019: 120).

Mayblin et al.’s critique illustrates the intentionality of the harm done by the asylum system, rather than it being a positive agenda with unintended negative consequences. In this context policies that claim to help, support and protect asylum seekers are actually doing serious harm.

The equivalency with the NRM is unsurprising, as the two systems share much in common. It is evident in government claims, for instance, that a positive conclusive grounds decision cannot come with a guaranteed period of discretionary leave, because “[t]he Government believes that having a blanket policy of granting discretionary leave to all victims risks incentivising individuals to make false trafficking claims in an attempt to fraudulently obtain leave to remain or delay removal” (UK Government, 2017: 4). This refusal to give conclusively identified ‘victims of modern slavery’, the very thing many of them need most, is being dismissed for exactly the reasons Mayblin raises – the system is not supposed to be pleasant or helpful because to be so would be incentivising the ‘undeserving’. The gap between the reasonable grounds and conclusive grounds decisions is foregrounded as a period of rest and recovery. But I would contend that a major function of the NRM is its extension of the slow violence of the asylum system. The Home Office claims that holding off on asylum decisions until the NRM conclusive grounds decision is made is because ‘it may have a bearing on the asylum claim’ (Home Office, 2016: 58). However, not only is there no clarity on what influence that decision would make, but in practice, this extends the experience of slow violence, sometimes for years, whether the person wants to be in the NRM or not (see NCA, 2019). It is very typical that this process lasts for inordinate amounts of time, and when an NRM decision finally arrives, PRIT-NRM then begin the next waiting period to discover the outcome of their asylum claim.

The distressing effect of slow violence, which Mayblin (2020) discusses at length, is also recounted in grey literature on the NRM. With few exceptions (see Sharp & Sedacca, 2019),

being in the NRM does not give someone any right to work they did not already possess, and uncertainty over immigration status exacerbates emotional and mental health conditions, feelings of worthlessness and the sense that they are being 'punished by a system meant to protect them' (Beddoe et al., 2015; Sharp & Sedacca, 2019: 6). The NGO Hope for Justice reported that some of their clients have attempted suicide because of the uncertainty of their situation related to move-on timescales on safehouse accommodation (Human Trafficking Foundation et al., 2017). The government's insistence on dragging out a decision-making process (one which has no clear purpose and does not exist for victims of other crimes) prevents people from moving on from their past and settling, particularly in relation to housing and employment (Ferrell-Schweppenstedde, 2016). Advocacy groups can fight hard to get vulnerable people accommodation, only for that housing to be 'highly inappropriate' (Beddoe et al., 2015: 31). The problem of long waiting lists for mental health treatment is compounded further if PRIT-NRM are moved, as they then have to begin the process again in the new area (Gallagher & Featonby, 2019). Waiting times to receive immigration status advice are a national problem, with survivors in safe houses in the North of England waiting up to a year for a first appointment (Gallagher & Featonby, 2019). The legal aid system discourages legal practices from taking 'trafficking' related immigration cases, because those cases take so long, and the practice will typically be waiting over three years for payment (Gallagher & Featonby, 2019). Many survivors describe the stress of being stuck 'in limbo', unable to act for themselves, which they experience as pointless and punitive, making them feel 'worthless and unwanted when they could have been contributing to the wider community' (Gallagher & Featonby, 2019: 42, 67). Even those who do receive leave to remain in some form will continue to experience this limbo, unable to properly settle, as such discretionary leave is often parcelled out in brief portions (see ATHUB, n.d.). The NRM provides no relief from the 'protracted temporariness' that exists for undocumented people outside of the NRM, which increases vulnerability, as workers are more compliant to their employers because they depend upon them for visa renewal (Anderson, 2013: 127).

The NRM functions to extend the period of slow violence that exists in the asylum system. In 2018, 2,107 of the 6,993 referrals into the NRM came from UK Visas and Immigration (NCA, 2019). Many cases do not receive positive conclusive grounds decisions (NCA, 2019),

and those that do will not necessarily receive any status as a result (Human Trafficking Foundation et al, 2017). Nevertheless, all will have their asylum decision delayed by their entrance into the NRM. It should therefore be understood that one of the most significant effects of being identified as a 'potential victim of MSHT' is to have the slow violence of the asylum system extended for an even longer period of time. Given the reckless reality of government spending considered in this chapter, the deprivation on display in the asylum system and the NRM must not be conceived of as the result of a prudent administration which culminates in a wider social salvation. The negligence evidenced throughout the history of the NRM is intentional and testament to the truth that PRIT-NRM are not really the exceptions to the anti-migrant agenda that government propaganda insists they are.

Conclusion

In this chapter I have shown that popular understandings of immigration and immigration control diverge significantly from the realities of these two phenomena. The ambiguity around these concepts allows for obscurity over precisely what is done by governments under the banner of immigration control and what corporate interests are served by them. Consideration of lesser discussed policies of modern immigration control illustrates how comprehensively equivalent the NRM is to other immigration controls. Actors that seek to support undocumented people are integrated into the industry and neoliberal logics of corporations that work to disrupt their journeys, increase their precarity, incarcerate and deport them. In this way, I have challenged the notion that the NRM has a prevailing emancipatory intent that is unfortunately subordinated to immigration control. I have made clear that the NRM *is* immigration control, serving the same interests in many of the same ways, but simply with alternative rhetoric attached to the same practices. As such, criticisms of the NRM that affirm government rhetoric regarding its objectives for the NRM ultimately perpetuate ideological manipulation. I begin the next chapter by making clear the harms of immigration control on undocumented people and the practices they commonly adopt to avoid interactions with the state. It is these instincts of evasion that the NRM and other bureaucratic immigration controls are engineered to overcome. I then finish the literature review by considering the nature of the bureaucratic mentality, as a

way of framing the interactions considered in the findings of this research between frontline workers and those being approached about entering the NRM.

Chapter Three

Ideological Insubordination and Ideological Obedience among Undocumented People and Bureaucrats

Introduction

I begin this final chapter of the literature review by considering some of the human harms produced through immigration controls, in the forms of detention, deportation and destitution. This helps to explain the resistance living among undocumented people that I will go on to explore. Many undocumented people shape their lives around avoiding interactions with the state, and/or are highly selective about the way they integrate into society. I contextualise these practices within James C. Scott's (1985, 1990) work on infrapolitics, which argues that private rather than public acts of resistance – carving out marginal gains of freedom – have been the prevailing form of politics for the world's most disenfranchised people. Such practices are the result of ideological insubordination. I then discuss bureaucracy as organised violence and the ideological obedience that is fundamental to its functioning. In the third and final section I consider work on street-level bureaucracy, which illustrates the discretion involved in bureaucratised work. While the restrictions that limit this discretion can be burdensome, there is also scope for moral disobedience (Dodson, 2009), in which people essentially inhabit bureaucratic roles while behaving in very non-bureaucratic ways, finding loopholes or disobeying rules altogether, giving of their own time and resources, even at risk to themselves. It is in moral disobedience that we see ways in which frontline service providers and others can act in solidarity with those who are persecuted by and seek to evade state bureaucracy. I finish by discussing alternative, non-bureaucratic forms of organisation and the accumulative potential of moral disobedience/infrapolitical resistance. Throughout I intimate why such a conflict is important to considerations of interactions between frontline workers (FLWs) and those approached about entering the NRM.

The Harms of Immigration Control

Before discussing undocumented resistance living, it is worth building on the violence touched upon in the last chapter, by providing a description of some of the explicit harms perpetrated by the state on undocumented people through immigration controls. In this

way we can better understand the rationality of such resistance and the limitations of popular interpretations of such resistance, like the kinds commonly offered in the MSHT sector, which claim that the fear of undocumented people is either the result of corrupt law enforcement in other countries or the result of things traffickers have said to their victims about law enforcement in the UK (CSJ, 2013). There is insufficient space to do justice to the life-destroying brutality of these practices, but I will offer here a summary of three areas where such harms are experienced: detention, deportation and destitution.

Detention

Immigration detention is a policy of incarcerating people suspected of visa or immigration violations, or those who are claiming asylum. A 2015 investigative report by Channel 4, and 2017 undercover footage for BBC Panorama, both revealed violent and degrading behaviour of staff towards detainees at the detention centres Yarl's Wood and Brook House respectively (Channel 4, 2015; Holt, 2017). A succession of testimonials reveal a picture of sexual abuse perpetrated by staff against female detainees (Sambrook, 2013; Townsend, 2013a, 2013b, 2014). Studies of the experience of detention show a repeated picture of significant trauma (Robjant et al., 2009). Detention is found to cause anxiety, PTSD and depression in the majority of people, and the longer the detention the more severe these symptoms become (Keller et al., 2003), with long-term detention causing persistent psychological injury (Sultan & O'Sullivan, 2001). The effects endure long after release or deportation. Participants of one study reported 'persistent sadness, hopelessness, intrusive memories, attacks of anger and physiological reactivity, which were related to the length of detention' (Steel et al., 2006: 63) The rate of attempted suicides in UK detention reached two a day in 2018 (Taylor et al., 2018). Despite this, the law holds no limit on immigration detention. In fact, when the EU introduced a directive in 2008, limiting detention to eighteen months, the UK opted out, claiming it was not long enough (Webber, 2012).

In 2002, the UK Nationality, Immigration and Asylum Act (2002) changed the name of 'detention centres' to 'removal centres'. This change is a misnomer because most of the people who are detained are not removed from the country. One research project, following up on 167 detained people after twenty months, found only a third had been deported. 57% were released, 37% received bail, and 14% were given temporary admission

(Phelps, 2010).¹⁵ According to Bail for Immigration Detainees, a leading independent charity that challenges immigration detention in the UK, people can be moved between detention centres across the country at the will of the Home Office (BID, 2009), causing evident problems for contact with visiting family. Families are ‘devastated’ by the impact of detention on children, whether detained as a family, or in many cases separated (BID, 2009: 27). Bail for Immigration Detainees take on about 170 cases a year of parents being separated from their children, and it is not uncommon for people to be deported without having their children with them (Cobain, 2018).

Deportation

While in popular representations the subjects of deportation are ‘immigrants’ and categorised as those who do not belong, for many, deportation is the experience of being taken from one’s home, not being returned to it (Hasselberg, 2016). The term ‘voluntary returns’, meaning someone leaves the country voluntarily, obscures the fact that in practice some migrants are incentivised to do so, and are given the ultimatum to return voluntarily or to be forcefully deported (Gibney & Hansen, 2003). Parent and child separation due to deportation has been linked to economic need, housing problems and food insecurity (Langhout et al., 2018). It has been argued that sustained human rights abuses have been fostered by an upward spiral of anti-immigration rhetoric in populist media and the electoral imperatives of politicians, who push reduced net migration, harsher standards for asylum claims and the deportation of rejected asylum seekers (Fekete, 2005). The criminalised work of undocumented migrants has been subjected to extreme forms of policing (De Genova, 2002). This has been achieved by extending police-like powers to immigration officers (Aliverti, 2012), including ‘powers of arrest, search of persons, use of force, search of premises, [and] seizure of potential evidence’ including vehicles and documents (Webber, 2018: 5). At the same time immigration policing has been subject to ‘virtually none’ of the so-called safeguards the majority of the police must adhere to (Webber, 2012: 41). Unlike the police, immigration officers face no statutory controls, no overseeing committees, no independent complaints commission, and Police and Criminal Evidence codes are voluntary (Webber, 2006). Undocumented people’s

¹⁵ People could appear in more than one category.

resistance to deportation has caused the government to adopt techniques like arresting people in the early hours of the morning, or taking people into custody from the reporting centre, when they believe they are there to update the authorities on the progress of their asylum claim (Gibney, 2008). Some 'categories' of asylum seeker, like those at risk of self-harm and unaccompanied children, have reduced rights to challenge removals, and can experience faster removals as a result; and the cuts to legal aid between 2001 to 2009 have more than halved the number of legal firms able to assist asylum seekers, forcing increasing numbers to appeal by themselves (Fekete, 2011).

Destitution

Destitution involves a lack of either accommodation or 'other essential living needs' (Immigration and Asylum Act 1999). The complexity of the asylum and immigration systems not only makes destitution likely, but once destitute it is harder to re-engage with the system (Scottish Parliament, 2017). Refused asylum can lead to eviction, homelessness and destitution, which is often a long-term existence (Lewis, 2007, 2009; Crawley et al., 2011; Cuthill et al., 2013). The number of destitute refused asylum seekers was estimated to be 283,500 in 2005 and Cuthill et al. (2013) suggest this may have risen. Some people with legalised residency have 'No Recourse to Public Funds', a policy introduced in the Immigration and Asylum Act 1999. People and families subject to 'No Recourse to Public Funds' are prohibited from accessing social housing, welfare benefits and homelessness assistance (Farmer, 2017). Many refused asylum seekers choose destitution over deportation and are too concerned about contact with authorities to access health services (Thomas et al., 2010; Crawley et al., 2011). They are also put off from accessing the support of large voluntary organisations because of their perceived lack of independence from the Home Office (Crawley et al., 2011).

Destitute undocumented people understand that they are not 'legally' allowed to work, but their survival often depends on it and typically they receive very little pay. Both men and women form sexual relationships as part of livelihood strategies or engage in commercial sex work (Crawley et al., 2011). Abuse and exploitation that undocumented people experience, particularly at work, is a direct result of the perpetual fear they experience regarding the constant felt threat of deportation, and the government's refusal to grant them a right to work (Burnett & Whyte, 2010; Cuthill et al., 2013). Many suffer

from depression and other mental health problems (Amnesty International, 2006). The instability of sleeping arrangements, coupled with poor quality sleep and food, aggravates sustained stress and anxiety and deteriorating health (Refugee Action, 2006). They will commonly stay at the homes of friends and other asylum seekers, often struggling to find somewhere to sleep each night. This creates concerns that those who offer them a place to sleep might get into trouble from their landlord and be evicted themselves (Cuthill et al., 2013). At other times destitute people have no choice but to sleep on the street, or in parks, and bus and railway stations. These conditions subject people to sexual and other physical assaults, which they are disinclined to report, due to fears of detention and deportation (Refugee Action, 2006). Not being able to do the most basic things for oneself, or to contribute to the society as they would wish, causes substantial frustration, shame and distress. For many destitute people there is a strong feeling of their lives being wasted (Refugee Action, 2006). It is clear then that the state can perpetrate violence every bit as harmful as that performed by ‘traffickers’, and that avoiding interacting with the state is not just a reasonable strategy, but sometimes a matter of vital importance.

Undocumented Living as Resistance Living

‘Undocumented people’ is an inexact and imperfect term. It is used to refer to visa overstayers, those who enter a country illegally and rejected asylum seekers who remain in the country and sometimes to refer to the UK-born children of undocumented people and current asylum seekers (Walsh, 2020). I use the term to include all of the above. While they are not included in most statistics, I also include, along with some other academics, semi-compliant people (those who have status but who are breaching the terms of their visa), as I want to refer to all those who are insufficiently documented to protect them from the harms of immigration control. Slight differences in the use of the term across the literature makes the following discussion inexact, but it is all relevant.¹⁶ The number of

¹⁶ The suitability of ‘undocumented people’, like all similar terms, is debated in the literature. It seems preferable to me over alternatives such as ‘illegal’, ‘unauthorised’ or ‘irregular’. One might object to it on the grounds that it frames a population from a statist perspective. But this is precisely the injustice that needs to be discussed and no positive way of grouping undocumented people connects them all in a distinctive way. It is their existence as people persecuted by state immigration controls that needs discussing and redressing and as such, I prefer it to terms like ‘irregular migrant’ because it more clearly indicates something of the immediate problem. ‘Migrant’ also seems less appropriate than ‘people’ to refer to a population that includes those who have lived in the UK for decades or who were born here.

undocumented people in the UK is unknown and largely unknowable, though attempts at estimates are made. Different estimates consist of different groups, for instance some include asylum seekers and the UK-born children of undocumented people while others do not. Recent estimates have broadly indicated between 674,000-1,200,000 undocumented people (Connor & Passel, 2019; Jolly et al., 2020). Such estimates tend not to include semi-compliant people and have major limitations (Walsh, 2020). Many researchers believe that the majority of those who do not have status come into the country legally, and are rendered 'irregular', either by overstaying their visa, breaching the terms of the visa, or through changes in the rules while they are here (Ruhs & Anderson, 2010; Walsh, 2020). The intentionality of deviations from what the state legitimates can vary substantially. Some may travel to the UK on a temporary visa with every intention of continuing to stay after it finishes. Others may have been encouraged to break the rules by employers (Ruhs & Anderson, 2010). As with abstract rules generally, the importance of any given rule is inferred from the seriousness with which it is treated by others in a social setting. Undocumented people often remain in the UK in that condition for years. Sometimes they are hoping to gain legal status, and at other times they have no expectation of that (Agustín, 2007; Crawley & Skleparis, 2018). In either case, remaining as an undocumented person is perceived by many to be preferable to other options, most notably leaving the country (Crawley et al., 2011).

As discussed above, life as an undocumented person is stressful and challenging. One of the enduring causes of stress is the constant decision-making over whether a given activity or location is worth the risks of detection (Bloch et al., 2014). The need to remain hidden and avoid state actions affects the strategies and decision-making of undocumented people (Crawley et al., 2011). The burden this places on undocumented people is substantial and is dealt with in different ways. Some close themselves off from the wider world as fully as possible, some intentionally maintain superficial relationships, while others face the challenge of working out whether and how to inform someone about their legal status (Bloch et al., 2014). Evasion can include an 'agoraphobic' level avoidance of public places, like shopping areas and city centres, and the preference to stay indoors at night unless one has to work; some will not let their children play outside or even run in their own accommodation for fear of disrupting neighbours (Khosravi, 2010: 99). Families

often choose not to go out separately in order to avoid being separated through deportation (Krause, 2008). Capps et al. (2011) show people in the US move areas or accommodation with some frequency to avoid the attention of immigration enforcement. Some undocumented people limit their relationships to co-nationals or those with similar immigration statuses, and depend on these networks to assist with state evasion (Bloch et al., 2014). People also evidence great resistance to specific directions given in the asylum system and dispersal procedures, like a refusal to travel to dispersal locations they have had no part in choosing (Hynes, 2011). Even those who are entitled to free primary health care will often choose not to access it for fear of state repercussions (Thomas et al., 2010; Crawley et al., 2011), including in life and death situations (Khosravi, 2010). This is not excessive paranoia. A report in 2019 revealed that the Home Office was continuing to use NHS information as a tool for Immigration Enforcement, despite suggesting the previous year that such practices would cease (Bulman, 2019b). Likewise, any reports by victims or witnesses with insecure immigration status can be shared by the police with Immigration Enforcement (Home Office, 2021c).

Engbersen and Broeders (2009) observe three shifts among undocumented people in response to increasing efforts to exclude, catch and deport them: shifts from formal to informal work, from legitimate to criminal behaviour and from being identifiable to unidentifiable. The shift from formal to informal work is a response to tightening employment restrictions in more formal sectors. Informal sectors like restaurants, catering and personal services are harder to control than construction and agriculture (although this is nation dependent). Similarly, much of the move towards criminal behaviour can be understood by the well-supported marginalisation thesis, that restrictive internal immigration controls, excluding people from legalised work and public provisions, leads to subsistence criminality (Engbersen & Broeders, 2009). At the same time, Crawley et al. (2011) suggest that fear of police detection and deportation serves as a significant deterrent to engagement in criminal activities. Undocumented people can take different approaches to rendering themselves as unidentifiable as possible. Some acquire false identity papers, or use legal documents belonging to others. Another strategy is to conceal one's undocumented status from employers and officials, as well as friends and ethnic networks. Still others eradicate their legal identity, including their documents, mostly to

render their deportation very difficult indeed. Irregular migrants who cannot be identified are rarely deported (Broeders & Engbersen, 2007; Bloch et al., 2009; Engbersen & Broeders, 2009; Ellermann, 2010). This illustrates an important point in the paths available to undocumented people. Those who have no legal identity at all, and who therefore have the weakest claims to regularisation, are those that most inhibit the state in its exercising of its most powerful weapon of sovereignty: expulsion (Ellermann, 2010).

Some undocumented people do choose to engage with authorities, particularly in the form of asylum applications, and some actively try to engage in communities. But undocumented living cannot be understood just as either avoiding or fully entering civic life. Reinhard Schweitzer (2017: 317) presents his findings with the framing of '(self)-integration', in which undocumented people try to strengthen their 'fragile position vis-à-vis the state' both in 'practices through which they actively become political subjects as well as those that precisely constitute a deliberate refusal to do so'. His analysis indicates that the most effective way to consolidate their situation in the UK is through integration into various areas of local everyday life. With formal routes frequently off limits to them, this often involves intentional self-integration, and a cautious consideration of their visibility. It also involves bearing in mind the attitudes of other people in society, who are themselves either targeted by or enlisted into immigration enforcement, and the potential inclusiveness of certain institutions. These pressured conditions are constructed by the state, who can sometimes provide the limited opportunities for integration alongside the threat of removal, incentivising undocumented people to become visible in some situations and invisible in others (Schweitzer, 2017).

When it comes to accessing support, undocumented people tend to proceed with great caution. Many undocumented people would prefer to stay destitute than apply for government support because of their concerns about government actions against them. They are also deterred from accessing support from larger voluntary organisations because of perceived affiliations with the Home Office (Crawley et al., 2011). Crawley et al. (2011: 31) quote a participant from their research on refused asylum seekers:

'Most of them don't go to find advice because they're scared, there is no trust. They don't go to Refugee Action or Citizens Advice. But, if they do go for advice, they go to church, because they trust church more than they trust offices...I went once, to Refugee

Action to get help, but when they asked me about my address, I was scared, and gave them the wrong address, and after that I didn't go back to them.'

Such caution regarding institutionalisation is rational. Personal details are used for record-keeping, and records and other paperwork travel in an upward and centralising direction. Those who are persecuted through their lack of documentation are right to be wary of support services that engage in a hive of activity around documents. Many churches, in contrast, can often avoid this. Pools of money are made available without the same conditions attached to how it is used, and they can therefore fund support to undocumented people with fewer strings attached (Crawley et al., 2011). They can make resources and support services available, which people can take and leave without revealing anything more than they want to. It is worth noting that MSHT campaigns within churches like the Salvation Army, the Church of England and the Catholic church (Cornwell, 2018; Salvation Army, 2020; Clewer Initiative, n.d.), undermine this disassociation, as such campaigns have more links to the police, the NRM and the Home Office.

This bears obvious and crucial relevance to the response of potential PRIT-NRM to the 'invitations' to enter the NRM. While the factors that induce people to enter the NRM will be considered in Chapter Five, the government's own statistics on Duty to Notify forms, which are filled out for suspected victims of MSHT who choose not to enter the NRM, indicate that a number equivalent to over a quarter of those who enter the NRM, refuse to do so (Home Office, 2022). Despite the claims of anti-slavery literature that such resistance relates to corrupt police abroad or threats and lies from 'traffickers' (see CSJ, 2013), we have seen that undocumented people are very conscious and concerned about affiliations between any institution they interact with and the threat of immigration enforcement. Given that any institution within the NRM or any attempt to direct someone towards the NRM, is a connection to the Home Office, we should see aversion to the NRM as part and parcel of the sensible strategies of undocumented people. What is more, it should raise questions about why so many undocumented people are entering into the NRM. The increasing figures entering the NRM year on year are presented as positive indicators of the identification and protection of 'victims of MSHT' (UK Parliament, 2021). But I challenge this idea, and this research will present a different explanation for what is causing the high scale of NRM referrals in spite of the best interests of undocumented people.

In avoiding help from governments and their affiliates, undocumented people are assisted in their state evasion and livelihoods by a range of other, often *documented* people, who may also break laws, and collaborate with undocumented people at various stages on their trajectories, including before they migrate, when they arrive, in the labour market, for accommodation and other support needs, in health care, in diverting immigration controls and in legislation procedures (Ambrosini, 2017). Employers, entrepreneurs, labour recruiters, policy makers, citizens and fellow undocumented people can undermine state efforts to enforce immigration controls for financial or benevolent reasons (Pijpers & van der Velde, 2007; Ambrosini, 2017). For instance, Dutch enablers of Polish workers' access to the labour markets they are excluded from is facilitated through legal frameworks other than the work permits granting free movement of labour. These alternative frameworks are very difficult for labour market authorities to control – like the 'Poles construction', which allows Dutch employers to subcontract the harvesting of their produce to Polish workers (Pijpers & van der Velde, 2007). Semi-compliance allows migrants and their employers to maximise economic possibilities, while minimising the potential of state sanctions (Ruhs & Anderson, 2010). Much like the gig economy's reframing of employer-employee relationships more generally, the financial gains to be made through such work comes on a spectrum of exploitation of the migrant workers they affect. The overlapping if asymmetrical interests of different actors in avoiding state actions is a necessary point of interest for all discussions on MSHT. Seen in a wider picture of neoliberal restructuring, we should understand the failure of government departments to successfully enforce the immigration controls they outline as an accepted subordination to the interests of private capital. But for the various actors within these dynamics (immigration enforcers, employers, intermediaries, and undocumented people), the non-state groups consistently find grounds for collaboration in circumventing state regulations.

Others help undocumented people in their resistance lifestyles for benevolent reasons. Many staff of health and educational services are inclined to subvert rules around immigration control to provide what services they can to undocumented people (Ambrosini, 2011). Achilli's (2018) ethnographic work shows that people smugglers, who are smeared as villainous in popular discourse, can be motivated by deeply moral and dutiful sensibilities. Family and friends are not always benevolent, as anti-slavery

campaigns are quick to point out (Cooper et al., 2017; NSPCC, 2021), but solidarity among these communities can be strong (Engbersen et al., 2006). And churches are often found to be at the forefront, responding to the needs of refused asylum seekers (Bloch et al., 2009; Crawley et al., 2011). The inability of immigration agendas to fully achieve the objectives of legislators is largely related to the reluctance of many relevant actors to apply and serve the rules, for either financial or moral reasons, or simply because of other priorities (Ambrosini, 2017). Of course, there is no distinct empirical line between benevolence and financial, sexual, or power gains, but what is clear is that a politics of disobedience and evasion among a range of actors is paramount to the construction of freedom for undocumented people. It is just this kind of disobedient solidarity that I argue, in the final section of this chapter, holds greatest potential for transformation in the NRM.

What anti-slavery discourses repeatedly fail to acknowledge is that the locations, work, relational dynamics and practices that they tar with associations of 'modern slavery', are often factors that form part of the limited freedoms of subjugated populations. Hand car washes are not just sites where 'modern slavery' happens, they are also places where undocumented people can escape the fragmented supply chains of corporate capitalism. The domestic sphere is not just a place of potential servitude of women, it is also a place of likely protection from the state and a possible path to regularisation (Talavera et al., 2010; Ambrosini, 2011; Nitsche, 2018). The choice not to speak to a police officer is not necessarily because they have been threatened or trained not to by a 'trafficker', but because someone just like them has usefully informed them, or they know from their own experience, that 'anything they do say can and will be used against them', and silence is their best protection. Networks and markets facilitating illegalised migration hold not only the potential of exploitation, but provide a multitude of much desired services enabling the production of a new life in another country (Bilger et al., 2006). While all of these things can involve freedom and de facto slavery, these are not binaries, they are multifarious spectrums. Government laws and policies construct lines of distinction that map on poorly to these realities. Obedience to state-led agendas is therefore not the path to emancipation that the anti-slavery sector implies it is.

It is worth contextualising undocumented resistance within a wider political perspective. James C. Scott (1985) coined the term 'infrapolitics' to refer to class conflict and resistance

that was not public. Instead of protest, direct action and other forms of highly visible and easily recorded political resistance, his work in Malaysia chronicled much more private acts of resistance as the major components of class struggle, where more explicit resistance would not have been tolerated. These include passive noncompliance, sabotage, subtle evasion, and deception. He writes:

'As I came to understand and chronicle this subterranean world of political conflict which left scarcely a trace in the public record, I realized not only that this was a genre of politics but that it was the prevailing genre of day-to-day politics for most of the world's disenfranchised, for all those living in autocratic settings, for the peasantry, and for those living as subordinates in patriarchal families' (Scott, 2012a: 113).

Scott's work shows that infrapolitical acts, which increase freedom and reduce the harm caused by tyranny, become normalised among the oppressed when the claims made by authorities are regarded as illegitimate rather than self-justifying by disenfranchised people. Infrapolitics is the product of ideological insubordination (Scott, 1990). This is essentially a kind of normative anarchist position, in which the authority of authorities and the law of law-makers are not seen as self-justifying (Chomsky, 2005). For instance, between 1650 and 1850, poaching was the most common and most popular crime in England among the lower classes, who would steal wood, fish, rabbits and other game from forests and wastelands, because peasants and labourers never regarded the claims of gentry and aristocrats to ownership of such lands as legitimate (Scott, 2012a). Those engaged in infrapolitics also appear more concerned with immediate and de facto gains than with larger symbolic objectives (Scott, 1985).

In spite of the often stressful, depressing, abusive, exploitative, uncertain reality of undocumented living, most of the participants of one study of young undocumented people in Britain said that coming and living in the UK was worth it (Bloch et al., 2009). One participant in that study articulated his life in terms of resistance:

'I think I have been successful. I have resisted. Maybe it's illegal but I worked and stayed in this country. These might be crime. I managed to stand on my own feet. I have limited my life, but I managed to resist in this country and I continue to do so. Regardless social and financial limitation of the situation I continue to live this life. I hope that in one day this will be sorted' (Bloch et al., 2009: 104).

Others describe rejecting the way the government frames them, saying, 'I think being undocumented is not through my fault, it is through the UK government policy'; and

another: 'I haven't done anything wrong, I haven't hurt anyone, I don't steal, I don't break the law, yet I am labelled an 'illegal' immigrant' (Bloch et al., 2009: 92). Rather than accepting the statist construction of their identity and actions, these people are instead adopting a disobedient form of freedom creation which has, according to Scott, been the prevailing form of politics for most of the world's disenfranchised people.

The main purpose of this section is to illustrate the overwhelming lengths undocumented people are willing to go to, to avoid state detection. Bloch et al. (2014: 68) describe the 'often intricate and perverse patterns of 'learned' behaviour that become necessary in order for them to cope with their situation'. The reasons undocumented people make the decisions they do, and the decisions they make, are largely swept aside by many of the common explanations and justifications anti-slavery actors make for the behaviour of undocumented people (when being encountered as 'potential victims') and for their own actions in pushing through connections between these people and the Home Office or its enforcers. Claims that traffickers have told victims 'to not trust the police' (Franklin & Doyle, 2013: 25) and that 'police and authorities [in the country of origin] may not be trusted and may be corrupt' (CSJ, 2013: 75) display an ignorance or disregard for many of the realities of undocumented living. Undocumented people are regularly subjected to exploitation and abuse, with people taking advantage of their undocumented status (Wilkinson, 2012), but few would turn to the police for any kind of redress (Crawley et al., 2011). Resistance to the NRM is nothing exceptional. It is simply part of a very intentional attitude which understands the state to be a largely negative institution as far as their wellbeing is concerned. The findings of this research will explore where the attitudes of some FLWs diverge from those of the undocumented people described. FLWs who are under-informed about the perspectives and experiences of vulnerablised people are often convinced by the humanitarian rhetoric of government MSHT and NRM campaigns. They perceive state violence as distinct from that of the trafficker, but it is they, not exploited workers, who are misinformed about the realities of life for society's most disenfranchised people and the insidiousness of the state threat against them (Howard, 2018).

Bottom-up politics has been actively attacked throughout the neoliberal era, for instance through the suppression of trade unions (Collins, 2016) and through the insistence that there are no alternative forms of political and economic organisation (Fisher, 2010). But

infrapolitics has remained as a way of performing resistance and producing emancipation, yet it goes unacknowledged in prevailing anti-slavery narratives because it conflicts with the neoliberalism and neo-colonialism that dominates the anti-slavery movement. That agenda understands the march to freedom as a top-down movement in which expanding state control is made synonymous with emancipatory action. As I will consider in the next section, top-down movements require a bureaucratic mindset of obedience to the framings and rules of authorities and an ideology of the self-justifying nature of state violence.

The Violent State and the Obedient Bureaucrat

Within liberal thought, the right to utilise violence has been almost exclusively entrusted to states (Buchan, 2001). Max Weber famously defined the state as ‘a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory’ (Weber, 2009: 78, italics original). Mikhail Bakunin had already written as much in the mid-19th Century, but with a more negative evaluation of the fact: ‘What is permitted to the State is forbidden to the individual...Crime is the necessary condition of the very existence of the State, and it therefore constitutes its exclusive monopoly’ (Bakunin, 1964: 141-2). While there is a tension within liberalism between empowering the state to prevent civil violence, and limiting state power (Buchan, 2001), the monopoly on violence is still a key characteristic of liberal statehood (Brast, 2015).

Tensions arise when we try to specify our meaning of ‘the state’. On the one hand, there are problems with understanding ‘the state’ as a single entity, or as one and the same thing as the class interests served by it. In ways similar to Weber and Bakunin, Abrams (1988) highlights that ‘the state’ is an ideological project which legitimates the illegitimate by presenting the diverse institutions so labelled, and their coercive functions, as part of a unified expression of common interest. He distinguishes this from the set of institutions and their personnel and practices that make up the ‘state system’. He furthermore warns that to miss the distinction, and to fail to understand the state as first and foremost an ideological project of legitimation is to perpetuate the mystification that constructs the state system. Mosse (2005) describes this ideology of the state as a piece of ‘symbolic capital’ that bolsters the ‘material power of the state system’. Nevertheless, we are left with a dilemma, as to try to speak of these institutions of force without alluding to them

as 'the state' is to exclude from the picture part of the source of their power in real world situations. Because ideas are real, in that they are causally efficacious (Bhaskar, 2016), these institutions have become somewhat collectively distinctive in being labelled as collectively distinctive: a state system. Considered at an individual level, we can understand for instance, that if we spoke of a coercive interaction between two people without mentioning that one of them was a police officer, we would be missing out key dynamics in the production of the interaction and the presentation of its legitimacy. Yet to mention that the coercer is a police officer runs the risk of engaging in a legitimising discourse. This dilemma relates to structure as an emergent entity with causal powers that nevertheless work through individuals (Elder-Vass, 2010) and ideology as causally influential in reproducing that structure (Xue, 2022); matters I will return to, along with the agency of individuals, in the next chapter. As such, the ideological project indeed produces something akin to the state as Engels' (2021 [1884]: 173) described it: 'the institution of a public force which is no longer immediately identical with the people's own organization of themselves as an armed power'.

Furthermore, other theorisations of 'the state' have similarly needed to maintain a reference to 'the state' as the collective institutions of a 'state system', even when theorising the state in non-entitizing ways. For instance, Foucault discusses of the state as that which all other forms of power must relate to in contemporary societies, with power relations 'governmentalized, that is to say, elaborated, rationalized, and centralized in the form of, or under auspices of, state institutions' (Foucault, 1983: 224). Drawing on this, James Ferguson (1994: 272-273), suggests that:

'Rather than an entity "holding" or "exercising" power, it may be more fruitful to think of the state as instead forming a relay or point of coordination and multiplication of power relations... "The state," in this conception, is not the name of an actor, it is the name of a way of tying together, multiplying, and coordinating power relations, a kind of knotting or congealing of power.'

This is indeed fruitful, particularly for articulating equivalencies in the organisational logics of 'state' and 'non-state' institutions. And yet, in writing of the state as 'a mode of power that relies on state institutions, but exceeds them' (Ferguson, 1994: 273), Ferguson must necessarily be holding on to another meaning of 'the state' as well – that of a composite of institutions legitimated by the ideological project, as his reference to 'state institutions'

must carry a different meaning to his definition of 'the state' as a 'mode of power' that exceeds those institutions. I suggest that this 'mode of power' is akin to my use of the word 'bureaucratic' going forward, given that this incorporates the rationalisation and centralisation Foucault describes and ultimately depends, even in private bureaucracies, on the legitimisation of state violence. As I will also explore through Kathy Ferguson's (1984) work, such statism/bureaucracy also inherently entails patriarchal logics. Going forward then, my reference to 'the state' is to the 'state system' of institutions so labelled (as this is necessary for elucidating differences in the interactions between frontline workers in state and non-state institutions); my references to the 'bureaucratic' will entail the logics of statist organisation whether in public or private sectors; and my problematising of the ideological project is encapsulated in my critique of what I am here terming the Weberian ideology on the legitimacy of state violence.

I am interested in the monopoly of violence as a naturalised public ideology. Funk (2003) argues that in practice, governments have to justify their use of violence, both in how it is employed and to what ends. I contest this idea, and instead argue that the monopoly on violence has been absorbed as an ideology to the extent that state violence is presupposed as being legitimate violence, regardless of stated or unstated justifications. To prove that this is indeed real, we need look no further than a comparison of the modern slavery narrative and immigration detention centres. As Julia O'Connell Davidson (2016: 67) writes:

'Immigration detainees are people moved against their will into a situation in which they are controlled by means of violence or its threat, and exploited for economic gain. This sounds very much like what is described as [trafficking in human beings] when perpetrated without the sanction of the state'.

Yet despite the well recorded realities of oppression, exploitation, abuse and trauma in immigration detention centres, there is no attempt to incorporate this within the narrative on MSHT. It is fitting to regard this as a situation in which Weber's description of the state has become an ideology about the state. The immigration detention centre and the 'trafficker' are incomparable simply because state violence cannot be compared to the violence of an individual under such an ideology.

We have seen in the discussion of undocumented living that this ideology is not all-encompassing. Many people do reject the idea that state violence is inherently legitimate or that it is the only kind of violence that can be. But bureaucracies act on predetermined value structures (Hudson, 2016) and the state's monopoly on legitimate violence is a predetermined state value. As such, Max Weber (2009: 80) argued that:

'Organized domination, which calls for continuous administration, requires that human conduct be conditioned to obedience towards those masters who claim to be the bearers of legitimate power. On the other hand, by virtue of this obedience, organized domination requires the control of those material goods which in a given case are necessary for the use of physical violence. Thus, organized domination requires control of the personal executive staff and the material implements of administration.'

The bureaucracy is bound up in the state's control over violence. The obedience of the bureaucrat, which has implications for their humanity and freedom, matters to Weber so that state authority over violence is not distributed from the politicians of the state to its administrators. He was concerned that there be a stark line between politics, in which value decisions are made, and bureaucracy, in which the civil servant should perform administration with impartiality. It is important to understand bureaucracy as a function of legitimised state violence, rather than simply being about, for instance, the government's administration of collective resources, even though the dynamics of bureaucracy tend towards the production of this view of things. As Karl Mannheim (1954 [1929]: 105) wrote, the 'fundamental tendency of all bureaucratic thought is to turn all problems of politics into problems of administration.' The bureaucrat is encouraged to associate the 'order' produced by the will of a specific social group with a more general, naturalised order of existence (Mannheim, 1954 [1929]). As such, violence and reality attain a kind of synonymy (Graeber, 2011b).

Obedience, therefore, rather than disobedience is the prerequisite for a bureaucratic mindset, and in this way, the production of a bureaucrat is a dehumanising process, extracting their value-concerns from their working role, turning them into a depoliticised being that serves as a functionary in an existing mechanism performing pre-determined decisions. As Hannah Arendt (2022 [1963]) wrote: 'perhaps the nature of every bureaucracy is to make functionaries and mere cogs in the administrative machinery out of men, and thus to dehumanize them'. Herzfeld (1993) agrees, arguing that bureaucracies

produce automatons, indifference and a rejection of common humanity. For Weber, this was the ideal. The honour of the civil servant, according to Weber (2009: 95), is in their ability to follow orders, 'even if the order appears wrong to him'.

Bureaucracies can hire, sustain and promote precisely those people who are willing to do what is asked of them. Bureaucracies disassociate ends from moral evaluation through division of labour which replaces moral responsibility with technical concerns (Bauman, 1989). Where the policies being performed are inhumane, the bureaucracy must fill itself with people who are willing and capable of subordinating humane instincts to their commitment to obey. This is not to suggest that such bureaucrats are necessarily psychologically abnormal, sadistic or particularly morally defective, because even the bureaucratic production of genocide does not require such anomalies (Bauman, 1989). Monitoring and sanctions can force bureaucracies to follow political agendas (Andersen, 2018). Therefore, those who visibly display humane disobedience to inhumane orders will be churned out of the system, to be replaced by those who are willing to obey any orders at all. Bureaucracies therefore self-select for obedience, and where the politics is inhumane, the bureaucracy will self-select for inhumanity.

As such, nothing fundamental has changed in the moral framework of Western bureaucracies since the Third Reich's outworking of the Holocaust (Frederickson, 2002). Without 'compliant bureaucracy' and its related dehumanisation, such atrocities could not be committed (Tatz, 2012: 11; Savage, 2012). There is much in the unique horror of the Holocaust that is commonplace and familiar in contemporary organisations and practices (Hilberg, 2020). It is necessary to reflect on how easily such projects incorporate compassionate and well-intentioned people. This is pertinent to what we are witnessing in the NRM. I quote Arendt (2022 [1963]: 8-9) at length to illustrate the insidious effect of expanding bureaucracy on the behaviours of well-intentioned people:

'[Jewish people's] conviction of the eternal and ubiquitous nature of anti-Semitism...was also the cause of the otherwise inexplicable readiness of the German Jewish community to negotiate with the Nazi authorities during the early stages of the regime...No moral questions were involved yet, only a political decision whose "realism" was debatable: "concrete" help, thus the argument ran, was better than "abstract" denunciations. It was Realpolitik without Machiavellian overtones, and its dangers came to light years later, after the outbreak of the war, when these daily contacts between the Jewish organizations and the Nazi bureaucracy made it so much

easier for the Jewish functionaries to cross the abyss between helping Jews to escape and helping the Nazis to deport them.) It was this conviction which produced the dangerous inability of the Jews to distinguish between friend and foe’.

While the comparisons here might seem hyperbolic, they are rather striking. Those who see themselves as working for the interests of the Jews (indeed they are Jews themselves) see anti-Semitism as so universal that they prioritized “concrete” help’ over “abstract” denunciations’. In our present era in which anti-Semitism, while prevalent, is not widely regarded among institutions as inevitably ubiquitous (consider the media fixation on the Labour Party during the 2019 UK elections), anti-immigration sentiment is. So even many of those who see themselves as welcoming to migrants, emphasise providing “concrete” help’ over “abstract” denunciations’ against an anti-immigration agenda which they see as inevitable. The consequences then also mirror Arendt’s depiction, in which the organisations which aim to help the persecuted groups are so engaged with the government bureaucracy that the blurring occurs over whether these groups are helping them to escape persecution or assisting in it. The words ‘Realpolitik without Machiavellian overtones’ is an apt description of the day-to-day activities of functionaries throughout the NRM. Rather, the realpolitik, the notion that people are being pragmatic and realistic with what is in front of them, detached from underlying values and beliefs, is the bureaucratic requirement that sustains these injustices. Finally, the challenge this presents to the subordinated group to “distinguish between friend and foe” is the very real challenge for undocumented people in the UK. The blurring of these lines achieved by the humanitarian sounding MSHT agenda, indicates something of its success within the wider anti-migrant campaign.¹⁷

¹⁷ I acknowledge that this is among the most controversial aspects of Arendt’s work, especially among many in the Jewish community who were offended at Arendt’s arguments regarding the complicity of Jewish officials and the human cost attributed to their actions, and who also criticised her for a lack of sympathy for victims and excessive sympathy for Eichmann, while Holocaust scholars point to factual errors in her work (Bush, 2010). However, her attribution of bureaucracy as, in its nature, fundamental to the atrocities that took place, is shared by other major writers on the Holocaust like Hilberg (2020) and Bauman (1989), and her engagement with the role played by people in non-central yet bureaucratized roles is a precursor to the literature on street-level bureaucracy I will discuss in the next section. People objected to the tone of her writing at the time (Jones, 2014). Yet Arendt (herself a Jewish Holocaust survivor) has had much greater traction in the social sciences (Bush, 2010), perhaps because of her conclusion that the evil of the Holocaust was not best understood in terms of the evilness of its orchestrators (Arendt, 2022 [1963]), a conclusion that jars with a criminal legal process that often wishes to align the explanation of crimes with the desire for retribution.

The harms perpetrated through immigration controls, like those I began this chapter with, are all included within a pre-legitimised state violence. Bureaucrats, if they are to continue to function as bureaucrats within the bureaucracy, must (to some extent at least) act as if this violence is legitimate and exist in an environment which ideologically presupposes that. Given that during neoliberalism, the line between public and private bureaucracies has become almost impossible to draw (see Graeber, 2015b), it is important to consider places in which bureaucracy is being expanded, like the NRM, given that the ideology of obedience is surely being carried with it. The everyday bordering of the NRM has incorporated FLWs within a system predicated on an ideology of obedience that conflicts with the ideological *insubordination* involved in the resistance living of undocumented people. Such extensive bureaucratisation was not a dominant feature of the anti-slavery sector prior to the NRM.

That bureaucracies must condition human conduct towards obedience (Weber, 2009) constrains the possibility of bureaucrats acting in solidarity with groups persecuted by the dominant regime. What is needed then, for bureaucrats to be able to act in solidarity with those who are persecuted by the bureaucracy, is to reverse the trajectory I mentioned Mannheim (1954 [1929]) describing earlier: to turn matters of administration back into matters of politics. To reclaim the value-holding, morally discerning being that inhabits the bureaucratic role and to validate their own actions based upon their values and discernment. Yet if the bureaucratic structure's control of the bureaucrat's actions is total, then the process of reclaiming the validity of their values and discernment could lead only to their exit from the system. While the controlling realities of bureaucracies are problematic, there are limits to the control even bureaucratic structuring can exert on the activities of bureaucrats, especially the street-level bureaucrats who interact with people on the ground. As the literature I will go on to describe has shown, the autonomy that exists within bureaucracy provides scope for resistance akin to the infrapolitics Scott (1985) describes among subjugated people, and as such makes room for solidarity between those within a bureaucracy and those persecuted by it.

The Possibilities for Resistance within Bureaucracies

Street-level Bureaucracy

Though not the first person to observe the role of discretion in policy implementation, Michael Lipsky's (2010) 1980 work on street-level bureaucracy has been highly influential on the study of policy and administration, and the realisation of the role of street-level bureaucrats in making policy appears to have been a driver in the decentralisation of European welfare states (Rice, 2012). Through extensive analysis across different settings, his work challenged the assumption that policy objectives were clear and that their implementation required no mediation – that politicians could formulate policies and that bureaucrats could simply implement them as written. He showed the limits of centralised control over the behaviour of street-level bureaucrats. The decisions they make, routines they develop and coping mechanisms they produce in pressured environments all *become* the public policy. The need for discretion exists because of a lack of clarity or completeness to the policies bureaucrats must work with and ultimately the inappropriateness of the written policies to the real-world situations in which street-level bureaucrats work. These actors are, therefore, policy decision makers. They include those seeking to serve vulnerable populations and, according to Lipsky, carry two mindsets: that of the bureaucrat and that of the professional. The first requires submission to the concerns of supervisors, while the second is concerned with the needs of clients and involves discretion and independence. The first is constrained by organisation objectives, rules and financial and resource limits. The second involves the street-level bureaucrat's own priorities shaping the way they apply policy, either closely, in keeping with organisational intentions, or creatively, including undermining the organisation's main objectives for the sake of clients. A range of empirical research has explored the tension for people in caring roles that work as street-level bureaucrats, illustrating precisely this tension between independence and subordination; between caring for clients/patients and following the policies and instructions of management (e.g. Chambliss, 1996; Baldwin, 2000; Bergen & While, 2005; Dodson, 2009; Ellis, 2011).

David Mosse (2005: 16) has argued that development interventions are not even driven by central policy, but instead by the 'exigencies of organisations and the need to maintain relationships'. The policy models that galvanise political support do not produce actionable

practice because the logics at play are very different, and so policy only has effects through the concerns, systems and cultures of co-operating agencies, their workers and those they interact with. The idea that projects succeed because they turn policy into reality endures because policy offers a way of interpreting events that creates a comprehensible stability and coherence to otherwise incomprehensibly varied practices. But it is policy that largely follows practice, rather than preceding and directing it. Policy formation, including the conceptual work of putative experts in a given field, bolsters the authoritative ordering framework of interpretation for understanding and legitimating (particular) practices within the routines of organisations and the power dynamics therein (Mosse, 2005). This is not to say that the practices of street-level bureaucrats are not constrained, but rather that they are constrained by an organisation's dynamics, not primarily by conceptual models of central policy makers. This makes pertinent the question of how pervasive the bureaucratic logics are in such organisations. The alignment of policy and practice is again shown to be implausible.

Key to our present concerns is that any notion of exact and direct compliance with central policy – the kind of ideal presented by Weber (2009) – is shown in Lipsky's (2010) work, and in subsequent empirical research (Baldwin, 2000; Bergen & While, 2005), to be unrealistic. The actions of street-level bureaucrats are not actually controlled enough for them to be amoral automatons. That cannot be the practical or total reality for many. This provides space for other concerns and values to influence the interpretation and implementation of policy, in ways that could benefit undocumented people more than the designers of the central policy intend. This is not to undermine the statements and conclusions I have made about bureaucracies so far in this chapter. They involve organised domination and ideological obedience. They do hire, sustain and promote those who serve the intentions of centrally planned policy. But what I will go on to consider is the way in which people *can* exist in bureaucratic roles and behave in very non-bureaucratic ways – ways which can, if amalgamated with enough similar acts, alter the very system of which they are a part, undermining the bureaucracy. These people remain because their non-bureaucratic activities are hidden.

Alienation of Service Providers

That said, engagement with this body of work might not, at first, appear to be encouraging. A lot of the empirical research in this field involves analysing various kinds of social and care work (e.g. Baldwin, 2000; Ellis, 2011) that seem all too similar to the pressures FLWs deal with in the NRM, as Chapters Five to Seven will show. The efficiency benefits of managerial actions diminish the responsiveness of street-level bureaucrats, and so negatively impact quality of service (Gilson, 2015). Lipsky (2010) devotes a lot of attention to the ways in which the street-level aspects of bureaucracy add tension to their work and inhibit humane behaviour. Many are motivated by the desire to help others, but as Lipsky (2010: 73) states outright, the ‘helping orientation of street-level bureaucrats is incompatible with their need to judge and control clients for bureaucratic purposes.’ Such tensions result in a lowering of the bureaucrat’s expectations: of themselves, of the potential of public policy, of the clients and of the care they can expect to deliver under the existing circumstances (Lipsky, 2010). Such lowering of expectations is necessary to collapse the gap between the service they want to be offering and the potential of what can be offered within the confines of the system. A consequence of this coping mechanism, however, is that the distortion of the service ideal can place the worker in the position of manipulating clients on behalf of the agencies from which clients seek support and fair treatment (Lipsky, 2010). With typically high caseloads and resource constraints, street-level bureaucrats must make quick decisions, will often engage in stereotyping, and ration not only resources but information, and can act punitively in ways that conflict with professional codes of ethics (Ellis, 2007, 2011; Lipsky, 2010; Gilson, 2015). Street-level bureaucrats are in a position of control, teaching clients how to behave, and are able to deny benefits. They are the lived reality of the state in the clients’ lives. Clients are encouraged to trust strangers and obey their instructions in the hope of receiving benefits – a hope that is based upon a ‘myth of altruism’; a myth because the fairness and benefits the agencies claim to provide are frequently unexamined (Lipsky, 2010: 71). Negative street-level bureaucratic behaviours commonly harm the least powerful the most, threatening livelihoods and increasing exclusion (Gilson, 2015).

All this echoes the *realpolitik* that Arendt’s (2022 [1963]) passage described earlier, but it is street-level bureaucrats who Lipsky (2010) is particularly concerned to show are having

their humanity diminished in such situations. He describes their alienation as workers, including alienation from their clients – the ‘product’ of their work – in that they only work on segments of the overall service, do not control the materials of their work, nor the pace of the work, nor the outcome for their clients. Many of these people are service professionals who, like those caught up in the *everyday bordering* discussed in Chapter Two, have had their work excessively bureaucratised, but whose work could exist in less bureaucratic environments, in which the fullness of their humanity and the quality of the support they wish to offer could be better realised. Street-level bureaucrats are not, according to Lipsky (2010: xv), the primary cause of client troubles, but are working in these ‘corrupted worlds of service’ where their ideals cannot be put into practice. Indeed, part of Lipsky’s critique of prior depictions of public bureaucracies was that they did not take sufficient account of the struggle public sector workers go to in trying to perform their jobs well (Brodkin, 2012). This could be more depressing than the automaton bureaucrat, because there are decisions to be made, just with apparently no good options. Four decades on and the public sector does not dominate policy implementation as it once did, with much work contracted out to private companies. Within the neofeudal, neoliberal system, the pointless nature of much bureaucratic work adds to the disheartening restrictions placed upon social service providers who are aware that their work may be harming those they want to help (Graeber, 2018).

Moral Disobedience

Where then, is the cause for encouragement in the insights provided by research on street-level bureaucracy? After all, while the potential of civil disobedience is acknowledged by Lipsky (2010), he is not generally opposed to top-down, centrally organised policy-making. He celebrates individual examples of flexibility but believes that ‘responsiveness to each case in practice would be a nightmare’ (2010: 229), and suggests that, despite the need for responsiveness, there is also a need for a generally equivalent implementation across the board and for limitations on flexibility. This sits somewhat at odds with the perspective of many of those whose lives are directly persecuted by the policies of central planning, like asylum seekers in the UK who experience the slow violence discussed in the last chapter (Mayblin, 2020), and others for whom life is sustained by the support provided outside of standardised rules and bureaucratically allotted provisions. Such people might recognise

Weber's (2009: 80) description of bureaucracy as 'organized domination', rather than being about the distribution of social welfare.

Returning to Atasü-Topcuoğlu (2015) and Howard's (2017) studies of the anti-trafficking field, they both discuss the potential for change using Bourdieu's (1977) concepts of *doxa*, a set of fundamental and unquestioned beliefs, and *habitus*, the set of dispositions instilled in individuals through the conditioning of their social environment. Bourdieu (1977: 82) correlated social structures and mental structures and saw habitus as a 'system of dispositions – a past which survives in the present'. Unquestioned beliefs are how social hierarchies are reproduced. If such beliefs become questioned, Bourdieu called the defence of those beliefs *orthodoxy*, while the criticisms he labelled *heterodoxy*. Atasü-Topcuoğlu (2015) considers the fact that by pushing the boundaries of what can be questioned, opinion can shift and an alternative doxa created. It is not possible to question everything, as this would mean destroying the borders of consciousness. Instead, orthodoxy and heterodoxy both share common values and assumptions, and claims that fall outside this *ideological closure* are excluded and fall into blind spots outside the naturalised structure of the field. Howard (2017) addresses the issue that each person lives within a nexus of many varied discourses and ideologies, each shaping the many aspects of their being. But when the habitus is in crisis (Bourdieu, 1977) or during 'the infinite constant moments of dislocation', the contradictions and incompleteness of the discursive-ideological structure become clear to the subject, and they must use their agency to make a decision as to what to do (Howard, 2017: 15).

In this way, the potential for resistance could be expanded if we understand the street-level bureaucrat's role as primarily being an actor within the infrapolitical networks of undocumented people, situated also within bureaucratic mechanisms, and not as a bureaucrat and servant of the state trying to also respond flexibly to situations beyond the scope or concerns of central policymakers. Lisa Dodson (2009) has provided perhaps the most extensive account of 'moral disobedience' among street-level bureaucrats, though she does not use the term 'street-level bureaucracy'. Her study showed these actors interacting with working-class people enduring poverty in the US. She separates the 'amoral marketeers', who enforce rules and reproduce narratives that blame the poor for their situation, from the other supervisors, the ones who engage in 'moral disobedience',

giving of their own time, money and resources, finding loopholes and disobeying rules entirely, even at risk to themselves. These include managers padding pay checks by punching people out after they've gone, making use of mixed-up orders or unsold goods (even intentionally ordering extras) that could be siphoned off for employees, and providing treatment to uninsured people. I have already discussed in this chapter the way moral (and other) disobedience just like this assists undocumented people in their survival strategies.

When much of the prevailing bureaucracy is adding barriers to the competition and distribution of artificially scarce resources (Cooper & Whyte, 2017), conceptions of social progress become dependent on who and what we are ultimately concerned about and where we attribute value. The blurred lines of valuable and non-valuable work conducted within a bureaucratic realm (or who any given work is valuable to), mean that resistance against bureaucracies must clearly disambiguate between the valuable labour of the caregivers and the harmful activities conducted to control, limit and direct that labour to opposing ends. I will present these distinctions within the NRM in Chapter Seven. Radical feminist literature can help to clarify these differences. The correlation between statist perspectives and patriarchal ones have been illustrated at length (Zajicek & Calasanti, 1998; Hoffman, 2001). Both are predicated on notions of self-justifying domination, and as such feminist work has helped to reveal the inherent problems of bureaucracy (Ferguson, 1984). While liberal feminist literature emphasised the abandonment of traits that produce cooperation, sensitivity and the nurture of others, in order to integrate and thrive within the masculine world of bureaucracy, Kathy Ferguson's work emphasises how these very traits embody the alternative, anti-bureaucratic forms of organisation that should replace the unjustifiable domination that bureaucracies will always entail. The early manifestos of radical feminists were committed to decentralised, non-hierarchical, personal, face-to-face and egalitarian principles, with a focus on process rather than outcome (Ferguson, 1984).¹⁸ The organisation of caregiving, if re-organised around the perspectives and concerns of caregivers, can reject a bureaucratic, hierarchical division of

¹⁸ Ferguson's use of the term 'radical feminism' in 1984 should not be understood as the same as the prostitution abolitionists described as 'radical feminists' by scholars like O'Connell Davidson (2014) and Kempadoo (2016) in their critiques of the MSHT discourse. That said, Catherine MacKinnon, who I fruitfully draw on in Chapter Seven as part of a critique of the NRM bureaucracy has, in recent years, been aligned with prostitution abolitionists in these debates (Chuang, 2010).

labour in favour of the re-integration of the planning and performing of tasks, organised and controlled by those who are doing it. Understanding that the work that is valuable to caregivers and support workers can be organised along these principles helps to affirm that the domination of their working practices is unnecessary, wasteful and counterproductive, and as such can be disregarded whenever necessary and possible.

At root, I contest Lipsky's (2010) claim that responsiveness to each case would be a nightmare. Within systems that are trying to impose unnecessary scarcity, Dodson (2009) records one example after another of humane people, relationally engaging to serve and share with those in need, at cost and risk to themselves. Free from such bureaucracies entirely, the co-operation and mutual aid being displayed would be easier to engage in, with resources more easily distributed equitably. These acts she recounts are essentially all providing necessary services that the bureaucracy was not providing. If this is the value of the exceptions, then what is the value of the rule? The rule is only preferable if we accept the harms of the rule as inherently legitimate, as Weber's (2009) paradigm would encourage; a legitimisation that would ultimately have to depend on a differential view of human worth – one which, in the colonial world, centres on race (Arendt, 1962; Mbembe, 2019). This takes us back to the ideological obedience to state, state violence and state hierarchy – presuppositions for bureaucracy (see Weber, 2009), which, in its efficiency, is 'ethically blind' (Bauman, 1989: 15). The moral disobedience that Dodson describes requires a rejection of ideological obedience. The potential for bureaucrats to be in solidarity with the subjugated requires something more akin to the ideological insubordination Scott (1990) describes among the disenfranchised, which allows bureaucrats to exist in a bureaucratized job role without functioning to serve the agenda that designed the policies they are charged by the state (or organisation) with implementing. They will need to pay attention to rules for the purposes of strategic awareness, but not with any moral obligation to serve an agenda they have no part in producing and that conflicts with the outcomes they wish to see.

Rejecting Constitutionalism

Within a constitutional idea of democracy, ideological disobedience is regarded as illegitimate. Consider John A. Rohr (1988: 167), a major public administration scholar, who argues that 'the responsible use of administrative discretion is the most fundamental

ethical issue for American bureaucrats’, yet who also claims that ‘[f]or the administrator who does not believe that the regime is fundamentally just, there can be no *administrative ethics*’ (Rohr, 1988: 171, italics original). The constitutional paradigm holds that governments are elected by citizens to formulate policy which is then given to bureaucrats to implement. In this view, bureaucratic obedience to policy and law is democratic and deviation is illegitimate (Gilson, 2015). One can disobey policy, but only if one is doing so in allegiance to the more foundational constitution (see Hart, 1984). But this perspective is itself based on an irreconcilable contradiction, as David Graeber (2015b) observed: constitutions are produced through revolutions, that is, acts of law-breaking, in which ‘the people’ overthrow the existing political order. Laws are therefore produced by illegal activity. This undermines the idea of the state having a monopoly on legitimate violence: police can be violent because they enforce the law, which is acceptable because the law is based on the constitution, which is valid because it comes from the people, who produced it through illegal activity. There is therefore, within this paradigm, no way to distinguish between legitimate and illegitimate dissent (Graeber, 2015b). More to the point for street-level bureaucrats engaged in moral disobedience, neoliberal governance is evidently not expressing the democratic will of the people (Crouch, 2004; Harvey, 2007) and much bureaucratic instruction therefore only serves the interests of a tiny minority.

In the face of such a state of affairs, nothing but the full jettisoning of ideological obedience to the state will suffice. Martin Luther King Jr. (2004 [1963]: 3) wrote that: ‘I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws.’ Such sentiments are common in the validation of specific acts of civil disobedience and allows the speaker to maintain an affiliation between law and order: to appear somewhat moderate. But what King is describing is not obedience. Taken on his own words, the alignment of King’s actions with the law is a matter of agreement or submission. I argue that we should hold no normative bent towards obedience to law or policy. There should be no underlying assumption that the order produced by the law reflects social or ecological harmony or that there is any essential morality to legality in general. Along with an array of anarchist and anti-colonial voices (Acharya, 1931; Bakunin, 1972; Thoreau, 2017 [1849]: 8) I argue that it ‘is not desirable to cultivate a respect for the law’.

Undocumented living, as we saw earlier, involves engaging with the state on strategic not moral grounds, and those with status and job roles within the system can do the same. As discussed earlier, undocumented living involves nuanced self-integration (Schweitzer, 2017), and frontline workers can act in solidarity by attempting to assist with the integration or evasion such as undocumented people see befits them best.

Alternative Organisation and the Accumulative Potential

As moral disobedience involves existing in a bureaucratised role without behaving in a bureaucratic way, I finish by considering forms of alternative organisation. These include organising with those outside of bureaucracies like the NRM. This can itself be an act of resistance but also establishes pathways for ongoing resistance to the bureaucracy among those in bureaucratised roles. I also consider the accumulative potential of widespread infrapolitics. Service providers are partly coerced into obeying orders because the bureaucracy is seemingly the only source of support available. But we saw earlier in this chapter that churches and other religious collectives also function as alternative places for support for undocumented people, who in some instances prefer these routes to support because there are fewer strings attached (Crawley et al., 2011). There is also support from ethnic networks and other service providers who may, either always or at certain times, be better placed to provide support with less threat attached. While infrapolitical actions can be performed without formal coordination, tacit coordination emerges from cultures of resistance, sharing stories, practices, habits and material concerns that can ultimately substitute for more formal kinds of organisation (Scott, 1987). Knowledge of and communication about such groups, networks, allies and provisions can help service providers assist with state evasion where that is deemed preferable.

The theory of exodus argues that effective opposition to capitalism and the state comes not through direct confrontation, which typically leads to slaughter or some variant of the original system, but through an 'engaged withdrawal' from capitalist relations through the formulation of alternative collectives or communities, based on different structures of power, producing different forms of value (Virno, 1996; Graeber, 2004). Some alternatives to the NRM may come from those who leave their role within the system (as is the case with at least one of the participants of this research), but some alternatives already exist outside of the NRM, as I explore in Chapter Seven. These two pathways, infrapolitics and

exodus, are valuable in themselves, but also hold collective potential, as the more alternative options for support exist outside of statist routes, the more those within or on the verge of the system can direct vulnerablised people to much needed support services without endangering them through interactions with the state.

As the work of Scott (1985; 1987; 1990; 2012) and others (Robinson, 2005; Dodson, 2009) has shown, acts of infrapolitics or moral disobedience not only have benefits on a small scale, but even without organisation or co-ordination the accumulation of such covert resistance can have large-scale aggregate results, even when that is not the conscious intention of the resisters. Poaching and squatting on a large-scale, like the kind I mentioned earlier, does not involve mass organisation, but can restructure who has control over property (Scott, 1990). Similarly:

'Peasant tax evasion on a large scale has brought about crises of appropriation that threaten the state. Massive desertion by serf or peasant conscripts has helped bring down more than one ancien regime. Under the appropriate conditions, the accumulation of petty acts can, rather like snowflakes on a steep mountainside, set off an avalanche' (Scott, 1990: 192).

One example concerns Malaysian peasant villagers who wanted to return to the voluntary charity of zakat offerings, and abolish the centralized zakat system, introduced by the ruling party by way of a centralised Islamic bureaucracy. The peasantry succeeded in bringing about a virtual dismantling of the system in real terms, just not in name. Instead of the required 10 percent of their harvests, stubborn resistance reduced the tax to 1.5 percent. The resistance was essentially silent, but Scott (1987: 431) writes:

'there exists a palpable climate of opinion, a shared knowledge of the techniques of evasion, a steady pressure to extend the limits of resistance, and a quiet complicity among the resisters. Although this activity cannot be deemed a form of collective action or a social movement, its result is comparable and it has the added advantage of denying the state an easily discernable target. There is no organization to be banned, no conspiratorial leaders to round up or buy off, no protestors to haul before the courts – only the general non-compliance of thousands of peasants who, without much fuss, are tearing down the edifice of the official zakat brick by brick.'

Most officials touring the countryside knew about the disdain with which the zakat was held, and so avoided even mentioning it. How bureaucrats interact with the resistance attempts of disenfranchised people can support, facilitate, restrict or prevent the success of their endeavours, meaning they can partake in the small-scale and potentially large-

scale liberation that persecuted people face from state threats. As Dodson (2009: viii, 25) describes of the street-level bureaucrats she studied:

'though I found no common movement or broad campaign, I learned of hundreds of small acts that tell a larger tale of Americans who reject an economy that destroys its people....though these gestures are small, they are also disruptive; they send tiny shivers through a market system that relies on obedience to the rule of self-interest regardless of harm to others.'

Likewise, it is the reluctance of relevant actors to apply rules as instructed that prevents anti-immigration agendas from fully achieving their objectives (Ambrosini, 2017), and efforts to build a resistance movement within (but intended to undermine) the present NRM structure can learn a lot from examples like those above, including reframing the ideological presuppositions about the value of the system. For instance, the peasants had their own pejorative name for the zakat system, one never found in official documents. The reframing and renaming of aspects of the system that should be thought about differently could help FLWs in the NRM to produce a similarly accumulative effect.

Conclusion

Before examining the interactions between FLWs and those being approached to enter the NRM in Chapter Five, it was important to consider an ideological conflict regarding obedience. By contrasting the patterns of disenfranchised and undocumented living with the tendencies produced by bureaucratic structures, we can see why disobedience and evasion are valuable to undocumented people and how other actors can assist in their resistance. This framing also shows why distortive narratives like MSHT are necessary: they help to overlay humanitarianism onto structures of harm. A closer look at theories of and practices within bureaucracies undermines positive assumptions about the development of bureaucracies and the obedience of those who work within their remits. Rather, the most valuable labour is often not a product of the organised domination at all, but is restricted by it, and the expansion of valuable labour – in solidarity with service users – often requires moral disobedience. People can and do exist in bureaucratized roles without (always) acting in a bureaucratic way. This naturally involves alternative forms of organisation and provision, and can also reach a critical mass, where the structures of domination are hollowed out from within.

Over the course of this literature review, I have presented ideological lenses through which stakeholders in the anti-slavery sector are encouraged to understand the problems of exploitation and their solutions. What the presentation of these ideologies will help me to show in the findings, is the way more and more actors are included in statist projects through the utilisation of different ideologies that are compelling to different people. Some will obey the state because they simply believe they should. Some will think that immigration controls are an economic and social necessity, and/or that capitalism is an inevitability, and behave accordingly. But there are some who would not serve state projects for either of these reasons but who do so because they are convinced by the reification of MSHT. Through the MSHT agenda, neoliberal interests that are served by state policies, including immigration controls, are further supported by people who otherwise would not do so if they were not convinced of some genuineness and coherence in the humanitarian presentations of this discourse.

Chapter Four

Methodology

Introduction

In the last chapter I discussed the infrapolitics of undocumented living, and the anarchist nature of this resistance. I have sought to design this research project in a way that is symbiotic with these positions. As this is a normative critical research project I am concerned not just to observe reality but to consider how such observations indicate normative changes. I draw on Roy Bhaskar's (2016) explanatory critique as my philosophical justification for such a critical approach, and combine this with an anarchist attitude to power. Explanatory critique involves showing how observations, being necessarily value-laden, also imply transformations. Immanent critique, which involves criticism of a position that is internal to the ideas being critiqued, is then discussed as the general analytical approach by which to engage with discourse for the purpose of explanatory critique. I next discuss the key tenets of Bhaskar's critical realism: *ontological realism*, *epistemological relativism* and *judgemental rationality*. Critical realist ontology informs my view on emergence, essence, structure, agency and ideology, all of which are relevant to this project and I articulate my approach to these concepts. I then reflect on the development of my own ideas and personhood and the effect these have had on this research. Much of the chapter is then given to outlining the methods by which the research was undertaken. I conducted semi-structured interviews with 20 people in and around the NRM, and a theoretically informed thematic analysis of this data. I finish by restating the research questions and explaining how they were produced.

Critical Research

Critical research is a broad array of social inquiry concerned with the problematisation of knowledge, its constitutive nature and its relationship with power (Given, 2012). Critical analysis commonly involves considering the assumptions that underlie ideas expressed in discourse and can involve analysing the structures within which a discourse is produced (Jupp, 2006). Critical research can also be normative, seeing facts and values as linked, and

being premised on the idea that observations imply transformations. For instance, Roy Bhaskar (2016) described the idea that one could not derive values from facts as one of the biggest shibboleths of the orthodox philosophy of social science. The scientific pursuit is based on separating statements about the world that are true (facts) from statements about the world that are false. The very fact that we are inclined to do so implies that we value one of these categories more highly than the other. That is, we value true statements about the world more highly than false statements, at least in this context. The heart of the scientific pursuit is therefore a value-based enterprise. Bhaskar (2016: 95) was concerned to show how negative evaluations of beliefs can pass to negative evaluations of actions informed by them, 'and thence to negative evaluations of their causes and to positive evaluations of action rationally directed at the removal of their causes'. He calls this explanatory critique. In the literature review I negatively evaluated beliefs regarding the value of the NRM. While the findings are not distinctly separated on these lines, in Chapter Five, I negatively evaluate actions informed by these beliefs, in Chapter Six, I negatively evaluate ideological causes of those actions and in Chapter Seven, I ultimately consider actions directed at the removal of those causes – all with the assistance of theory from the literature review. As Ferguson (1984) discusses in the context of bureaucracies, it is by observing the inadequacies of dominant discourse, and by pointing to alternative values, that one can suggest specific action points from which resistance can spring.

For Bhaskar, the stage of positively evaluating actions targeted at transformation requires 'substantive theory and concrete practical judgements. *That* something should be done *ceteris paribus* is...undeniable; *what* should be done is another matter' (2016: 99, italics original). Others affiliated with critical realism question the notion that values, and what is to be done, can flow quite so directly from explanations – they argue instead that values depend on social experience and context (Sayer, 2000; Elder-Vass, 2010). Somewhere between Bhaskar's substantive theory and the concrete practical judgements of FLWs and undocumented people, I advocate for an anarchist posture towards power, as I laid out in the last chapter's discussions on undocumented resistance living, infrapolitics and moral disobedience. The legitimacy of the NRM is based on the accomplishment of its humanitarian claims, which I have examined through the lens of those subjected to these and other immigration controls. Where its claims are proved untrue, the actions based

upon those claims and the causes of those actions should also be challenged, and the normative anarchist response is the dismantling of the hierarchical, authoritarian organisation that has falsely claimed legitimacy (Chomsky, 2005). The anarchist attitude to power therefore parallels the scientific attitude to knowledge. Furthermore, this research observes practices and discourse that are in keeping with the interests of undocumented people. The transformation needed then is not entirely speculative, but is about expanding the enactment of positive, emancipatory ideas and practice.

Bhaskar advocated immanent critique, which he described as criticism of an idea that is internal to what is being criticised. It identifies theory/practice inconsistencies, so that contradictory claims undermine the given position. This is the only way to win an argument, he wrote, because merely 'to assert what one believes will get nowhere unless it impinges in some way on what one's opponent believes' (Bhaskar, 2016: 2-3). In theory development, prior to analysis, I had concluded that the NRM was shaped by and serving neoliberal interests, as I outlined in Chapters One and Two. The value concerns of undocumented people, as discussed in Chapter Three, and the value concerns expressed by stakeholders in the anti-slavery sector (gleaned over many years from prior interview work, a voluntary position I held and networking meetings), meant that I had good reason for thinking that manifestations of ideological manipulation would be present in the data, because ideological manipulation, by definition, is seeking to accomplish two things – to serve a hegemony while appearing to serve subjugated people.¹⁹ If the NRM is serving neoliberal interests then its endurance required either force or ideological manipulation.

Let me illustrate by addressing a counterargument. Discourse immanent critique was quickly dismissed by Herzog (2016) (he calls the same approach 'internal critique'), as limited in its scope. He claims that because this approach only observes incoherencies in discourse, and uses no other norms but coherency, it would fail to challenge a coherent racist discourse. This argument misses the mark. The purpose of critical analysis is to

¹⁹ According to Eagleton (1991: 112), Gramsci 'normally uses the word hegemony to mean the ways in which a governing power wins consent to its rule from those it subjugates'. As 'hegemony' generally has broader uses, I am using 'ideological manipulation' for essentially this meaning. James C. Scott (1985), whose work I considered in the last chapter, famously challenges Gramsci on this, arguing that the everyday resistance of subalterns shows they have not consented to governance. This is, however, an argument against the move towards ideological determinism that some of Gramsci's successors (more than Gramsci himself) have gone on to make. Scott is not denying the necessity of analysing ideological domination.

highlight ideological manipulation (see van Dijk, 2006): the way in which language is used to present an agenda that serves a hegemony as if it simultaneously or alternatively serves the de-powered party or others. A coherent racist discourse would not be an example of ideological manipulation. Critical research is not simply interested in offensive texts, it is interested in manipulative texts. By definition, a text or texts that example ideological manipulation will be those that serve the dual function of (re)producing the hegemonic social order while making that compelling to those who are not served by such a social order. If the coherent racist discourse advocates for a white supremacist social order and, in its coherence, makes clear who will be served and who will be oppressed, then while it is based on falsehoods and troubling values, it is not ideological *manipulation*.

Therefore, when Herzog (2016: 281) states that ‘this approach simply highlights incoherencies in discourses and does not facilitate using norms other than that [*sic*] positing that discourses should be coherent’, he is significantly underplaying the depth of such normativity. Basing an analysis on coherence is premised upon there being other values that need to be overcome by the hegemony’s discourse, in order to elicit service to hegemonic values. One does not even need to note what those values are (though there is benefit in doing so) to regard them as significant if they have to be side-lined by manipulation for authorities to successfully govern. Once such manipulation is observed, as Bhaskar addresses (2016), the social order it serves is undermined. To use the same example again from my own work, the MSHT concept is not like a ‘coherent racist discourse’, but rather obscures its validation of immigration controls, and by extension, its validation of racism, beneath a veil of humanitarianism, as considered in Chapters One and Two. Observing inconsistencies in the concept calls into question both the actions informed by it and the causes of those actions, and the need to change both. The specific employment of immanent critique will be considered in the discussion of my thematic analysis.

Ontology, Epistemology and Judgemental Rationality

Critical realism is a branch of philosophy that differs from both positivist and interpretivist approaches by prioritising ontology over epistemology (Iosifides, 2012). Ontology addresses the questions of what exists, while epistemology deals with what can be known and how. Of first importance, critical realism holds to an objective reality, separate from

our perception of it, but considers all attempts to know the objective truth as subjective, partial and fallible (Danermark et al., 2002). Critical realism conceives of reality as layered, with three ontological strata: the 'empirical' (the observation), the 'actual' (the event) and the 'real' (the causal mechanism) (Bhaskar, 2016). It places emphasis on the notion that an observation or experience is ontologically different from that which is observed. Any observation is also a theory-laden interpretation (Sayer, 1992). The process of 'experiencing' an event combines the outcomes of the event with the existing knowledge of the observer. As such, events occurring in the 'empirical' domain are not considered as wholly representative of events occurring in the 'actual' domain. Nor do events that occur in the 'actual' domain fully reveal all the causal mechanisms at work, for causal mechanisms are not always revealed in 'actual' events (Bhaskar, 2008). For example, I discuss in this work the naturalisation of immigration controls. This is, for some participants, an ideological presupposition. Beliefs and values are understood as real within critical realist thought, in that they are causally efficacious (Bhaskar, 2016). This belief, that immigration controls are justified limitations to discussions of what is possible, may or may not manifest in any given action and words of my participant, while still being significant to their thinking. This distinction is the gap between the 'real' and the 'actual'. Where the ideology is revealed in something they actually say, my observation and discussion of their words is a theory-laden interpretation ('empirical' realm), focusing on an aspect of their words, but my observation is not fully representing their words or the realities involved in causing them to be said.

Alongside ontological realism and epistemological relativism is the third key tenet of critical realism: judgemental rationality (Bhaskar, 2016). This is the contention that it is necessary and possible to evaluate one causal explanation as being more accurate than another. Though Bhaskar's work addressed the ontological misstep of Humean philosophy with regards to the reality of causality, it remains very difficult to philosophically justify the strength of causal explanations and the legitimacy of one's evaluative criteria, with some accounts existing of why Bhaskar's work does not address this need (Groff, 2000; Al Amoudi & Latsis, 2017). It is suggested that explanations that account for more (or more significant) empirical phenomena hold greater explanatory power (Bhaskar, 2009; Lawson, 1998), but we are still dependent upon intuition and worldview for our consideration of

whether an account really explains the details it claims to explain. As such, judgemental rationality certainly remains the least developed part of the critical realist trinity.

Still, we are left with the practical necessity of comparing explanatory accounts, and therefore certain assumptions based on factors like intuition or widespread beliefs within one's scientific tradition, though both unstable, continue to be necessary and inevitable. On such terrain, a few works have posited cases for the kinds of research that can be thought of as producing stronger claims to accurate explanations than alternative forms of research. Among them, Kempster and Parry (2014) suggest asking respondents for their view on the plausibility of the researcher's explanation, as well as explanations being tested by other researchers, albeit in different contexts. Rybczynska-Bunt et al. (2021) argue that increased granular detail of how evaluators perform judgemental rationality would expose their inferences to more open interrogation. And Quraishi et al. (2022) propose triangulation (of method and of actor) and depth-reflexivity. They make use of multiple researchers and their differences to elicit richer data and to provide more varied analysis. Methods for judgemental rationality, we can see, can be valuable without being universalisable.

In this thesis I draw on Isaksen's (2016) case for immanent critique (outlined above) combined with retrodution. Isaksen acknowledges that immanent critique and retroductions are internal to a historical context and 'relative to the premises from which they depart' (Isaksen, 2016: 247). While this recognition does not redress the theoretical shortcomings of judgemental rationality that I have outlined, the focus on internal coherence, which Bhaskar foregrounds as well, is a key element of reasoned discourse and locates the focus of judgementally rational evaluation at least partly within the argument itself.

Critical realists are concerned to discover what causal mechanisms exist and are at work, whether or not they are revealed by 'actual' events, often by observing tendencies in the events that do occur (Danermark et al., 2002). Because people are purposive social actors, and do not reliably produce the same results under the same stimuli, critical realist thought does not consider it possible to formulate laws in social scientific research. Instead, critical realism usually seeks to identify tendencies, or demi-regularities, which can be observed in the 'rough trends or broken patterns in empirical data' (Fletcher, 2017: 185). For

instance, the bureaucratic mentality may include an ideology of obedience to the state, as discussed in Chapter Three, and such an ideology may be prevalent within the NRM, as discussed in Chapter Six. Such an ideology can be observable in repeated words and actions and participants. I might uncover an act of resistance, showing that obedience is not a concrete law within this bureaucratic system, without such an instance undermining the rationality of believing that an ideology of obedience is causally significant to the running of the NRM. This is because causal mechanisms are not reducible to the events they cause and will not produce totally consistent results in the open systems of the social world.

This project is mostly concerned with ideological causal mechanisms. Again, critical realism holds that social beliefs and values are real, in that they are causally efficacious (Bhaskar, 2016). Such social mechanisms can be conceived of as both *transitive*, relating to changing knowledge about objective reality, and *intransitive*, being of the realm of objective (though changeable) reality (Bhaskar, 2016). Social realities like ideology are *emergent powers*, in that they must be analysed as they are because they are irreducible to their subset parts, just as the wetness of water cannot be analysed by considering hydrogen and oxygen molecules (Sayer, 1992). While different theories of emergence exist within critical realist work, there is consensus that explanation is a necessary component of emancipation (Elder-Vass, 2010; Bhaskar, 2008, 2009). We can conceive of emergence as the result of the organisation of subset parts (Elder-Vass, 2012). This harmonises with a political perspective that sees emancipation as a bottom-up process, achieved when the subset parts of emergent institutions and ideologies – people – reorganise themselves and their existing relational dynamics. Instead of writing with the objective of informing government policy, I am interested in illuminating the causal power of ideologies in order to nurture transformation through the changing beliefs, actions and interactions of undocumented people and frontline workers (FLWs) in and around the NRM.

I include sections in the findings devoted to different causal mechanisms, and the empirical findings I think these causal mechanisms help to explain. This relates to the object of study, as the anti-slavery agenda has drawn together disparate actors with differing agendas (Weitzer, 2007; Chuang, 2015; Ford, 2015; Afruca, n.d.). The causes of their compliance are therefore similarly varied. These mechanisms relate to each other but are distinct and should be understood as such, including some ideologies that are dependent on others –

a common occurrence in social reality. This is because unlike the structures of ordinary material entities which are easily nested (a person is composed of cells, which are composed of molecules, each made up of atoms), the building blocks of social structures are not spatially constrained in the same way, but are also influenced by the intentional relations between the members, who are themselves typically part of multiple structures (in a way an atom generally cannot be in material structures). The norms of one social structure influence its members, who are then affected not just within that structure, but within the other structures of which they are a part (Elder-Vass, 2012).

This should result in a recognition that the retroductive process – the consideration of the conditions that must exist for the phenomena being studied to be what they are (Danermark et al., 2002) – is always a significant abstraction of a social reality that in its real form may be far too complex to even understand let alone describe. By abstraction, I mean to isolate in thought an idea of a partial aspect from the many other aspects that constitute concrete objects, including those of social reality (Sayer, 1992). To indicate the complexity I mean, it is one thing to say that an ideology that naturalises immigration controls is a real causal mechanism, that it is causally efficacious on reality and that it is emergent, irreducible to the atomistic instances that actualises its reality. It is quite another to suggest that such a causal mechanism can be properly understood or described in its exact and fullest nature, nor the way in which it relates to, for instance, racist ideologies upon which it must also depend. In the same way that Isaac Newton could theorise the need for gravity based on his observations of actual events, without being able to describe, as Einstein does, that gravity is not a force like other forces, but is rather a consequence of a curvature in a four-dimensional space-time fabric (Hawking, 1988). Just so, the causal mechanisms of social reality may be usefully alluded to without being comprehensively understood or described. Such allusions for the purposes of explaining the NRM are therefore simplified abstractions of social reality.

Structure, Agency and Ideology

Critical realists like Elder-Vass (2010) hold a perspective on social structures that is markedly different to some poststructuralist conceptions (see Howarth, 2013), a difference that is rooted in their views of ontology. Poststructuralism can partly be defined by its 'systematic critique of essentialism' (Howarth, 2013: 10). Because of its 'commitment

to openness and to a resistance to the definition of limits in terms of identity, poststructuralists are opposed to all forms of essentialism' (Williams, 2005: 8). According to earlier phenomenologists like Husserl, whether an object exists is of no consequence to what should be foregrounded: the *subjective experience* of the object rather than the object itself (Han, 2021). Laclau and Mouffe (1985: 108) summarily contend that: 'What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive conditions of emergence'. Such an approach:

'wholly de-essentialises meaning. It sees 'a book' as 'a book' not because the book possesses any transcendental 'bookness,' but because it is not 'a pen,' which is itself a signifying distinction only for and within the social worlds that accept the existence of and difference between pens and books' (Howard, 2017).

The critical realist objection to this kind of idealism is that it implies that humans could switch the meanings we attribute to book objects and to pen objects as though the items in themselves are irrelevant to how we construct meaning. But we cannot, precisely because the meaning making is shaped by the potentialities of the objects themselves and the type of thing they are in and of themselves. The book object does not determine everything about how I think of it, but nor is it irrelevant to how I think of it. For the critical realist, there is a 'bookness' to books that pens do not have outside the realms of signification. While poststructuralists do not deny the material world, they do not account for the influence of the causal powers of real objects on the meaning making human beings bestow onto reality, in a way that critical realists would consider to be necessary.

Bhaskar (2016) suggested such poststructuralism followed Saussure (2011 [1916]), falling into the *linguistic fallacy* of excluding the *referent* from the semiotic triangle of the *signifier* (e.g. a word), the *signified* (the concept or meaning) and the referent (the thing or object). For Bhaskar, all language use presupposes all three. The linguistic fallacy is a version of the *epistemic fallacy*, the idea that ontology can be completely defined in relation to, or reduced to, epistemology. This leaves reality without any essences of its own. As Andrew Sayer writes (2000: 82, 84): 'While some kinds of essentialism are certainly mistaken and even dangerous...others are not, and indeed are an important resource of critical social science'. This is because a full-scale rejection of ontological essence 'undermines any criticism of oppression because it cannot say what oppression is bad for, or what it does

damage to' (Sayer, 2000: 98). De-essentialising 'trafficking' as a concept about social reality is valuable because the cases alluded to as 'trafficking' do not share any commonality that is sufficiently distinctive from other cases not so labelled, and the term does not aid our understanding of causation. Such an approach – deconstructing a problematic social construction like 'trafficking' – is probably indebted to the influence of poststructuralism on social research. But I do not take an anti-essentialist attitude to all of reality, such that no objects of the world share certain properties or have causal powers of a particular kind separate from our discursive constructions about those objects.

Essentialism is generally understood as a doctrine that objects have particular essential properties, which make them one type of thing instead of another. 'Essence' can also be understood as a certain property of something that is necessary for a specific behaviour or outcome (Sayer, 2000). These meanings may overlap but they will not always do so. In either case, 'essences' are often being alluded to not in an attempt to capture every part of an object, but to speak of the significance of a particular aspect of it. In essentialism, what is problematic 'is not the assertion of sameness (or difference) per se, but mistaken claims about particular kinds of sameness (or difference)' (Sayer, 2000: 83). A key interest of critical realism is in distinguishing between 'the essential generative or enabling processes of an entity and its epiphenomenal features': this falls neither into reductionism nor determinism, and much anti-essentialist work is premised on this kind of essentialism (O'Mahoney, 2012: 726). This is a key assertion of critical realism – that entities are real and that they have causal properties that affect actual events, including the meaning making humans develop about those entities.

Poststructuralists' might respond that 'human beings are 'thrown into' and inhabit a world of meaningful discourses and practices, and cannot conceive or think about objects outside of it' (Howarth & Stavrakakis, 2000: 3). But the critical realist reply is to object that to insist upon anti-essentialist ontologies because human beings are trapped in systems of meaning making is anti-realist and/or a tacit restatement that ontology cannot really be done, the very assertion critical realism is bringing into question. Without claiming to have done full justice or sufficient criticism to any of the positions in this debate, the point of relevance here is that the ontologies of poststructuralism and critical realism are not compatible

(Howarth, 2013) and I take a more critical realist view of essentialism and ontology, which makes a difference to my understanding of social structures.

Sociological literature uses the term 'structure' a lot, but its meaning is often unclear and certainly varied (Lopez & Scott, 2000). Two such uses are structure-as-empirical-regularities and structure-as-relations. The problem with understanding structure as nothing more than a pattern of empirical regularities is that such a pattern is an effect, not a cause, and this usage therefore cannot help us to conceive of social institutions as playing a causal role in events (Elder-Vass, 2010). This is a problem, as despite the varied uses of the term, there is a general acceptance that the concept of social structure 'is employed to capture the *constraints* on social action and the *limits* of human agency in its various forms' (Howarth, 2013: 152, italics original). Others suggest that causal power can be explained by referencing the relations between the people concerned. But there is no relation if not for the things that are being related. Statements that speak of lower-level entities in a reasonably stable relationship having a causal effect, are actually synonymous with statements that mean structure-as-whole – that is, structure as an emergent entity with causal powers that cannot be explained merely by alluding to the subset parts (Elder-Vass, 2010). This is the approach I take. Elder-Vass (2010: 115) argues that 'social structure is best understood as the causal powers of social groups', with such emergent entities, like organisations, always acting through individuals, who are affected by the downward causation of the emergent structure. People's actions reflect both the causal powers of the individual and those of the emergent organisation. To speak of social structures as entities is not to deny the flux of reality, for an entity can maintain its 'compositional consistency requirements' even with a wide range of possible variations in the arrangements of its subset parts, as long as it stays within certain limits (Elder-Vass, 2010: 33).

This view of structure leads in turn to a key critique levelled by critical realist theorists like Elder-Vass (2010) and Margaret Archer (1982, 2003), against prominent accounts of structure and agency – that they commonly conflate the two. In Anthony Giddens' *structuration theory*, for instance, structure has no existence but for the individuals' conceptions of the rules and of the resources they can access (Giddens, 1984). Archer (1982) suggests that this bestows no distinct causal influence onto structure in itself. Such conflationism is noticeable in Bourdieu's work as well (Elder-Vass, 2010). According to

Bourdieu, *habitus* is the set of dispositions instilled in individuals through the conditioning of their social environment. The dispositions produced are typically embodied below the level of consciousness, and the conditioning encourages people to behave in ways that reproduce existing norms and structures (Bourdieu, 1977). While this influential concept provides explanatory value, it is difficult to discern in Bourdieu's work how agents are distinguishable from structures and vice versa (King, 2000). This is partly because it is unclear how dispositions produce practices in Bourdieu's framework (Jenkins, 2002); his empirical work tending towards a deterministic representation (Riley, 2004). Although he does not totally negate the role of consciousness in the determination of actions, he does seem to understate its role in the development and operation of the habitus (Jenkins, 2002; Elder-Vass, 2010). Many dispositions are consciously learned even if they are later performed unconsciously and many dispositions require conscious deliberation regarding the way in which they are to be enacted in specific situations. It is therefore not only in moments of crisis that the habitus does not provide a complete response to the situation. Rather, conscious reflexivity in our decision making appears to be substantially more common than Bourdieu seems to believe (Elder-Vass, 2010).

In contrast, Archer gives significant weight to reflexivity in human thought and action and is wary of all accounts of human action that underplay the causal power of human beings or their subjectivity (Archer, 2003, 2007).²⁰ Addressing Bourdieu's perspective directly, Archer (2003: 12) discusses how he might perceive her research participant, 'Graham':

'there never comes a point at which it is possible to disentangle Graham's personal caution (a subjective property of a person) from the characteristics of his context (objective properties of society) ... All that is certain is that he does not have the last word about himself, his intentions or actions. Therefore, it becomes impossible that Graham can deliberate upon his circumstances as subject to object, because these are now inseparable for 'Graham'.

While some parts of our actions can be determined quite unconsciously, others are determined through a process of conscious deliberation (Elder-Vass, 2010). I share Connolly's (2011: 22) rejection of any possibility of 'a fully adequate conception of human agency' because any approach involves unresolved mysteries. Much of the matter is

²⁰ Howarth (2013) gives a poststructuralist argument for the significant role of human subjectivity in social change, and he critiques some critical realists as well as other poststructuralists for decentering this. He also provides a poststructuralist critique of Bhaskar's approach to structure and agency.

presently lost to the enduring unknowns of consciousness, the extremely diverse theories of which I do not intend to tackle here. What is sufficient for our present purposes is to establish people as causal entities that cannot, in explanatory terms, be explained away either in relation to our subset parts, nor by being dismissed as automatic reproducers of structural norms.

Not only are human beings agentic actors, but that agency includes the potential to transform the structures that we compose, and the expansive potential for such transformation relates to a point raised earlier, that people exist in multiple structures at the same time because social structures are not spatially bound in the way other structures tend to be. The norms and beliefs of one norm circle (from which a social structure emerges) hold no necessary congruence with those of other norms circles of which a person may be a part. Opportunities for normative change are increased in situations of such complex normative intersectionality (Elder-Vass, 2010), as people introduce the influence of one norm circle into another. The doxa and orthodoxy that dominate in one field can thereby be undermined by the overlap of agents who are being influenced by other fields and other orthodoxies. If we combine the competing norms of intersecting social structures, with the reflexive, discerning agent that Archer (2003, 2007) promotes, we see significant potential for the transformation of social structures. Archer and Bhaskar provide complimentary frameworks for understanding the reproduction and the transformation of social structures: the morphogenetic cycle (Archer, 1995) and the Transformational Model of Social Activity (Bhaskar, 2016). Both versions have two critical moments. In the structural moment, actors are causally affected by pre-existing structures. In the agential moment, the individual acts, either reproducing or transforming the structure. Crucially, at each point, actions are only influenced by previous steps in the cycle, not determined by them (Elder-Vass, 2010).

Finally, ideology has also been handled diversely in the philosophical literature. Two broad traditions are particularly noticeable. One originates with Hegel and Marx and sees ideology in ontological terms, as false consciousness, the study of which is concerned with the truth or falseness of ideas and beliefs. A contrasting tradition focuses on the functions of beliefs. The distinction is often blurry, but the former has been less popular in areas where poststructuralism has held prominence (Xue, 2022). Bhaskar's conception of

ideology, however, follows a Marxist understanding, and is defined as ‘lived systems of false or inadequate ideas’; ideas that exist to secure social cohesion in the context of master-slave type power relations (Hartwig, 2007: 252). As well as validating the structure, these ideologies must make some account for the concerns of people within the structure/social context that are not being served by it, typically either by including a false claim about the service of those interests, an obscuring of the relatedness, relevance or importance of those concerns, or by instilling a belief that there is no alternative.

Ideology is understood as being generated by and then reproductive of social structures (Hartwig, 2007; Xue, 2022). It is emergent from social structure and then, through downward causation, acts back upon it. In either model of social transformation just mentioned, then, change can be introduced in one of two ways. The re-organisation of components of the structure can potentially destabilise its compositional consistency requirements, with this then affecting the reproduction of the ideology. Alternatively immanent critique can illustrate the contradictions of the ideology, which, if shared, can undermine its power to reproduce the structure – but only if actors take actions based upon the revelation of ideological manipulation. The importance of ideology to the sustaining of the structure is shown to be all the more significant if we grant the case made earlier regarding the substantial role that conscious decision-making plays in the enacting of our dispositions. If consciously discerning agents are to act in ways that reproduce the structure, even against their own concerns, sufficiently compelling ideas need to be pervasively propagated.

While this is my most prominent usage of ideology, James C. Scott’s (1990) use of ‘ideological insubordination’, discussed in the last chapter, is premised on another meaning of the word, one which Bhaskar would not employ. Ideology, as Scott intends it, appears to simply mean a kind of action-orientated set of beliefs (see Žižek, 2012, for this and other uses of the word). This does not contain the same necessarily negative intonation that Bhaskar’s use entails. The distinction is an important one, because, for Bhaskar, ideologies are category mistakes (Hartwig, 2007). That is, they misrepresent and misalign the essential characteristics of things. Immanent critique is the undoing of this process. Scott’s use of ‘ideological insubordination’ appears to mean a commitment to resisting authority (and with that, the legitimising claims of authorities). This overlaps

strongly with Bhaskar's project of emancipation. The equivalency between these two meanings of ideology is that they both relate to the formulation of the person's worldview and the kinds of ideas that can and cannot be developed based upon such foundational perspectives, including the incompatibility of committed postures of obedience and disobedience. For this reason, I am content to frame the conflict of the last chapter as I did, holding on to Scott's use of the term in my consideration of insubordination.

Self-reflexivity: Reaching this Approach

I came across critical realism early on in this PhD, while looking for an alternative to more common philosophical approaches in the social sciences, as I was unsatisfied with both the better-known positivist and interpretivist perspectives. Its combination of ontological realism and epistemological relativism better matched my own attitude to reality. It also became clear while studying the NRM that, as discussed in Chapter One, criticisms of the NRM (Human Trafficking Foundation et al., 2017; ATMG, 2018) consistently demonstrate a flaw that critical realist ontology seeks to redress. For instance, the Anti-Trafficking Monitoring Group complained that 'little attention is being paid to addressing underlying and structural causes of trafficking, both internationally and in the UK', in a 98-page document that never mentions capitalism (ATMG, 2018: 5). Attention has fixated on events at the level of the actual, and, by presupposing some degree of honesty in government rhetoric, insufficient consideration is given to accurately evaluating the causal mechanisms that are reproducing the troubling results of the NRM. Hence, the same document claims that sustainable prevention programmes are limited by the 'dominance of immigration control in the Government's agenda' (ATMG, 2018: 50). By externalising immigration control as something the NRM is separate from and subordinated to, the document does not recognise the ideological validation of immigration control within anti-trafficking and the causal role this plays in sustaining the NRM, which I consider in Chapter Six. As such, a significant difference also exists between the events and the popular interpretations of those events, like referrals into the NRM (the *actual* level), and what this is understood to indicate about the success of the mechanism (the *empirical* level), as I consider in Chapter Five.

As a normative posture, I think anarchism is a self-evident but heavily repressed truth – coercive authority is not self-justifying. It is, I believe, necessary to recognise this to reject

slavery in all its forms. If authority is constant and assumed, rather than conditionally justified, then domination becomes a feature of the identities and relational dynamics of the people involved, rather than a temporal feature of a situation that will be eventually worked out of the relationship. The goal of political transformation also depends on challenging where authority currently exists, not merely requesting that centres of power use their power differently. Challenging such power requires something very much akin to normative anarchism, even if many who take this position would not label it as such. In adopting this approach, which I began to embrace prior to or in the early period of this work, I found, as James C. Scott puts it, 'that if you put on anarchist glasses and look at the history of popular movements, revolutions, ordinary politics, *and the state* from that angle, certain insights will appear that are obscured from almost any other angle' (2012b: xii, italics mine). Scott's (1985, 2012) work on infrapolitics may be a pertinent example of such insight.

There are important biographical differences between myself and those persecuted by many of the systems and ideologies considered in this work. I am a British citizen, born and raised. I am male, white and middle class. I have not suffered from colonial and capitalist exploitation, racism or immigration controls, nor the poverty these produce, nor the humanitarian interventions that have abetted these injustices (Kempadoo, 2016; Sharma, 2017). Nor am I assumed to be passive and without agency, as is commonly assumed of migrating women (Bastia, 2006; Faulkner, 2018). I am lacking an incalculable amount of experiential knowledge that is relevant to the topics being discussed, particularly given the concern of this work to view the value of the NRM through the lens of undocumented people.

My commonality with FLWs in and around the NRM is likely to be stronger, and it is in these bureaucratised roles, not the lives of undocumented people, that I locate points for potential transformation. Anti-slavery appears to be a predominantly middle class and white realm (Kempadoo, 2015; Ariyo, 2020; Colt, 2021). My history of interest in anti-slavery ideas and work began in sixth form. I got involved when I saw presentations and materials produced by new abolitionist organisations that focused mostly on trafficking for sexual exploitation. My school education did not teach about capitalism. The first I remember it being mentioned was in A Level History when learning about the Russian

revolution, and there was minimal discussion of it there. Despite the teacher, I think, being a Marxist, the effect of the curriculum was to reaffirm the Western capitalist paradigm. Shaped by the capitalist realism this produced, I accepted the statist construction and reification of MSHT. One must first engage with the exploitation inherent in capitalist relations before one can critique the contradictions of the MSHT construct. Furthermore, I previously held to a type of Christian moral absolutism, the kind encouraged and built upon in new abolitionist campaigns, in which situated ethics is eschewed for pre-established rules of behaviour.

Bhaskar (2009) wrote of the importance of multi-theoretic linguality – that one must understand multiple theories internally – to the performance of an immanent critique. Isaksen (2016) argues that multi-theoretic linguality might depend in some cases on more than a cognitive or linguistic understanding of opposing theories. If a researcher, like an anthropologist, immerses themselves in the rules of the other, they learn something of another perspective that is bodily and lived, that cannot be gleaned merely by linguistic or cognitive comprehension. I certainly do not think that the key observations of this research require such a history as mine, or even that the data receives much richness from those experiences – indeed I would likely have reached my perspective on the anti-slavery movement much sooner had I not been introduced to it through the dominant lens. But I do experientially understand how entrenching the new abolitionist perspective can be, how significant the first lens is to how we understand social issues, and how much longer it takes to unlearn something than to learn it. I therefore understand the personal attachments and struggles that can be found in trying to engage in the kind of transformation this work advocates for at a personal and structural level. My critique is fundamentally of ideology, and where that centres on ideas and practices of practitioners, it is not through frustration at the individuals. Rather, it comes from understanding, having shared (some of) their perspectives, engaged in (some of) their work, and been confused and frustrated by the agenda of which they are a part. Having finally shifted to a position that no longer seeks to marry the contradictions that the anti-slavery agenda demands its practitioners carry, I understand the emotional and intellectual struggle that can be involved in such a process.

Ethics

Participants were provided with a participant information sheet (see Appendices 4 and 6) and a consent form (see Appendices 5 and 7) and interviews only commenced once the latter had been signed and returned. These information sheets explained what participants were being invited to take part in, what the purpose of the study was, what it would involve and possible outputs of the research. The sheet also made clear that their participation was voluntary, confidential and anonymised, and stated who they could call if there was a problem or they needed advice or support. I gained ethical clearance from the University of Salford before beginning the interviews (see Appendix 3) and then received further clearance again to increase the number of FLW interviews.

Interviewing participants who have experienced abuse, exploitation and who are vulnerablised by social systems and practices raises significant ethical issues. Overly paternalistic prevention of vulnerable people participating in research – something I experienced when approaching gatekeepers – has been critiqued on the grounds that research is unlikely to result in harm and is more likely to be experienced positively (Griffin et al., 2003; Alexander, 2010; Legerski & Bunnell, 2010). In that sense, trying to include them is a worthwhile ethical endeavour. That said, recollecting past harm can cause distress (Legerski & Bunnell, 2010), as one of my interviews made clear (see below), and contributions could have negative consequences going forward if not treated with due confidentiality and/or anonymity. So decisions regarding who to include in research should weigh various relevant factors against each other, like the social position of the participants, the potential harms of the interviews, the likely insights they could provide and the social benefits of the findings. Furthermore, situated ethical discretion should continue to be applied throughout a research project, not just in the planning stages (Simons & Usher, 2000). I explain below how this was implemented in this research in the move away from interviews with people who had been in the NRM.

While likely to be less vulnerable, the interviews with frontline workers in and around the NRM still raised ethical issues. Some of these participants also relayed distressing experiences and, as anticipated, some participants made contributions that critiqued government, organisations funded by government and people within those organisations. Many of these people were still in relevant job roles and such contributions, if made public

without anonymity, could have adverse effects on them. Some participants were less concerned about anonymity than others, but participants often will not have a clear knowledge of how their words will be used and future problems will not necessarily be anticipated (Wiles et al., 2012). Confidentiality and anonymity were therefore important – though the degree to which participants spoke to others about their own contribution to the project was of course beyond my influence. Where the organisation someone was affiliated with was necessarily going to be included, this was always clarified with the participant first. In instances like this, more specific anonymity agreements were reached with participants in conversation. Pseudonyms have been used for all participants.

Methods

Having established in the literature review that the NRM was serving neoliberal interests and that there was reluctance to enter the NRM, I was interested to explore how and why the NRM was being sustained. I conducted 20 interviews, the first two with people referred into the NRM and eighteen with FLWs in and around the NRM. I recruited them through a combination of purposive and snowball sampling. I conducted semi-structured interviews, the first two in person and the rest by phone or video call. I then transcribed the interviews and conducted a thematic analysis. Below I outline this process in more detail and justify my decisions.

Sampling and Recruitment

I initially intended to do most interviews with people who had been referred into the NRM. I chose not to interview UK nationals or children. This decision was based on my proposal that the NRM is immigration control and I was therefore wanting to focus on how and why it was sustained as such. Children do not need to consent to being referred into the NRM, so would therefore not be well placed to comment on why they chose to enter, and UK nationals are not relevant to the NRM as immigration control. My decision (and indeed my argument) was indirectly validated by comments in my interviews that claimed the NRM was not targeted at people in these demographics or not significant to them (Chloe, Daniel, Katie and Tom – see Appendix 1). I contacted many organisations about facilitating connections with people referred into the NRM, including service providers in the mechanism, other related support organisations and at least one immigration detention

centre. The uptake was very low, including rejections on the grounds of protecting clients. Other organisations showed willingness at first but it did not amount to an actual interview.

One organisation did help to facilitate two interviews. I went to their offices and they introduced me to some of their clients. I interviewed one there on that day, and later followed up with another client, travelling to her home to conduct the interview as that was the most convenient location for her. Neither of these two women knew what the NRM was, and the gatekeeper who facilitated these connections said she had encountered that reaction from other clients she spoke to about the project. This was despite both women receiving positive conclusive grounds decisions. The gatekeeper advised me prior to the first interview not to ask that client questions about the exploitation experiences that led to her NRM referral, as the participant had a history of blacking out when speaking about it. Based on recent history, the gatekeeper believed the participant would be fine with the interview, but we agreed that I would only ask about her experiences of entering and being in the NRM and her life since leaving, and not the prior exploitation. Nevertheless, at the end of the interview the participant had a seizure and blacked out for twenty minutes. The gatekeeper was sitting in on the interview and provided immediate support. Late on that Friday afternoon she also travelled out of her way to escort the participant home, showing just the kind of care and commitment provided by support workers that I discuss in Chapter Seven. The second participant did discuss her exploitation but said at the end of the interview that she preferred not to remember the things that had happened to her. Furthermore, because neither participant knew what the NRM was, there was also limited information they could provide about the factors that led to them entering and remaining in the NRM. As such, given the significant burden that interviews can place upon survivors of exploitation and abuse (Seedat et al., 2004), which was made particularly evident in the first interview, it did not seem justified to continue requesting interviews when the insights they were likely to provide to the topic at hand were so limited, even if greater precautions were taken.

I had always intended to do interviews with FLWs, but these increased in number after I decided to discontinue the interviews with people going through the NRM. The fact that neither of the two participants I interviewed who had been through the NRM knew what

it was, suggested that information about how and why the NRM was being sustained was more likely to be gained from FLWs. My interest in bureaucracy was also increasing and I wanted to interview people in a range of roles in and around the NRM. On the one hand there is an idea of a unified purpose to the NRM, and on the other, conflicting ideas about what is being done and where the issues lie. By incorporating a range of voices from different roles in the mechanism together, I believed a picture would emerge that has so far not been produced. The diversity of actors has already been considered in the literature review. I hoped that including such diversity would illuminate where contradictions existed and show how different actors with different concerns would, by holding different ideas, facilitate the running of the NRM. For support organisations, I prioritised approaching contract holding and subcontracting organisations within the NRM.

As much as possible I wanted to contact FLWs directly, so that the selection of participants and their contributions were not mediated by their organisations, although I would sometimes have to call the organisation first due to a lack of contact information. I primarily selected FLWs through purposive sampling, in which a researcher considers something of what needs to be discovered and then seeks out people with relevant knowledge or experience (Etikan et al., 2016). In particular, I used a form of purposive sampling known as 'heterogenous sampling' or 'maximum variation sampling', which involved approaching potential participants who, collectively, would provide insights on the subject (the NRM) from different angles (Etikan et al., 2016). I searched through the websites of relevant organisations and emailed those in roles I was interested in, usually because of their direct interaction with people who might enter or be in the NRM. I also searched through LinkedIn, a well-known employment profile website. I was again able to contact people on that site directly, rather than through an organisation. Also, in roles that had interactions with people who might enter the NRM but which were not necessarily predominantly anti-slavery roles (like jobs in immigration control and the NHS), I would prioritise approaching people who, on their profile, foregrounded such elements of their work, in the hope that they would have more to say in an interview. For local councillors, I found a list of people in modern slavery safeguarding roles, and contacted people on that list. I also paid attention to where somebody had held more than one relevant role, as this could provide added insight in just one interview – this applied to several participants. Two

participants were gained through snowball sampling, in which one participant facilitated connection with another (although it is called 'snowball' because it can be done repetitively (Noy, 2008), in a way I did not). This is not an uncontrolled procedure, as I ensured that the participants I approached through this method were very relevant to my study (Etikan et al., 2015). Finally, I already knew one participant through networking in this sector, and one person was a friend of a friend.

Lots of people I approached declined to be interviewed or did not reply. I would request as many interviews for certain job roles as I felt were needed. For instance, the first local council worker I interviewed, Sandra, was very critical of the NRM and had not referred anybody into it. That interview was illuminating, but as many referrals do come from local councils, I knew I wanted to have another interview with someone at a local council that would provide insight into ideas and processes that would lead to referrals. The only job roles for which I could not find anybody who was willing to be interviewed were specifically Immigration Enforcement and anyone I approached at the National Crime Agency, which is part of Home Office law enforcement. I do not think this was too much of a loss, given that I interviewed two Border Force officers, two NRM decision makers and two police detectives. I ended the interview period when I felt I had reached saturation. I conducted semi-structured interviews with 20 participants: two people who had been through the system, two NRM decision makers, two police detectives, two border force officers, two people in social work roles in local councils, two NHS doctors involved in MSHT training, a legal aid solicitor, an advisor to migrants, one person high up in the Salvation Army (who hold the government care contract for adults in the NRM), a senior advisor at the Modern Slavery Helpline and four people directly involved in support work, one of whom then worked in a police training and networking role and another who had left and founded a survivor support organisation. Appendices 4 and 6 show the participant information sheets.

Interviews

All interviews were semi-structured. A version of the interview templates for both kinds of interview are found in Appendices 8 and 9. I have mentioned the interviews with people referred into the NRM in my discussion of the sampling process above. The first interview had the gatekeeper in the room, mainly as emotional support. She made a few comments

during the interview. These interviews were focused on exploring details of their experiences of entering and being in the NRM and their time afterwards. As discussed, there was limited success in fleshing out many significant details because they did not know what the NRM was. Still, the interviews did provide insight into what they found valuable about the support provided. The FLW interview template increased slightly in length over the course of the project, as relevant questions were produced during interviews that I was interested to include in later interviews. There are therefore a few points of interest that some earlier participants were not directly asked about. Appendix 9 is a template from later on in the process.

Semi-structured, in-depth interviews are the most common interviewing format for qualitative data collection and are usually structured around a pre-set list of open-ended questions, with other questions asked as the interview progresses (DiCicco-Bloom & Crabtree, 2006). This allows the interview to focus on the pre-established concerns of the researcher and to provide rich data that engages in the specificities of participants' subjectivities, while also producing comparable data across the responses to pre-set questions (Lune & Berg, 2017). My research was theoretically informed, and as such, there were specific things I wanted to explore in the interviews. Unstructured interviews would have been less likely to provide as much relevant information to pre-established points of interest. But information was produced in the course of the interviews that was outside of my existing purview that certainly required follow up questions, which overly structured interviews would not have allowed for. Indeed, very structured interviews are more commonly associated with quantitative data collection (Bryman, 2006). Also, later, follow-up questions allowed me to respond to ideas produced by the participant, for instance presenting back to them two seemingly contradictory ideas they had shared in order to observe how they would respond. This kind of approach is used in the Free Association Narrative Interview Method. This method typically involves two interviews, and after the first, the researchers will look for inconsistencies, contradictions, avoidances and shifts in emotional tone. The second interview is used to ask questions that can explore such contradictions and test hunches, as well as allowing the researcher to explore themes that may be significant in their absence (Hollway & Jefferson, 2000). For a similar purpose, I also wrote a brief vignette describing negative consequences of entering the NRM (see

Appendix 2) and read it to the participants later on in the interview, in order to explore how participants made sense of their views and activities in relation to such information. This allowed me to examine their responses to what I saw as the intentional consequences of the neoliberal agenda discussed in Chapters One and Two. Some participants attempted to rationalise these consequences in ways that validated their ideological presuppositions, which made them explicit in ways that might not have occurred organically in an unstructured interview without the use of such a vignette. Edits to the vignette were made for clarification, which I describe in Appendix 2.

As mentioned, the two interviews with people who had been through the NRM were both conducted in person. One at a charity's offices, with a support worker present in the room, and another in the participant's home, with her very young son present. It was necessary to be in person for these interviews, in order to navigate the complex emotional situation with as much sensitivity as possible. Face-to-face interviews can allow the researcher to pick up on emotional reactions and contextual information they may otherwise miss (Kassianos, 2014). It also helped being in person because of language barriers, more significant in the second interview than the first, which a phone or video call would have likely only exacerbated. The FLWs interviews were all conducted either by phone or through online video calls. This was chosen to make it easier and more feasible both for me and for FLWs to participate in the research. Unlike the interviews with people who had been referred into the NRM, I determined that there would be little lost by not being in the room together. I did encourage video calls wherever possible, as this allowed me to pick up on body language, but there was no noticeable difference between video call and phone call interviews at the point of analysis. The FLW interviews began around the time that the Covid-19 pandemic caused a nationwide lockdown, which would have made this method essential anyway. The shortest interview was about 34 minutes and the longest was around 2 hours 32 minutes, but most came between just under an hour to just over an hour and half.

Data Analysis

Across the literature review, I discuss the fact that the MSHT agenda, and specifically the NRM, incorporate a diverse range of actors. In Chapter Six I will consider the role of strategic ambiguity in enabling diverse actors to engage in the same discourse and agenda.

Knowing prior to the interviews that such diversity existed, I was interested to formulate a kind of constructed dialogue in which contrasting ideas and practice could be presented together, including over what different participants meant by 'modern slavery' and 'human trafficking' and what they thought the purpose of the NRM was, as well as examining how they performed their roles. This flowed naturally from my decision to interview a heterogenous sample of participants (Etikan et al., 2016) offering different angles on the NRM. The literature had established my perspective that the NRM served purposes other than those which are presupposed in prominent discourse. Drawing on this empirical knowledge and theoretical considerations, I wanted to compare contrasting ideas and practice, showing the contradictions that existed not just within participants' own accounts, but across the running of the NRM. This helped to further illustrate the weaknesses in prominent explanations of why the NRM existed, while showing how and why so many people sustain a mechanism that serves interests many participants were not keen to serve, as well as illuminating contradictions that underlay all participants' perspectives.

The analysis process followed a broadly thematic approach (Braun & Clarke, 2006). I began by transcribing interviews and conducting an initial analysis, making extensive notes on the transcripts, including typing codes next to passages which would then be easy to locate using the find tab on Microsoft Word. This began before the interview period was finished. I had tried using NVivo software but this quickly proved unpractical. Because so many extracts were being coded into multiple groups, it was not as efficient as I had hoped. In thematic analysis, writing is an integral part of the analysis and not just something that happens at the end (Braun & Clarke, 2006). These notes included reflections on how the extract contributed to planned and emerging themes. Braun and Clarke (2006) address the problem of researchers passively referring to 'themes emerging' from the data, which obscures the researcher's role in conceiving of such themes. As analyst, I was very aware of the role I played in drawing together extracts which the participants may not themselves have placed together, but with which I was constructing a theoretically informed discourse.

I wrote initial discussions following the first four FLW interviews, then the first eight and then the first 12. I then spent a sustained amount of time working on my literature review. When I returned to the analysis I re-read all interviews, re-familiarising myself with the

data, writing more notes and coding. Having immersed myself in the data, the writing up of the findings chapters included searching and checking transcripts for codes and themes, key words and relevant extracts and remembering important excerpts. Once the analysis chapters were written, I went through the transcripts one final time, checking that all statements of absence were accurate (e.g. “No one mentioned *x*”), checking for any excerpts that should have been included in the final discussion, and assessing the representation of proportionality in the write-up (e.g. ‘A few participants’). The chronology of the project proceeded in a non-linear way, with the studying of relevant literature and development of theoretical perspectives preceding, accompanying and following data collection and analysis. This meant that the coding was often directly related to the discussions in the analysis. For instance, I coded participants attributing NRM outcomes to ‘Functional/administrative problems’ instead of political intent, and this directly informed the section in Chapter Seven on this issue. I also theorised that ideological presuppositions considered throughout the literature review would be significant to participants’ ideas and actions but would not factor in some participants own understandings of NRM outcomes.

I conducted a theoretical, rather than inductive, thematic analysis. I was not concerned about providing rich descriptions of the entire data, so much as providing detailed analysis of aspects of the data that related to my theoretically informed inquiry (Braun & Clarke, 2006). In contrast to most research, which Braun & Clarke (2006) claim is conducted exclusively or primarily on one level, I was searching for some latent and some semantic themes. Semantic analysis involves grouping together extracts in which the significant meaning is explicit and surface level, in which the analyst is not looking for anything beyond this meaning. Latent analysis relates to underlying ideas and assumptions. My observation of misinformation communicated by FLWs to people being referred into the NRM (Chapter Five) is an example of semantic analysis, while observing the way statements tacitly justify immigration controls against the value priorities of the speaker (Chapter Six) is an example of latent analysis. Both latent and semantic analyses are required given the ‘how’ and ‘why’ research questions this project is exploring.

The immanent critique relates to explanation comparison. As stated, the observation of contradictions within an explanation undermines it (Bhaskar, 2016). But *where* the contradiction exists also indicates the ideological ideas that are informing a participant’s

perspective. The key ideologies that I consider in the findings – the reification of ‘MSHT’, the naturalisation/validation of immigration controls, capitalist realism and the presupposition of obedience to legitimated state violence – were evidenced by considering where the value/action, value/idea or idea/action contradictions existed in participants’ accounts. These ideologies theoretically informed the analysis, but the explanatory power that different ideologies had for different participants depended on observations of where such contradictions were located. Additionally, contradictions across participant accounts and literature helped to evidence a policy/rhetoric contradiction, and undermine prevailing explanations for NRM failings, like the idea that the resources available in the NRM are being heavily abused by people entering it, an opinion proclaimed by government, media and some participants (UK Parliament, 2017; Gant, 2019; Home Office, 2021b; see Chapter Five).

Research Questions

The research questions were produced iteratively over the course of the project.

1. How is the NRM being sustained?
2. Why are frontline workers helping to sustain the NRM?
3. What alternative ideas, practices and forms of organisation to those which sustain the NRM are implied by the observations of this research? And which are already taking place?

The first question resulted from the conceptual conflict between an NRM that was burgeoning year-on-year (NCA, 2019; Home Office, 2021d), and the harms caused by the NRM and the references to reluctance among potential PRIT-NRM about being entered into it (CSJ, 2013; ATMG, 2014b). This, within a wider context of undocumented resistance living discussed in Chapter Three, suggested that there were practices that were helping to sustain the NRM that had not been discussed or properly considered in existing literature. I thoroughly addressed the neoliberal influence on the construction of the MSHT agenda (and by extension the NRM) in Chapters One and Two. The significant role of FLWs in drawing potential PRIT-NRM into the NRM in spite of that neoliberal agenda was anticipated prior to the interviews, because they were logical actors to be bridging the conflict between the state and undocumented people. This was then subsequently evidenced in the interviews. The question of what ideological factors were significant to

the practitioners was therefore also a central concern of the research, and the ideologies discussed in the findings were already being theorised prior to the interviews, hence the inclusion of the second research question. Finally, the third question relates to the transformational purposes of this critical research project. Bhaskar's (2016) explanatory critique and his contention that oppressive systems depend on the very values and practices they suppress, justifies consideration of what the transformation of the NRM would look like if the discourse, values and practices were in coherent alignment. It was therefore worth analysing examples of where such things are already at work producing the very alternatives that, if nurtured and replicated, would further the emancipatory transformation. I did include questions in the interviews that sought to draw out such activities, however this question was only introduced into my writing later on in the process when it became evident during the interviews and analysis that such examples were present in the interviews in a substantial way.

Conclusion

Throughout the literature review I was concerned to consider the NRM, as well as I could, from the perspective of undocumented people in the UK. I have sought to formulate this research project in a way that is in keeping with this concern, hence the emphasis on anarchism in both the literature review and this chapter, given that anti-statism can serve those most persecuted by the state. That said, I also considered my own positionality in relation to the matters I am exploring, including my own history and identity and the limitations and insights these entail. I am not undocumented and this research is not a substitute for hearing directly from undocumented people. I do however have much more in common with the demographic populating the anti-slavery sector, and it is within those bureaucratised roles that I locate critical points for transformation, not in the lives of undocumented people. I devoted the rest of the chapter to outlining my methods. In the sampling and recruitment of participants, in the interviews, and in the data analysis, my decisions were shaped by a desire to include a diversity of perspectives from what I had already come to believe was a bureaucracy composed of opposing visions and values. My interest was in drawing those together into a constructed dialogue that could help, through examples of consistencies and contradictions, to evidence the underlying causes of the problems, indicate any events that differed significantly from popular

representations, and to point to positive, transformational actions. In the next three chapters I present my findings.

Chapter Five

The Role of Frontline Workers in Sustaining the Flow of People into the NRM

Introduction

In Chapter Two, I established the neoliberal interests served by instruments of the government's hostile environment for migrant people, including the NRM. In Chapter Three, I considered the conflicting attitudes between bureaucratic mentalities and those of undocumented people. This tension provides the framing for understanding the interactions analysed in this chapter, between frontline workers (FLWs) and people referred into the NRM (PRIT-NRM), as told by FLW participants. Making clear within FLW testimonies the resistance of many potential PRIT-NRM to entering the NRM, I show the significant role played by FLWs in sustaining the flow of people into the NRM. The strategies they adopt, often against the voiced or unvoiced interests and preferences of potential PRIT-NRM, surmount the conflict between undocumented resistance and neoliberal bureaucratic expansion. As well as showing the vital role of FLWs in making referrals, I also evidence the lack of involvement of PRIT-NRM in this process.

I then contrast this evidence with a conflicting perspective that is also found in the interviews: that the NRM is *"open to so much abuse"* and *"rife for abuse"* by PRIT-NRM who are *"using it and abusing it"* with *"disingenuous"* applications (Tom, detective inspector), and explain why this perspective is problematised by the evidence of this research. I finish the chapter by considering alternative practices which some participants believe FLWs should engage in which involve providing more thorough information on the NRM and its potential consequences and showing greater concern for the perspectives of PRIT-NRM. I argue that were these practices to be followed, the NRM would be far smaller than it is, which refutes the widely endorsed notions among politicians, police, the third sector and academics, that increases in the number of referrals into the NRM is either a good thing for exploited and abused people in the UK or evidence of their abuse of the system.

The Resistance of Potential PRIT-NRM

The following descriptions of FLW strategies used to refer people into the NRM will also evidence resistance from potential-/PRIT-NRM which participants have witnessed.²¹ But it should be acknowledged that pre-existent evidence already indicates substantial resistance to entering the NRM (After Exploitation, 2019; Home Office, 2021d). If someone refuses to enter the NRM, frontline services have a 'Duty to Notify' government of anonymised information about the case. Across 2016 and 2017, 2446 Duty to Notify forms were submitted, the vast majority coming from Home Office and the police (After Exploitation, 2019), the same places that two support worker participants, Megan and Chloe, emphasised as poorly informing potential PRIT-NRM about the NRM when eliciting 'consent'. This figure indicates that often when officials are providing some information to potential PRIT-NRM about the mechanism, there is significant resistance to entering. Additionally, the Salvation Army found that of 1856 NRM referrals analysed, 329 could not be contacted or did not respond. So even where referrals have taken place and PRIT-NRM have been contactable, some have still evaded it.

Participants spoke of the resistance they encountered from people not wanting to interact with the police or the Home Office. Anatsa, an advisor to migrants, for example, said:

"No police, no police, that's what they say, and even if you try to explain to them that no, you don't have to talk to them or engage with them if you don't want to, still some people get very, very worried about it, and they wouldn't want anything to do with it..."

Sandra, who works for a local council, likewise said: *"some people once they hear the Home Office I think they...lot of people put,...sort of like the reverse gear because it means it's something to do with their immigration status, rather than the exploitation itself"*. And Megan, a support worker, discusses those who are in the NRM who did not want to leave the situation they were taken from:

"they didn't even want to be removed from the situation, so then it gets really complicated, because they know that they're being exploited, but they're also, well I

²¹ I only quote FLW participants in these findings chapters. Therefore, 'participants' is used synonymously with 'FLW participants'.

chose to be there...they also don't think they've been trafficked, and have chosen to be there".

This fits within the picture provided by a lot of research on undocumented people that evidences resistance to authorities as a normal part of the modern undocumented experience (Bloch et al., 2009, 2014; Engbersen & Broeders, 2009; Khosravi, 2010; Hynes, 2011). This resistance illustrates the important role that FLWs play in producing referrals in such a context. Engbersen and Broeders' (2009) work considers the constant struggle between the state and undocumented people, and the strategies developed by individual and collective actors in response to competing strategies by the state. Answering the first research question on how the NRM is sustained, necessarily involved considering how such conflict could be repeatedly resolved into a referral into the NRM. From that theoretically informed starting point, four kinds of strategy emerged from the data analysis, that FLWs commonly perform that help to construct referrals into the NRM in spite of the resistance described.

Role of FLWs in Referrals

A Lack of Information

The first identifiable strategy for how PRIT-NRM are successfully referred into the NRM is the lack of information provided to them on what that the NRM is, what effect it can have or what they are even being referred into. I interviewed two people who had been through the NRM, and neither of them knew what the NRM was despite receiving positive conclusive grounds decisions. The gatekeeper who arranged those interviews said she encountered the same thing with others she approached. This was echoed in other interviews. Legal aid solicitor Joy for instance, said: *"I don't really think they see a distinction between the NRM and any other part of the Home Office or the police or the government."* Support worker Megan spoke about PRIT-NRM reaching her safe house after entering the NRM, and like others, relates this lack of understanding to a lack of information provided to people:

"people I work with...have no idea what the NRM is...they don't know they've been entered into it. People- police often get them to sign forms, or people like, even charities that have entered them in get them to sign forms that ent- to consent, to say they're being entered into the NRM, but without a translator, or they're so confused,

or traumatised at the time, they don't even know what they're signing. It happens like, I'd say, I've experienced like at least 50% of people don't know they're being entered into it. In theory you have to consent, you have to sign something, sometimes we don't even have people that have signed stuff. They arrive to us, they've been entered in, the NRM are contacting us, being like, "they haven't signed this, you need to get them to sign it"."

Carmen, a Border Force officer, did not herself think consent was needed:

"now you're asking. You know what, I can't remember, but what I would say, just through good practice...with the NRM when we're filling it in, we're not putting in any sensitive or restricted data as such, we are literally you know, putting our concerns down, putting information about the passenger, and to be fair, because we're not intruding in such, I don't, I don't see why they would need [to] consent."

Such a lack of consent and even information that people are being entered into the NRM is perhaps the most obvious way in which the tension between undocumented resistance and neoliberal agendas are overcome in the expansion of the NRM. This was compounded by language barriers, but numerous participants believed it was common that those entering the NRM did not know what they were entering into.

The lack of information provided to people was also indicated by information that participants revealed over the course of their interview but which no participant said they or others communicated to potential PRIT-NRM. Andrea, a support worker, when asked about the long-term consequences of the NRM, said that *"it all does depend on that nationality of the person entered into it or the sort of exploitation that they have endured."* Nobody suggested that these specific factors were relayed to potential PRIT-NRM as significant to long-term consequences, except for Megan, a safehouse support worker, who thought the system was racist and that people should be informed about that.

Other participants described the Salvation Army closing cases early or refusing housing to those with drug and alcohol issues. Chloe, a support worker, described the Salvation Army's policy of doing their own initial assessment, saying that:

"if they're not able to contact that client, because they don't have a phone or whatever, they'll just close the support. And if it's not [Charity] that's done the NRM, they just get missed because we're not aware of them, which is quite unfair."

Katie, a former support worker who now works with the police, similarly said that:

“the Salvation Army wouldn’t, or said they couldn’t provide any housing for certain individuals because they had kind of a drug issue, or an alcohol issue, which seemed kind of ridiculous seeing that a lot of, you know, the- these people have gone through traumatic situations and a lot of them do have addiction issues to help with their trauma. But through the NRM there was no, there was no option to house them, so it just meant that they were homeless”.

The picture Chloe and Katie present is supported by data provided by the Salvation Army (2021) on 2,855 people who were referred during 2020-2021 but who did not enter support services. In 1,771 cases they could not contact the person concerned or did not receive a response. A further 715 were not considered eligible to receive support. Nobody mentioned stating anything like these revelations to potential PRIT-NRM when speaking to them about entering the NRM. Given everything they do say to potential PRIT-NRM (discussed in the coming sections) it is hard to imagine that it is at all common for PRIT-NRM to be provided with such pertinent and candid information.

Furthermore, this communication is taking place within a system that is heavily constrained by neoliberal pressures, as described in Chapter Two. FLWs were discouraged from speaking negatively about the Home Office in Megan’s charity, including pertinent information about the NRM experience:

“it’s hard telling people that when they arrive, and be like, “this isn’t going to be- you’re in a safe house, but this isn’t going to be easy, it’s going to get harder”...I think other caseworkers were afraid of telling them about how difficult it was going to be and how the Home Office are not on your side really at all. And we were encouraged by our managers and people above us to like, not speak badly of the Home Office because we got some funding from them, so we weren’t meant to”.

To sum up, we can see that some people are being referred into the NRM without being consulted, others do not understand what they are entering even if they are told something about it, important shortcomings and consequences of NRM support appear to often go uncommunicated, and the pressure to avoid relaying criticisms of the government further impinges on the amount of information provided.

Misinformation

Secondly, there is evidence of substantial misinformation being provided to potential PRIT-NRM, which presents the NRM as more positive and less negative than it actually is. One claim was that the NRM had nothing to do with immigration controls. This sometimes

arose when I asked participants about what they would say to potential PRIT-NRM about the NRM, as well as how they would respond if the person was worried about immigration controls. Katie (support worker and police networking role) said:

“I think because there is a massive fear about being deported, and it’s about explaining to them that, you know, that, that if they are in the NRM that caseworker, you know they, the government aren’t just going to turn up, take them, and deport them back.”

Likewise, Chloe, support worker, said: *“so I explain that it allows them to be assessed, and whilst they’re under the NRM they’re not going- they’re not able to be detained”*. The shift between *“they’re not going-”* to *“they’re not able to”* perhaps implies Chloe’s lack of confidence in knowing what would actually happen, regardless of the rules. It is indeed a false assurance. Evidence produced by *After Exploitation*, a data mapping project on the NRM, shows that this is false (Esslemont, 2019). In 2018, 507 people received a positive reasonable grounds decision as their most recent decision before entering detention, or they received their positive reasonable grounds decision during detention (Esslemont, 2019). This is not just a de facto situation – the government does not even claim that being in the NRM guarantees exemption from detention (Home Office, 2021a).

Similarly, Anatsa, who works with asylum seekers, responded to the extract of information (Appendix 2) describing negative aspects of the NRM, including involvement in immigration processes:

“Most of the people that you, that you have mentioned there, it’s people that are within the NRM that do not have asylum claims. The people that we see, that we see, that I see myself, it’s asylum seekers that are within the NRM - they’ve actually applied for asylum”.

Anatsa is under the misapprehension that being an asylum seeker protects people from being detained, when in fact, in 2018, 51% (12,637) of people entering detention were asylum seekers, including those who were detained before and after the determination of their claim (Aida, 2018; Refugee Council, 2019). As a result, Anatsa would tell her clients that the two systems were unconnected:

“Ok, I would explain to them that this has got nothing to do with that. It’s not about getting deported, or anything. This is separate, it’s just a [unheard word] or a framework for the government to identify potential victims of modern slavery and ensuring that you get the support that you need”.

Andrea, a support worker, also made such assurances to her clients: *“I’ve always had to say to my clients as well what they do have to understand is that the NRM and the Home Office, they are completely separate organisations.”* This is entirely false. The NRM is situated within the Home Office. Nicola, a decision maker in the NRM, told me that the asylum case workers and NRM caseworkers worked on the same floor.

In contrast to the claim that the two systems were unrelated, people are also told that the NRM can help them receive leave to remain in the UK. Megan, a support worker, described interacting with people who had been given such assurances: *“at the very beginning stages, people that have communicated to survivors with interpreters, might have, I’ve come across a lot, they’ve been told...**this is here to like help you stay in the country.**”* Megan also, alongside other participants (e.g. Anatsa and Chloe), claimed that receiving a positive decision in the NRM could help in a person’s asylum claim. But aside from slightly different rules for domestic workers, the Home Office only describe three circumstances for why people who receive positive conclusive grounds decisions in the NRM will also receive discretionary leave to remain if they do not have another type of leave. These are:

- *‘there are particularly compelling personal circumstances (e.g. the person is receiving a course of medical treatment in the UK); or*
- *they are pursuing a claim for compensation against their traffickers/modern slavery facilitators and it would be unreasonable to expect them to pursue the claim from overseas; or*
- *they have agreed to cooperate with police enquiries and the investigating police force has requested a grant of Discretionary Leave’ (Gower, 2016: 14).*

The first circumstance is grounds for discretionary leave regardless of MSHT victimhood and the NRM. The second and third both related to correlative but distinct and non-essential processes. Contrary to the repeated claim then, it is not the positive conclusive grounds decision that itself increases the chance of receiving discretionary leave, but rather the person’s engagement in related processes. I suspect that because NRM decisions precede asylum decisions, correlation could be being interpreted as causation. Neither of the decision makers I interviewed bolstered the impression that ‘MSHT victimisation’ was significant to asylum caseworkers’ decisions. Nicola said that being a victim of trafficking did not mean you were in danger now, *“because you were a victim of trafficking, you are not in...any kind of immediate danger or foreseeable danger”*, and

claimed asylum was based on such grounds. Tina said that most positive conclusive grounds decisions probably still did not receive any discretionary leave, and the examples she gave of why someone would be given it were ongoing service to an investigation or ongoing medical treatment, like chemotherapy, which confirms the Home Office guidance.

We are of course not just dealing then with misinformation communicated to potential PRIT-NRM, but with mistaken ideas held by FLWs. We can see this also in the implicit idea that if someone is going through immigration processes anyway, one may as well refer them into the NRM if one believes them to be a victim of MSHT, because it can only help their claim, not harm it. Megan, a support worker, said:

“I wouldn’t not recommend the NRM, but I’d explain very clearly what to expect, but because they’re living illegally in the country it’s likely that they could get found, and be deported anyway, so it would be good for them to be in the NRM for their asylum claim.”

This runs counter to the posture of undocumented resistance living, including strategies that do not involve claiming asylum, and misses the reality that those who are least likely to be legalised can also be those who are least likely to be deported (Ellermann, 2010). Furthermore, Nicola, NRM decision maker, said that negative NRM decisions could sway asylum decision makers away from granting asylum:

“if you’re saying you’re a victim of sexual trafficking and that gets rejected and then you’re claiming asylum because you believe that you’ll be killed and raped by someone in Afghanistan, then I’m going to be like, well you’re not really a victim of trafficking, if this proven all to be false, then how can I believe the rest of your story, which isn’t always the case, because the person could have a genuine fear of something else.”

Nicola’s words reveal that NRM decisions can negatively affect asylum claims, even when the asylum claim is based on different things to the NRM case.

These examples suggest that misinformation is significant in FLW beliefs and in what is communicated to people who are approached about entering the NRM. The direction of this misinformation is not towards a negative presentation of the NRM. On the contrary, it involves blanket refutations of real negatives and outright false claims of positives about the NRM.

Emphasising Positives and De-emphasising Negatives

Moving beyond the absence of vital information or outright statements of misinformation, a lot of the information participants described FLWs communicating to potential PRIT-NRM involved emphasising positives and de-emphasising negatives of the NRM. For instance, there was distorted information regarding who would be involved in the lives and cases of potential PRIT-NRM, if they entered the mechanism. When asked about how he would inform people about the NRM, Peter, a police detective, said:

“it’s not police, they don’t even have to come to the police, they can go via, they can self-refer, someone can come out from a charity to speak to them, so it’s, it’s, it’s people who will look after them, who house them, feed them, get them back on their feet and give them options about what they want to do. It’s about giving them back that self-control of their lives a little bit more, and to signpost them in the right direction, to get help and it’s a non-police organisation.”

Peter was emphatic in assuring the ‘potential victims’ that he encountered that they could go to the third sector for support and not have to interact with the police. In this way, state forces can convince people who do not want to interact with the state to do so, by convincing them to interact with charities and other such organisations, who will then tell them that they need to enter the NRM to receive support, at which point the state is very involved. This use of the third sector to hide the level of state involvement is further enabled when charities actually accompany the police on ‘raids’ and ‘welfare checks’, as Chloe and Megan described their organisations doing. Peter also described how someone from a local charity now had a place in his police offices as a “conduit” between the police, the service provider and the victim. Anatsa, an advisor to migrants, tried to assure those who were worried that the police would know about their case, that they would not have to “liaise” with the police. She knew that their concerns were about more than personal interaction with authorities, but were rather about police and government intervention in their lives, yet she emphasised that “you don’t have to talk to them or engage with them if you don’t want to”.

Similarly, Katie, who trained police, de-emphasised what authorities might do:

“explaining that it’s very unlikely that you would- the government would just turn up, you know, or the Home Office would turn up and, and deport you, and I think they’re,

they're bound to be nervous and that's why I kind of encourage if it is a police officer explaining the NRM, then making sure that they aren't in uniform".

Katie is characterising the threat posed by government as “*unlikely*”, so as to de-emphasise the level of concern in the potential PRIT-NRM’s mind. Katie earlier stated outright that those who are in the NRM would not be deported, but here she caveats that it is “*unlikely*”. As discussed, many people are incarcerated in detention centres while in the NRM, and more than half of ‘potential victims’ who accept ‘voluntary returns’, do so after spending time in these prison-like settings (After Exploitation, 2019). Assurances that Home Office intervention is “*unlikely*” are de-emphasising a major cause for concern, as is the guidance to police officers not to wear uniforms, deceptively disassociating the NRM from known dangers that are not the paranoia of PRIT-NRM minds, but real threats. This practice is discussed elsewhere, as in the interview with Nancy, an NHS worker who trains people about MSHT (see also Home Office, 2020c). Lorna, former Border Force Officer, listed only positives of the NRM when asked what she would say to potential PRIT-NRM about it, and finished with: “*And obviously they will then be supported rather than exploited by the perpetrators who may be in the UK.*” As such, the NRM is presented as protection from exploitation they “*may*” have, and non-engagement is associated with exploitation rather than any other experience.

Some participants (Anatsa and Chloe) focused on what happened in the NRM, not afterwards, until I asked about PRIT-NRM concerns over immigration controls. Chloe, a support worker, only articulated the temporary positives (like a support worker, subsistence payments, access to counselling and clothing) and even when I asked about people’s concerns regarding government and deportation, she again discussed the temporary protection (falsely, as described earlier), but also emphasised what positives *might* happen, rather than describing any negative post-NRM factors:

*“I’d explain that the NRM allows them support, so I explain that it allows them to be assessed, and whilst they’re under the NRM they’re not going- they’re not able to be detained. It gives the Home Office information that allows them to assess their whole circumstances, ‘cause if you’re, [if]- the Home Office- if you’re a victim of human trafficking, **they do have, they can grant you up to one year’s discretionary leave if they believe you’re a victim of human trafficking**, so I try and explain that they’ve been provided support, that whilst they’re under the NRM nothing would happen to them, everything is confidential, nothing will be sent back to...the country that they originate from”.*

This practice of emphasising *possible* positives includes trying to keep people in the NRM. When faced with clients who want to leave the NRM and “go home”, Andrea, a support worker, said:

“Usually what I try to say to my clients that I work with that are wanting to go home, I do let them know, actually there is, there is the opportunity for compensation upon receipt of a positive CG, so sometimes that says to them, ok, you know what, I do want to stay, because- just for a little bit until I get my decision.”

This is in spite of the fact that none of her clients had ever received such compensation. She had a colleague whose client had received £1,500 in compensation, after spending a year and half in their service, which Andrea thought was “great”. But such a sum comes nowhere close to making up even for the wages he would have been unable to earn while having no right to work in the NRM (if he was non-EU), let alone what he was not paid in the initial exploitation. £1,500 is just over a month’s wages at minimum wage. The emphasis of positives and de-emphasis of harms displays a lack of concern on the part of FLWs for the real-world impact of either. Furthermore, all such emphasis disregards a reasonable concern on the part of potential PRIT-NRM, not over what might happen, positive or negative, but what the likelihood of it happening will be.

In sum, it appeared from the interviews to be common, though not universal, practice for FLWs to follow the premise of listing positives and potential positives of the NRM, in the best terms possible, absencing or diminishing the problematic aspects of the NRM, including the threat of harm, and emphasising the potential affiliation of alternative options (like not engaging with authorities) with risks related to traffickers and exploitation.

Coercion

The fourth strategy to note which enables referrals into the NRM in spite of the reluctance of undocumented people is coercion. Firstly, government rules may themselves flout data protection law. Consent is required to access services within the NRM and consent must be both informed and given in the absence of coercion. We have seen that the former is contravened, but so is the latter, given that absence of coercion includes:

“consent given under the threat of non-treatment or lower quality treatment in a medical situation, which as such cannot be considered as ‘free’. This could very well

extend to other forms of assistance services, such as psychological, social or legal assistance. When, for example, trafficked persons have to consent to the exchange of their personal data with third parties in order to get access to assistance services, this cannot be considered as freely given consent” (Wijers, 2013: 3).

Furthermore, FLWs employ coercive strategies to refer PRIT-NRM into the NRM. These included threatening them with immediate alternatives. When discussing FLWs (“especially like the police”) and their responses to potential PRIT-NRM, Andrea, a support provider, said:

“especially if they’re not somebody from the UK, because it is actually quite difficult as to understand what to do with them, because for- so for example, let’s say if they refuse to go into the NRM, and they are illegally residing in the UK, the only other thing is to report them to Home Office”.

Here, non-intervention is not regarded as a possibility, and therefore potential PRIT-NRM must either enter the NRM or be reported to the Home Office. It is common in trafficking narratives for the trafficker to ensure compliance by threatening that they will reveal the ‘illegality’ of the victim to authorities (Bulman, 2018; Home Office, 2019c). Such a threat from traffickers was alluded to by a few participants. Here we find FLWs employing the same threat to produce compliance to a referral. Sandra, a local council worker, believed this threat motivated a lot of referrals:

“what I think they understand of it [the NRM] is that they see it as not salvation but more like potentially a, a threat to them. I think, I think I also wanted to point out that a lot of those that probably go through the NRM are those that are probably picked up initially by the police, either because of their- they were part of a raid on a construction site or in a, in a home or something like that, or- and so they, they don’t feel like they have much choice. It’s either do that or be referred to, straight to...immigration. So a lot of them, I think, I think, [and so] I believe that a lot of them that do accept to go through the NRM would in normal stance- circumstances if they weren’t put on, on the spot would probably refuse to do it.”

As well as such immediate threats, potential PRIT-NRM are also threatened with negative consequences on their asylum applications if they refuse to enter the NRM. Joy, a legal aid solicitor, explained this:

“So the Home Office would say, “Oh, well you’re a victim of trafficking, you’re saying you’ve been trafficked, why don’t you want us to investigate that? Because you don’t want us to investigate that, we won’t, we won’t- well, why should we believe you?” And that is generally the point that the Home Office takes, so I try and explain to them [potential PRIT-NRM] the Home Office perspective on that, and say that the NRM at

the end of the day, if you don't enter it, it will affect their credibility with the Home Office, and the Home Office will be less likely to take anything they say seriously, because it's- the Home Office will interpret that as failing to like assist or interact with the authorities."

She went on to say:

"the Home Office then [unheard] have the point of view that if you don't cooperate with the Home Office, it must mean you're hiding something or you're lying, [like they] don't really have any flexibility or any nuance in that point of view, it's just, either you do this or you are lying. And people from other cultures or people who've been through traumatic circumstances don't always see it that way. So, can be a bit tricky."

I then asked, *"Is that just if they say the word 'trafficking', or if the Home Office look at their case and think that it looks like trafficking?"* and she replied, *"Both."*

This is very significant. The criteria for being a 'potential victim of human trafficking' are low, with large numbers of referrals coming from within the Home Office. So clearly there is a very inclusive view of what should be referred into the NRM that is far wider than what will ultimately be recognised as 'genuine victimhood' in conclusive grounds decisions. We have also seen that negative NRM decisions can have negative consequences on asylum claims, even if the cases relate to different things. Joy's description helps to explain why, contrary to popular assumptions, having trafficking-like experiences in one's story can have a negative impact on somebody's asylum claim and experiences with the government. It can negatively impact their asylum claim because even if they do not identify as a victim of trafficking, the fact that something in their story approaches trafficking means a government official may insist they enter the NRM and distrust their credibility on anything if they do not. When their NRM case is eventually rejected, their asylum case is blighted by that decision, as Nicola described earlier. Not only can such past experiences negatively impact on their asylum claims, but their coerced entry into the NRM extends the slow violence of the asylum system discussed in Chapter Two (Mayblin, 2020), delaying the asylum decision they are really waiting for, often for a substantial period of time. Given that slow violence is described as an intentional policy of 'gradual wounding' against populations regarded as worth less than others (Mayblin et al., 2019: 120), it is in keeping with such a policy agenda that the NRM would coercively manufacture the extension of such wounding to those it identifies as 'potential victims'. Here, the government is overcoming the gap between its neoliberal project and the reluctance of

undocumented people, as well as exploiting their desire for documentation. And yet, if what undocumented people need and want most is asylum, then this information suggests that hiding anything remotely 'trafficking-like' from frontline services and government, and avoiding the NRM, could be preferable and potentially important to their asylum case. As discussed, and contrary to the beliefs of some, positive conclusive grounds do not, in and of themselves, benefit asylum claims. And yet while many will be labelled 'abusers' of the NRM for entering (discussed below) Joy is showing here that not entering, once they have been initially identified, can negatively affect their asylum claim. In colloquial terms, they are damned if they do and damned if they don't.

It is notable that the figure in some sense performing this coercion, Joy, is, in doing so, protecting the potential PRIT-NRM from the threat the coercion is based on. This illustrates an important difficulty many FLWs often find themselves in within the bureaucratised NRM: the blurred lines between agent of oppression and protector from oppression. It does not require us to say that Joy is wrong to inform her clients of this issue, to still acknowledge that it is in such *actions* that FLWs perform the coercion that further sustains an NRM which would not be sustained without them. This is a tragedy of oppressive systems. It is the need to survive that is being exploited, and upon such exploitation that the system survives. The perpetuation of the system and the opportunity for the exploited to survive are bound up in many of the same acts.

This can help us to understand the equivalency some scholars draw out between the 'legal' and 'illegal' actors in the illegality/migration/rescue industry. Schapendonk (2018: 665) refers to the interplay of migrants, smugglers, border guards and others, not as different subcategories, but as an interconnected group of actors that shape migrant experiences. Soderlund (2005: 65) suggests that in the 'sites and practices of abolitionist intervention the line between rescuers and captors has become increasingly blurry.' Howard (2018) describes how anti-trafficking actors serve the interests of exploiters by de-contextualising the exploitation of those they seek to help from its systemic roots. And Molland (2011) has argued that 'traffickers' and 'anti-traffickers' share similarities and both engage in acts of 'bad faith', which involves self-deception by externalising one's own complicity.

In all of the strategies I have considered, we can see that FLWs in and around the NRM are engaging in acts that resemble practices that anti-trafficking commonly attributes to traffickers. The statist constructions of ‘trafficker’ and ‘anti-trafficking’ arose simultaneously. The construction of the former can be understood as a kind of psychological projection (see Hämäläinen, 2009), in which the harms perpetrated by the state-backed ‘anti-slavery’ sector are projected onto its own concept of ‘trafficker’, while its own equivalent activities are labelled as opposing rather than replicating the consciously rejected activities. Most participants did not consider such equivalencies, but Sandra, a local council worker said: *“consenting to doing the NRM and then possibly at the end of it being deported as a result of it. And I think that’s, that’s an equal threat, whether that’s from the traffickers themselves, but...also from the Home Office.”* FLWs are actively trying to get vulnerable people to trust them with concerns or proclaimed concerns about their wellbeing. They are using misinformation, partial representation or threats to get them to do something that will allegedly lead to a better situation for them, while often the reality, in keeping with the initial concerns of the person approached, is to be put in a situation they do not want to be in, sometimes without plausible escape, experiencing abuse, trauma and exploitation. While this wider scale is sometimes not known by FLWs themselves (although sometimes it is) the sustaining of the NRM is dependent on such practices. Side-lining the primary concerns of people vulnerablised by state actions is necessary if one is going to increase their interaction with state systems. For as long as the NRM is functioning against the interests of those going through it, the NRM is not something that should be sustained, it is something which should be resisted, just as vulnerablised migrant people are doing in large numbers, evidenced in the testimonies of resistance by participants in this work as well as by the number of Duty to Notify forms (discussed below) and withdrawn applications (NCA, 2019; Home Office, 2021d).

This comparison between the actions of ‘traffickers’ and those engaged in anti-trafficking work is more likely than it may seem, given that, as numerous scholars have shown (Sharma, 2005; Agustín, 2007), anti-trafficking is not about liberating vulnerablised people, but about shifting who is in control of them, as detective Peter also discussed:

“people who are going into it are still restricted in many ways. They’re still being controlled, you know they’ve not got that control, that full control back over their lives.

So they go from one place where they've been told what to do, where they can stay, where they can sleep to the same thing really, but in a different way."

Similarly, Julie, Salvation Army, said she felt "to some extent that there are people, in inverted commas, trapped in the NRM, and...it's actually preventing them from moving on with their lives". And Megan spoke at length about how "a lot of support providers run safe houses in quite controlling ways". The control exerted by traffickers and state systems is indeed similar, and Peter also alluded to the aversion to such control, wherever it comes from.

I have so far considered four strategies that reproduce the NRM through referrals and the resistance of those approached for referral, as well as the reasonableness of such reluctance.²² I will next provide further grounds for arguing that PRIT-NRM are not the prime actors in their own referrals.

The Diminished or Absent Role of PRIT-NRM in Decisions to Refer

I have thus far considered the active role of FLWs in the production of NRM referrals. In this section, I consider three ways in which PRIT-NRM are not contributing to their own referral in ways they are implied to be doing by participants. This will continue to evidence the role of FLWs, but it is important to distinctively evidence the absence of influence of PRIT-NRM. This will help to illustrate in the next section the weakness of the prominent perception that the NRM is vulnerable to 'abuse' by PRIT-NRM. Here then, I will consider three ways in which PRIT-NRM are not the influential figures in NRM referrals. Firstly, it is essentially not possible for most PRIT-NRM to have a sufficient understanding of the NRM to provide independent, informed consent. Secondly, PRIT-NRM do not self-generate a concept of 'MSHT' or the NRM and whether they fit into it. The concept of 'MSHT' is controlled by FLWs, who can shape the idea around the experiences of potential PRIT-NRM. Thirdly, the concerns of PRIT-NRM are actively side-lined to enable and encourage their referrals, meaning such concerns are not sufficiently influencing decisions.

²² A very recent study illustrates academic work continues to view referrals as a strategically positive objective. 'The low rates of NRM referral suggest that: (a) victims may not be willing to come forward; and (b) MDS [Modern Day Slavery] is not suspected in a high proportion of cases...The current study has shown that there are certain types of cases and victims who are less likely to be referred to the NRM and it is worth thinking of strategic ways to tackle the attrition of these cases' (O'Brien et al., 2022: 281).

The Impossibility of Sufficiently Informed Consent

Some participants (e.g. Sandra, Nancy, Andrea, Daniel) suggested that it was possible to have minimal FLW influence on the decision to refer, and that PRIT-NRM could be provided with sufficient information to make an independent decision to consent. For instance, Simon, a senior helpline advisor at the Modern Slavery Helpline, said:

“it’s my responsibility to give them as much information to make the informed choice for themselves, and, and make sure that I have...provided that in such a way that, that there’s no misunderstanding on their part, that they...go into the NRM with their eyes wide open”.

Some participants (e.g. Andrea, Tom) responded to my question about how well people understood what was being described to them, *“especially people for whom English isn’t their first language”*, by speaking about the quality of their interpreters. For instance, Anatsa, a migrant advisor, said:

“We provide them with interpreters, and when we have interpreters, we [speak] in a language that is very, very easy to understand. We don’t use jargon or very difficult terms that are very, very difficult to translate. We speak in very, very simple terms, so that they get to understand what’s happening. I think they understand [things]”.

These ideas may relate to some participants being less concerned than others about what information it is important for potential PRIT-NRM to know. For instance, when Daniel, head of safeguarding for a local authority, spoke about how important it was that frontline staff understood the NRM, he said:

“‘cause you can’t assist someone to make informed decisions if you’re not able to give that information in an accessible format. So that’s all very well if you’ve got a smart phone, you go on to [laugh] the NRM website, government website, and [go], “Oh yeah, I fully understand””.

The implied idea here is that contained within the government information page is sufficient information for someone to be properly informed. But other participants said that potential PRIT-NRM should be made aware of negative information, which is certainly not contained on the government website, prior to a referral.

Others did not believe that people understood what the NRM was. Jack, a doctor, said, *“I don’t think they do. I don’t think they do understand it.”* Sandra, local council, said: *“I don’t know how much they understand it, even if I was to explain it to them with an interpreter I*

don't know how much of it they would understand". Statements from support workers who interacted with people in the NRM after their referral made clear that sufficient information prior to 'consent' was not only commonly absent, but even impossible. For instance, support worker Megan said:

"I will explain to them in the first week, in stages, like, not all in one go, like sort of everyday a bit of information, 'cause it's quite complicated to explain what the NRM is, and say that you've been entered into it because somebody thinks that you've been trafficked..."

Likewise, support worker Chloe said:

"it can be a lot of information to take in and there's so much, so many different terminologies and things that they're not quite sure of, so they can be- once they've come through, they might have questions later, and be like, I'm not quite sure a hundred percent what this is, so just make sure, whenever we pick up something we'd really explain it again, but even throughout support it's important to- every now and then they might ask something that they're not too sure of, just 'cause it's quite a lot of information to take in, and it's stressful for them speaking about what they've been through."

Such ongoing explanations through the NRM process are needed because the complexity of what the NRM actually entails is either not communicated or not communicable prior to referral. Julie, from the Salvation Army, gave a response to my question "What is the NRM?" that suggests the latter is true:

"It's a monster [Both laugh]. What is the NRM? One of the things that I, I always say is, you know, when it comes to- when it comes to me leaving this role, I would hope that we find a better description for this thing called the NRM."

She went on to say:

"I find that people do struggle to describe what it is, and that includes first responders also, and maybe you know, if we're- if we're not able to articulate what it is clearly, that might be a disadvantage in the sense that if we are- if we're struggling to describe it to a potential victim who doesn't, you know, who, who's lang- whose first language isn't English, if we can't explain to them clearly what it is, then they may not be convinced or comfortable to come forward and, and enter the NRM".

Of course, the unmentioned opposite is also true. If they do not explain clearly what it is, potential PRIT-NRM may enter the NRM, but without providing properly informed consent. Julie is stating that over a decade on from its creation, they still need a better way of describing what it is. If this is the sentiment from a high up figure in the Salvation Army, it

seriously undermines the notion that a consistent and sufficient description of the NRM is being given to potential PRIT-NRM. These passages indicate that it may not really be possible for a potential PRIT-NRM to be sufficiently informed prior to a referral, to make an independent decision to consent.

PRIT-NRM Do Not Self-generate Their Concept of MSHT

As well as not having sufficient information of what the NRM is to give informed consent, PRIT-NRM's conception of what 'modern slavery' and the NRM are, is not self-generated, but is substantially or entirely informed by FLW influence. As they are informed about 'modern slavery' and the NRM, potential PRIT-NRM are being encouraged to view their own experiences through the prism that FLWs inform them will receive positive responses from government, as opposed to their usual experience, in many cases, of receiving harmful responses from authorities. Whether they can take their own unique and complicated experiences, which inevitably involve multiple causal factors, and understand them through the simplified lens of MSHT is dependent on how encompassing the FLW communicates 'modern slavery' to be. Lots of participants evidenced this. Chloe, a support worker, said:

“you just kind of explain to them what it means. So if they were brought here under false pretences or for a different reason [and when] they got here, it wasn't for what they thought it was, and they were taken advantage of then that's what is human trafficking, and that's what modern slavery is. And they tend to c- not everybody, but the majority then can then think, “ok, yeah, I was brought here for a different reason and this happened instead”, and they kind of recognise it them- themselves, and then they agree to be referred into the NRM.”

Katie, former support worker, said that most non-UK nationals have probably never heard the terms 'modern slavery' and 'human trafficking':

“I suppose I'd just explain and ask them about you know, have they got access to certain things, you know, do they have access to their own money? Do they have access to their ID documents? Are they free to come and go as they wish? You know, is someone, are they [ki]- do they have a close relationship with someone? Are they, is it- are they taking advantage of anything, or are they taking anything away from you? How do they feel? Do they feel safe? And things like that, rather than you know, asking are you a victim of modern slavery? Ninety-nine percent chance that they'd turn round and say no.”

Sandra, local council, said:

*“I think the terms, maybe they don’t think that it applies to them and that’s possibly to do with the definitions themselves. That might make a lot of sense to me and to the police and to social services but it might not make a lot of sense to, to the victims themselves, so when I talk about it I almost feel like I have to...**expand that definition**”.*

The repeated picture is of more vague, inclusive questions and statements that the potential PRIT-NRM will recognise in their own experiences, which the FLW can then use to encourage them to think of as MSHT. Other FLWs actively tried to convince potential PRIT-NRM to view relationships they saw as positive in starkly negative terms. Andrea, a support worker, said:

“So many of these individuals they don’t really see as what has happened to them as being wrong, they still consider their exploiters as their friends...I find the biggest barrier, telling them, or trying to explain to them why, why what has happened to them is wrong, and how it may actually deviate from their pre-conceived idea of slavery, which is kind of being like, I don’t know, not being allowed to leave the house, being worked for, for no money”.

Andrea is assuming that the client is objectively wrong to think of the person she regards as their exploiter as their friend. As much research has discussed, the anti-slavery sector commonly project starkly negative dynamics onto nuanced, complex relationships that include friendships caught up in unbalanced power dynamics (Mai, 2010; Marcus et al., 2014). While this complexity is simplified in Andrea’s projection in order to nurture the referral, the complexity could later be drawn out to undermine the trafficking claim by NRM caseworkers at the Home Office. Nancy, an NHS worker who trains people about MSHT, who works in the NHS and ran training on MSHT, carefully explained this process of reframing, so I will quote her at length.

““So some people who’ve experienced things you’ve experienced actually see it as a form of abuse and exploitation. This can be called human trafficking, where people move people to exploit them for money. Do you feel this is relevant for you?”...it’s framed differently based on your relationship with the person in front of you...you word things differently, you have different body language and phrase, phrases that you use based on whoever’s in front of you, but that’s the sort of template I, I use.”

She asks, “Do you feel this is relevant for you?” but she has already claimed that it is relevant by saying that when people use those terms they are referring to “things you’ve experienced”. She then described using trauma-informed care to challenge behaviour they are experiencing before she even gets to the terms ‘modern slavery’ and ‘human trafficking’:

“So for example, if a victim of sexual exploitation of her- by her boyfriend is saying, you know, “but he loves me, he, he says that we need to do this for better life together in the UK,” and then I say “that’s, but that’s not very loving behaviour, that seems like that’s quite an unhealthy, or that seems like that’s quite an abusive thing. What do you think about that?” So introducing the challenge and it’s planting the seed, and the priority is not to [kin-] not for me to inform this pat- “hey, you’ve been a victim of sexual exploitation, it’s a form of modern sla- modern slavery, how d’you feel?” It’s actually, we are planting a seed that suggests that person is a vic- is, is a individual worthy of dignity and care, and so when they’re ready, this is a safe place. We’re planting a seed of a different narrative, and that is something that hopefully they will go away with in their own time it will grow, it will develop to the point where they feel they’re ready to challenge what’s happening to them.”

It is indeed FLWs who offer a different narrative, reframing people’s experiences in ways that fit with their (FLWs’) understandings of MSHT. Scholars have long observed that lawyers and others must reframe clients’ stories to be legally effective, to resonate with decision makers and to make asylum claims consistent with both the law and current Western values (Shuman & Bohmer, 2004; McDougall, 2015). But it is important to see that the reframings offered by these participants are neither aligned with the way their client sees their case (at least initially) nor how caseworkers will view their client, given that convincing people to enter the NRM involves broader, more ambiguous inclusivity, while convincing decision makers that the case is MSHT involves conforming to more exclusionary criteria. FLWs are engaging in two different processes rather than one. In the interactions described above, FLWs are facilitating a referral into the NRM by reframing people’s experiences as MSHT.

In these interactions, the framing of MSHT is bound up in the NRM, meaning that attempts to reframe people’s experiences as MSHT relate to facilitating entry into the NRM. This was evidenced by participants who responded to questions about how they would describe what ‘modern slavery’ is to a ‘potential victim’, by talking about what the NRM is (e.g. Joy, Megan and Tom). When I asked them the confirming question of whether explaining what ‘modern slavery’ is, is intertwined with explaining what the NRM is, they agreed: “Yeah, definitely” (Megan, support worker). This re-affirms the point discussed in Chapter One, that ‘modern slavery’ has meaning in relation to state recognition, not as a distinguishable social phenomenon. While government and some participants refer to the intentional ‘abuse’ of the system by people making ‘false trafficking claims’ (UK Parliament, 2017: 21, 20; Home Office, 2021b), these interviews illustrate that PRIT-NRM ‘consent’ to

being referred into the NRM because ‘modern slavery’ has been described using their own experiences as a frame of reference, which convinces them that the term applies to them. They also have been informed about the NRM in a way which convinces them that their experiences are recognised by and of concern to government, like through the inclusion of references to things like a “minimum wage” (Peter, police detective), which bears no relation to the government threshold for identification. So potential PRIT-NRM are encouraged to understand what ‘modern slavery’ is by seeing their own experiences through the prism provided, and are also encouraged to understand that this is the way in which the government is most likely to positively respond to them. We can see therefore that while some referrals into the NRM are co-constructed between FLWs and PRIT-NRM, it is typically FLWs who play the dominant role in framing what the choice even is.

Decisions to Refer Commonly Side-line the Primary Concerns of People Referred into the NRM

Such framing of MSHT facilitates referrals, but this objective is commonly pursued in conflict with the primary concerns of undocumented people (as discussed in Chapters Two and Three) who are often approached for referral. Katie, support worker, spoke of how hard it was to explain the NRM to someone who has:

“1. just come out of a traumatic situation, and 2. trying to understand a system or a process that is complicated, doesn’t really make much sense to them, you know why, why are they helping me sort of thing? What’s going to happen in the long term? That sort of thing.”

These are two very important questions for potential PRIT-NRM: why would the government want to help them given the overwhelmingly negative effect of the government on their lives, and what will the long-term consequences of the interaction be? For some participants, knowing about the very real harms the NRM brought to people and the reluctance they witness among potential PRIT-NRM at the thought of being referred into it, did not stop them from displaying complete commitment to the project of encouraging people to enter. For instance, Peter, a police detective, expressed negative opinions about the NRM to me, but did not suggest at any point that he spoke of negatives to potential PRIT-NRM. He only mentioned that he agreed with criticisms. Here he paraphrases the instructions people receive in the NRM:

“you’ve got to sleep here tonight, you can’t go away for a few days to see any, if you had friends somewhere or, you can’t smoke in your room,” you know, it’s just that, those sort of things, you know. “This is where- this is your little bedroom here” and, you know, it’s better than being on the streets, it’s better than nothing, but we sometimes feel that we’re putting- and some victims won’t go into the NRM because they say, “no, you’ll just put me back in a, a controlled situation again, with people telling me where I can go, what I can do, what time I’ve got to be in.””

In this extract, Peter describes what he perceives to be a problem with the NRM, something which he knows potential-/PRIT-NRM also believe to be a problem. Yet despite the decision of some potential PRIT-NRM not to enter the NRM, based upon factors just like this, Peter evaluates it as “better than being on the streets”. This opinion is evidently not shared by many he approaches, but he does not consider the evaluation of those who choose not to enter as a reason to contemplate not trying to refer into the NRM all those who he thinks are victims of MSHT.

Peter was not alone in this. Following the extract of writing (see Appendix 2) which described negative short and long-term consequences of the NRM, one of the subsequent questions (with alternative phrasing depending on their role) was whether they had discouraged or could imagine discouraging someone they thought was a victim of ‘modern slavery’ from entering the NRM, or not believing they should. This was commonly answered with “no”. Daniel, Head of Adult Safeguarding for a local authority, described the regret someone might feel about having entered the NRM before agreeing that he would always advise victims of ‘modern slavery’ to enter. He said:

*“I think that’s the bit for me, and I think any[body that’s like working with] somebody that say has not been accepted into the NRM, or has been accepted and then at the end of it, actually the outcome’s been you’re [now in] a detention centre, and you’re thinking wow, wow, [laugh] [] [laughs] **it might have been better staying where I was.**”*

It was only moments after this that I asked whether he and his team, if encountering someone they thought might be a victim of ‘modern slavery’, would always advise them to enter the NRM or believe they should. Daniel replied, “*Absolutely, yeah.*”

We can see that the threat of negative consequences from entering the NRM and the disinclination evident in many of those they engage with, is not enough to cause some FLWs to re-evaluate whether they should refer someone into the NRM. On the contrary,

some participants used language of advertising when speaking about the NRM. For instance, when listing positives, Tom, detective inspector, said: “*they’re the four, four main areas that would be my **selling point***”; Julie, Salvation Army, said: “*So trying to...**sell it, to sell it as, as a good and a positive thing***”; and Daniel, local council, said: “*So I think sometimes the NRM is about supporting good outcomes, or **advertising good outcomes for people***.” Within a market economy, selling a product is not a neutral endeavour in which all relevant information is equivalently presented to consumers for their rational evaluation, but rather information is selectively chosen in order to foster a particular response. Rational evaluation is being intentionally undermined in such processes. Discussions of PRIT-NRM ‘consent’ should be understood in this context. Such language also denotes a degree of intentionality on the part of FLWs. The strategies described earlier are not just observable behaviours, but actions performed by actors who have in some sense owned the objectives of the mechanism and performed actions that can achieve the mechanism’s goals. At the same time they are reproducing their own sphere of employment, as the rescue industry has previously been critiqued for doing (Agustín, 2007).

Andrea, a support worker, provided a stark example of how the information people receive about the NRM is controlled. The charity she works for is a subcontractor within the NRM:

“one of the things that we find as well doing- when we do the reception centre, we try and keep the potential victims apart, so sometimes they’re gathered in, they’re brought to us in a group because sometimes actually, we want to have them make an informed decision themselves, rather than be influenced by other people that may have preconceived ideas about the NRM as an organisation. So we try and make- help them to make an informed decision. Give- being factual, but then also clearly stating the benefits of this.”

Andrea is describing a clear bent in her organisation towards referring people into the NRM. People who broadly share the same concerns have their conversations disrupted. These people are atomised and put in a situation in which the FLW has a more encompassing influence on the potential PRIT-NRM’s ideas about the NRM. This supports the argument that FLWs largely construct referral decisions, actively preventing other voices from influencing PRIT-NRM conceptions. Given that people can be referred into the NRM more than once (Andrea later mentions clients she has had who have been through the NRM two or three times – Megan mentions this too) some of these people may have

personally experienced the whole of the NRM, and Andrea's organisation is trying to prevent them from sharing their experiences with other people. As the observations of two local council workers, Sandra and Daniel, reveal, such information could well be pivotal to the decision someone else reaches. Sandra said:

"majority of those that I work with are probably post-NRM, I don't think I've met one that has anything positive- or had a positive experience out of it. They haven't said, "[Oh], thank goodness I did the NRM, because otherwise, you know, what would...my life have been."

Daniel said: *"they may well know people that have gone through that process, and if the outcome of that was a detention centre, they're not going to be [] get into themselves are they?"*

Evaluating Andrea's language, we can see that an "informed decision" means informed by FLWs, avoiding "preconceived ideas about the NRM" relates to other potential PRIT-NRM and their lived experiences, and "factual" means FLW ideas, which we have seen are often incorrect and/or misleading. "[A]lso clearly stating the benefits" articulates my point about emphasis, advertising and misrepresentation.

Across these three subsections, I have discussed the impossibility of informed consent, demonstrated the fact that people entering the NRM do not self-generate their ideas of either MSHT or the NRM, and shown the active side-lining of PRIT-NRM concerns and voices from the decision-making process. Collectively, this helps to show that people entering the NRM are often doing so having had minimal if any input in the decision to enter. This evidence runs counter to a repeated claim, in government and among some participants of this research, that the NRM is being 'abused' by people entering the NRM (UK Parliament, 2017; Home Office, 2021b).

The Counter Claim: the NRM is Being 'Abused' by PRIT-NRM

The language of 'abuse' regarding migrant people and government support systems is not new. In the 1990s, there was a sharp rise in asylum applications in the first three years of Blair's government, which the Conservative opposition presented in the strongest terms as the 'organized abuse' of Britain's asylum provisions by economic migrants (Gibney, 2008: 155). This claim, which runs counter to the evidence laid out above, was found

implicitly and explicitly in the interviews. The 'abuse' perspective was made most strongly by Tom, a detective inspector. The attitude is first of all centred on the notion that PRIT-NRM are themselves the primary drivers of their own referrals. Rather than being a means to abuse PRIT-NRM, the NRM is itself seen as vulnerable to abuse from people who are not 'genuine victims'. Tom said:

"I think that the NRM is open to abuse, because of what it offers it's open to so much abuse. And it's regretful that the, you know, the, the number of people that, that put in applications for the NRM, and I think a lot of those are done in conjunction with Immigration applications and probably aren't as- there- there's quite- the majority that are disingenuous I think, and that puts the whole process into disrepute in some way."

"You know, I've seen it first-hand and it's an unfortunate side effect of the NRM, which is a fantastic piece of legislation. But it is rife for abuse in- but having said that, I think if, you know, the NRM's there and supports one person who has been genuinely abused and is a genuine victim, then the other hundred- the other ninety-nine people who've used it, you know, if they're using it and abusing it, then that one person is still gaining much more I would suggest."

This attitude is in keeping with the 'economic pull factor' perspective discussed in Chapter Two, in which the nominally humanitarian concerns of asylum systems have shifted to being intentionally difficult so as to avoid inducing more applications because of welfare incentives (Mayblin, 2020). This perspective is found in other interviews, mostly in milder forms than in Tom's. But it is a very significant presupposition for what participants believed the NRM had to be like. For instance, when I asked Katie, a former support worker who now works with the police, what she thought of localising NRM conclusive grounds decisions to the support providers, she said:

"I think that that might be too close to home. And there obviously needs to be some sort of line because, you know, if someone is working with a potential victim really closely for a long, for however long, then they may be obviously more biased towards you know, believing them and wanting to give them- especially if there was some sort of benefit to having a conclusive grounds decision, they may be more likely to grant that decision, so that would have to be I think, closely kind of, monitored."

This distrust of those who actually care about PRIT-NRM will be discussed in Chapter Seven. But being "biased" towards believing PRIT-NRM still places the potential manipulation at the feet of PRIT-NRM themselves and echoes the impression of a vulnerable system that needs protecting from such hypothetical 'abuse'.

Already this thesis has established major problems with this view. In Chapter Two, I showed that the NRM is a tool of the hostile environment for the persecution of migrant people. Nor is it legislation, fantastic or otherwise, as Tom claims. In Chapter Three, I showed that solidarity with undocumented people can mean supporting their evasion and/or navigation of state systems in whatever ways produces some degree of freedom, provision or stability, regardless of how that fits with state objectives and rules. This 'abuse' perspective is based on the much-criticised 'worthy victim' mentality (e.g. Christie, 1986; O'Brien, 2013; O'Connell Davidson, 2015), only recognising as legitimate the often-arbitrary traits that separate 'worthy' and 'unworthy' people, bestowing concern and support on the former and ignoring and even villainizing the latter. Any suggestion that PRIT-NRM are 'abusing' the NRM is premised on prioritising a statist paradigm over the interests of these subjugated people. The implication is that people should only engage with the government on the terms the government lays out. Finally, in this chapter, I have shown the degree to which FLWs, not PRIT-NRM, dominate the referral process, which starkly contradicts the narrative claiming that PRIT-NRM themselves are calculating in their attempts to access the NRM.

But there are other problems with the 'abuse' narrative worth considering. For instance, if ascertaining whether someone is or is not a 'victim of modern slavery' is as complicated as the NRM makes it seem, how would someone entering the NRM know they were not a 'true' victim until they had entered? Even professionals in the sector dispute the decisions reached in the NRM, so how would a PRIT-NRM know? Indeed, a commonly repeated assertion among police, government and the third sector is that 'often victims don't even know they are being exploited' (Hope for Justice, 2017; Home Office, 2017a). If victims can *not know* they are victims, then they can also not know they are not victims. How can people apparently so ignorant of their victim-ness be expected to know whether they are 'true modern slavery victims' or not, by governmental standards that are unpredictable even to FLWs in the mechanism? This question resounds all the more given that their lives so often fit the 'signs/indicators' of 'modern slavery' which fixate on poverty, precarious migration and vulnerabilised status. To characterise those who are not positively identified as victims as being intentionally manipulative, ignores the explicitly inscrutable nature of

the mechanism itself and must be understood as a choice on the part of the speaker to project deceptive intent onto the PRIT-NRM, as the 'abusing the system' narrative does.

Furthermore, the very design of the NRM, being crafted into a two-stage decision making process, guarantees an unending narrative that the NRM is filled with people who should not be in it. Designing a system in which people receive a positive reasonable grounds decision followed by a negative conclusive grounds decision, suggests that those people should not have received the support that they did during the interim period. The mechanism is designed to project fraudulence onto those who are, often unwillingly, funnelled into the system. This resembles the trend that Andersson (2014) describes, in which interventions produced under the banner of immigration control end up producing a supposed need for further intervention. In this case, the production of victim support services produces another requirement to pick out 'false claimants' from 'genuine' ones. The very design of the former produces the narrative upon which the latter is based.

We can further challenge the legitimacy of the 'abuse' narrative, by examining two claims made that supposedly evidence the 'abuse'. Firstly, the similarities between different NRM applications were understood by some participants as indicative of falsity on the part of the person entering the NRM. Tom, detective inspector:

"having dealt with I'd probably say hundreds and hundreds of victims from outside of the UK and seeing the referrals that come in, there- there were, at one point there was almost a stock kind of story being given from some parts of the world. We saw cases where it was an exact copy of you know, probably fifteen or twenty NRM referrals, where the same story had been just, almost cut and paste onto the forms."

This point was echoed in decision maker Nicola's words:

"if you hear the same cases over and over, like a script, over and over and over again, som- especially if you're, if you're looking at two cases exactly the same, no difference, and it looks like they might even know each other, same dates, same names, same everything, it becomes very difficult to just see every individual case as- as everybody is- them all being victims of trafficking."

This is a strange argument for manipulation, given that government, police, the third sector (Home Office, 2014b; HMICFRS, 2017; ATMG, 2018) and participants speak about the importance of observing patterns in the way trafficking works. The idea that multiple people will have experienced the same things regarding deception, coercion, journey

route, transportation, abuse and exploitation, is entirely in keeping with the dominant narrative on what the problem is, who it affects, how it is outworked and what we must do to address it. Consider Julie, Salvation Army, on the importance of information gathering as part of anti-trafficking work:

“We look at, you know, the routes through which people have been exploited, for example, you know, we start to see a new pattern of people being trafficked through one country to another, [it’s/iff] the same sort[s] of names of traffickers are emerging, so I think it’s, it’s all beneficial to the intelligence gathering [that is] used to try to prevent the crime and trace perpetrators and protect vulnerable people.”

Similar comments were made by Tina, a decision maker. So on the one hand similarities are considered indicative of organised crime groups conducting trafficking activity, and on the other hand they are considered to be evidence of the illegitimacy of trafficking claims. The argument also disregards the fact that PRIT-NRM do not themselves fill out the forms. The forms are filled out by FLWs who, as we have seen, provide a template of interpretation to PRIT-NRM which they encourage them to use, and through which they should understand and tell their story. It is most likely that such templates inform the way FLWs also fill out the forms, engaging in the same process of emphasis and de-emphasis that encouraged the PRIT-NRM to agree to a referral (if they did), hoping that by filling out the form in this way they can successfully present the PRIT-NRM as ‘modern slavery’ to the state. Such simplification on referral forms, in which differences between stories fail to be relayed, could further homogenise heterogeneous experiences. The reductive quality of application forms was discussed by participants, like Peter, a police detective:

“problematic is the quality of the referrals, some of them are abysmal. They’ve been accepted by the NRM people...People could just put one line saying this person is a...slave, and the name, and that’s it, and then we have to accept that as police...There’s just no details at all. And I’ve contacted the NRM many times over this, over protocol for everyday threshold for what’s allowed in a form, and they say we have to accept anything. Which, to me, there should be a minimum standard for information on it, not just a one line.”

In sum, referral forms are very poorly filled out, are written by FLWs not PRIT-NRM, and it is the former who engineer referrals, trying to emphasise certain details and de-emphasise others according to simplistic templates that the state might recognise as ‘MSHT’. The first argument then, that similarities in referrals indicate PRIT-NRM abuse of the NRM, is found wanting.

The second argument is based on the idea that organised crime groups are selling the NRM as part of the facilitation of illegalised migration. Tom again:

“We’re aware of organised criminal groups in parts of Europe who, [as] part of the package they sell to unlawful immigrants, people who want to gain entry unlawfully, will be the NRM as part of that package if that makes sense.”

This kind of thing is discussed in Aliverti’s (2020: 1129-30) work as well:

‘As we headed to inspect a series of businesses alleged to hire workers without papers, he mentioned in passing that a few days ago his team dismantled a ‘cannabis farm’ and arrested Vietnamese men ‘tending the plants’. Incredulous, he added: ‘We found a manual with all the instruction in English of what they need to tell the police if they are encountered: “I am a slave, I have been brought by a trafficker etc etc”’.

Once again, even if we understand this as outright lies on the part of undocumented people, it need not come with any negative ‘abuse’ evaluation among those who seek to support undocumented people over and against the oppressive actions performed against them by the state. And given the extensive resistance to and ignorance of the NRM, there are no grounds for thinking that such plans are based on good knowledge of the short or long-term consequences of what the NRM does to people. But we also have reason to challenge the ‘abuse’ conclusion that Tom is using such information to argue for. Aliverti’s words refer to Vietnamese men being told to make such claims. But Julie, at the Salvation Army, suggested that Vietnamese people are rarely trying to access support:

“some of the trends that we’ve seen for example, I think now it’s commonly known that...Vietnamese clients, for example, we find that when, if and when they do enter the NRM, it’s very rare that they stay within it, and usually they abscond within either a few days or certainly within the early weeks of being within the NRM.”

Claims about ‘trafficking’ or needing the NRM are therefore perhaps not to do with accessing the services within the NRM at all, so much as about avoiding the immediate harms of other immigration controls or criminalisation. Rather than accessing the resources made available in the NRM, such actions may simply be trying to avoid detention and deportation. This evasion may be part of how Tom and others conceive of such undocumented people ‘abusing’ the state, but if so it only further illustrates how corrupt the idea really is – that simply avoiding the active violence of immigration control is tantamount to undocumented people abusing the state. At every turn undocumented people both in and out of the NRM are framed in the worst possible ways. Even Julie’s use

of the word “*abscond*” in the passage above is dubious, as the word has strongly criminal associations (Simon used this word in the same way). When people use the system it is presented as criminal abuse (Tom) and when they avoid the system they are labelled in similarly criminal terms (Julie) or are regarded as suspicious by authorities (as relayed by Joy, a legal aid solicitor).

In light of all of this, we can understand that the ‘abuse of the NRM’ narrative is reframing state evasion in the worst terms imaginable. The abused are labelled abusers simply for trying to evade abuse. Even pre-planned claims to needing to enter the NRM appear to be less about getting something from the state than being about getting away from the state. The ‘abuse’ narrative not only presents the intentions and actions of undocumented people in highly dubious terms, but distracts from the dominant cycle of inclusion and persecution the NRM consistently re-produces through the actions of FLWs.

If FLW Participant Suggestions for Referrals were Followed

It is commonly implied that increasing numbers entering the NRM are an indicator of progress and success (Grierson, 2020b; UK Parliament, 2021). But this chapter has shown that referrals into the NRM should certainly not be regarded as inherently positive to those concerned with the wellbeing of PRIT-NRM, given both the harmful consequences of referrals and the strategies by which such referrals are achieved, which side-line the perspectives and concerns of potential PRIT-NRM themselves.

To finish, it is worth comparing the standards some participants suggested for what should happen prior to a referral to the strategies discussed above. In contrast to the strategies evidenced in this chapter, Megan, support worker, said:

“It’s put to clients, like the paperwork we’re meant to read to them is about, you know, that they’re here to support you, and it doesn’t explain how difficult it’s going to be at all, what you’re going to come up against. And I think...that should be necessary, and explaining that before people even sign a consent form.”

The level of candour and frankness about the NRM that Megan is advocating here is clearly far from the reality that currently sustains the NRM. Megan was not alone in wanting better representation. While this chapter has certainly shown that some FLWs actively try to emphasise positives and to ‘sell’ the NRM to people, Jack, a doctor, did not want to talk

about rare positives over majority norms. He said: *“I’m not interested in like a few testimonials of a few people who have a good outcome if I can’t guarantee if it’s not at least the majority of people who are getting referred”*. Anatsa, an advisor to migrants, acknowledged mid-interview that common practices were imbalanced. All participants were read an extract of writing (see Appendix 2) which described negative short and long-term consequences of the NRM. While she thought, in contradiction to statistics (Aida, 2018; Refugee Council, 2019), that those she worked with were exempt from much of what I described, she did say:

“Ok, so maybe we need to explain a bit more and a lot more about the outcomes, what can happen if [it is] refused. So maybe that’s what the frontline workers need to do, to explain a lot more about the outcomes of the NRM and what can happen, and not to, to be over positive about things without explaining that this can happen, this can happen, but this also could happen, and this is what - [so that] they are better prepared for any outcome of the NRM.”

While such a reflection is positive, it is significant that Anatsa presents this as different to current practice. Sandra, a local council worker, took seriously in her work the need to inform people of the negatives of the NRM, and perhaps as a result, had never referred anybody into the NRM:

“the problem that I think I touched upon earlier, and that is me talking about the NRM to a potential victim of modern slavery or trafficking because I have a duty to that person to give them not only the possible positives of it, but also the negatives, so that they make their own informed decision. Now that might counteract everything the council might want me to do, but...Personally, I would prefer to tell them what is actually happening, and I mean, I prefer to tell them exactly the positives and the negatives. The typical advantages and also the, the disadvantages, and if they decide not to go through the NRM because of it then- but at least that’s, that’s a decision that they’ve made...my issue might be those that are trigger positive happy with the NRM, and are happy to just sort of like refer everybody to the NRM whether or not it’s, it’s in their interests or not.”

Sandra’s actions display something of the infrapolitics or moral disobedience discussed in Chapter Three (Scott, 1985; Dodson, 2009). For some FLWs, as discussed with Joy earlier, resistance is made complicated by the fact that acts of compliance can have both (potentially) harmful and (potentially) helpful consequences. For now, given everything shown about the resistance of undocumented people to entering the NRM, and their concerns about government interaction generally, it should be clear that the NRM would

not be burgeoning as it has done year-on-year (plateauing during Covid-19 in 2020 (Home Office, 2021d)) if the standards just described were being followed by FLWs. Rather, the evidence of this chapter suggests that it is the practices of FLWs acting quite differently to the way Sandra describes that perpetuates referrals into the NRM. For those seeking to be in solidarity with people targeted for NRM referrals, the expanding NRM is not a marker of progress or abuse, but an indicator of increasing harm to undocumented people.

Conclusion

“people get entered into the NRM sometimes when they don’t even have a choice about it, and so [that] they get taken away from, from the place of where they’re supposedly being exploited, and some people...might not necessarily even have been being exploited, and then once you’re in the process the government decides whether or not you’ve been trafficked or not, and often they decide that you haven’t been trafficked, and then you get deported. So sometimes people think they’re being helpful by putting them into the NRM, but actually you could like mess up somebody’s life and end up getting them deported” (Megan, support worker).

With these words Megan summarised the danger the NRM poses to migrant people. The data analysed in this chapter provides strong evidence of the extent to which the flow of people into the NRM is sustained 1. without the awareness of those going through it; 2. through the production of explicitly false information; 3. by coercive messages; and 4. through FLWs knowingly presenting the NRM in excessively positive terms, excluding important information, having decided on behalf of those they interact with that the NRM is the right course of action, often in knowing disregard of PRIT-NRM concerns. This is in line with Agustín’s (2007) work on ‘social helpers’ in the anti-trafficking sector. This last point also illustrates what could already be logically deduced, but which scarcely has been: FLWs are fundamental to how PRIT-NRM understand the term ‘modern slavery’ and what the NRM is. This justifies why FLWs are such a valid focus for research concerned with how and why the NRM is being sustained. While in situations where potential PRIT-NRM are consulted at all, it would be accurate to say that the decision is co-constructed, it is evident that the sustaining of the NRM has more to do with FLWs than PRIT-NRM themselves.

In this way, this chapter has provided important answers to the research question on how the NRM is being sustained. In the process it has also disrupted the commonly held idea that the NRM is vulnerable to PRIT-NRM ‘abuse’, illustrating the more reasonable parallel

of the state and the 'trafficker' as equivalent abusers of undocumented people, and the similarities between the practices and strategies of 'legal' and 'illegal' facilitators. Exploitation and abuse perpetrated by the state against undocumented people is equivalent to the exploitation and abuse perpetrated by 'traffickers', and such people often fear the state more than their 'traffickers', evidenced by the way employers can use deportation as a threat to obtain labour from undocumented people (O'Connell Davidson, 2010). It should therefore be unsurprising, and indeed makes perfect sense, that FLWs nurturing the interaction between this demographic and the state must engage in practices similar to those performed by 'traffickers'. By illustrating the way such facilitation depends upon false or distorted information and coercion, this chapter has added support to existing literature on the blurred lines of trafficking and anti-trafficking (Soderlund, 2005; Molland, 2011). This evidence contradicts the implied claims that the NRM is sustained by the desires of PRIT-NRM themselves, and that sustaining and increasing the NRM is either positive or the result of 'abuse' of the system. This chapter suggests it is neither. If the concerns of potential PRIT-NRM were respected in the practices of more FLWs, there is overwhelming evidence to believe that the NRM would significantly shrink in numbers. Understanding the drivers and practices through which the NRM is sustained leads to our discussion in the next chapter on the underlying causes for why a diversity of FLWs are sustaining the NRM in spite of the harms it is causing and the resistance of potential-/PRIT-NRM themselves.

Chapter Six

Underlying Causes of Frontline Workers' Reproduction of the NRM

Introduction

Having seen in the last chapter the central role FLWs play in sustaining the NRM, and the reluctance of many potential PRIT-NRM to enter and remain in the mechanism, this chapter considers the underlying causes of FLW maintenance of the NRM and the lack of regard given to the concerns and evaluations of potential PRIT-NRM. As illustrated by the literature on undocumented living in Chapter Three and the resistance described by FLW participants in Chapter Five, undocumented people are bringing to bear on their understanding of their situation their wider experiential knowledge of state involvement and its effect on their lives. Nevertheless, for many FLWs, this is not a dominant influence on their contemplations and actions. The coming sections will discuss underlying causes that are significant for explaining the actions exemplified in Chapter Five. The MSHT agenda draws together a remarkably disparate collection of actors, from across the social, economic and political spectrum. We will see a range of different explanations for their participation. The purpose is not to divide different participants into distinctly different categories, but to see that these various explanations do help us to understand the multiple causes for why diverse actors participate in the NRM, as well as showing why some do not. The focus here is on the factors which influence FLWs not PRIT-NRM.

I first look at the practical benefits of the NRM, both real and imagined, that appear to encourage people to manufacture referrals. Given that participants express the need to emphasise positives to potential PRIT-NRM, I discuss the limitations of our ability to know how much practical benefits are of significance and how much they are surface level expressions of other explanations I go on to discuss. We also see that where FLWs do evaluate the practical benefits, this can inform why they *do not* participate in the NRM. Next, I evidence the Weberian ideology on the legitimacy of state violence, discussed in Chapter Three, showing that some participants did not evaluate state violence equivalently to other forms of violence. This leads into examples of participants showing allegiance to the state regardless of consequences. I then show examples of capitalist realism (Fisher, 2010) in the findings. Discussions of 'modern slavery' and exploitation illustrated some

participants did not understand capitalism, and also naturalised it as acceptable or inevitable. Following this I evidence equivalent naturalisation and validation of immigration controls, including through the use of the MSHT construction. Both capitalist realism and the validation of immigration controls are crucial to the success of the MSHT construct. The rest of the chapter is given to evidencing the reification and strategic ambiguity of ‘modern slavery’, the many ways in which this concept is reproduced, and why this is so important to the sustaining of the NRM.

The Practical Benefits of the NRM as a Cause of Referrals

The practical benefits on offer to PRIT-NRM seem like the most commonsensical explanation for why FLWs would refer people into the NRM. Such benefits were discussed throughout much of the last chapter, so there is little cause to cover them at length. Julie (Salvation Army) and Megan (support worker) mentioned the entitlements provided by the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), and others discussed elements of those entitlements. Such assistance includes:

‘a standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;

b access to emergency medical treatment;

c translation and interpretation services, when appropriate;

d counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;

e assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders’ (ECAT, 2005: 10).

Participants that spoke about specific benefits sometimes showed awareness that stated benefits were not always met in practice. Notably, much of the support was relevant to people’s general needs (including things mentioned in the ECAT entitlements) rather than needs specifically related to their victimisation, although these were discussed as well. Where practical benefits were longer term, they were either wrongly believed, speculative, conditional or extremely rare. Claims included that positive conclusive grounds decisions could benefit asylum applications (e.g. Chloe, a support worker) (even though the two systems were also said to be separate (e.g. Anatsa, a migrant support advisor)), that the NRM is “*here to like help you stay in the country*” (Megan, a former support worker, said

other FLWs made this claim), and that compensation could be gained if they stayed in the mechanism until the end (Andrea, a support worker).

It should be noted that the idea that it is practically beneficial to enter the NRM is only causing the statements, and in turn the referrals, if that idea is actually believed. But there are other reasons why someone might advertise good outcomes without believing that. And even if they do believe it, it may only be because believing it is cognitively satisfying given more foundational ideologies at work. The evidence given above may therefore not even indicate that practical benefits hold the minimal level of significance the evidence offered suggests. In either case, the empirical data I refer to above only suggests that the practical benefits might have some significance, not that it definitely does. But it is harder to know whether a positive (real or not) is mentioned by FLWs to potential PRIT-NRM because it is actually believed by the FLW or not. For instance, Katie, a former caseworker for a support provider, refers to PRIT-NRM who have been told *“they’d get their own house, they’d get a job, and things like that, and then the reality is far from that.”* We cannot know if those FLWs really believed that. Indeed, in the last chapter we saw FLWs emphasising positives, de-emphasising negatives and *“advertising good outcomes for people”* (Daniel, head of adult safeguarding at a local authority). The unknown extent to which these encounters illustrate knowing slanted representations, based upon other causal factors, or represent genuine ideas of what FLWs believe, means that *practical benefits* may be a less significant factor than the empirical references to actual positives might suggest.

But even if all such references indicated genuinely held beliefs, we could still conclude that *practical benefits* is a minor factor in causing FLWs to manufacture referrals. Because if practical benefits, free from ideological influence, were a sufficient explanation for FLWs sustaining the NRM, then a more evident cost-benefit analysis would be involved in the decision to refer, in which the concerns of potential PRIT-NRM would be more incorporated (and less ignored) than they evidently are, as the following sections illustrate.

Sandra, a social service worker at a local council and a modern slavery and trafficking advocate, is a clear example of a FLW basing their engagement with the NRM primarily on practical benefits, rather than the reification of MSHT or bureaucratic allegiance to the

state. Such concerns directly relate to her lack of any referrals into the NRM, which also indicates, along with the evidence of the last chapter, that escalating numbers entering the NRM should be explained through causes other than its practical benefits. She said of speaking to a man about the NRM: *“anything that I was going to say that was probably positive for him was probably going to be far more negative than, than him remaining where he was.”* She also took seriously the evaluations of those who had been through the NRM. As quoted in the last chapter:

“majority of those that I work with are probably post-NRM, I don’t think I’ve met one that has anything positive- or had a positive experience out of it. They haven’t said, “[Oh], thank goodness I did the NRM, because otherwise, you know, what would...my life have been.””

Not only was this reflected in the fact that she had not made any referrals, she had not even submitted any Duty to Notify forms, which the government says should be submitted when a potential victim declines to enter the NRM. She said: *“I haven’t done it, and it’s probably a bit naughty, because if they haven’t consented to the NRM, I don’t think, unless they’ve said they don’t mind, then, then I won’t submit it.”* So while the last chapter showed that practical benefits to PRIT-NRM are not a compelling main explanation for referrals into the NRM, a few references – also Megan, a support worker, for instance – suggest that evaluations based on the practical benefits may also help to explain why referrals do not take place when they do not. The following sections evidence causes that more compellingly explain the high rates of referrals into the NRM.²³

The Weberian Ideology of the Legitimacy of State Violence

Firstly, in the Weberian ideology on state violence, service to the state is enabled, in part, where the state is free from rational interrogation around the legitimacy of its actions. As discussed in Chapter Three, Max Weber famously claimed that the state is that ‘human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory’ (Weber, 2009: 78, italics original). I contend that this has become

²³ For many FLW participants, their employment and therefore their salaries are bound up in service to the NRM. This is obviously a significant factor and ties into structures of coercion – the threats that follow from not being able to pay one’s bills. While relevant, there are limited insights that follow from this. The findings of this work do not reflect on financial imperatives for FLWs, but instead provide insight into the more ideological causes involved.

a naturalised public ideology, and that state violence is subject to far less critical evaluation than violence perpetrated without state sanctioning. This results in a warped assessment of increasing government intervention in people's lives, as the negatives of government interaction are not evaluated equivalently to the negative experiences occurring from other sources.

It is widely evident in the FLW interviews that state violence and control is evaluated differently to violence perpetrated by 'traffickers' and other individuals or 'organised crime groups' that potential-/PRIT-NRM encounter. Having been read an extract (Appendix 2) that described some of the harms that can follow from entering the NRM, participants were asked if they would always encourage someone they thought was a victim of MSHT to enter the NRM, and many said they would. Tina, a decision maker in the NRM, said, "A hundred percent", going on to say:

"some people, some- in some countries, I mean, they don't always have an understanding that someone's paying you two pounds an hour for example, and that's not acceptable because it's not National Minimum Wage. So I think you don't, I think there's, there's nothing to lose as a frontline staff, or what we would call First Responders, there's nothing to lose at all."

But moments before when asked about people being subjected to Immigration Detention Centres, she said:

"you're aware that obviously detention centres and immigration wou- would take place...personally, it, it didn't make any difference to me, and my colleagues that I worked with [di]- it wasn't even something we'd consider, it was just pretty much, the cases come to you, you do what you need to do, and it doesn't matter what, whether someone ends up in a detention centre or not".

She deems wages of two pounds an hour unacceptable (and significantly, even this is framed in terms of it flouting the law, rather than directly because of its inadequacy for the individual), while it "doesn't matter" if someone is incarcerated, where, notably, they can be paid half of that for their labour (Taylor, 2019b). She couches people being paid less than two pounds an hour in relation to them "not always having an understanding", while she herself has dismissed as irrelevant an essential component of the context which informs the decision making of subjugated workers. The fact that such realities were not well understood was also implied by Andrea, a support worker, who referred to a removal/detention centre as an "Immigration Recreational Centre".

A similar comparison can be made regarding control over the 'victim'. Andrea described 'modern slavery' saying, *"a lot of them they've just been controlled by either one person or by an organisation for who knows how long and they think it's impossible for them to be rescued from such a situation"*. But she later uncritically explains why police officers should refer people into the NRM: *"if they refuse to go into the NRM, and they are illegally residing in the UK, the only other thing is to report them to Home Office"*. Such actions will see them controlled by an organisation *"for who knows how long"*, only now it is the Home Office and therefore not a concern for Andrea. These examples not only show that some participants unequivocally prioritise service to the state over service to the referent individuals, but that the comparative violence and control exerted by the state and by non-state actors are simply not regarded as comparable by some participants. One is inherently legitimate, the other inherently not. As such, these passages also help to illustrate the argument that the 'modern slavery' agenda is not about emancipating individuals, but rather about shifting who is in control of them (O'Connell Davidson, 2016; see Gadd & Broad, 2018).

For others, belief in the difference between state and non-state violence enabled the construction of exceptionalising concern for those whose suffering could be attributed to non-state actors. Chloe, Katie, Nancy and even Megan, for instance, discuss victims of MSHT in detention or who have been deported: *"people that we know have been trafficked and end up being deported...there have been people that have been deported that shouldn't have been deported"* (Megan, former support worker). In such statements there is no stated objection to detention centres or deportation per se, rather, these practices have to be validated in order for such an exceptionalising statement to make sense. Megan made such a statement of implicit validation, even though she attended anti-detention protests. Anti-trafficking as a concept is predicated on such validation. As numerous scholars have noted (Kotiswaran & Okyere, 2015; O'Connell Davidson, 2016; Gadd & Broad, 2018), the activities which enable such incarceration and deportation, and the actions outworked against inmates and deportees, bear stark parallels with activities condemned as 'modern slavery' when perpetrated without the sanctioning of the state. In this way, this Weberian ideology is essential for making sense of anti-trafficking demands regarding the exceptionalising treatment of 'victims'.

Some participants gave voice to PRIT-NRM who do observe the equivalency that the passages above ignore. Megan, a former support worker, said:

“A lot of people that are in the safe house said that their experience of being in the safe house and going, and going through the NRM was sometimes more traumatising than their actual trafficking experience. Because they, they’re again in a situation where they felt they had no control”.

Jack, a doctor who trained workers in the NHS on MSHT, described a case of “*proper nasty slavery*”, involving a man spending several months in a basement, chopping food, and getting scurvy. After being moved to a cannabis farm, he was arrested and put in prison. He was later referred into the NRM, but was not in a safe house and was found by the initial exploiters and taken at gunpoint and moved to another cannabis farm, which again the police raided, resulting in him again being put into prison. Unlike some FLWs, the person Jack was discussing was perfectly capable of comparing the treatment acted out against him by state and non-state actors: “*he said that being in prison was worse than, than being a slave...the British system for dealing with victims of trafficking put him there.*” This overlap between NRM and prison is not uncommon. Referring to his time as a volunteer first responder, Jack said that “*almost all of the referrals were from prisons*”. The so-called ‘misidentification’ of victims as criminals has been raised in other work (ATMG, 2013b, 2018; Anti-Slavery International, 2014), even though the Modern Slavery Act 2015 was supposed to legally protect victims of MSHT from prosecution.

Jack also provided the most direct illustration of the ideological level to which state violence is exceptionalised by FLWs, as he discussed how NHS staff would respond to the immigration consequences related to the NRM. He created this analogy:

“if you had a surgeon who you referred one of your patients to and he...didn’t do the operation that they were meant to do, and then kicked the patient out of the country, [laughs] you would not refer to that surgeon, not in a, not in a million years, but that’s effectively what we’re doing.”

Later in the same response he says, “*if you put it in an analogous situation, they wouldn’t do it. They wouldn’t refer.*” We can see here that when he turns the state into a personalised, non-state character he is able to examine the same actions directly against his own values, in a way he is inhibited from doing when the entity is the state. But throughout the interviews his descriptions of what progress would look like come through

the very institution that he has compared to the surgeon, so even Jack did not adhere to the conclusions of his own analogy. The reason he finds it helpful to create an analogy in which the state character is replaced by a non-state character, is because of an ideology which exceptionalises state actions to an extent that inhibits rational evaluation of state activity. Once state violence is thought of as self-justifying, the practice of considering when and why one will serve the mission of the state is undermined, including the state mission to increase NRM referrals.

Bureaucratic Obedience to Authority/the State

As covered in Chapter Three, bureaucracies select for and foster obedience and non-compliant actors are pressured into conforming or leaving. Tina, Jack and Megan all left their involvement with the NRM because of concerns, beliefs or practices that conflicted with the exclusionary nature or other harms of the NRM, which I explore further in Chapter Seven. Yet unsurprisingly, there is evidence that some participants serve the NRM because of postures of obedience to authorities, whether government or their organisation or both, even if instructions conflict with their stated personal values or goals. It would be worth illustrating this by contrasting with participants who disobeyed or extended the parameters of given instructions. Where Megan, a former support worker, saw her role as an advocate for PRIT-NRM in an adversarial system, Peter's duty as a police detective is primarily to the state. For instance, Megan bemoaned that:

“the Home Office can access a lot of information that they shouldn't access...I think we work too closely with the Home Office...and so clients were- weren't aware of how much that information could be accessed, which I don't think is even legal.”

Note the difference in Peter's description of what happens with 'modern slavery' intelligence that comes into the police:

“so all intelligence that comes into [Regional Police Force] in regard to any modern slavery comes into our small team. So we look at it, see where it needs to go to for further developing. See if it's relevant to us, might be relevant to immigration, might be relevant to the social services, you know, that sort of thing, whatever comes in. So again, all NRM as well comes into our office.”

While the 'modern slavery' construction, shared by all participants, involves the naturalisation of immigration controls, it does not entail the same commitment to serve immigration controls. Peter uncritically describes his role in supporting any agenda that

the police have been commissioned to serve, using the same information to serve the 'modern slavery' agenda, immigration controls, or social services.

Similarly, we can contrast Chloe and Anatsa's responses to whether they ever provide support that goes beyond the restrictions related to the funding their organisations receive. Chloe, a support worker, said:

"Yeah. [Hesitates] Although technically, obviously, the support would stop whenever it needed to, I'd always, I'd always advise clients if they need something, or they're not sure of something, they can call me back, and I'll try and help...I've been and helped them make sure that they've got housing and applied for benefits, and although that was a lot of extra time, I didn't- there was nowhere else I could refer them to at that time... And so I just went and did it, and obviously they- 'cause...every month you have to show what hours you've done. So I need to be making sure that I cover my thirty-five hours a week basically and that they're accounted for somehow. But obviously when you've got people that need help you can't just abandon them."

Chloe does not critique when the support ends, but naturalises it; it "would stop whenever it needed to". But her values and concerns are evident in the priority of her own resources. She meets the requirements demanded by her employer but her vision for her own work is not shaped by their priorities. Anatsa, a migrant support advisor, responded to the same question, illustrating that her own vision of her role was informed by Home Office and organisational priorities:

"No, because we are- ok, we are required [CF²⁴] certain policies and certain procedures and [CF] I work, I just work within our organisational policies and procedures. Our organisational policies and procedures are normally in line with the Home Office ones...[and/we] do not try to do something that is against the organisational policies and procedures."

Additionally, when responding in the negative to the question about whether she had ever believed someone was a victim of 'modern slavery' but not advised them to enter the NRM, or not believed they should, she said this:

"Unfortunately, if they refuse to give their consent, then there's nothing I can do, ok. Only what I could do is notify [unheard word] there is a Duty to Notify [that's all], but other than that, I, I, I can't do anything, I can't [force?] anyone to enter the NRM, if they don't want."

²⁴ Communication failure.

When she says that *“Unfortunately, if they refuse to give their consent, then there’s nothing I can do”*, one might think she is speaking in terms of nothing she can do to help them gain the support that they would receive through the NRM. But her statement, *“Only what I could do is notify...Duty to Notify”*, suggests not. The Duty to Notify relates to government information gathering, and provides nothing in the way of support. Again, the implication is that service to government priorities bears its own significance in shaping Anatsa’s vision of her work, separate from the ‘modern slavery’ construction, or the provisions of practical support.

These examples serve to illustrate that distinctly different influences are involved in encouraging an array of diverse actors to facilitate the same agenda through the NRM. It can be anticipated that a detective would serve all government systems, and that such service would not be fundamentally dependent on narrative constructions around specific crimes. It is noteworthy that for someone else, like Megan, a former support worker, something other than loyalty to authorities, either in her organisation or government, is needed to explain her service to the NRM. This begins to point towards neoliberalism’s need for the ‘modern slavery’ construction – a way to incorporate in neoliberal agendas those who would otherwise resist. Before turning to that, I must evidence capitalist realism and the naturalisation and validation of immigration controls in the findings, all of which are necessary for the MSHT construct to have any traction at all. I explore these ideologies in the next two sections.

For clarity, I should offer a small note on the distinction between capitalist realism and the Weberian ideology on state violence. In one sense, they are synonymous. They both relate to kinds of violence and harm that are rendered valid or inevitable by being equated with order in general. A kind of violence that, if absent, would typically result in more harm, so the idea goes. While one refers to the market and the other to the state, the common notion that the market could exist without the state is ahistorical (Graeber, 2011a), and private and public sectors are increasingly difficult to tell apart (Graeber, 2015b). The reason to discuss them separately is precisely because the state and market are still viewed as separate. Therefore, the validation of police violence (as in the Weberian ideology) is imagined to relate to the state, while the conception of wage labour as freedom (as in capitalist realism) wrongly imagines the state as minimally involved in the production of a

wage labour relationship, rather than wage labour being the very product of state violence and its threat. Discussions of ideology must engage not just with what is being naturalised, but with how it is being naturalised and the consequences, which means engaging with public perceptions of the economic and the political, including in their bifurcated presentation. These different perceptions are significant. The Weberian ideology is more directly related to the bureaucratic mentality of obedience because the state is something to obey, while the market is not. But capitalist realism is relevant because 'modern slavery' exists in the (formal and informal) marketplace. The basic descriptors of 'modern slavery' are regarded as legitimate (or at least not illegitimate) within general capitalist relations.

Capitalist Realism

'Modern slavery' is undefinable, as discussed in the literature review, because it rests upon contradictions and an acceptance of the worker exploitation inherent within capitalism. The reification of MSHT is predicated on a capitalist realist ideology (Howard, 2018), in which discussion of capitalism or any alternatives is not included in conversations. We can see indicative evidence of capitalist realism in the responses of participants.

Comments about 'modern slavery' illustrated participants' lack of understanding of capitalism. It is worth giving several examples to illustrate this. Julie, Salvation Army, said: *"so that is what the term modern slavery seems to do, to...capture all forms of exploitation of people by others for their financial gain."* This is decidedly what 'modern slavery' does not do. Instead, it substantively excludes exploitation that profits the wealthiest within the mainstream economy from its picture of slavery. Similarly, Lorna, who had worked in Border Force and the Home Office, said that: *"a British citizen who's homeless, living in the UK, born and brought up in the UK, could be vulnerable to enter the modern slave- could be vulnerable and exploited by a perpetrator, for the purpose of cheap labour"*. This is just a description of capitalism. And likewise, Joy, a legal aid solicitor, claimed that: *"modern slavery is more to do with like working without sufficient pay or rights for a particular reason."* The so-called 'free market capitalism' conceived of by neoliberal ideologues has lowered wages and increased job insecurity (Harvey, 2007). The realities Joy describes are far more widespread for workers than anything recognised as 'modern slavery'.

Instead of being situated within capitalism and wage slavery, 'modern slavery' is prominently (and inappropriately) contextualised within chattel slavery (O'Connell Davidson, 2017). The initial attempt of anti-slavery propaganda is to insist that it is in some sense the same thing (e.g. 'it is still happening'), before discussing how it is not the same thing (e.g. 'modern victims might not be in chains'). When I asked Nicola how she got involved in her work as an NRM decision maker, she spoke about her academic work, and said that in her final year of university, *"I was doing immigration law, so I saw a few articles, and then I realised that slavery still happens today, which blew my mind"*. Simon, a senior helpline advisor and case analyst, spoke similarly of his introduction to the field: *"it was just really shocking to hear that this thing that was supposed to have you know, been abolished, you know, centuries ago is, is still, you know, alive and well and [you know] a growing problem"*. Evidently, capitalism is not being understood as a system of slavery, and therefore the exploitation inherent within capitalism cannot properly factor into discussions of what 'modern slavery' is. Decision maker Nicola's description of a PRIT-NRM she did not believe was a victim shows that markers of formalised market capitalism are seen as proof that 'modern slavery' is not involved:

"There was a guy who worked at Asda for example, who was getting a wage, monthly, and he claimed that he was a victim of trafficking and it was like, he was forced to work in Asda, and I was just like, well obviously you went through an interview, you had to hand your CV in or something, and he was like "No, someone forced me to do all of this"".

The major supermarket, the wages, the formality of interviewing and the CV, all serve to remove this from the realm of 'modern slavery', because it is all too indicative of mainstream capitalism, which cannot be understood as a paradigm of slavery.

When I asked Simon, from the Modern Slavery Helpline, what separated 'modern slavery' from other kinds of exploitation or abuse, he said it was *"A very good question. Sometimes it's splitting hairs"*, and went on to discuss the importance of supporting people who might not be *"classed as [in] slavery"*. He said:

"I think we also need to change our understanding of exploitation in general, or, or abuse within work contexts, so that we get to a place where someone who's in a situation like that, who would love to move on but they feel like this is, this is the only thing that I'll be able to get a job doing, actually they have a means of, of getting out of that...we need to kind of [like?] have a system that allows people to move on from

really bad working environments, in a safe manner, and find support and new work elsewhere, because I think, we can, we can try to eradicate modern slavery, but if we don't also deal with that problem then we're only, you know, you know, fighting half the battle."

Capitalism involves the construction of scarcity and other intentionally precarious or oppressive circumstances that pressure people into "bad working environments". Simon's suggestion of an ex post facto "system" that addresses "bad working environments" still does not allude to the inherent exploitation of capitalist relations and is instead framing the solution as a kind of expansion of responsive anti-slavery measures. Simon has grown up in an age and context in which the fundamental structuring of the politico-economic system is not included within discussions. As such, the "system" that "we need to" have, is presumably alluding to those groups – governments, businesses, NGOs – that make up the anti-slavery sector. As such, he turns to institutions that structure the problem to respond on an ex post facto basis to each situation that the dynamics of state-capitalism produce.

The desire of people like Simon is then essentially to label all capitalist exploitation as MSHT or to imagine equivalent channels of ex post facto support in the hope of providing some sort of response to them. Within the neoliberal educational void on alternatives to capitalism and leftist social movements, it is only right-wing responses of law enforcement and victim rights that are offered by frameworks like the MSHT agenda. For Jack, a doctor, the source of the persecution is then the only avenue to contemplate. He knew the harms of the NRM, was made angry by them, and left his work as a result. He nevertheless said:

"if we just ignore it [the NRM], we bypass it, then it's never going to get better. We need to actually...refer people into it and, and like engage with it and like raise awareness about it and talk about it with [our/other] colleagues and build it into our safeguarding processes within the organisation, and that kind of thing."

As this chapter will go on to show, Jack sees this as the only avenue *because* he believes in MSHT. We see here that capitalist exploitation is naturalised and participation in state solutions to the ambiguously distinguished MSHT are rendered as necessary, however problematic. We see the same contradictions in participant attitudes to immigration controls, as I will show in the next section.

Naturalising/Validating Immigration Controls

It should be clear by this point that the NRM is immigration control. But this is reframed in participant interviews, as in wider discourse (see Detention Action, 2017; ATMG, 2018; JRS, 2019; Fuentes Cano, 2020), as the NRM being subordinated to or limited by immigration controls, which is treated as problematic. Numerous participants made comments of this ilk (e.g. Jack, Megan, Nancy, Sandra). But strikingly, while this subordination is criticised, it is also validated and naturalised in various ways by participants as well (e.g. Lorna, Nancy, Tina, Tom). Nancy, an NHS worker who trains people about MSHT is a clear example of this. She said:

*“the major tripping point **will forever be**, and I don’t know how they will get around this, but the immigration issue. I think as long as you have, as long as you have an investment in, or as long as you **prioritise immigration** and closing the borders and, you know, **keeping people who shouldn’t be here out of the UK**, then you will always have this conflict of interests when it comes to making a decision about who’s vulnerable and who’s exploited”.*

She claims that *“being a healthcare professional I’m an advocate for a human being, I’m an advocate for a person”*, and that *“I will always see someone as a hu- as, as the same as someone who is a British citizen.”* But she goes on to say: *“at the same time, we need to have a much more objective approach. It’s very d- you can’t just have unlimited funds, and you can’t just have unlimited, you know, anyone can come to the UK”*. Nancy recognised that she did not have a solution to the problem she laid out. But recognising this does not make the contradiction go away. Yet much talk proceeds as if this fundamental conflict can be side-lined and discussions of progress can be had without resolving which objective is truly being pursued. So, moments later, when discussing long-term consequences of the NRM, Nancy said: *“I would say that if they get the NRM wrong, and someone has a negative experience, you’ve lost that person.”* The belief that not everyone can be given status validates policies of destitution, detention and/or deportation.²⁵ If this is the agenda, then the idea of someone being ‘lost’ is no concern at all. Nancy instantly returned to a framing that presents the wellbeing and protection of PRIT-NRM as a matter of utmost concern, having just described the unresolved question of whether the wellbeing of all PRIT-NRM

²⁵ And drownings. As I write this chapter, twenty-seven people are recorded to have drowned in one day in the channel, a direct result of immigration controls (Grierson, 2021).

actually matters. I will discuss the topic of objectivity further in Chapter Seven. But despite claiming that she is always an advocate for the human being and sees British citizens and non-British people as the same, this was undermined by her comments. By claiming that a *“much more objective approach”* would acknowledge that *“you can’t just have unlimited funds”*, Nancy fundamentally attaches finance (that is debt) to objectivity: an objective reality that she says means *“you can’t just have unlimited...anyone can come to the UK”*. This framing subordinates the wellbeing of non-British citizens.

This returns us to the capitalist realist mentality, here obfuscating the realities of the neofeudal present. Not only are material things viewed as more real than people (as in the concerns of capitalism) but here finance is understood as more real than people. This is significant because finance is just another word for debt, the essence of most conceptions of slavery. At their core, all economies are human economies (Graeber, 2015a), and finance should serve people. The notion that *“you can’t just have unlimited funds”* is the kind of rhetoric confronted by modern monetary theory (Kelton, 2020) because such sentiments are premised on flawed ideas about government spending and frontline services. Either ‘the economy’ has been deified as something that must be worshipped over human wellbeing, or one must imagine that there is a human cost that is worse than destitution, detention, deportation or drowning that will befall human beings if ‘the economy’ is not prioritised. Alternatively, a differential value is being placed on human lives aligned with the racialised ranking system immigration controls place on people (Back & Sinha, 2018), so that the harms are laid on ‘them’ and not on ‘us’, which would again be prioritising immigration controls over PRIT-NRM wellbeing. In practice, both are true. We can see in the NRM what Lucy Mayblin (2020) has identified in the asylum system, which is the reconstruction of asylum migration as an economic phenomenon, rather than a political or humanitarian one. As such, the structural violence performed within it relates to the determination to avoid ‘economic pull factors’ at significant cost to asylum seekers, who are victimised by racial logics that pervade the production and implementation of Home Office policy. While ending ‘modern slavery’ is celebrated as a legitimate goal, ending immigration controls is not. Therefore, whatever the former might mean, it cannot include the latter. These are the widespread ideological restrictions limiting the imaginations of even humane, compassionate frontline workers like Nancy. Complaints

from anti-slavery actors that the government is more concerned about keeping 'illegitimate people' out of the country than they are about protecting 'victims of modern slavery', are emotively significant for the speaker, but because the definition of 'modern slavery' is contradictory, so the emotion does not cohere with the speaker's underlying validation that the UK government is carrying out immigration control through the NRM.

Despite popular assumptions, people can proclaim contradictory ideas without needing to resolve the conflict or experiencing it as uncomfortable (El-Sawad et al., 2004). Nancy was not an isolated example of this. For instance, both Katie and Simon claimed that positive conclusive grounds decisions should carry status to remain, while simultaneously calling for decision making to be removed from the Home Office, without acknowledging that together these would be a fundamental transformation of the immigration control system, decentralising control over legality. Simon, from the Modern Slavery Helpline, said: *"I think that the actual decision-making process of who is determined a victim or not should be something that is independent, completely independent of, of the Home Office or from government interference should be insulated in some way"*. Elsewhere he stated:

"I would welcome a policy, or a change in the law such as that, that there was some form of, either a visa or, kind of, leave to remain that was granted automatically for a victim who is in the NRM, so that if they should leave the NRM support services recognised as a victim, they have some sense of security that they're going to be able to remain in the UK".

The enactment of both of these would be a fundamental shift in British immigration controls, removing authority from the Home Office over who can legally be in the country and on what terms. But these suggestions could be made without any acknowledgement that they entailed such a significant challenge to present immigration controls, perhaps because these calls were not conceived of in tandem, or because such recommendations are put forward as requests rather than demands, so there was no need to contemplate the radical connotations of their actual implementation. As Sandra, a local council social service worker, said of her own idea that the government should be taken out of the NRM and not a central core part of it: *"That won't happen."*

For as long as immigration controls are validated and naturalised there is no way to even conceptually prioritise anti-trafficking given that anti-trafficking is always predicated on being an exception to immigration control norms. The complaints that the NRM is

subordinate to immigration control are based on unresolved contradictions that some participants, and the anti-slavery sector generally, side-line, and by side-lining this they bolster the idea of referrals into the NRM as being a progressive action.

The Reification and Strategic Ambiguity of MSHT

The previous sections have evidenced ideologies that are particularly significant to why some but not all FLWs serve the NRM bureaucracy. We can now turn to the construction of MSHT, which though dependent on some of the preceding ideologies, successfully encourages more stakeholders to actively participate in the hostile environment. I will argue and evidence that this is accomplished through the reification and strategic ambiguity of the MSHT construction. In Chapter One I discussed the strategic ambiguity of the 'modern slavery' concept. The ambiguity around slavery has been broadened by the UK government in recent years. The European Convention on Human Rights distinguishes between slavery, servitude and forced or compulsory labour. All of these were subsumed into the concept of 'modern slavery' and NRM decision makers need only determine whether any of them apply (Home Office, 2019c). Not only is such specificity reduced, but where the ECHR defined forced or compulsory labour as being about a lack of voluntarism, the Modern Slavery Act claims that consent does not preclude a determination of modern slavery. Similarly, the Centre for Social Justice (2013), a think tank that informed the Act, claims that MSHT relates to a lack of free will involved in the situation, while the Home Office (2019c) claims that victims may tolerate their situation because it is favourable to other experiences. The Home Office (2019c) itself states that a victim of modern slavery may choose not to leave their exploitation because of 'vulnerability'. But this is true of wage workers throughout the capitalist economy, meaning no clarity is offered on where the line of 'modern slavery' is drawn on the spectrum of exploitation.

We therefore have a problem when decision makers are charged with making a decision 'on the balance of probabilities' (Home Office, 2019c: 52). This would depend on what information is being balanced. But the category they are striving to decide upon is so ill-defined, with so many contradictory impressions of the crime in question, that no coherent guidance can actually be drawn on in order to inform the decision maker of what is and is not modern slavery. This goes a long way to explaining why the guidance states that

decision makers must 'use common sense and logic based on the particular circumstances of each case' (Home Office, 2019c: 53). At this point decisions can lose all consistency. Logic is limited to the evidence available to it. Therefore, in requiring decision makers to use common sense and logic, to be a suitable method this would require a coherent definitional framework on which the explanation could base itself and therefore be considered rigorously substantiated by evidence. There is therefore no coherent definitional framework to inform decision makers' choices. What is clear is that while the contradictions of the 'modern slavery' constructions have been addressed previously (O'Connell Davidson, 2010, 2013, 2015), the NRM has institutionalized those problems bringing something new. This is because the concept cannot be distinguished from other phenomena, the government is not an arbiter, but the official dictate on whether any given case is labelled 'modern slavery', the result of which is impossible to refute in any clear way.

We can see from the contradictions in law and policy why conflicting perceptions of MSHT were inevitably present in the findings of this research, including contradictions within individual participant accounts and between participants. However, such variance in the findings goes beyond differing definitions, to illustrate the starkly different content, agendas, concerns and understandings FLWs brought to the concept of 'modern slavery' and the agenda it helps to outwork through the NRM, as I will show in the following subsections.

Reifying MSHT by Refuting the Understanding of Others

The internal incongruence of MSHT was obscured in participant discussions, where the sense of its concreteness was bolstered by asserting that other people had little awareness of, or did not understand, what it was. Former support worker Megan said: "*loads of the police I've worked with don't understand trafficking, or didn't even know that slavery still existed*". Katie, who was a caseworker for a support provider and now works in a training and networking role with the police, said: "*I would also say that the NRM decisions, and the decision makers don't, don't tend to maybe not have any experience about modern slavery before*". Tina, an NRM decision maker, said:

“whether it’s first responder, responders, or even somebody that’s like normal member of the public, they’re not aware of this, they don’t know that maybe something dodgy’s going on next door because there’s loads of men going in and there’s a foreign lady in there.”

And, as covered in the last chapter, some participants said the potential-/PRIT-NRM did not understand ‘modern slavery’ correctly either.

Further ambiguity was illustrated as some participants defined ‘modern slavery’ as not being what other people thought it was. When Andrea, a support worker, was asked what she meant by the term ‘modern slavery’, her reply included: *“anything that people- that breaks out of people’s stereotypical view of slavery”*. Tina, an NRM decision maker, implicitly contradicted those participants who included county lines in their understanding of ‘modern slavery’, saying: *“this whole modern slavery, it’s not like your local gangs, like drug gangs that you would have maybe in particular areas within countries”*. Katie, former caseworker, also said that some might put cases into the NRM where *“it’s not a modern slavery crime. But that comes down to individuals not having the correct information or guidance or knowledge around modern slavery but are maybe still first responders”*. Such statements suggest that conviction in one’s own conception of ‘modern slavery’, and certainly belief in a clear, real thing that can be called ‘modern slavery’, is bolstered in its reification by calling out and ‘correcting’ false ideas, even when ‘true’ ideas have not been clearly established.

This is enabled by fairly regular changes to popular representations of what MSHT is about, meaning those who have heard about more recent changes can also attribute the misunderstanding of others to their out-dated, ill-informed ideas. Even though the entire history of anti-trafficking is bound up in borders, people assert, in accordance with government, that trafficking does not require border-crossing. Joy, a legal aid solicitor, said that *“People think you have to be trafficked to cross a border, [sic] but that’s not true, you can be trafficked inland.”* Likewise, Simon, from the Modern Slavery Helpline, said: *“Human trafficking is the movement of persons, people from one place to another, doesn’t have to be across a border”*. Of course, once the border is taken out, focusing on being moved for the purpose of exploitation becomes largely irrelevant to the criminality. Julie, from the Salvation Army, acknowledged this and even attributed the shift towards ‘modern slavery’ terminology to it: *“not all forms of exploitation involves the movement of*

people from one place to another, and so that is what the term modern slavery seems to do, to...capture all forms of exploitation of people by others for their financial gain.” Similarly, the political weight given to county lines and cuckooing, which participants like Tom, a detective inspector, said is *“a huge piece of exploitation at the moment”*, can then allow FLWs to say that the features of county lines and cuckooing, which do not conform to prior MSHT concepts, are misunderstood. Andrea, a support worker, says that for those she calls victims of cuckooing, the biggest challenge is explaining to them *“why what has happened to them is wrong, and how it may actually deviate from their pre-conceived idea of slavery”*. It appears that being able to say what ‘modern slavery’ is not, builds confidence in the idea that it is something else.

We can again usefully understand these as examples of psychological projection (Hämäläinen, 2009). An inevitable confusion is occurring when people try to speak about an internally contradictory concept, MSHT, as if it is a bounded concrete reality. The discomfort this produces is then resolved through the coping mechanism of projecting their confusion onto their internal representation of others. In this way, the contradiction that exists at the heart of the agenda is externalised in practice as part of the problem that the agenda needs to fix – other people’s failure to understand. Perhaps this is why so much anti-trafficking work is focused solely on building awareness (see Newcomb, 2014).

Different Roles Produce Different Ideas about what MSHT Involves

Confidence in the reality of ‘modern slavery’ was also aided by participants’ relating their work and job roles to the concept. People in different roles discussed different situations, and then the same labels and terms are applied by different practitioners to diverse phenomena. We have so far de-reified MSHT, and understand it is not describing a distinct kind or level of exploitation, abuse or disempowerment, but rather it is a rhetorical and vague device. We can now see that where different people in the NRM refer to the inaccuracy of other people in the NRM, as discussed above, they are assuming in their discourse an objective clarity which they are upholding and other FLWs are not. But different FLWs in different roles are simply talking about different things, which then do not match up with each other. There is insufficient dialogue across these different roles, and insufficient criticality regarding the ephemeral nature of the MSHT construction. So

the imagined objectivity of MSHT endures and the problem is attributed to individuals in other roles rather than a strategically ambiguous agenda; support workers criticising police officers, police officers criticising decision makers and so on.

Consider responses from the two Border Force officers. Firstly Carmen, when asked about her work on human trafficking:

“we have been given training as such to pick up indicators, body language, groups of suspicious people coming into the country for the wrong reasons or, which they may believe are the right reasons but it’s, it’s to stop immigration crime... At the moment FGM’s still quite hot. You’ve got forced marriages”.

Lorna:

“Modern slavery [is] [hesitates] sorry, [] professional point of view, is [] umbrella term which covers any exploitation and abuse of humans for the [needs] of commercial, [unheard], domestic abuse and trafficking across borders for commercial reasons or exploitation in to other types of abuse, which could include slavery, immigration abuse, female genital mutilation, other honour-based abuse, such as forced marriage, also other cultural and faith-based beliefs as well.”

These interviews illustrated a major overlap between the concerns of Border Force as immigration control, including its neo-colonial fixations related to practices of the global south, and the conceptions of MSHT. By way of contrast, Katie, a former support worker who now works with the police, specifically mentions female genital mutilation (FGM) as erroneously conceived of as ‘modern slavery’:

“if people aren’t fully kind of aware of modern slavery, understand it, then they might be putting referrals in to individuals who aren’t victims of modern slavery, and may be a victim of some other kind of crime or you know, it might, it might be something like FGM”.

We can also contrast roles involving personal interaction and concern, like NHS staff and support workers, with distanced decision makers in the NRM. Here we see a difference between ‘modern slavery’ being evidenced by trauma and abuse, or by its connection to ‘organised crime groups’. While some affiliate ‘modern slavery’ with evident trauma, abuse and exploitation of the individual, others affiliate it with more complex forms of international and organised crime which cannot be known at the individual level. Consider the contrast between Nancy, who works in the NHS, and Tina, an NRM decision maker in the Home Office. Firstly Nancy: *“I’ve had a patient...this is in a case where, you know, it was very obviously, very, very obviously a case of modern slavery”.* In contrast, decision maker Tina, said this:

“this whole modern slavery, it’s not like your local gangs, like drug gangs that you would have maybe in particular areas within countries, it’s like an, an underground international level process that goes on, like it’s more of an international crime.”

These are very different pictures of what ‘modern slavery’ is, and support the idea that people project their own ideas, values and work onto the NRM and likewise ‘modern slavery’. It is also important to note that the definitions of ‘modern slavery’, as laid out in The Modern Slavery Act (2015), are not influencing the conception in the mind of an NRM decision maker that ‘modern slavery’ is *“an underground international level process”* and *“not like your local gangs”*, as Tina states here, which conflicts with government documents (see NCA, 2015; Cooper et al., 2017). And as a care professional who spoke at length about the importance of *“trauma informed care”* in this area, Nancy is surely not imagining that she has to understand the workings of an international crime ring and its affiliation with her patient for her to assess that her patient is *“very, very obviously”* a ‘victim of modern slavery’.

Others made such comments: *“during our meetings it will become apparent that they are victims of trafficking”* (Joy, a legal aid solicitor). But Tina’s emphasis on organised crime groups justifies why she, as an NRM decision maker, is better placed than support providers to make case decisions: *“I do think it still fits with having that civil service kind of outlook, ‘cause you’re seeing it on a larger scale as opposed to just my organisation or my disciplinary”*. She described doing an Interpol search across different countries using fingerprints of the ‘victim’ to establish any interactions with immigration controls in other countries:

“it doesn’t finalise the decision, but it sort of like supports, oh yeah, where they’re saying they went, we’re getting a good idea of the pattern of movement, and the journey that they went through, and then we feed that in to our central intel system, and then that sort of helps to build profiles of these victims, of these gangs.”

This is evidently immigration controls at work, thinly masquerading as victim identification, but more to the point, we should see that Tina’s activities for her work relate to conceiving of ‘modern slavery’ as not being about local gangs or abuse of familial trust, but about an *“underground international level process”*. In fact, her job was predicated upon the notion that whatever ‘modern slavery’ is, it cannot be explicitly obvious – it cannot only be about trauma and abuse – or her job would not be necessary. But for Nancy, a care professional,

if 'modern slavery' is related to anything she is concerned about, it is essentially evident in the trauma, victimisation and fear of the person in front of her.

These examples of different jobs within the bureaucracy shaping participants' conceptions are important evidence of strategic ambiguity. By fitting in with the work and concerns FLWs are already engaged in, the MSHT construction validates their existing work and creates collaboration across people and institutions that would otherwise not collaborate.

FLW Conceptions of MSHT are Influenced by Associations rather than Definitions

Relatedly, I want to illustrate that *associations* rather than definitions shape FLW conceptions of MSHT. By this I mean that even when a participant offers a definition of MSHT it is commonly not the dominant influence on their conceptions of what counts as MSHT. A lot of literature has critiqued the popular campaigns encouraging people to 'spot the signs' of MSHT (Anderson, 2008a; Andrijasevic & Anderson, 2009; Volodko et al., 2020). They involve factors and conditions that are very normal and legal at the lower ends of the mainstream and informal economies, like migrant people, overcrowded accommodation, unusual working hours, and fearful people (Anderson, 2008a), and as such, many who are identified as 'potential victims' of MSHT will ultimately not be recognised as 'genuine victims'. But aside from the features that popular campaigns explicitly describe as signs of MSHT, are those things which are associated with MSHT through claims that existing evidence already shows that modern slavery typically exists in this type of place or business or with these kinds of people. Car washes are not listed as signs of modern slavery, but their association with modern slavery is equivalently embedded. As the explicitly stated 'signs' have already been critiqued in the literature, I will focus on the associations.

What I describe as *associations* are settings, locations, people and other situations in and among which it is imagined that this 'crime' is likely to be found. Because the 'crime' is so ill-defined, associations allow people to interpret a broader spectrum of activities as 'modern slavery' than they would in a setting that had not had such associations insistently fostered. This idea of associations is indebted to labelling theory, which posits that 'deviant behavior is behavior that people so label' (Becker, 1997 [1963]: 16). Labelling theory considers criminality in relation to the power dynamics that control what is and is not considered criminal, as well as the discriminating way in which different populations are

more and less associated with criminality when performing the same activities (Becker, 1997 [1963]; Chambliss, 1973). The findings of this research, however, shows that something being labelled 'modern slavery' is not dependent on specific actions at all. Instead, the thing is being labelled directly. Having ambiguously reified MSHT, people can be labelled through circumstantial associations regardless of any action. So here I will offer examples of such associations, rather than definitions, informing 'identification of MSHT'. This matters because such associations are key to the strategic ambiguity that encourages stakeholders with different values and definitional concepts to serve the same agenda, as if it is unified. If nail bars are associated with 'modern slavery' through extensive policing agendas and media coverage, then multiple actors with differing objectives can descend on the scene, validated in their intervention. Whether you want to help the workers gain the status they do not yet have, want to help them get a better job, want to give them therapy, rest and recovery time, or want to detain or deport them, labelling their location as a site of 'modern slavery' validates the initial intervention. That multiple ideas and purposes can be informed and served by anti-trafficking interventions has been addressed extensively in other literature (see Soderlund, 2005; Shah, 2008; Chuang, 2010; Bernstein, 2010; Sikka, 2019). Associations are grounds for less conflict than definitions because they validate all stakeholder interventions. These research interviews did evidence that a type of person, like Albanians, can be associated with 'modern slavery', but other research has already clearly shown that crime typologies link categories of crime with nationalities and, by extension, race (Parmar, 2020). I will instead focus on exemplifying how 'modern slavery' is associated with a type of business (hand car washes) and a type of place (houses of multiple occupancy).

Peter, a police detective, illustrated that car washes were associated with 'modern slavery' aside from, and indeed in conflict with, his own definitions of the term. It was the association rather than his definitions that informed his work. Peter preferred the term 'human trafficking', but he did not appear to think that the semantics mattered to their work or operations. In responding to what he meant by these terms, he said *"...being exploited, it's still being forced to do something against their, against their will, where they haven't got the control over being able to walk away from it"*. But he later referred to *"labour exploited victims"* in car washes who *"don't understand they're a victim"*.

“[N]inety-nine times out of a hundred,” they will say *“Yeah, I’m not in a lot of money, but I’m not a slave”*. His response was to say, *“So it’s often probably explaining to them what it means”*, again projecting the confusion onto them. Even in his own testimony it seems clear that these are not people who fit the definition he has offered of being *“forced”* (by the specific people they are working for), nor were they unable to *“walk away”*. There is an evident disconnect then between the definition of the crime that Peter has been given and the operations he is going on related to the agenda. The definition relates to ‘force’ - something which renders the response of police intervention reasonably logical, while the situations he is encountering do not – but these are the places the agenda is focusing police attention on (see Jardine et al., 2018). The situations do not present more nuanced versions of the definition, but instead sit outside of the definition. The operations are related more to the rhetorical associations participants offered of what ‘modern slavery’ is. The association of car washes with ‘modern slavery’ comfortably serves the neoliberal attack on small businesses (Guardino & Snyder, 2012; Vogel, 2020). So while Peter states that ‘modern slavery’ relates to ‘force’, as he offers in his definition, that is not the dominant idea that shapes his conception of ‘modern slavery’ or his work in this area, hence his interactions with people he thinks are ‘victims of modern slavery’ who evidently are not forced by employers or ‘traffickers’.

When asked what she meant by ‘modern slavery’, Megan, a former support worker, also leaned towards associational answers, rather than definitional ones. She gave a definition of ‘trafficking’ but not of ‘modern slavery’. Among other associations, she said: *“there’s people working in car washes, there’s lots of men that are working in car washes that comes under the umbrella of modern slavery”*. Adding context to Peter’s interactions, Megan said of lots of people in car washes that:

“they didn’t even want to be removed from the situation, so then it gets really complicated, because they know that they’re being exploited, but they’re also, well I chose to be there and I want to go back to that”.

If the car wash is preferable to all other options available to them, then the restricting role of the ‘trafficker/slave driver’ cannot be rationalised as the primary problem. And Peter says this applied to almost all of them. Peter and Megan have validated the idea of car washes as sites of extensive ‘modern slavery’, but those they encounter and might label as its victims do not fit into the definitions of ‘modern slavery’ offered by Peter.

Such an association is essentially enabled through a *deviancy amplification spiral* (Wilkins, 1964; Cohen, 2011a), which refers to media and policy (and we should add academic) hype, when coverage of increasing reports of a behaviour or event leads to increasing reporting of the same, causing a moral panic. For instance, the University of Nottingham's Rights Lab, in conjunction with the Office of the Independent Anti-Slavery Commissioner, did a research report on labour exploitation in hand car washes (Jardine et al., 2018: 6), introducing their report by saying that 'recent investigations and reports on [hand car washes] have unearthed a host of labour, employment, health and safety, and environmental violations'. Why such 'investigations and reports' targeted car washes in the first place deserves serious consideration, yet none is given. Why, for instance, in the context of ecological breakdown, would we focus concern about 'environmental violations' on local car washes, rather than globetrotting corporations? The report 'observes' that car wash workers are 'predominantly males from Eastern Europe' (Jardine et al., 2018: 8), as opposed to such a factor being intrinsic to why this association with 'modern slavery' had been made. So having made the associations with these places/people without evidence, operations and campaigns target them, seeking to find 'potential victims' to refer into the NRM, and produce unconfirmed but widely reported 'evidence' in the process. These operations result in businesses being shut down and work opportunities being disrupted (Jardine et al., 2018), and yet the picture coming from Megan, Peter and Jardine et al. (2018) shows people labelled 'victims of modern slavery' returning to the car washes they never wanted to leave.

Likewise, 'modern slavery' was associated with certain kinds of housing situations. Sandra, who works in a local council, said: "*we've got a lot of them coming from abroad being held in houses or taking over tenancies or sub-lettings in the area*". Tom is a detective inspector in the same city, and responded to a question about what actions were taken based upon 'trends' in data on MSHT:

"a lot of people were being brought into the UK and then put onto the building sites up in [City name], and there were numerous building sites, so there was a piece of work off the back of that, where police were working with local authority to try and identify houses where there were numerous job seekers allowances or various bits and pieces of allowances that were being claimed for those addresses, which would indicate multi-occupancy. So we're doing some work around that to try and identify those houses and then [place?] visits and try and safeguard people from those ki- types of property."

First they are spotting “*job seekers allowances*” so that they can then identify Houses of Multiple Occupancy (HMOs). Once again, this is the ‘modern slavery’ agenda targeting areas with high levels of poverty. The private rented sector (PRS) houses a disproportionate number of those living in poverty and escalating numbers of vulnerable people are being coerced into the cheapest and most unappealing accommodation within the private rented sector, like HMOs (Kemp, 2011; Green et al., 2016). The notion is that only some of the people in HMOs are ‘victims of modern slavery’, and that investigations are designed to ‘uncover’ the ‘genuine victims’, but the key thing again is that the dominant narrative is validating the association that HMOs are sites where ‘modern slavery’ can exist. Consider these words from the Local Government Association and the Office of the Independent Anti-Slavery Commissioner (LGA & IASC, 2017: 13):

‘Modern slavery intersects with many different areas that councils are involved with, and a number of different officers may come across it whilst going about their everyday duties...through inspections of houses in multiple occupation (HMOs) they might come across modern slavery victims living in substandard accommodation’.

Tellingly, Tom says that the culmination of such work is to “*safeguard people*” from “*types of property*”. Once again, it is an association rather than a definition that is being offered, and the association is articulated around poverty. Poverty is suspicious (particularly the poverty of certain nationalities and races), but not inherently worthy of compassion or change. Nevertheless, it is certainly seen as something requiring high levels of state intervention.

We can see that the MSHT construction is perpetuated through *associations*, rather than *definitions*; whether a type of business, a type of person or a type of place. It is in this way that the government can steer the agenda with assertive claims, while maintaining ambiguous and contradictory ideas among stakeholders about what MSHT even is. Even if no-one’s definitional requirements are being met, the association of this thing with ‘modern slavery’ is significant in participants’ minds. Indeed, with no coherent definition distinguishing ‘modern slavery’ from other exploitation phenomena, it is only signs and associations that FLWs have to go on. Car washes exist, Albanians are migrating to the UK, and some properties are houses of multiple occupancy. Because these are real people often living in circumstances FLWs would most certainly not want to be in themselves, they typically want to intervene and are validated in doing so by the association with MSHT.

FLWs appear to feel that there is little reason to discourage the association, and there are no real definitional grounds to dispute it anyway. Many compassionate FLWs think of this as the paradigm in which suffering and need might be recognised in beneficial ways. The broad inclusivity of such associations is therefore seen as something to encourage not challenge. For the dominant neoliberal agenda, the more expansive the associations, the more scope for intervention for other ends.

In Two States at the Same Time: 'Victims' and 'Potential Victims'

The last point of ambiguity worth noting then, is that without coherent definitions, the situations identified through the signs and associations of 'modern slavery' are to be understood as simultaneously 'modern slavery' and not 'modern slavery'. This Schrodinger's cat²⁶ type situation is evidenced in the regularly inconsistent application of the word 'potential' in the term 'potential victims of modern slavery'. Most participants blurred and confused their uses of 'victims' and 'potential victims' in the interviews. For instance, speaking of some people referred into the NRM by the Home Office, support worker Chloe said: *"They understand that they're a **victim of human trafficking** but not, not that they've gone **under the NRM**".* And to example the opposite way round, Lorna, a former Border Force Officer who now works for the Home Office, said: *"We also then build up a bigger picture of what sort of [trades] are being used to **abuse and exploit potential victims**".*

Examples of precisely this type of inconsistency can be found in documents throughout the anti-slavery sector (Home Office, 2014a; Salvation Army, 2018; NCA, n.d.c). In fact, when the Home Office publish the annual NRM statistics, it is commonplace for the number of potential victims referred into the NRM to be emphasised by news articles, which can then in turn blur into the idea that this relates to a recognition of victimhood (Burland, 2017b). The information in the annual NRM reports is mostly made up of demographic factors like nationality, type of exploitation and referral agency, not of the confirmed victims but rather the 'potential victims' referred into the NRM. Once again, the signs of 'modern

²⁶ In this thought experiment from theoretical physics, a hypothetical cat is to be understood as both alive and dead at the same time because its fate depends upon a random subatomic event that may or may not occur. To many PRIT-NRM and FLWs, the results of conclusive grounds decisions appear similarly random, and in the meantime, stakeholders and anti-slavery sector documents refer to the same people existing in both states, switching back and forth between the terms 'potential victims' and 'victims'.

slavery' become self-perpetuating. Something indicating 'modern slavery' causes referrals to be made. These referrals then become blurred with confirmed cases, perpetuating the claim that these traits are 'signs of modern slavery'. The vast number of people included as 'potential victims' legitimises large-scale interventions while keeping open what the legitimated interventions might be. By utilising such language, the anti-slavery sector helps to expand the hostile environment, blurring the lines of distinction between inclusion and exclusion, and helpful and harmful involvement.²⁷

The Reification of MSHT Causes Referrals

This chapter is concerned with the underlying causes of FLW service to the NRM bureaucracy. The preceding subsections have shown the reification of and ambiguity around the concept of MSHT, which now allows me to evidence how causally efficacious the reified and ambiguous concept is. Belief in MSHT helps to maintain the supply of referrals into the NRM. To achieve this, the vision of MSHT being sold by the neoliberal discourse is bigger than specific instructions, particular benefits or people ultimately included. Participants showed that they believed that they were part of a collective agenda working to confront and overcome a leviathan. Simon, from the Modern Slavery Helpline, said:

"the goal of, of, of Unseen [the charity that runs the Modern Slavery Helpline] is to, you know, live in a world without modern slavery, and I think that where that seems like that's crazy, like you know, we'll never really achieve that, I think we have to, to kind of dream big and, and say, you know like, this is something that should not be happening, we should give it no quarter, and every opportunity for a victim to be able to receive help should be given."

While fundamentally challenging immigration controls seemed unrealistic to some participants or they validated the need for such controls (e.g. Tom, Nancy, Katie, and the Border Force officers and decision makers), the idealism of a future world in which 'modern slavery' is eradicated is celebrated in dominant discourse (Hooper, 2014; UN, 2015; May, 2016). This is because labelling a situation as 'modern slavery' legitimates intervention, the goal of *"a world without modern slavery"* removes any restrictions on

²⁷ The same tactic can be found in the security strand of the hostile environment. For instance, the poet Suhaiymah Manzoor-Khan (2019) observes that statements saying 'not all Muslims are terrorists, only a minority' serve to present all Muslims as potentially part of the minority. This again, justifies broad intervention.

such intervention. However well-intentioned by practitioners, such neo-imperialism is a threat to the 'subaltern' (Kempadoo, 2015), enabled by MSHT mythology that has proven to be globally and enduringly resonant (Andrijasevic & Mai, 2016).

Similarly, Daniel, Head of Adult Safeguarding at a local authority, understood his participation as being about more than the specific person he and his colleagues were encountering. He said he would always refer people he believed were victims of 'modern slavery' into the NRM, and explained: *"it's my view [is] you're supporting them to assist in the broader picture of modern day slavery, human trafficking across the, across the country."* The idea of a collaborative agenda, responding to this shared concern about a concrete reality, was significant to why he thought the NRM should be sustained with referrals. Once we de-reify 'modern slavery', the *"broader picture...across the country"* that such information is helping to build can be interpreted in distinctly non-humanitarian ways. It is the idea of 'modern slavery' that justifies collaboration across otherwise unthinkable divides and intervention into the lives of people who are otherwise understandably averse.

The attempt to encourage FLWs and potential PRIT-NRM to participate in the NRM by advertising practical benefits works by overcoming entrenched experiential knowledge about an untrustworthy state. This is achieved by reifying 'modern slavery' as a distinct reality, and one of particular concern. For instance, Jack, a doctor who trained workers in the NHS on MSHT, had to reify MSHT if he was going to assuage the concerns of NHS staff:

"It was very helpful for us, especially being in [county region], like having local statistics, that, that was really useful to persuade, [cause] a lot of people [we]re like "Really, does this actually exist?"...we didn't get quite as much of that as you would have thought... it was usually senior consultants... usually like the nursing staff who were a lot more like kind and caring and listening and like, would actually try and understand this new thing, and they were a lot, a lot more receptive to it."

The regional statistics are not of conclusively identified victims, but of the referrals into the NRM from those regions. It is 'potential victims' from that region that are being used to convince staff that *"this actually exist[s]"*. Similarly, the phrase *"this new thing"* is ambiguous. Whether this is a new type of phenomenon, new to them, or a new way of seeing the same people, the newness is important for why these *"kind and caring"* NHS

staff will help bridge the gap between government and migrant patients. Both the ambiguity and the reification are necessary for Jack to overcome their concerns:

“a lot of them are quite open about immigration because, you know, half their colleagues are immigrants, and they, they’re generally are slightly on, on, on the left of the spectrum when it comes to dealing with, with migrants. So, so a lot of them were quite concerned about [unheard] asylum system, and...were quite concerned about this mechanism”.

Although he elsewhere said he did not want to emphasise minority positives, and even though he acknowledged that *“I could not guarantee to NHS staff that they wouldn’t be deported after going through the NRM”*, Jack responded to their concerns like this:

“So I basically said, you know, if they get a positive reasonable grounds decision they have a higher likelihood of getting a positive asylum decision, and they have a lower likelihood of getting deported. But because these people are in such an insecure situation anyway, they’ve got quite a high baseline risk of being deported, so you’re not necessarily increasing that risk by referring them to the NRM.”

While this may sound like a matter of practical benefits (whether accurate or not), it must be contextualised by the presentations he was giving, which were designed to educate people about MSHT. It is by convincing them that *“this actually exist[s]”*, and is recognised as distinctive by the state, that the idea of practical benefits to a disenfranchised population is made believable. The NHS staff are being told that a system they may in all other circumstances resist is worth complying with because those who are persecuted under that system are viewed differently if they are ‘victims of MSHT’. For this approach to successfully encourage NHS staff to make referrals then, depends not just on them believing in the practical benefits, and certainly not just because the government has told them to or because they believe state violence and instructions are self-justifying, but because they believe in the reality of the MSHT narrative and agenda and the difference this will make to their vulnerabilised patients’ interactions with the state.

When asked how she would explain the terms ‘modern slavery’ and ‘human trafficking’ to someone who had not heard them, Joy, legal aid solicitor, included an explanation of the NRM. When I asked if explaining what MSHT is connects to explaining the NRM, she said:

“yes, because generally if it comes up I’m trying to provide my clients with solutions, and that generally is the op- that’s the solution to their legal issue, yeah, so I find one

leads to the other really. Yeah. I mean in the real world, outside of my job, I wouldn't link those two at all really, but talking to a client I absolutely would."

Clear in Joy's interview was the belief that referrals were important because of their perceived value in gaining status – a practical benefit. But it was for this reason that she saw the need to connect the practical benefit found in the NRM to 'modern slavery' where *"in the real world...I wouldn't link those two at all really"*. As illustrated, 'modern slavery' is a statist concept which depends on the state for its existence. It is striking that Joy describes *"the real world"* as *"outside of my job"* when referring to her thoughts about 'modern slavery' and the NRM. Her functional interaction with so-called 'victims of modern slavery' and her efforts to refer them into the NRM are surely as *"real world"* as these things can be. But having reified 'modern slavery' as if it is something other than a state-dependent concept whose utility relates to state recognition, the need in her work to relate the meaning of 'modern slavery' to the practical benefit she believed was accessible through the NRM, appeared to her to be the anomaly. But as with Jack and the NHS staff, believing in 'modern slavery' as a distinct phenomenon enables trust in the government's claim that it will treat victims of this distinct phenomenon differently, encouraging FLWs and PRIT-NRM to use the NRM. Hence the response of participants like Anatsa, a migrant support advisor, when attempting to assuage the concerns of potential PRIT-NRM regarding immigration controls: *"This is separate, it's just a [unheard word] or a framework for the government to identify potential victims of modern slavery and ensuring that you get the support that you need"*. If 'modern slavery' is not concretised in the minds of FLWs and potential PRIT-NRM, there is nothing at all to convince one that the government could, in this instance, be trusted. The importance of MSHT in convincing people that they will receive exceptional treatment was evidenced in the last chapter's discussion of PRIT-NRM not self-generating their concept of MSHT. FLWs explain the concept by applying it to the experiences of the person they are speaking with. And, as the same section showed, explaining MSHT and the NRM are entwined activities, the former ideationally facilitating the latter.

Megan, a former support worker, said that:

"people are told that the NRM is here to support, support people, and if you don't know the process, and you don't work with somebody through that process, you...would not believe that somebody is going to be treated in the way that they would be".

As we saw in Chapter Two, the NRM bears striking parity with other aspects of immigration controls. Why then, would someone “*not believe*” that this mechanism would treat a person in the way Megan implies? Only if they have already believed that the NRM is different because it is concerned about ‘victims of modern slavery’. One must first believe that within the brutality and inhumanity of the immigration system, the British government is concerned about a particular manifestation of exploitation and abuse, however conceived. Reifying ‘modern slavery’ is essential for this. Only by succeeding in presenting ‘modern slavery’ as a distinctive reality of concern could people then be surprised when PRIT-NRM are treated the way migrant people are consistently treated by the hostile environment.

Sandra worked for a local council in social work, and had taken on a role as a Modern Slavery and Trafficking Advocate about a year prior to the interview, which, she said, “*just fell into my lap*”. Sandra represents an anomaly among participants in a position to make referrals. She gives some validity to MSHT (while recognising complexity) but did not properly help in the sustaining of the NRM by performing successful referrals. This challenges my argument that believing in MSHT causes FLWs to sustain the NRM. As discussed in Chapter Four, causal mechanisms do not consistently manifest in actual events, especially in data with people, so irregularities are to be expected. This anomaly can perhaps be reasonably explained by the fact that Sandra was already working in social care, in both the domestic abuse team and adult social services, and therefore already had existing prisms through which she understood the people and situations she encountered, and through which she evaluated the benefit of council, government or her own interventions. This is not the case for some other FLWs in the anti-slavery sector, for whom MSHT can be the first lens they are given when working with victims of exploitation and abuse for the first time. While not outright rejecting the MSHT construction or the NRM, it still appears that neither was dominant in Sandra’s own perspective of what salvation would look like for those she encountered, resulting in her wariness of those who are “*trigger positive happy with the NRM, and are happy to just sort of like refer everybody to the NRM whether or not it’s, it’s in their interests or not.*” Sandra paid particular attention to the concerns of those she worked with and the potential consequences of the NRM, and this was more significant to her than the reification of MSHT, however confused or

embedded that concept was for her. Therefore, while Sandra illustrates that someone can validate MSHT and still not sustain the NRM, the findings of this work nevertheless justify the theory presented here, that belief in the MSHT construct is highly significant to the sustaining of the NRM.

The findings laid out in this chapter point to a radical but necessary change. As Nandita Sharma wrote in 2003, it is:

‘a matter of utmost urgency that we jettison the use of anti-trafficking discourses and reject the practices that such discourses promote...it is crucial that we see how anti-trafficking measures not only contribute to the criminalization of undocumented migrants but that they also provide a much-needed rationale for “getting tough on illegal migrants”’ (Sharma, 2003: 62).

It is no less urgent now that the construction of MSHT be rejected. In this extended section, we have seen the vagueness, obfuscation, and contradictions it plays on, the poverty and vulnerability it exploits, the collaboration enabled by its strategic ambiguity, and the imperialist convictions it inspires. The belief in MSHT encourages what the colonial mindset always deems self-evident – the legitimacy of intervention. Chapters One and Two established the NRM’s service to the hostile environment, but Chapter Five illustrated the tactics that help to sustain it anyway. Unless MSHT is de-reified in the minds of the FLWs in and around the NRM, then such practices will continue, and not only among those who obey the instructions of authorities regardless. Those who are concerned about the wellbeing of people targeted by the hostile environment will continue to be enveloped into the government’s agenda for as long as validity is given to the elusive but concretised and potent idea of ‘modern slavery’.

Conclusion

After showing that practical benefits, both real and imagined, provide a relevant but insufficient explanation for participation in the NRM, I have explored some key causes of FLW maintenance of the mechanism. The chapter has illustrated diversity across the participants of this research and shown how the use and integration of multiple, somewhat nested, ideologies has led to the incorporation of more people into government-led practices than would likely have been involved were any of these ideologies absent. In

particular, MSHT has successfully extended the *everyday bordering* practices of modern immigration controls.

In line with normative critical research, the observations of this chapter imply transformations. As it is based on contradictions and manipulation, the construction of 'modern slavery' should be dismantled, to be replaced with coherent descriptions of social phenomena, understood in relation to their prominent causes. Solidarity with undocumented people means challenging biases towards statist perspectives on progress, including capitalism, immigration controls and the faux humanitarianism of the MSHT construction. It also means evaluating state violence as one would evaluate violence by all other parties. Informed and honest evaluation of practical benefits, with, not for, potential PRIT-NRM, are the grounds upon which interaction with the state should be considered. The evidence of the last two chapters implies that this would lead to a significant reduction in numbers entering the NRM. In the final chapter, I will evidence the bureaucratic mentalities present in FLWs, but also the knowledge, values and practices already at work among FLWs that demonstrate the resistance politics suited to solidarity with undocumented people. These examples, I contend, are revolutionary, and their emulation holds the potential for a fundamental challenge to the NRM.

Chapter Seven

Obedience and Resistance to the NRM Bureaucracy

Introduction

Having considered ideological causes of FLW compliance to neoliberal agendas, I turn in this final chapter to the NRM bureaucracy specifically. Part of the subterfuge of bureaucracy is that the valuable labour that is being performed is blurred with the dominating organisation of that labour, such that value is bestowed on non-valuable activities. At the same time, the bureaucratic order is equated with a wider order of existence (Mannheim, 1954), and as a result, problems that are caused by the political intentions that shape policy are projected onto the functional failings of the system or bureaucrats themselves. Therefore, while it is worth addressing underlying ideologies, as I did in the last chapter, the causes of value and harm produced within bureaucracies are so heavily obscured, that to speak of progress it is necessary to specifically unpick what is valuable and what is not. When I argue that the NRM bureaucracy should be dismantled, it is important that this not be equated with any suggestion that the organisation of support provisions and the performance of that support, should be done away with. These very different suggestions could be confused for precisely the reasons I have stated.

I begin by evidencing the reframing of political decisions and their consequences as the result of functional failings within the bureaucracy. I then show that humane concerns are framed as problematically subjective and are subordinated to the inhumanity of statist priorities which are presented as more objective. This leads those who perform valuable labour to validate their own disempowerment to those who care less than they do about the people they seek to serve. While these traits are common within bureaucracies, the assumed need for the bureaucracy was often couched in relation to the value the system was believed to have for anti-slavery objectives. I discuss one example of this – the idea that information gathering in the NRM was of utmost importance. I make clear a lack of evidence that these practices hold value and illustrate the explicit harms they do produce. I finish by showing that practical resistance to the bureaucracy and alternative forms of organisation are not only possible but are already taking place. We do not need to imagine

an entirely different system, but rather encourage and expand the alternatives already at work.

Results of Political Decisions are Reframed as Functional Failings

In Chapter Three, I considered the nature of bureaucracies and the bureaucratic mentality (Weber, 2009; Lipsky, 2010; Hudson, 2016). We saw how, in Mannheim's (1954 [1929]: 105) words, the 'fundamental tendency of all bureaucratic thought is to turn all problems of politics into problems of administration.' For Weber's (2009) bureaucrat, there is greater nobility in serving the bureaucratic structure than following one's own will, even if that will relates to the very issue the bureaucracy claims to serve. The result is that the order produced by the will of a specific political class is equated with a wider order of existence (Mannheim, 1954 [1929]). In these interviews, predictable consequences of neoliberal agendas were reframed as functional failings existing within the bureaucracy. Two objectives are being pursued in the same arena – service to neoliberal interests and service to those being persecuted by that agenda. While the former dominates what the NRM does, discussions about the NRM take the latter as the assumed prevailing objective. This obscures which activities in and around the NRM are valuable (supporting PRIT-NRM) and which are harmful (those maintaining a structure of violence), because the pursuits of two opposing objectives are being discussed as one. The intended outcomes of neoliberal policy decisions, which are discursively framed as the failed outcomes of humanitarian objectives, are therefore discussed as functional administrative failures of bureaucrats within the mechanism.

Almost all FLW participants reframed predictable outcomes of political intent as functional problems.²⁸ Joy, a legal aid solicitor, echoed the sentiments of the academics I critiqued in Chapter One (see Balch, 2019; Van Dyke, 2019), by suggesting that the intentions behind the design of the NRM were good, and that the failure existed at the level of implementation. She said:

"I do think the guidance, the Home Office guidance and procedures for the NRM, they are very, [and] the procedures are good. They're not followed necessarily, but the

²⁸ I mean 'political' in a Weberian sense: 'When a question is said to be a 'political' question...or when a decision is said to be 'politically' determined, what is always meant is that interests in the distribution, maintenance, or transfer of power are decisive for answering the questions and determining the decision or the official's sphere of activity' (Weber, 2009: 78).

*intended procedures are quite thorough and pay a lot of attention to making sure victims are heard and investigate fully, although that **doesn't necessarily happen in practice**. But I do think that, yeah, the legal procedure behind it is, is good."*

There were many extracts exemplifying specific versions of this point, so I will just offer a few. Some participants (Andrea, Simon and Katie) blamed negative decisions on the quality of the referral forms: *"if someone's getting a negative reasonable grounds and they don't know why, then it's probably because the, the quality of the NRM [referral] is maybe not, not great, people aren't really sure what to put on them"* (Katie, former caseworker for a support provider and now in a training and networking role with the police). Katie is suggesting that the harsh decisions of the powers that be really relate to the failings of ordinary people. Better offerings of paperwork would produce better results. This conclusion is not borne out by Nicola's description of the elaborate work that decision makers like herself would go to in sourcing information:

"after like forty-five days of gathering evidence, the case file would have everything, so when someone comes into the country you do the basic checks like visa checks, have they travelled to any other countries? Sometimes we'd be contacting their embassy, finding out if they know who this person is. Usually the first responder provides a lot of evidence as well. If it's the police it's very easy, the police will des- give you detailed description, especially if they've been arrested, the police will say, "we found them here, they were wearing this, this is all the evidence", you would look at the police information...the caseworker in the asylum team...would be interviewing them..."

If the NRM's concern was for the wellbeing of the 'potential victim', then insufficient information on the referral form could be followed up on by the decision makers in order to gather more information. Where do the priorities lie that mean decision makers are calling embassies for information, but not the FLWs who made the referral when insufficient information was provided on the form? People are looking at the results caused by factors they have no control over and choosing to explain the results in terms of things they can practically do differently, even if it is not actually a compelling explanation for negative decisions in a system that is known to be structurally racist (Craig, 2018) and overpowered by immigration control concerns (ATMG, 2018).

The problem of delays in decision making was located at the same level. When I asked Nicola why decision making often took so long, she said she did not know, but said there was a backlog when she started. She did however offer a thick description of the practical

realities within the administration related to the delays, which once again focuses attention on the system itself:

“sometimes the caseworker who interviewed that person left and this is the negative aspect that I found about making conclusive grounds decisions...it’s an old case, quality can be terrible...sometimes for example they wouldn’t even type it up...two-hour interview written handwriting...so I couldn’t clarify and it was very difficult to make a conclusive grounds decision...it would take a little bit longer. So you would be like, ok well I need to maybe check if there was an indicator there, or sometimes the stories would be so elaborate that you would have to check and speak to the police and they would be like, “well he doesn’t work here anymore” or you would look at the visa [hits], so it like a lot of chasing and looking at notes and investigating it based on how people have actually recorded this information.”

I established in the last chapter the incoherence of ‘modern slavery’ as a distinct phenomenon. What Nicola’s explanations side-line is the political matter of who decides what information staff have to collate before they can make a binary choice that Nicola acknowledged was subjective anyway: *“depending on who, who does the case, you could have different outcomes.”* She therefore understands the amount of time it takes to be a consequence of naturalised evidence requirements. But we can instead consider the sustained ‘delays’, and their existence throughout the history of the NRM, in the light of Lucy Mayblin’s (2020) work, discussed in Chapter Two. The delays are better understood as an intentional part of a political project of slow violence, extending the protracted temporariness, poverty and vulnerability constructed in the asylum system. In this light, the evidence requirements for what is an almost entirely pointless decision produce enough work for a small enough team to have delays that commonly last for over a year or even years.²⁹

The enduring discrimination against non-Europeans in the conclusive grounds decisions (After Exploitation, 2020) should be understood as the expected outcome of political choice: value judgements over which lives matter and how much. Instead, this outcome is

²⁹ It is worth noting that Nicola and Tina, the two decision makers, had different ideas about the length of time decisions took to make. Tina claimed that *“the turnover...it’s not anything more than maybe three or four months”*, while Nicola said she did not know why the decisions took so long, but that there was a backlog when she arrived: *“I don’t remember the deadlines anymore unfortunately, I think it was like maybe six months in asylum you had to do a case, and same in NR- NRM, there was a timeline, expected timeline you were supposed to complete on conclusive grounds decision.”* This increases the mystery of how information is communicated within the department such that employees themselves could have ideas that are shown to be wrong by the publicly published annual statistics it produces.

also reframed as a failure of administrative decision making. For instance, Jack, a doctor who trained workers in the NHS on MSHT, located the problem at the level of personnel:

“there could be a potential argument that you should separate the decision making process from Home Office officials who also have to meet targets for de- for deporting people, that, that’s ridiculous, that you have the same, like, teams that are involved in those two decisions”.

Here, Jack implies that the problem exists at the administrative level of personnel, in which the same individual pursuing two separate agendas will be compromised, implying that the same government pursuing two conflicting agendas regarding the same people is unproblematic as long as the agendas are divided into different departments. All this, of course, is predicated on the flawed notion that the NRM even has a different agenda. The political explanation would be to reject the notion that the problem is a matter of personnel, and to instead understand the discriminatory outcomes of the NRM as befitting a department that functions as part of the hostile environment.

Jack was not alone in problematising personnel, but who people located as the weak links in the mechanism varied. Tina, an NRM decision maker, said: *“I think the issue is maybe that they need to refresh everybody in there that’s senior”*, referring to her own department. While some blame inexperienced decision makers (Peter, Megan, Katie), this decision maker says those in senior positions are the problem. Indeed, police and support workers criticise decision makers, decision makers criticise senior decision makers, those in support organisations can criticise police, and different roles criticise the frontline workers filling in the forms.

Even something that is explicitly a matter of political choice, and cannot be located within the administration, was nevertheless phrased as if it was. Legal aid solicitor Joy said of the fact that asylum does not automatically follow from a positive conclusive grounds decision: *“It seems a bit of an odd [flaw?] in the system.”* If the flaw is *in* the system, preventing the system from functioning as it should, then the function of the system is not being questioned. The intention of the policy is not questioned, only the success of the policy in achieving the assumed goal.

Extracting the conversation from the realm of politics and focusing concerns on administration also detaches the focus from the political, human consequences of the

administration. Having overlaid discussions of administrative effectiveness onto unresolved political contradictions, the consequences of the prevailing agenda can also be side-lined by the same focus. Consider decision maker Tina's words on whether people should always refer others they believe to be 'victims of modern slavery' into the NRM, having shortly before acknowledged that negative immigration control consequences did not make a difference to her in her work:

"A hundred percent...there's nothing to lose as a frontline staff, or what we would call First Responders, there's nothing to lose at all. Even as a, a member of the public...there's no negative consequences or repercussions on you if you do refer it to somebody that can send a referral in...if you think that something isn't right, even if it's a gut feeling that something isn't right...send[ing] a referral in, that's why the NRM is there...you've done your duty."

The assurance is that there is nothing for the FLW or member of the public to lose, having side-lined the issue of what the person being referred might have to lose through the process. Her encouragement to FLWs is that they have 'done their duty' – that is, their part of the administration has functioned as intended. Given that FLWs typically have little insight into other parts of the administration, they are being encouraged to celebrate that they have at least played their part in the functioning mechanism. Such a view of success is reminiscent of the joke Mannheim (1954 [1929]: 106) tells of the medical specialist who declares, 'The operation was a splendid success. Unfortunately, the patient died'. The focus on administrative activities transfers attention onto the wellbeing of the bureaucracy (the structured violence) as the actual point of the bureaucrat's concern (Ferguson, 1984; see Weber, 2009).

By reframing political decisions and their consequent outcomes as administrative errors and their consequences, participants assist in the representation of two conflicting agendas as one single agenda, and thus also direct attention away from the assumption that the bureaucratic order is necessary for order in general. While in this section we have seen a preference for avoiding direct recognition of structural violence, the next section shows that when pressed, participants acknowledged that the structural violence could not be subordinated to the wellbeing of people in the NRM. So much so that participants spoke of objectivity and subjectivity in terms that related to the amount of concern a person had for people in the NRM. Participants would even validate their own disempowerment because of their concern for people.

Humane Subjectivity, Inhumane Objectivity and Voluntary Disempowerment

It has long been recognised in the social sciences that claims to objectivity tacitly serve to reconstruct reality from a position of power (MacKinnon, 1983). A theme that occurred in a lot of interviews was the matter of subjectivity and objectivity, discussed in terms of who participants suggested could be trusted with authority and whose perspective was more accurate regarding the reified concept of MSHT. As I will show, concern for human beings was regarded by some as a matter of subjectivity, while immigration controls and economic pull factors were matters of objective concern, thus serving to reconstruct reality from the dominant point of view. This affirms Catharine MacKinnon's (1983: 636) assertion that in situations of inequality a claim to objectivity is 'the epistemological stance of which objectification is the social process' – a process intrinsic to bureaucracy. Support workers were viewed by some participants as more subjective than people in roles further removed from the people going through the NRM. This opinion was held by some support workers themselves, which in turn led to some people validating their own disempowerment. For instance, Andrea responded to the notion of reasonable and conclusive grounds decisions being made by support providers:

"I actually don't think support providers such as in the position that I work in would be able to have the information to be able to make a decision like that...I would always be based on the knowledge that I gained from the client, and what I get from the police as such, so actually from my perspective, there's so much that I don't think I'd be able to consider to make the right decision."

Earlier, I showed that many participants attributed negative decisions to the failure of FLWs to provide the information required to decision makers. Here, the opposite suggestion is being made – FLWs are insufficiently informed to make such a decision, and it is decision makers who have the sufficient knowledge. Andrea said that she did not think she would make *"the right decision"*. This implies both that there is an objective reality against which decisions are made and that the information indicating such objectivity is largely removed from support workers – removed, therefore, from PRIT-NRM themselves. Julie, Salvation Army, spoke of support workers being *"best placed to determine...the level of support required"* when discussing the Recovery Needs Assessment, an application to the Home Office for an extension to someone's support. When I asked why, if this was the case, an application needed to be sent to the Home Office at all, she replied:

“I don’t think we can deny that, you know, when you’re making judgements then there is an element of subjectivity in that, and I think that in the same way Competent Authorities make decisions on whether somebody’s deemed to be a victim of, you know, an actual victim or not, and those decisions go through different tiers of assurance or validation, to make su- you know, they go through a process to make sure that the decisions that are being made are sound decisions, and they’re evidence based decisions”.

The suggestion here is that the Home Office holds greater objectivity than the subjectivity projected onto support workers. It is this kind of logic that Kathy Ferguson (1984: 199) critiques: ‘The long-standing association of feeling with irrationality reflects masculine illusions of separateness and masculine fears of loss of control more than any universal traits of human reason.’ In contrast, feminist rationality is oriented around a ‘general, diffuse, intangible and hence unmeasurable sense of well being’ for others and oneself (Bologh, 1982: 1 [cited in Ferguson, 1984: 199]), which is not compatible with bureaucratic logics, but which can be the basis of sustainable, non-bureaucratic, cooperative organisation (Ferguson, 1984).

As well as offering many statements that broadly agreed with this objective-subjective division along lines of bureaucratic hierarchy, participants also offered a wealth of statements that undermined validation of this idea, including Julie herself. She did not know how decision makers were even chosen, so the validity of their position is just assumed: *“I don’t know enough about how government select competent authority decision makers, I don’t know enough about the training they receive.”* Peter, a police detective, did not think Home Office decision makers had the objectivity that police had:

“it will go to the Single Competent Authority to assess the- whether someone is a victim of slavery or not, but the majority, for me, someone sat in an office, looking at a report that’s sent to them that isn’t the bigger picture is making a major decision on somebody here for a court case...it’s not the full investigative picture.”

Such a view of NRM decision makers as ‘objective’ can also be undercut by the decision makers themselves, both of whom revealed the subjectivity involved in decision making, despite Tina’s claim below to unbiased objectivity, which was again related to a lack of concern about the wellbeing of PRIT-NRM and whether or not they end up in detention centres: *“it doesn’t matter...whether someone ends up in a detention centre or not, like, you’re there to do is make a decision, and you see it from a **non-biased, sort of fresh point of view.**”* Just a little further into the interview, she said that negative consequences, like

detention centres, *“possibly could affect caseworkers in the type of decisions they’re making, but I guess that would be more down to the way each caseworker’s **personality or attitudes and beliefs are.**”* Nicola more readily acknowledged the subjectivity around decision making:

“So I’d say it’s quite subjective. There are clear guidelines and policies there, but more so for the reasonable grounds decision, the conclusive grounds decision you kind of have to weigh everything up, look at it, and depending on who, who does the case, you could have different outcomes.”

There were many comments in these two interviews that indicated the lack of both objectivity and consistency in decision making. Nicola, for instance, was self-aware and candid enough to acknowledge that *“I was mainly affected by people who probably spoke the same language as me”*.

Both participants also reflected on the NRM decision making staff becoming more desensitised the longer they were in the job/role, and problematised this. As Tina expressed:

“because casework is so intense, it’s not something you can do for the rest of your life... You’d be- end up becoming bias, or maybe not- you know, your cases or your work wouldn’t be as thorough, because you’re so immune to seeing cases all the time”.

Whilst for Nicola: *“the ones that were remaining there, just were the ones who were severely desensitised”*. While they are describing desensitisation as a problem (even leading to *“bias”*), being *“immune”* is the opposite of humane concern, the very trait Katie (a former support provider) raised as a problem when I asked about decision making being localised to those who support victims:

*“I think that that might be too close to home. And there obviously needs to be some sort of line because, you know, if someone is working with a potential victim really closely for a long, for however long, then they may be obviously more **biased**... so that would have to be I think, closely kind of, monitored”*.

Katie was negatively labelling compassion as ‘bias’ despite the fact that she described current decision makers as:

“someone at the Home Office, who has never heard of modern slavery before, or has very little knowledge of it, and are now in a position where they’re making decisions on modern slavery cases, when they don’t really know that much about it.”

In the extract, Katie expresses how she was wary of support workers being given such authority even though she acknowledged that conclusive grounds decisions were still of no real consequence.

The idea of decisions being monitored was something mentioned by other participants as well, whether real or hypothetical decision makers were being discussed. This idea of a systemic defence against decisions that were either too stringent or too inclusive did not in any way address the political question of where ultimate authority lay for the systemic defence. Julie (Salvation Army), for instance, rendered the matter of authority irrelevant, as long as the training was good enough, again de-politicising who does the training and what they teach people to do. Julie:

“if we get selection of people right, if we get the training right, and if we have a way of quality assuring the decision making process...it should be less about who does it. We should be getting quality decisions.”

Training, selection of people, quality assurance and quality decisions are all value-laden and heavily political, but de-politicised in Julie’s words. The point of apparent import, repeated by some participants (e.g. Tina, Julie, Katie, Daniel), was that decisions (or authority to monitor decisions) must ultimately lie with more centralised actors. Daniel even spoke *“very clearly”* to a member of his team for *“pretty much [setting] their mind up at the start”* not to make a specific referral. He told them, *“that’s not your role to be saying whether or not it’s gobbledegook or not, your role is to assist the person to, to put the narrative together and to make sure that’s then shared with the NRM”*. Chapter Five evidenced that those who were themselves being referred into the NRM were having their concerns side-lined and their perspectives reframed by FLWs who assumed a greater objective understanding. This chapter further illustrates that there is an inverse relationship between one’s level of concern for a person and the validity that is bestowed onto one’s perspective of what is to be done about the person of concern – each tier of the bureaucratic hierarchy appears to extract authority from the one below.

The subordination of support workers’ perspectives does not appear to be based on a popular belief in the actual intellectual superiority of Home Office bureaucrats, whose understanding some others called into question (e.g. Peter, Joy, Katie), but more simply the notion that inhumanity must be prioritised over humanity – that interpersonal

compassion is acceptable, but only within the confines of a wider structure of violent order that places limits on humane activity. While this can be couched in ideological terms like immigration control requirements or economic limitations (as discussed in the previous chapter), it will always be a feature of a bureaucratic mentality, because it is inherent in the political nature of what bureaucracy is, because impersonal regulations can only function if they are supported by the threat of violence (Graeber, 2015b). Hence Andrea rationalised her disempowerment based on having the wrong or insufficient knowledge, while Katie thought she had better knowledge than decision makers but cared too much. The rationalisation is different, but the validation of bureaucratic subordination is ultimately the same. It is this voluntary disempowerment of compassionate support workers that Ferguson's (1984) feminist case against bureaucracy helps to redress, in which she refuses to either abdicate bureaucratic spaces to men or to simply conform to the patriarchal logics that define those spaces. Instead, she calls for a transformation shaped by both a recognition of the harms caused by male dominance (which manifests in bureaucracy) and the full potential of the attributes and practices of (typically women's) caregiving cultures. She writes: 'Women tend to assume responsibility for taking care of others as a moral obligation, and to pass judgements that are based more on contextual rather than on abstract criteria and that focus more on process than on outcome' (Ferguson, 1984: 25).³⁰ Rather than seeing this as a problem of bias requiring dominating control, Ferguson sees these as the very attributes upon which caregiving work should be organised. I return to this in the final section of this chapter.

What must be made clear is that the prevalent notion that one must balance interpersonal compassion with the necessity of statist, structural violence is predicated on the naturalisation of the scarcity constructed by the very statist, structural violence being validated. Or put another way, statist/colonial endeavours construct scarcity through force, and then validate their own use of force in organising the distribution of artificially scarce resources. This belies the abundance that actually exists and is put off limits (Hickel, 2020). Caregiving labour does not need to be organised in this way (Ferguson, 1984). The

³⁰ Ferguson is not biologically essentialising femininity. She is clear in her perspective on this point: '[Feminine] traits have very little to do with being biologically female, as the literature from anthropology and from studies of gender misassignment shows; but they have a great deal to do with being politically powerless, and with learning to play the role of the subordinate in social relations' (Ferguson, 1984: 92).

reason it is so problematic that the bureaucratic mentality equates the order of the bureaucracy with order in general (Mannheim, 1954 [1929]) is because the scarcity that the bureaucracy administers is equated with a more general scarcity that does not actually exist, a point I evidenced in Chapter Two when I showed the vast wastage of money, energy and resources expended through the illegality industry. This is why, in Chapter Three, I contested Lipsky's (2010: 229) claim that it would be a practical 'nightmare' if street-level bureaucrats were specifically responsive to each individual case. Lipsky, I believe, is taking as a given the scarcity that, in fact, bureaucracies are simultaneously imposing and administering. The street-level bureaucrats who engage in what Dodson (2009) describes as moral disobedience are living from the underlying abundance.

Having evidenced these bureaucratic traits generally in the data, I will now address a specific idea participants held of what the NRM bureaucracy accomplished and challenge its value. I have already done this in the findings, when in Chapter Five I addressed the belief that NRM applications can help asylum claims and in Chapter Six when I challenged the assumption that government must control 'economic pull factors' (Mayblin, 2020). Both of these ideas wrongly projected value onto bureaucratic processes. Here I will consider the repeated idea that *information gathering* – a defining component of bureaucracy – is an important part of the NRM.

Turning the Ungovernable into the Controllable: Information Gathering

In the previous sections I have considered traits that are necessarily common to a bureaucratic mentality and shown their presence among FLWs in and around the NRM. We have already seen examples of ways in which such traits which are necessary to bureaucracies are discussed instead as topically necessary for the goals of the 'anti-slavery' NRM, such as support worker Andrea's comment about not having sufficient information to make the "right decision" about MSHT. I want to illustrate this further in this section – that service to the bureaucratic system is commonly discussed as a requirement because of what participants imagine the bureaucracy achieves. I will consider what participants believed *information gathering* accomplishes in the NRM.

As a form of organisation, bureaucracies are designed to control information and are reliant on this practice (Muellerleile & Robertson, 2018). Rather than problematising this

as a feature of bureaucracy and therefore domination, anti-slavery work has long assumed that gathering and controlling information is a requisite for liberation. The philanthropist Andrew Forrest, who founded Minderoo, formerly the Walk Free Foundation, was advised by Bill Gates that to end 'modern slavery' he had to 'find a metric to quantify it', based on the premise that, in Forrest's words, 'if you can't measure it, it doesn't exist' (O'Connell Davidson, 2015: 8-9). Despite the politically resistant struggle of undocumented people to be uncountable and ungovernable (Engbersen & Broeders, 2009), anti-trafficking discourse perpetuates this kind of logic, like the NCA claiming that the data collected through the NRM helps to build a 'clearer picture about the scope of human trafficking and modern slavery in the UK' (NCA, 2018).

Such logic was also present among participants in and around the NRM. Collectively, the beliefs held about information gathering make it seem essential to anti-slavery work. According to Andrea (a support worker), it is how the NRM can function: *"I've always kept on going back to this, the NRM is only as effective as the information provided into it"*. At the same time, it is what the NRM is there to do – like migrant support advisor Anatsa's claims that the NRM is *"also for the government to check to see the trends in, in what's happening with trafficking, and also to see if crimes are being committed, that kind of thing"*. According to participants, information gathering has numerous benefits. Sharing information helps build collaboration across agencies, which is presented as a positive: *"knowing that you can...work with different partners 'cause everyone has different strengths and gathers different information"* (Katie, charity/police); it can help to serve victims: *"the sharing of information to make sure that the victim and the victim's best interests is looked after"* (Lorna, Border Force/Home Office); it can catch traffickers: *"it's about looking for trends in the crime... it's a way of avoiding those perpetrators committing the, the same crime with other people"* (Julie, Salvation Army); and it can shape policy: *"if we're getting the same type of intelligence and information out of there, we can feed that back to the policy team"* (Nicola, decision maker).

From these claims it would appear that bureaucracy, and the information collation that it entails, is an ideal form of organisation for anti-slavery efforts. This view fails to recognise the pervasive desire among many people in the populations being targeted to avoid being known and having information gathered about them, a point I evidenced at length in

Chapter Three. Yet, despite the positive claims about the use of data, participants did not typically offer any clear details about how the data was used to achieve such ends. This is not surprising given that very little empirical research exists on technology and data-driven anti-trafficking efforts and their impact (Musto, 2020). When specific examples were offered, it was sometimes clear such data served anti-immigration, or similar neoliberal projects. For instance, despite Simon's positivity about communicating with Border Force concerning evidence the Modern Slavery Helpline gathered about activity in airports, Lorna's descriptions of Border Force intervention mostly related to rejecting the visas of those identified as 'potential victims' and disrupting their cross-border journeys.³¹ Consider, detective inspector Tom's description of police intervention based on NRM information:

"it's just being able to put resource into those particular areas so I...think there was quite a few reports at the back end of last year around criminals using smaller boats to get into the UK, so the response was to put the coast guard on notice and to have several coast guard ships around the UK coast. Where we had the Schengen, the Schengen loophole before, so people would get onto the Eurostar...you should get off at Lille, but people remained on the train and would hide on the train, so there was resource put in from- to try and disrupt that, that activity. So with all these reports, all this intelligence that's gained from the NRM process, that's all fed through the NCA and then that is kind of drip fed through the various agencies who would be able to put resource into trying to disrupt or you know, prosecute, prosecute those who are carrying out the exploitation."

He re-introduces the word "exploitation" at the end, but the measures he is describing simply relate to disrupting the movement of people across borders, regardless of freedom, need or exploitation. Such disruption escalates rather than mitigates the vulnerability of migrating people (Anderson, 2013; Sharma, 2017). Similarly, an extract from my interview with Lorna, a former Border Force Officer who now works for the Home Office, shows a striking example of how a discussion about sharing information on 'potential victims' can immediately be about preventing their movement and villainising them in the process.

"if somebody has been identified as a potential victim after they've left, after they've already travelled to the UK, that information can be shared down, as in vice versa as

³¹ References that were more ambiguous or harder to interrogate, included allusions to information serving prosecutions, collaborations and decision making. Others said that it helped to raise awareness about the right to claim compensation, or that it helped to increase the recovery period from 45 to 90 days, or that it informs national debates or shapes policy, tailoring it to specific needs. Another said that data helped to inform where more training should be delivered. The actual liberatory function of much of this has already been critiqued in this work.

well, [unheard] the other way round. It's a lot of cross-agency, across-country work, which basically helps identify potential victims of modern slavery and trafficking across the world. And we also look at [bas-] we also look at events and other natural calamities that might be taking place, so you're prone to get vulnerable people in a war-stricken country who may be using the immigration system to come and find a better place for work in the UK."

This is further evidence of participants conceiving of vulnerable migrants as 'abusers' of the victimised state, and shows how thin the conceptual differences really are between the 'worthy victim' and 'illegitimate abuser'. Lorna presents the 'potential victims' that immigration controls are 'protecting' as the 'illegitimate abusers' of that system, despite her own hypothetical examples involving such people fleeing natural calamities – which the global north is disproportionately causing (Hickel, 2020), or war, which UK foreign policy and weapons manufacturing will often have a role in producing (Lakha, 2021). These findings support the claims made elsewhere, that data-driven solutions to trafficking present a threat to those vulnerable to exploitation (Musto, 2020; Musto et al., 2020).

Participants actively called for and served information gathering practices, in spite of some of their own opinions which would question this goal. Katie spoke of the information that came in from different districts within the county that she worked in, in a police anti-slavery networking and training role. She said that she would:

"often look out for where there's maybe low intelligence [meaning information] coming through in different districts, and see why is that low intelligence coming through, is it just the awareness amongst officers is quite low, so we'll put on some kind of training for them for them areas."

In this way, whatever rational and value-based judgements may inform officers' decisions not to refer, leading to areas of low intelligence, these are regarded as a problem to be overcome by training that can increase referrals in those areas. This is despite her awareness that *"sometimes it isn't, it isn't the best thing for individuals to go into the NRM"*, and her attribution of clients' self-harming and attempting suicide to negative conclusive grounds decisions. But in analysing intelligence and contemplating education, too few referrals, not too many, are seen as the problem. She was pursuing an administrative objective despite knowing its human harms. Similarly, Anatsa, a migrant support advisor, responded to the text I read out on NRM harms (see Appendix 2), by saying that it would be good if the NRM were separated from the police and the Home

Office: *“most people are not willing to provide a lot of information to the Home Office, they are quite worried about it”*. Nevertheless, this political acknowledgement was undercut by a full response to what the positives of information gathering in the NRM were, which included that if the government knew what was happening, they could inform other authorities and prevent trafficking in the future, including by stopping it at source. In both cases, the participants are rationalising the bureaucratic information gathering based on suggestions of its topical utility, despite their knowledge gleaned from more relational interactions undermining the implied value.

Finally, Jack, an NHS doctor, mentioned two things that could make one wary of information gathering in the NRM. Firstly, government information theft:

“this is the same...Home Office that was at the...time, and still is doing, was taking data from GP surgeries without their permission about their patients, to see if any of them were illegal immigrants, to, to facilitate the process of deportation”.

And secondly, the prevention of damning evidence being distributed to FLWs through bureaucratic training channels. During his response to the extract I read out (see Appendix 2), he said of the NHS:

“there was an e-learning package that was not mandatory and it was voluntary, and I don’t know how many people used it, but it was created essentially for NHS professionals across our country to use, and that, it didn’t contain any of that information, because, you know, it had to pass through a number of committees”.

But yet again, these causes for concern were pushed aside in favour of the supposed benefits of information gathering within the NRM.

“Like, there’s so, so many important data points that I think we should be measuring if we want to actually improve lives for these people. Who, who we know that, based on the limited data we already have, they are amongst the most disadvantaged and you know terribly suffering groups of, of anyone who lives in our society, and the power of data to reverse that, well not reverse, but like ameliorate that, and give them as good a possible chance as we can, that’s really important”.

In this passage, Jack does not mention who or what is causing this demographic to be *“disadvantaged and...terribly suffering”*, and as such he can imagine that *“the power of data”*, also separated from the institution which gathers it, has healing and emancipatory potential. His passionate insistence is therefore that government, the institution he has acknowledged persecutes undocumented people, should be gathering more information

about them. He even claimed that *“the fact that we’re not really measuring what we’re doing is...probably one of the most fundamental reasons why I’m not working in that field anymore.”*

The problem with seeing progress through information gathering can be illustrated with this contradiction. Jack believes data should be gathered which could tell the government what action to take, if its agenda were to serve the interests of the ‘victims of MSHT’ demographic. But any information which might be gathered that would inform FLWs of the negative effects of state intervention, such that might dissuade them from facilitating state projects, will not be distributed through those channels, and the information is gathered to serve projects that harm potential-/PRIT-NRM, as Jack has made clear. This means that the information is not being gathered to facilitate the evaluations of FLWs, and their informed assessments of what projects they want to serve. And none of the participants claimed that the data gathered through the NRM has any utility for potential-/PRIT-NRM in any of the decisions they make, even if they believed data could be used in such a way. This contradictory thinking on information gathering is normal in the anti-slavery sector, which encourages practices that are currently harmful because they could be helpful if the political motivations were other than they are (see ATMG, 2018). We can see in all of the above that the bureaucratic practice of information gathering has been reinforced by the suggestion that such processes are necessary to accomplish anti-slavery objectives. We can also see that they are not.

By debunking the value of information gathering, I seek to provide a specific example of where the imagined value of the NRM bureaucracy is false, and therefore where resistance to bureaucratic demands is fully in keeping with the interests of the vulnerablised populations many FLWs seek to (and actively do) support. Such is the ingrained nature of obedience in public ideology and the bureaucratic mentality, that encouraging disobedience requires specific critiques of the particular claims and instructions that should be resisted. In the NRM – as with other bureaucracies that demand loyalty to harmful practices of domination – values, principles and practices are already at work that provide the alternative forms of organisation that do and can replace the bureaucracy that harms the endeavours to serve and support vulnerablised, abused and exploited people in the UK. In the final section of this chapter I will consider some of these.

The Practical Resistance Already Happening

What I am seeking to make clear is that valuable labour that serves the wellbeing of potential-/PRIT-NRM, while it takes place within organisations, roles and locations that have been heavily bureaucratised, is not valuable because it has been bureaucratised, and the bureaucratic aspects of the NRM have no value in themselves. While I am not claiming that there is no functional utility to bureaucratic management in any context, I am claiming that there is no evidence that the bureaucratic aspects of the NRM have any value at all, if judged according to the interests of those who are exploited by corporations or ‘traffickers’ and who are vulnerablised by immigration controls. The valuable labour is distinct from the organisation of that labour, and the organisation of that labour would be better conducted by the people who perform it and on the principles by which such labour is typically conducted.

A feminist restructuring of work involves replacing bureaucratic capitalism’s hierarchical division of labour through the re-integration of the planning and performance of activities (Ferguson, 1984). While this is difficult within support services that are currently bureaucratised, the most immediate way in which FLWs can re-integrate the planning and performance of tasks is through the moral disobedience (Dodson, 2009) and infrapolitics (Scott, 1985, 1990) discussed in Chapter Three. Sandra, a local council social service worker, evidenced this kind of resistance, as quoted in Chapter Five:

*“I’ve highlighted this to my own manager because I think that I would be failing in my duty and obligations to, to the victim, if I was to say “go to the NRM, because I think that would resolve your, your- a multitude of issues, including your Immig- Immigration issue[s]”. But it is ...sort of like a, a double-edged sword for...myself, because sometimes you feel like **all other agencies**, particularly possibly the police, would prefer that, that I encourage those victims to sign up for the NRM”.*

The ATMG (2014b) has written that some local authorities choose not to make some referrals because they fear the detrimental consequences of a negative NRM decision on someone’s immigration status. Through such disobedience caregivers allow their own plans to be performed rather than the plans dictated through government policy.

What is more, material and discursive resistance are part of the same ‘mutually sustaining practices’ and the former can hardly be maintained on any scale without the latter (Scott, 1990: 184). This interview also provided a small indication of the value of encouragement

in the performance of resistance. Note the difference in Sandra's language before and after discovering my affirmation for her resistant activities. Before I spoke, Sandra had mentioned that she did not even submit Duty to Notify forms when 'potential victims' refused to enter the NRM, saying: *"it's probably a bit naughty, because if they haven't consented to the NRM, I don't think, unless they've said they don't mind, then, then I won't submit it."* In a two-way, free flowing conversation near the end of the interview, I affirmed her resistance and we returned to these comments. All the words below are Sandra's:

"it comes from...the guidelines themselves... I think it says, you have a duty to send the...MS1 to them... but I've, I've interpreted it myself to mean well, it's still up to my discretion, and I don't particularly want to sort of like, want to do it... hopefully they don't find- and...it's exactly that, I feel like I'm being naughty by not doing what they're telling me to do, but at the same time I'm just thinking, well what's the point, if they're saying no, why should I send a referral anyway? They've said no."

"Going back to the bit where I said that, that it was naughty, I think it was because I think that I was thinking possibly you were looking for me to say something positive about it, [JF laugh] that you wanted me to be positive about what the NRM would do for the victims."

Sandra's resistance going forward is obviously not dependent on my encouragement – she acted according to her own principles. But we can still see the difference that surrounding figures make. She also said, for instance, that she had *"a good management"* who *"will support me"*. And even though she performed the resistant act, and this was an anonymous research interview, her perception of my expectations of her attitudes and actions, shaped by the pressure from *"all other agencies"* to make referrals, influenced the mildly self-flagellating delivery of the information. In the later conversation, after I had spoken affirmingly of her actions, she spoke with greater assurance about her resistance. Scott's work convincingly argues that the hidden transcripts of insubordination are significant to sustaining practical resistance (Scott, 1990). We should therefore consider growing awareness of and solidarity with resistance performed within the NRM as important to sustaining such resistance. Some might not be able to tell their manager that that is what they are doing, as Sandra felt able to do. Alternatives, such as an anonymised website for sharing testimonies, or open invitation Zoom meetings in which FLWs can join anonymously, and both listen and contribute, are ways in which this could be fostered.

Other resistance included leaving involvement with the NRM and organising alternatives. Numerous participants had left the NRM, but the one who most consciously objected to the structure of the NRM was Megan, a former support worker. She left her work and was determined she would not work in a charity or the NRM again. She set up a project to support survivors of trafficking, and sexual and domestic violence. She was clear it was not a charity (which, as a status, places legal limits on political activity), that they would not seek government funding and that survivors would choose how to use the money from donations themselves. She said of the NRM:

“I think the damage that they were causing to these women, I couldn’t be a part of that anymore, I couldn’t work within the rules that I had to work within ...I already was bending the rules that I wasn’t meant to, but...I was doing the best that I could in the limitations that I had under the structure that I had to work within, and I got...burnt out because of having to work within those restrictions”.

The theory of exodus, which I discussed in Chapter Three, promotes ‘engaged withdrawal’ from capitalist relations through the development of alternative communities and forms of organisation (Virno, 1996). As also discussed in that chapter, churches and other religious collectives function as alternative places for support for undocumented people; Joy, a legal aid solicitor, mentioned an example of this when discussing people being evicted after receiving negative grounds decisions, referencing a church that provided support to undocumented people, including *“victims of trafficking”*.

Removing oneself from the extended Home Office bureaucracy also liberates vocal opposition. Other work has discussed the restrictions placed on anti-trafficking FLWs to prevent them accurately discussing the causes of the problems they are dealing with (Howard, 2018). I encountered the same. Megan said:

“I couldn’t speak out about it that much ‘cause I might have lost my job...people that still work in [Charity], wouldn’t be able to speak as freely about stuff as they would want to, because they could lose their job.”

While vocal opposition is important among FLWs working within the NRM bureaucracy, leaving a role within the NRM should certainly not mean one cannot continue to campaign for those who are going through it. Rather, having insider knowledge of the NRM, but freedom from its restrictions, can be regarded as a valuable place from which to vocally campaign for change.

The more alternative options for support that exist outside of statist routes – like those provided through exodus strategies – the more those within or on the verge of the system can direct vulnerabilised people to much needed support services without endangering them through interactions with the state – a kind of infrapolitics. Daniel, the Head of Adult Safeguarding at a local authority, illustrated that this alternative organisation already existed. If someone was either rejected by the NRM or did not want to be referred, for instance because of police involvement, his team would still look for ways to support them through whatever connections they could:

“what we’d be able to do is look at working with our organisations that sit under the violence against women and girls...but often they will provide services to men as well...sometimes there can be a refuge is available, if someone [is/has] been subject[ed] to domestic violence within all of that...we do a human rights assessment and/or an assessment of need which would say then, the local authority would have an...onus to set [up an] accommodation and subsistence for somebody. If that person had children then obviously we would do an automatic referral and engagement in co-work with our children and families colleagues, and some of that would be looking at what voluntary organisations are there and [exist to] support people.”³²

Julie, Salvation Army, spoke of similar practices. Many support workers must typically engage in this kind of work eventually anyway, given the ongoing needs that people have as they leave NRM support. Like Andrea, who spoke about people receiving negative reasonable grounds decisions and having to move on in two working days: *“for any advocacy worker is very, very stressful, because you’re trying to have to signpost them to another accommodation or facility in order to house them.”* Daniel’s excerpt shows that other avenues to support are available (while certainly not nearly enough) and also shows a determination on the part of a FLW to respect the wishes of someone that does not want to enter the NRM, and to look for avenues of support that do not require interaction with state agencies that will pose them a threat. We do not know the scale on which this is already happening, but NHS doctor Jack’s words suggest such practices might be normal among healthcare workers as well. He said he would not be surprised if:

³² By including the offer of local authority provisions there are still statist elements in the options Daniel describes. But a) this would depend on the rights they have to access that support and b) not all such options are as threatening as others, and alternative statist possibilities still allow undocumented people to engage in autonomous ‘self-integration’ (Schweitzer, 2017).

“a lot of frontline NHS professionals didn’t want to refer people and especially if people had other options, if they could go and stay with family or something, even if that was technically risky, they might, they might do that instead of referring to the NRM.”

Given that most referrals into the NRM are coming from government agencies and the police (NCA, 2019; Home Office, 2020a), and many who are referred into the NRM actively do not participate in it (Salvation Army, 2018, 2021; Julie), receiving no NRM support, resistance cannot just mean not referring people into the NRM, but must also involve assisting with non-compliance after referrals as well. The more alternative avenues for practical support available, the easier this will be.

Another path for alternative organisation is for third sector workers to unionise. This could help to counteract the expressed feeling of powerlessness participants shared in the face of a system in need of change. Substantial cuts have threatened a ‘hollowing out’ of the charitable sector (Clifford, 2017: 23), while at the same time, the lowest paid employee in the average UK charity earns only an eighth of what the highest receives (Slack, 2014), and a quarter of adult social care workers are on zero-hour contracts (Zero Hours Justice, 2021). Such downward pressures resonate with former support worker Megan’s testimony: *“Some of the things that we had to do, the time pressures were impossible.”* She said she was meant to work part-time, 25 hours a week, but was usually working about 50:

“if we worked overtime we were meant to record that and you would get it back in time off, rather than overpay, like rather than paid, but that never happened, so I literally was probably working about twenty-five hours a week for free”.

She spoke of being on call for one week of every month, and received calls from her manager, who:

“put a lot of pressure on me, and...she’s said to me a few times, you have to come in because we believe this client is going to kill herself if you don’t come in and cover this weekend, because...she can’t stay safe with other people there, and you’re the only person that when you’re there she’s, she’s not making suicide attempts. And I was like, that’s, that’s ridiculous”.

The non-profit sector can still exploit workers. Taking advantage of the desire of compassionate individuals to serve distressed people in need is further exploitation. It also relates to the disempowerment of support workers, preventing them from influencing what happens to PRIT-NRM. The trade union *Community* has written about a ‘rapidly

growing membership' within the third sector (Community, 2021: 1). FLWs in the NRM can join unions like Community (2021) and Unison (n.d.). The latter already represents more than 82,000 members in the community and voluntary sectors (Unison, n.d.). FLWs should understand reclaiming power from authorities within the NRM bureaucracy as compatible, rather than in conflict with, campaigning for those they seek to support. The collective voice of support workers, separate from management, can provide a platform not only to negotiate wages and working conditions, but to make weighty demands about the very nature and dynamics of the work they do, and what they will not be a part of.

Furthermore, such willingness to go above and beyond reaffirms where the valuable labour is actually embodied – not in the bureaucratic practices or the limitations they impose, but in the caregiving of support workers and the motivations that drive them in their work. As Katie said: *“I definitely went...above and beyond the standard support that I think is outlined in the Salvation Army guidance. And I think a lot of people at [charity] did that because they just had a passion to help.”* As quoted in the last chapter, Chloe, another support worker, said:

“I’d always advise clients if they need something, or they’re not sure of something, they can call me back, and I’ll try and help...I’ve been and helped them make sure that they’ve got housing and applied for benefits, and although that was a lot of extra time...there was nowhere else I could refer them to...with Salvation Army, every month you have to show what hours you’ve done. So I need to be making sure that I cover my thirty-five hours a week basically and that they’re accounted for somehow. But obviously when you’ve got people that need help you can’t just abandon them...it’s not covered by anything, so that’s more off your own back... but that’s just part of being human, you can’t really ignore people”.

Such extracts illustrate that much valuable work that may be broadly associated with the NRM is already being conducted outside the remit of the NRM bureaucracy, and even in defiance of set restrictions (which other participants said they kept to, e.g. Anatsa and Andrea). To focus on undermining the NRM bureaucracy in order to act in solidarity with potential-/PRIT-NRM, is neither to do away with support work, nor to imagine a completely new way of organising the support work currently being performed. Rather, it is to see that the valuable labour and organisation is already non-bureaucratic, and that progress is based upon the expansion of these non-bureaucratic dynamics.

Conclusion

Throughout these findings I have examined the role of ideology and specific ideas in shaping obedience to bureaucratic demands, but we must never lose sight of the fact that even where these are disbelieved, disobedience comes with the threat of severe sanctions. Though disguised by the surface elements of bureaucracy, enforcers and sanctions (backed up by violence) are major contributors to the reproduction of bureaucratic organisation (Ferguson, 1984; Graeber, 2015b). While the risks and costs of the resistant behaviours described above cannot be *demand*ed of FLWs in and around the NRM – the risks and costs are not necessarily small – we lose nothing by acknowledging that these are strategies that can work, and that compliance with the NRM bureaucracy does not serve the people being drawn into its processes. FLWs existing in bureaucratised roles can best serve potential- /PRIT-NRM by not thinking or behaving with a bureaucratic mentality. In quasi-Biblical terms, they can be *in* the bureaucracy but not *of* the bureaucracy. Some of the participants that in some ways adopted this posture left the bureaucracy, but we have seen the positive potential that exists outside of the system as well as within it.

The NRM may have been called for by the anti-slavery sector (Broad & Gadd, forthcoming), but much of what the UK NRM has become is far removed from what was called for or what FLWs or PRIT-NRM need it to be. The imperialist rhetoric of the UK government suggests that its ‘anti-slavery’ work is a mission of expanding and global progress (see May, 2016). Such discourse potently encourages triumphalism and participation. Yet the evidence of this chapter illustrates in specific terms that participation in the government bureaucracy does not serve the ends that government discourse proclaims, and that the humane concerns of many FLWs are better satisfied through resistance and alternatives to bureaucratic demands. Such resistance already exists and other literature (Scott, 1990) supports the idea that a counter discourse that positively affirms these acts can help to validate and nurture resistance in opposition to a prevailing government narrative that overlays humane sentiments onto a deeply inhumane bureaucracy.

Conclusion

Introduction

'What is presented as the "moderate" Left solution to any social problems – and radical left solutions are, almost everywhere now, ruled out tout court – has invariably come to be some nightmare fusion of the worst elements of bureaucracy and the worst elements of capitalism' (Graeber, 2015b: 6).

'A beginning can be made by showing the inadequacies of the dominant discursive and institutional arrangements; by pointing towards a different set of values, an alternative mode of personal identity and social interaction, out of which a fresh form of understanding and action might emerge; and by suggesting critical points of action from which resistance can proceed' (Ferguson, 1984: 155).

While the first quote from David Graeber summarises the fundamental problems with the kind of 'solution' the NRM has offered, Kathy Ferguson's words articulate what I have sought to do in the preceding chapters. MSHT, as both discourse and agenda, is a deeply unhelpful and insidious way of distorting both the causes of the problems it describes and the nature of the solutions. The existing literature on the NRM has focused almost entirely on policy recommendations. Doing so requires some level of belief that government intentions and political interests align with its discursive claims. When we instead view the outcomes of the NRM as the intended results of a political will that is covered over by humanitarian rhetoric, we can see why these policy recommendations have inevitably fallen on deaf ears, with only minor exceptions.

In this concluding chapter I return to the research questions and outline the main contributions of the research. Having reframed the NRM bureaucracy as a harmful problem rather than a work in progress, this thesis, unlike all known works on the NRM, has taken a radical left view on this 'humanitarian bureaucracy'. The research questions were formulated from this point of view and I state my case for how and why the NRM is being sustained and what can be done to resist it. This thesis has argued that the MSHT ideology has extended the influence of the hostile environment through the NRM and that progress depends upon distinguishing between valuable care-giving labour and the organised domination of that work. I then consider the limitations of this research, both in terms of methodology and scope, before making suggestions for future research. I finish by making recommendations for the sector.

Research Questions and Main Contributions

Only one other PhD, that I know of, has been conducted with a substantial focus on the NRM in the UK: Ana Maria Fuentes Cano's (2020), *An analysis of First Responders' Experiences of Human Trafficking Policy in England*. While that work acknowledges ambiguity in government policy, it accepts the rhetorical framework of the system, does not contextualise the NRM within neoliberal capitalism and, like other work, understands the NRM as subordinated to immigration control, rather than part of the hostile environment. By drawing on existing critical MSHT scholarship, the first contribution this thesis has made is to provide an alternative explanation to the prevailing claims regarding the existence and results of the NRM, showing it to be an instrument of the hostile environment in service of neoliberal interests. In turn, its analysis of the NRM offers to critical MSHT literature a specific example of what an anti-trafficking mechanism, with origins in UN and Council of Europe conventions, looks like when it is outworked on the ground, after passing through a national policy framework dominated by neoliberal agendas. As such, it is the only known work to provide a radical left view of the NRM, seeing it not as a faltering yet progressive mechanism, but rather as a harmful bureaucracy, the perpetuation of which therefore needed explaining. Reframing the NRM in this way changes the questions worth asking about it.

How is the NRM being sustained?

The first research question asked how the NRM was being sustained in spite of its function as immigration control. This research revealed the substantial role played by FLWs in producing referrals into the NRM. The reticence of many who are approached to enter the mechanism is overcome by a number of strategies: providing insufficient information, misinformation, emphasising positives and de-emphasising negatives, and coercing people based upon the threat of alternatives. FLWs are very significant in formulating the concept of MSHT for those they speak to, including basing the concept around the experiences of the person concerned, such that it will encourage them to believe that the NRM will validate their troubling victimhood and need. Given that these are the strategies being enacted, it is therefore unsurprising that FLWs side-line the concerns of those they address about entering, to enable the referrals. Not all FLWs do this. Of the participants in a position to make referrals, Sandra most clearly did not emulate such behaviours. She had

never made a referral into the NRM even though she had raised the mechanism with people who could have been referred. These findings validate the theoretical foundations of the research questions which are premised on the belief that the perpetuation of the NRM is a problem. The sustaining of the NRM requires FLWs to side-line the concerns of those who are approached for referral, as being less significant than the dominant encouragement to keep the system going. While the blurred lines of trafficking and anti-trafficking have been valuably explored elsewhere (Soderlund, 2005; Molland, 2011; Howard, 2018), this project has provided significant evidence of the parity in strategies between anti-trafficking behaviour and the behaviours attributed to traffickers in anti-trafficking campaigns.

Despite referrals being based more upon the actions of FLWs than the insistence of those who are referred, another negative frame placed on people in the NRM is the claim that they are abusing the system. This striking inversion of the abuse dynamic between the state and undocumented people indicates a conflict of values within the NRM, and is also an interpretation of how the NRM is sustained that does not hold up to scrutiny. The evidence suggests that many who do choose to enter the NRM may not be seeking any support but simply trying to avoid more immediate state harms, hence a lack of responsiveness to any follow-up, or their quick departure, after their referral (Salvation Army, 2018, 2021; Julie). Projecting the threat posed by the state onto the threat posed by the 'trafficker', and projecting the abuse performed by the state onto the 'abuse' performed by those in the NRM, serves to distract from clearer explanations of what the NRM does and how it sustains itself. The widely propagated claims that the burgeoning NRM indicates either the success of a system that is identifying and protecting more victims (Grierson, 2020b; UK Parliament, 2021) or that it is suffering from increasing 'abuse' (UK Parliament, 2017; Home Office, 2021b; Tom), are each left wanting. Some participants suggested that higher standards of communication should be fulfilled by FLWs speaking to people about entering the NRM. The evidence of this thesis suggests that if such standards were met, the scale of the NRM would radically reduce. Having argued that the sustaining of the NRM was a phenomenon that needed explaining, this thesis has contributed a clear alternative to the existing suggestions.

Why are frontline workers helping to sustain the NRM?

The second research question, like the first, only appears worth asking once the NRM has been reframed as an instrument for extending the hostile environment to humanitarian actors. Once reframed like this, it becomes reasonable to believe that different people are participating in the NRM for different reasons. This informed the choice to include a diverse selection of people in different roles around the NRM as participants in the research, as well as the inclusion of this research question. Without attempting to categorise participants into separate groups, this thesis has clearly evidenced that different ideologies motivate participation in the NRM.

Practical benefits of the NRM, real or imagined, are an insufficient explanation for why FLWs sustain the NRM. Consideration of such factors even informed why some would not manufacture referrals. More significantly, some participants viewed state violence as more legitimate than violence perpetrated by non-state actors, diminishing equivalent evaluations and bolstering an allegiance to state authorities. Similarly some participants did not understand what capitalism was and also naturalised it, while other evidence pointed to a similar validation of immigration controls. Fundamentally, challenging these ideologies means nurturing an alternative ideology of insubordination: that is, a general posture of criticality towards notions of the self-justifying nature of authority. I have argued that the conflict between ideologies of obedience and insubordination is the main conflict of political ideology. While much service to the NRM can be explained in relation to the naturalisation of the aforementioned elements of neoliberal society, the NRM has successfully incorporated more people into the hostile environment. This has required an ideology alluring to those not made sufficiently subservient by the ideologies just described.

MSHT, as a concept, is dependent upon the ideologies described, but furthers the expansiveness of those interventions. This thesis has provided a thorough exploration of the way MSHT as a concept is constructed in a real-world context and the causal efficaciousness of the ideology. It has evidenced the reification and strategic ambiguity of MSHT, the serious contradictions it entails, and the way such confusions can exacerbate the concept's potency, as participants project their own confusions onto the misunderstanding of others. To the best of my knowledge, this is the first time that

literature on strategic ambiguity and labelling theory has been used to understand the application of the MSHT concept in FLW activities, the former creating a false sense of unified intent and the latter showing that labelling a situation as ‘modern slavery’ transforms how people think about and interact with it. In these ways this thesis has added to literature that contends that anti-trafficking and anti-slavery interventions predominate ideological and discursive framings over consistent responses to the material realities they describe. Given the way this concept undermines the values some participants clearly sought to live by, I have made a clear case for why MSHT discourse should be undermined and replaced with language and concepts that serve to support all those persecuted by immigration controls. In evidencing the diversity of concerns and ideological causes among participants, this research has contributed to discussions by challenging the apparent essentialism of the unified agenda of the NRM as well as the MSHT agenda more generally. By challenging the narrative of implied unity, and the concept on which it depends, I have more clearly drawn the lines of political conflict.

What alternative ideas, practices and forms of organisation to those which sustain the NRM are implied by the observations of this research? And which are already taking place?

The pursuit of alternatives to those practices that sustain the NRM begins by seeing, as this work has evidenced, the dissonance between the humane values of some stakeholders and many of the ideas and practices at play in the NRM. These values provide a basis for alternative ideas and actions from those developed from the existing dominant structure. In order to nurture practices based upon such values, it is necessary to clearly demarcate that which is typically blurred within bureaucracies; that is, to distinguish between the valuable labour performed by actors in bureaucratised roles and the organised domination of that labour. Showing that the assumed ‘anti-slavery’ accomplishments of the NRM bureaucracy, like information gathering, are more harmful than helpful, is an extremely important contribution of this research. From there, testimonies illustrate that actions based upon humane values and alternative ideas are already being performed, including actions that directly disrupt the flow of referrals, alternative (non-NRM) arrangements and provisions of support not covered by NRM contracts. These acts all show resistance. Simply respecting the wishes of someone who does not want to enter, or not stating (known or

unknown) falsehoods, or not trying to “sell” the NRM to people, are already acts of resistance to the expansionist objectives clearly stated by government (May, 2016). Finding alternative forms of support for people in the NRM is usually necessary at some point anyway, and wherever alternatives to state interaction are offered to undocumented people FLWs are acting in resistance to government preferences. The work performed by FLWs that is not covered by their contracts starkly illustrates not only that they are the value providers but shows the absurdity of the notion that their work should be controlled and constrained by centralised bureaucrats. Where work is conducted outside of contractual bounds, we see necessary labour performed under the banner of the NRM that is not only *not* bureaucratically organised, but that is technically forbidden.

This helps to evidence the plausibility of organising and performing the valuable work without the organised domination (Weber, 2009) of the NRM bureaucracy. Indeed it shows that the bureaucracy prevents rather than enables much of what is needed. This is a transformation that has therefore, in that sense, already begun. Having first provided a radical left perspective on the NRM, this work has contributed an equally left-wing case for how it can be resisted. By focusing on bureaucracy, this thesis has also provided a much-needed explanation for why the discourse on the NRM, mostly made up of contributions by the government, the third sector and the media, proceeds in a cyclical fashion of critique and token response, the bureaucracy expanding and cementing the dominant agenda regardless of stated disagreements. In the process it has also contributed to literature discussed in Chapter One on the depoliticised perspectives of third sector workers (Mitlin et al., 2007; Howard, 2018) and the function of NGOs as the ‘handmaidens of neoliberalism’ (Wallace, 2004; Da Costa, 2015: 1). In an age of ‘total bureaucratisation’ (Graeber, 2015b) this work, in content and methodology, contributes a clear case for why it is necessary to reorient actors in a neoliberal humanitarian sector towards anti-neoliberal politics, and has provided some evidence of how such a shift can happen.

Limitations of My Approach

I decided not to focus on UK nationals or the particularities of children, nor to include either group in the PRIT-NRM interviews before ending those after only two interviews anyway. The consent of children is not required for them to be entered into the NRM, so they were even less likely to be informed about the mechanism and would not be in a place to answer

questions about why they chose to enter. UK nationals are not relevant to the NRM as immigration control. UK nationals are typically able to gain the support services available from the NRM through other routes and so there is less to be gained from entering, a point that was re-affirmed by participants who claimed that the NRM support was not targeted at these groups or not significant to them (Chloe, Daniel, Katie and Tom). The referrals of UK nationals who are uninterested in support services may be an easy way to increase NRM statistics without needing to provide support.

However, the absence of focus on both children and UK nationals in this project may be a limitation. Children have specific rights within immigration law, and as this thesis has argued the NRM is immigration control, there are probably important matters to explore regarding such specifics which this project has not attempted to do. Furthermore, I am inclined to speculate that the rise in police agendas around cuckooing and county lines serves as an attack on local policing, by suggesting that such crimes cannot be dealt with in separate county silos, and that information gathering and agenda setting should therefore be centralised. Certainly, FLWs in support services have shown concern about data gathering and police agendas on these topics (Spicer, 2021; Wroe, 2021). If anything like this is true, it is possible that the utility of the NRM bureaucracy for neoliberal interests goes beyond its function as immigration control. This may be supported by the NRM statistics that show that the substantial majority of referrals for UK nationals have been for minors (87% in 2018 (NCA, 2019), 75% in 2021 (Home Office, 2022)), who are foregrounded in the 'county lines' construction (see NCA, n.d.a).³³ In any case, with the UK ranking as the most common nationality being referred and minors accounting for over 40% of referrals (Home Office, 2020a, 2021, 2022), their experiences within and relevance to the dominant agenda for the NRM is likely worth exploring, even if these proportions likely misrepresent their significance to the neoliberal function of the NRM.

I found semi-structured interviewing very useful for addressing the questions of how and why the NRM is being sustained. However, while this research provided some insight into existing acts of valuable disobedience, resistance and alternative, non-bureaucratic forms of organisation among actors within the NRM bureaucracy, I suspect that other

³³ Not all annual statistics offer the same information, hence the gap between 2019 and 2022.

methodologies would be better placed to study this. Ethnographic research on organisations has explored the dialectics between the official and formal regulations and informal norms and real practices in the workplace, and is well-placed to do so (Bierschenk & Olivier de Sardan, 2019). It might be a struggle to conduct such research on the NRM in places that would be worth illuminating, given the barriers to access in place, but if it could be arranged it would be beneficial.

This leads to another point. My anarchist posture to power and the conclusion of the literature review that the sustaining of the NRM is a flawed objective, shaped the focus on power in my selection of ideologies in the retroductive process. I discussed in Chapter Four the similarities I shared with many FLWs in the anti-slavery sector, and my theorising process is shaped by my own journey. But my journey has been affected by studying this bureaucracy while not being in a role within it. Furthermore, people do not all have the same attachments to the same ideas and values and other factors will be significant to why people sustain the NRM. Yet for the most part, this thesis has largely focused on political factors and side-lined other social ones, even though other (less-political) social factors would also likely indicate potential for political transformation. For instance, I gave some consideration in Chapter Seven to encouraging resistance through counter narratives of encouragement, which relates to social validation. This is interesting in itself but also significant to enabling political change. In sum, my political concerns influenced a retroductive process that abstracted political ideologies, leading to conclusions that these ideologies should be challenged to alter the actions caused by them. But other less inherently political factors (re)produce political dynamics. Such values and psycho-social features are what are being manipulated for hegemonic purposes. I am here reiterating the point I made in Chapter Four, that my work on ideological causes is an abstraction, and that other theoretical and methodological approaches could have produced insightful and fuller explanations of other realities within this domain.

Suggestions for Future Research

I hope that this work has successfully shown that staunch normative anti-statism can be applied to analyse state systems and describe plausible transformation. In particular, more research on bureaucracy from this perspective would be valuable. Implicit assumptions that anarchism is too outlandish to be applied in practice and that incremental

improvements must acknowledge some need for statism are problematic and untrue. For instance, one implication of this research is that future work on UK anti-slavery policy and practice should start from the conclusions of critical research and undocumented people, not from the presuppositions of statist rhetoric. What is couched as pragmatism instead perpetuates ideological manipulation and nurtures subservience to oppression. We have seen that such pragmatism – whether from academics, NGOs or FLWs – often accepts hegemonic premises of ‘realism’ on behalf of people who would not act or conceive of reality in such a way.

More work should be done to consider how to foster anti-bureaucratic mentalities among those who work in bureaucratised roles. Such work can provide validation to counter-narratives and resistance activities. Academic work could consider the psychology, politics and sociology of this, while a lot of trial and error among communities and networks trying to foster resistance could also shed light on effective tactics. Such trial and error could include, but would certainly not be limited to: beneficial and appropriate language, the spaces that should be inhabited, and ways of promoting methods of resistance without making such resistance easier to police. Given that dynamics of state control involve strategies and counterstrategies (Engbersen & Broeders, 2009), this may be an ongoing process.

There is much within my analysis of the NRM bureaucracy that likely has applicability to other bureaucracies. The claim that the NRM bureaucracy can be done away with, cannot, on the basis of this thesis, be sweepingly applied to all bureaucracy. However, there are certainly other bureaucracies, public and private, in which the valuable labour exists in the activities at the ground level, and not in any bureaucratic elements above that, nor in the dominant political objective that shapes those bureaucratic systems. Future research could consider the applicability of these findings on the NRM to other, similar bureaucracies, specifically on the bureaucratisation of care-giving roles, the ideological accompaniments to such processes, and the manifestations of resistance.

Recommendations for the Sector

While there may be specific, temporary reasons for using MSHT language with authorities, alternative language should be promoted among all who seek to act in solidarity with

undocumented people. This would help to resist artificial and ambiguous distinctions in favour of terminology that either helps to denote actual causes of harm and all who are affected by such causes, or allows people to identify themselves however they choose as part of a more prefigurative mode of living.

Transformation based on the findings of this research would see the collapsing of the NRM bureaucracy. We can acknowledge that the data gathering on 'modern slavery' is avoided by undocumented people and serves their oppression by perpetuating immigration controls and shutting down work/business opportunities (the latter of which was discussed in Chapter Six). MSHT data serves the neoliberal agenda, not the wellbeing of those vulnerablised and exploited by that agenda. All bureaucracy devoted to data collection in the NRM should therefore be abandoned in its entirety. The hierarchical bureaucracy of the NRM is based on contradictory ideas. If we resolve the underlying contradiction and imagine the response in keeping with the values and concerns of undocumented people, the bureaucracy can be entirely done away with. Any funding that is not ultimately imposing a neoliberal project can be given directly to support services with no strings attached. Support workers are far better placed to decide how to use such resources, for how long and for whom, than bureaucrats behind Home Office desks. Support workers are not usually as well placed as those who actually need support services to determine what they need, but free from dominant narratives and bureaucratic restrictions, support workers would be freer to actually listen and respond to the person in front of them, without imposing and justifying unjustifiable templates and brutal decisions. As discussed with regards to the Salvation Army in Chapter One, receiving government funding, whatever initial intentions motivate the application, results in organisations needing to serve government objectives that, as this thesis has made clear, cannot align with the interests of those persecuted by the dominant agenda, or the concerns of those who wish to act in solidarity with them.

There is no need for a decision-making process because the MSHT concept is incoherent and motivated by a political agenda that exceptionalises concern to 'worthy victims', perpetuating the oppression of immigration controls, even against many of those deemed 'worthy victims'. Instead, support could be provided based on ongoing need, not the capacity to evidence past suffering. Networking between different groups could be based

upon common values and objectives and organised directly without state involvement – like Joy, a legal aid solicitor, recommending a local church to clients in need of help, and support workers finding alternative provision when clients exit the NRM. Opposition from anti-slavery actors to the government’s actual agenda, the hostile environment, could be accompanied by demands that the funds being wasted on the NRM bureaucracy be given to support services to use as they wish without requirements or restrictions shaped by opposing objectives. Vocal opposition within the anti-slavery sector could also join and add strength to existing campaigns against immigration controls, demanding more widespread rights, and refusing to be part of everyday bordering. At present they typically do not. There are 137 signatory organisations to the Status for All campaign to provide indefinite leave to remain for all people who are undocumented, destitute and those in the legal process (Status Now 4 All, 2021). None of the support organisations in the NRM are among them. In fact, only one organisation on the list predominates ‘trafficking’ or ‘modern slavery’ rhetoric in their work.

Alternative campaigns, avenues for support and ways of organising exist. I offer just a few examples. Rather than expanding hostile environment practices into the NHS by encouraging referrals into the NRM, NHS staff should be encouraged to join Docs Not Cops (n.d.), a group campaigning against healthcare staff being used to serve immigration controls, and the oppressive measures increasingly inhibiting people’s access to healthcare. Networks like Room for Refugees (n.d.) directly connect people who have space available in their homes with those who are seeking sanctuary. Zoom meetings could be arranged in which FLWs and undocumented people in and outside of the NRM can join anonymously, and share reflections, stories, ideas and suggestions about specific problems and equally specific solutions, and to support either individual or collective activities. Other options, like a website for testimonials, similar to the Everyday Sexism Project (n.d.), could also serve resistance. Organisations, movements and collectives that receive no government funds will not be subject to the same restrictions, and actors resisting the NRM bureaucracy can look for (potentially clandestine) collaborations with such groups.

Resistance cannot thrive without accompanying discursive practices (Scott, 1990). Such a counter-discourse can encourage people in any actions that actually care for people and protect and liberate them from immigration controls. The reframing and renaming of

aspects of the system that should be thought about differently could help FLWs in the NRM to do the same. Juvenile as it may sound, referring to the NRM as the “Neoliberal Racist Machine” or the competent authority as the “Incontinent authority” would be succinct, conversational ways of rejecting the legitimacy of government authority and the falseness of a unified and humanitarian agenda.³⁴ Similarly, Scott (1985) writes that folk tales about characters who display cunning forms of resistance help to legitimise resistance activities. Dodson (2009) titled her work, ‘The Moral Underground’, a direct allusion to the underground railroad. In the anti-slavery sector, common and inappropriate comparisons to chattel slavery could be redirected through intentional comparisons of FLWs to those engaged in the underground railroad, as a way of validating emancipation as the product of secretive, even illegal acts of resistance, rather than the prevailing focus on Wilberforce and Parliamentary concepts of top-down progress. By using stories to affiliate emancipation with state evasion, an alternative narrative can be encouraged in the minds of FLWs. Such a narrative may be a welcome relief to many who instinctively see such actions as better serving the interests of those they care about, but who have only the dominant single narrative through which to understand slavery and liberation.

I appreciate that for many within the sector, the idea of reduced numbers entering the NRM being seen as indicative of progress would be a significant change of perspective. But this research has shown that the dismantling of the NRM bureaucracy is an emancipatory objective. Furthermore, by ceasing to serve the NRM bureaucracy above other things; by finding alternative pathways of support or breaking the limitations of support; by anti-trafficking actors organising more substantially with campaigns and organisations against the hostile environment more generally – research on infrapolitics (Scott, 1990, 2012) suggests great shifts like this can happen. Resistance politics must also reject the idea that increased emancipation from exploitation (that has been largely constructed by the state) can be properly measured or that we should make any attempt to try. The expanding potential of unmeasured and uncontrolled resistance inherently depends on those efforts not being measured or controlled.

³⁴ The NRM is, after all, permanently constipated. Referrals go in much faster than they come out.

Those who leave the NRM bureaucracy entirely can still seek to collaborate and assist with the efforts of those in bureaucratised roles where those actions do not serve state projects, and those who remain can collaborate with those who have left or who provide assistance outside of state involvement. Research on infrapolitics, moral disobedience and other such resistance (Scott, 1985; 1987; 1990; 2012; Robinson, 2005; Dodson, 2009) shows the accumulative potential of large-scale changes brought about by this kind of politics. As well as offering the hope of dismantling anti-trafficking immigration controls, this politics is how those in anti-trafficking roles can assist in the wider resistance and dismantling of the hostile environment.

Conclusion

This thesis has explored the need to collapse the discourse and bureaucracy of a neoliberal humanitarian agenda, and to leave standing the valuable labour to undocumented people that should, in its own right, endure. It has upended the narrative that liberating exploited people in the UK is about the expansion of the NRM bureaucracy and instead shown how the valuable actors within the NRM can act based on anti-neoliberal logics and collaborate with anti-neoliberal political activities, like migrant rights groups and decentralised social support projects. The anarchist analysis has helped to illuminate fundamental contradictions, showing that ideological restrictions, like MSHT, limit the minds and redirect the concerns of FLWs towards harmful actions against their own values. In this sense, this thesis has stepped back from discussions of how to emancipate those being referred into the NRM and considered what it means to emancipate those who seek to help them. Some are themselves overworked, but I have been particularly concerned with the need to liberate their humane values and the political imagination of what is possible, from the violent restrictions of what dominant narratives have consistently proclaimed to be the realm of the 'realistic' and the 'plausible', like through the naturalisation of immigration controls. If we can succeed in showing and believing that these are façades that our ethics, imaginations, practices and relationships do not need to be restrained by, then hope will be found in the innumerable ways in which people more freely explore, within their own contexts, how to care for and liberate one another.

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Appendix 1

Participants

Ajola: She has been through the NRM and received a positive conclusive grounds decision. She suffers from significant ongoing trauma and lives in the UK. We avoided speaking about the specifics of her exploitation and abuse.

Besjana: She was commercially sexually exploited for years and came to the UK in her escape. She has been through the NRM and received a positive conclusive grounds decision and now lives in the UK.

Julie: Works high up in the Salvation Army, which holds the government contract for adult survivors in the NRM.

Nicola: Was a decision maker in the NRM.

Katie: Was a caseworker for an NRM subcontracting support provider, and now has an anti-slavery networking and training role within a regional police force.

Megan: Used to work as a support provider in an NRM safe house, before leaving due to problems she had with the organisation she worked for and the NRM, stating to me that, "I don't believe that the work that I was doing was as positive as it was negative".

Peter: A police detective, with more than a decade's worth of work in 'human trafficking/modern slavery' operations.

Sandra: Works for a local council on matters of domestic and sexual violence and as a "Modern Slavery and Trafficking Advocate". She has never made a referral into the NRM, largely because of her encounters with those who have been in it and the reluctance of those she speaks to about entering it.

Anatsa: An advisor to migrants, including 'victims of modern slavery', directing them towards relevant support organisations, and supporting asylum applications.

Andrea: Is a support worker at another subcontracting NRM support provider organisation, a role she has been in for under a year.

Daniel: Head of Adult Safeguarding for a local authority. This “involves overseeing strategically and sometimes operationally adult safeguarding within the local authority, in terms of adult social care” and working with an array of partner agencies. This includes people who are referred into the NRM.

Simon: A senior helpline advisor, specifically a case analyst for the Modern Slavery Helpline. Prior to that he was a helpline advisor.

Joy: A legal aid solicitor focused on immigration cases, mostly working with asylum seekers, but quite often that overlaps with people who are in the NRM. She previously did similar work in the third sector.

Tom: Detective Inspector who has had worked on this issue for several years, including both adult and child cases.

Chloe: A support worker for an organisation in the NRM, and was previously a social support worker, referring ‘potential victims’ to the team she now works in.

Nancy: Works in the NHS, and has run training on ‘modern slavery’ for several years.

Carmen: A Border Force Officer at a UK airport.

Tina: Was a decision maker in the NRM.

Lorna: Was a Border Force Officer, specialising in safeguarding and modern slavery, and now works for the Home Office.

Jack: An NHS doctor, who was involved in training NHS staff about ‘human trafficking’, and he was also a volunteer First Responder. He explained during the interview that he “stopped doing any work on human trafficking because I was so angry at the NRM”.

Appendix 2

Passage Read to Frontline Worker Participants During Interview

Extract of writing describing negative consequences of the NRM.

“Recipients of NRM support do not have a right to work. Little is known about the long-term consequences of the NRM, but a positive NRM decision does not carry any rights or residency allowance. As a result, people in the NRM, even those positively identified, can be involved in immigration processes, like reporting to Home Office Centres, from which they can be taken to Immigration Detention Centres. The number of people in UK Immigration Detention Centres far exceeds the numbers recognised as victims of modern slavery by the government.”

In some of the earlier interviews, I began with the line “The majority of negative decisions happen at the Reasonable Grounds stage”, which is true at the point that annual statistics are published but must become untrue once all decisions have been reached, so I removed this for clarity.

Appendix 3

University Ethics Committee Approval Letter



Research, Enterprise and Engagement
Ethical Approval Panel

Doctoral & Research Support
Research and Knowledge Exchange,
Room 827, Maxwell Building,
University of Salford,
Manchester
M5 4WT

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31 May 2019

Dear Joshua,

RE: ETHICS APPLICATION–HSR1819-059–‘Modern Slavery: An Analysis of the National Referral Mechanism.’

Based on the information that you have provided, I am pleased to inform you that ethics application HSR1819-059 has been approved.

If there are any changes to the project and/or its methodology, then please inform the Panel as soon as possible by contacting Health-ResearchEthics@salford.ac.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue McAndrew'.

Professor Sue McAndrew
Chair of the Research Ethics Panel

Appendix 4

Participant Information Sheet for People Referred into the NRM



PARTICIPANT INFORMATION SHEET

Title of study: Modern Slavery: An Analysis of the National Referral Mechanism

Name of Researcher: Joshua Findlay

1. Invitation paragraph

You are being invited to take part in a research study about the National Referral Mechanism (NRM), the government framework for identifying victims of human trafficking and modern slavery. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read to the following information carefully. Please ask if there is anything that is not clear or if you would like more information.

2. What is the purpose of the study?

The purpose of the research is to explore the effects of the NRM on those who are referred into it. I want to know whether the NRM is helping you as you wish to be helped.

3. Why have I been invited to take part?

I am asking up to 40 people who have been referred into the NRM to be interviewed.

4. Do I have to take part?

This is completely voluntary. You do not have to take part if you do not wish. You can also withdraw at any time, without your rights being affected, and only what you have contributed up to that point will be used in the research.

5. What will happen to me if I take part?

I will ask you about the events that led up to your referral, as well as your experiences of the NRM. The interview is likely to take about 90 minutes, but I am able to listen for as long as you need to talk about your experiences. I will audio record the interview, so I have an accurate record of what has been said. I will show you how to pause the recorder if you want to stop, and we can pause the interview at any time. Your information will be anonymised. I will remove your name and other identifiable information from the data in my written work. Everything you say will be treated as confidential. [If necessary] If you are willing to stay in contact with me to tell me the final decision you receive from the NRM, we can exchange contact details, but agreeing to the interview does not make this necessary.

6. Expenses and payments?

Participants are not paid to take part in an interview.

7. What are the possible disadvantages and risks of taking part?

There is the possibility that recollecting some of your experiences might be distressing. If this happens, let me know, and I can advise you on support services available.

8. What are the possible benefits of taking part?

The goal of the study is to highlight the way in which the NRM does or does not help people like you. Your contributions will help us explore the purposes of the NRM.

9. What if there is a problem?

If you have a concern about any aspect of this study, you can speak to me, Joshua Findlay, on Tel: 07521 740924, or Email: J.Findlay@edu.salford.ac.uk, and I will do my best to answer your questions.

If you remain unhappy and wish to make a formal complaint, you can do this by contacting the Research Supervisor, Gaynor Bagnall, on Tel: 0161 295 6554, or Email: g.bagnall@salford.ac.uk.

If the matter is still not resolved, please forward your concerns to Professor Susan McAndrew, Chair of the Health Research Ethical Approval Panel, Room MS1.91, Mary Seacole Building, Frederick Road Campus, University of Salford, Salford, M6 6PU. Tel: 0161 295 2778, or Email: s.mcandrew@salford.ac.uk.

10. Will my taking part in the study be kept confidential?

The information I receive from you will be transcribed by me and both the audio recording and the transcriptions will be kept on a password protected laptop. Only I will be able to see identifiable documents. All paper copies, including signed Informed Consent Forms, will be placed in a sealed envelope and locked in a filing cabinet, with access limited to me and the supervisory team. Everything you say will be kept completely confidential, and will not be revealed to anyone. The exception would be if you revealed that you are being harmed in any way, or you threatened serious harm to yourself or others, then I would have a duty to address this with relevant support services. This would be done with your knowledge, and it would be agreed with you whom to tell. All other information would remain confidential. All transcriptions and other documents seen by anybody else will be anonymised, with identifying details removed. All data and documents will be held for three years, and could be checked for accuracy by regulators. Your data will be given a research code, known only to me. The list of participants' and their research codes will be placed in a sealed envelope and locked in a filing cabinet, with access limited to me and the supervisory team.

11. What will happen if I don't carry on with the study?

If you withdraw from the study, the data collected up to that point will remain part of the study.

12. What will happen to the results of the research study?

The data I collect from you will be included, along with other participants' contributions, in a doctoral thesis, publications such as journal articles, findings papers, presentations and in a film about this work (your words, not your voice), released online. In all of these outlets, you will be anonymous, and identifying details will be removed. The thesis will be accessible through the online University library, or I can send you a PDF copy electronically. Alternatively, I can send you a link to the film when it is completed, if you choose.

13. Who is organising or sponsoring the research?

I am organising this research as a PhD student at the University of Salford. No organisation is sponsoring the research.

14. Further information and contact details:

If you have any questions please feel free to contact me by phone or email:
Joshua Findlay, Tel: 07521 740924; Email: J.Findlay@edu.salford.ac.uk.

If you need advice or support following this interview you can contact the Salvation Army, on Tel: 0300 3038151, or the Modern Slavery Helpline, on Tel: 08000 121 700.

Appendix 5

Participant Consent Form for People Referred into the NRM



CONSENT FORM

Title of study: Modern Slavery: An Analysis of the National Referral Mechanism

Name of Researcher: Joshua Findlay

After you have read the participant information sheet:

- | | | |
|----|---|---------------------------------------|
| 1. | I confirm I have read and understand the participant information sheet (version 4, dated 27.05.19), and have had the opportunity to ask questions which have been answered. | <input type="text" value="Yes / No"/> |
| 2. | I understand that this is voluntary, that I am able to withdraw at any time, without giving a reason, and without my rights being affected. | <input type="text" value="Yes / No"/> |
| 3. | I understand that if I do choose to withdraw, what I have shared will still be used in the research. | <input type="text" value="Yes / No"/> |
| 4. | I understand that my personal details will be kept completely confidential, and will not be revealed to anyone. They are only known to the researcher. The exception would be if I revealed that I am being harmed in any way, or I threaten serious harm to myself or others. All other information would still be confidential. | <input type="text" value="Yes / No"/> |
| 5. | I understand that my anonymised contributions will be used in a thesis, academic publications, presentations, findings papers, a film released online (my words, not my voice), and further research, but I will be unidentifiable in all such work, because specific details, like names and places, will be removed; and additionally, that the collected data will be stored for no more than three years. | <input type="text" value="Yes / No"/> |
| 6. | I agree to being interviewed, and for this to be audio-recorded. | <input type="text" value="Yes / No"/> |
| 7. | [If necessary] I agree to the researcher contacting me at monthly intervals for no more than a year, by email or phone, to find out my final NRM decision. | <input type="text" value="Yes / No"/> |

Participant name:

Participant signature:

Version 4

Date [27.05.2019]

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Appendix 6

Frontline Worker Participant Information Sheet

FRONTLINE WORKER PARTICIPANT INFORMATION SHEET

Title of study: Modern Slavery: An Analysis of the National Referral Mechanism

Name of Researcher: Joshua Findlay

1. Invitation paragraph

You are being invited to take part in a research study about the National Referral Mechanism (NRM), the government framework for identifying victims of human trafficking and modern slavery. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully. Please ask if there is anything that is not clear or if you would like more information. The interview can take place by phone or by Skype.

2. What is the purpose of the study?

The purpose of the research is to explore the effects of the NRM on those who are referred into it. I want to know whether the NRM is helping people as they wish to be helped.

3. Why have I been invited to take part?

I am asking up to 10 frontline workers of affiliated organisations to be interviewed.

4. Do I have to take part?

This is completely voluntary. You do not have to take part if you do not wish. You can also withdraw at any time, without your rights being affected, and only what you have contributed up to that point will be used in the research.

5. What will happen to me if I take part?

I will ask you about your experiences and opinions of the NRM. The interview is likely to take about an hour, but I am able to listen for as long as you wish. I will audio record the interview, so I have an accurate record of what has been said. We can pause the interview at any time. Your information will be anonymised. I will remove your name and other identifiable information from the data in my written work. Everything you say will be treated as confidential. It is important that you feel you can talk freely, so during the interview you should be somewhere you will not be overheard.

6. Expenses and payments?

Participants are not paid to take part in an interview.

7. What are the possible disadvantages and risks of taking part?

The interview will take up about an hour of your time, but this can be arranged at your convenience.

8. What are the possible benefits of taking part?

The goal of the study is to highlight the way in which the NRM does or does not succeed in supporting those referred into it. Your contributions will help us explore the purposes of the NRM.

9. What if there is a problem?

If you have a concern about any aspect of this study, you can speak to me, Joshua Findlay, on Tel: 07521 740924, or Email: J.Findlay@edu.salford.ac.uk, and I will do my best to answer your questions.

If you remain unhappy and wish to make a formal complaint, you can do this by contacting the Research Supervisor, Gaynor Bagnall, on Tel: 0161 295 6554, or Email: g.bagnall@salford.ac.uk. If the matter is still not resolved, please forward your concerns to Professor Andrew Clark, Chair of the Health Research Ethical Approval Panel, Mary Seacole Building, Frederick Road Campus, University of Salford, Salford, M6 6PU. Tel: 0161 295 4109, or Email: a.clark@salford.ac.uk.

10. Will my taking part in the study be kept confidential?

The information I receive from you will be transcribed by me and both the audio recording and the transcriptions will be kept on a password protected laptop. Only I will be able to see identifiable documents. All paper copies, including signed Informed Consent Forms, will be placed in a sealed envelope and locked in a filing cabinet, with access limited to me and the supervisory team. Everything you say will be kept completely confidential, and will not be revealed to anyone. The exception would be if you revealed poor professional practice, or that you are being harmed in any way, or you threatened serious harm to yourself or others, then I would have a duty to address this with relevant services. This would be done with your knowledge, and it would be agreed with you whom to tell. All other information would remain confidential. All transcriptions and other documents seen by anybody else will be anonymised, with identifying details removed. All data and documents will be held for three years, and could be checked for accuracy by regulators. Your data will be given a research code, known only to me. The list of participants' and their research codes will be placed in a sealed envelope and locked in a filing cabinet, with access limited to me and the supervisory team.

11. What will happen if I don't carry on with the study?

If you withdraw from the study, the data collected up to that point will remain part of the study.

12. What will happen to the results of the research study?

The data I collect from you will be included, along with other participants' contributions, in a doctoral thesis, publications such as journal articles, findings papers, presentations and in a film about this work (your words, not your voice), released online. In all of these outlets, you will be anonymous, and identifying details will be removed. The thesis will be accessible through the online University library, or I can send you a PDF copy electronically. Alternatively, I can send you a link to the film when it is completed, if you choose.

13. Who is organising or sponsoring the research?

I am organising this research as a PhD student at the University of Salford. No organisation is sponsoring the research.

14. Further information and contact details:

If you have any questions please feel free to contact me by phone or email: Joshua Findlay, Tel: 07521 740924; Email: J.Findlay@edu.salford.ac.uk.

Appendix 7

Frontline Worker Consent Form



Appendix B

FRONTLINE WORKER CONSENT FORM

Title of study: Modern Slavery: An Analysis of the National Referral Mechanism

Name of Researcher: Joshua Findlay

After you have read the participant information sheet:

- | | | |
|----|---|---------------------------------------|
| 1. | I confirm I have read and understand the participant information sheet (version 2, dated 03.10.19), and have had the opportunity to ask questions which have been answered. | <input type="text" value="Yes / No"/> |
| 2. | I understand that this is voluntary, that I am able to withdraw at any time, without giving a reason, and without my rights being affected. | <input type="text" value="Yes / No"/> |
| 3. | I understand that if I do choose to withdraw, what I have shared to date will still be used in the research. | <input type="text" value="Yes / No"/> |
| 4. | I understand that my personal details will be kept completely confidential, and will not be revealed to anyone. They are only known to the researcher. The exception would be if I revealed poor professional practice, or that I am being harmed in any way, or I threaten serious harm to myself or others. All other information would still be confidential. | <input type="text" value="Yes / No"/> |
| 5. | I understand that my anonymised contributions will be used in a thesis, academic publications, presentations, findings papers, a film released online (my words, not my voice), and further research, but I will be unidentifiable in all such work, because specific details, like names and places, will be removed; and additionally, that the collected data will be stored for no more than three years. | <input type="text" value="Yes / No"/> |
| 6. | I agree to being interviewed, and for this to be audio-recorded. | <input type="text" value="Yes / No"/> |

Participant name:

Participant signature:

Version 2

Date [03.10.2019]

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Appendix 8

Interview Guide for People Referred into the NRM

Modern Slavery: An Analysis of the National Referral Mechanism

Interview guide

[If someone uses language of the MS discourse, like 'I am a MS', ask them what that means to them? Where did they first hear the term?]

During this interview, I'd like to ask you about your experiences before and during [and after] the National Referral Mechanism process, the government framework for identifying victims of modern slavery and human trafficking. This is because I would like to understand what you value most, and want in life, and how and whether the UK government is helping in that endeavour.

So, it's important that you know that I have nothing to do with [the organisation that connected us], and I have nothing to do with the government. So you are free to say anything about what you think and how you feel about anything, and that will stay between us. You will be anonymous in my work.

[Take notes - My role as the interviewer is to facilitate the interviewee's response and to probe for more detail/explanation on details of significance.]

[Initial answers on values may reveal limitations on what they believe is possible, and initial answers on experiences may reveal constructions of their reality they have been encouraged to adopt. Encouraging thicker description will help to reveal what they want, and give nuance to their experiences.]

[If the interviewee is from another country] Where are you from originally, and could you please tell me about the events that led to your coming to this country, and the process of migration?

What was your financial situation like before you left your country of origin, and whilst you've been in the UK?]

Can you tell me about your experiences of work in the UK, and of any exploitation?

Can you tell me more about the person/people who took advantage of/exploited you ([OR]

Can you tell me about your employer/the person who facilitated your journey to the UK)?

Prompt questions:

What do you know about them?

Where are they from?

Do you know if they are UK citizens?

How much money do you think they had? Were they wealthy or poor do you think?

What were the events that you experienced which led to your referral into the NRM?

What organisation or group did you encounter?

When did you first encounter the organisation/authorities/service provider etc.?

Could you tell me about that encounter? What did they say to you? What did they suggest you do next?

When was the NRM first mentioned to you?

How did that come up in conversation? What did they tell you about the NRM then? What did they suggest you do?

What convinced you to agree to being referred?

What interactions or communication have you had from the government? Tell me everything about the process of going through the NRM.

What's involved? What's been expected of you? Have you had to speak to anyone, maybe from the government, or write anything? Tell me about that.

What difference do you think it [will make/has made] to you?

What else do you know about the NRM? Tell me about it? What does it do? What is its purpose, do you think?

What has been your experience of the decision making process? [For interviewees currently in the NRM] What is life like now?

What support have you received?

Tell me about your support providers?

[For post-NRM participants] What has been your experience since you received your Conclusive Grounds [or negative Reasonable Grounds] decision? What is life like now?

[If the interviewee is from another country] What are the circumstances surrounding your status in this country now? When and how did you find this out? What difference do you think going through the NRM made to that?

I would really like to know what is important to you in life, what you value most and what freedom is to you. So what matters most to you in life?

If you could have life just as you wanted it, what would that look like?

What makes you nervous or feel unsafe in life now?

What is your biggest challenge in life now?

Is there anything you would like to add before I turn off the recording?

Appendix 9

Interview Guide for Frontline Workers

Modern Slavery: An Analysis of the National Referral Mechanism

Interview plan

Assure them that this is anonymous, that they can say anything about what they do and it will remain anonymous. I am wanting to get a real picture, not a picture of what should be the case. So feel free to talk openly.

During this interview, I'd like to ask you about your experiences of work in relation to the National Referral Mechanism (NRM).

- Firstly, what specifically is your job role? And how long have you been in it?
- Why do you do what you do? (*Follow up questions: values, what they want to see happen*).
- Could you describe what you mean by 'modern slavery' and 'human trafficking'?
- What is the NRM?
- What is the purpose of the NRM?
- Can you tell me about your role in connection to the NRM? What do you do in interacting with the NRM? Both you as an individual, and as a department – what's the process?
- If you encountered someone you thought was a victim of 'modern slavery' or 'human trafficking', and they had never heard this term, what would you say to them about it?
- Could you describe in as much detail as you can, the way in which you would inform a client about the NRM if you were recommending they consent to being referred. What would you say to them?
- What if they're nervous about government? What if they're scared about being deported?
- How well do you think clients understand what's being described – particularly those for whom English isn't their first language?

- Could you tell me a bit about your role in enabling support provisions, making connections, that sort of thing?
- What do you think works well about the NRM?
- What do you think is problematic or needs changing with the NRM?
- What are the benefits of the intelligence gathering in the NRM?
- [If not covered] What are the long-term consequences of the NRM on those who are referred into it?
- I'm now going to read a short piece of writing.

Recipients of NRM support do not have a right to work. Little is known about the long-term consequences of the NRM, but a positive NRM decision does not carry any rights or residency allowance. As a result, people in the NRM, even those positively identified, can be involved in immigration processes, like reporting to Home Office Centres, from which they can be taken to Immigration detention centres. The number of people in UK Immigration Detention Centres far exceeds the numbers recognised as victims of modern slavery by the government.

- What effect, if any, do you think things like these should have upon frontline workers in the NRM?
- Have you ever believed someone was or might be a victim of 'modern slavery', but not advised them to enter the NRM? Or not believed they should?
- [If related to her role – Is she a support provider?] Have you ever provided support that went beyond the restrictions laid out for your work?
- What role should the government have in the NRM?
- Some groups have called for decision making to be separated from government (at least in absolute terms), through things like regional multi-disciplinary or multi-agency panels. Or instead, simply for more involvement of professionals in decision making. What do you think of those suggestions? / Do you think decision-making should be based in the Home Office?

- What would happen if decision making was given to support providers?
- Is there anything else you would like to say before I turn off the recorder?