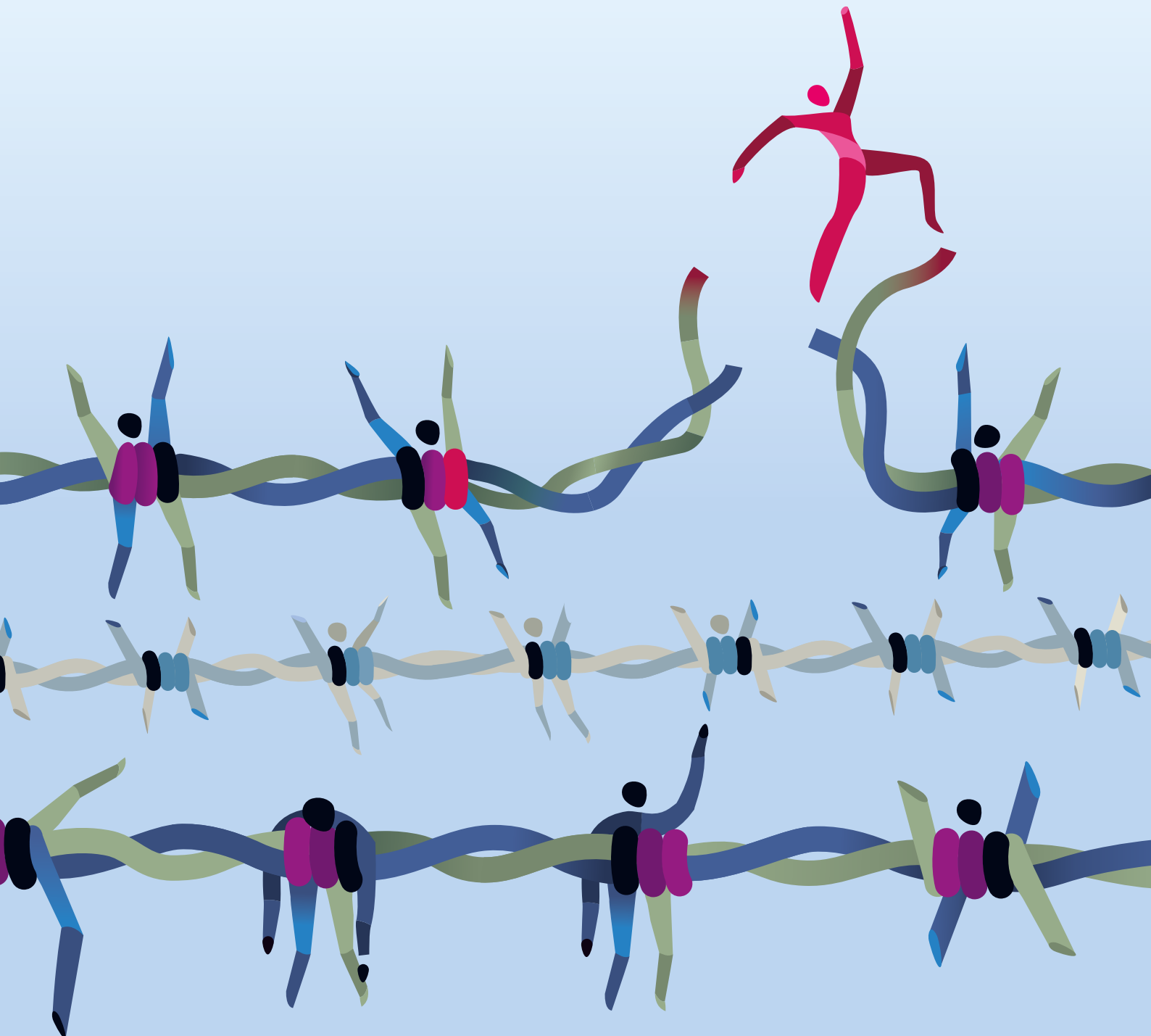




Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK

2017



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With many thanks to all those who participated in this study, in particular the brave victims of modern slavery who shared their stories.

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Executive Summary



In 2016 the Independent Anti-Slavery Commissioner (IASC) commissioned research to examine the dynamics of Vietnamese nationals' exploitation en route to, and within, the United Kingdom (UK). The research took a mixed method approach and included analysis of National Crime Agency (NCA) National Referral Mechanism (NRM) data, NRM files for 75 Vietnamese victims who had received a positive conclusive grounds (PCG) decision, 61 semi-structured interviews with stakeholders in Vietnam and the UK and 11 life history interviews with Vietnamese potential victims of modern slavery who at the time of fieldwork had received a positive reasonable grounds (PRG) decision. This report presents findings from the research and an executive summary is provided here.

The nature and scale of modern slavery experienced by Vietnamese nationals en route to, and within, the UK

- Between 2009 and 2016, 1,747 Vietnamese nationals were referred to the NRM
- In 2016, Vietnamese ranked in the NCA's NRM End of Year Summary as the second most commonly referred nationality of potential victim (519 referrals) (Figure 1)
- Year on year labour exploitation has featured as the most common form of exploitation potentially experienced by Vietnamese nationals referred into the NRM; followed by sexual exploitation (Figure 2)
- The exploitation of Vietnamese nationals is a highly gendered phenomenon. Male potential victims make up 65% (1,040 of 1,599) of all Vietnamese nationals referred to the NRM between 2009 and 20th October 2016 (Figure 3); males potentially exploited as minors were the largest cohort (620 of 1,599 or 39% of all referrals) (Figure 4)
- Of the 1,599 Vietnamese nationals referred to the NRM between 2009 and 20th October 2016, 632 have been considered at the conclusive ground stage and 370 received a PCG decision (Figure 5)

1,747
VIETNAMESE NATIONALS
WERE REFERRED
TO THE NRM
2009
to 2016

- Of the 370 victims who received a PCG decision, 46% were aged between 14 and 16 on referral (168 of 365 where age known). 16 is the mode age on referral for Vietnamese victims who received a PCG decision from the NRM (Figure 7)
- Many potential victims are waiting for long periods to progress through the NRM decision making process; 46 Vietnamese nationals who were referred to the NRM between 2009 and 2014 had yet to receive the outcome of a conclusive grounds decision as of 20th October 2016 (Figure 5)

¹ Please note that NRM data currently released by the NCA is limited to a few variables in PDF format, which makes understanding the specificities of particular nationalities' exploitation challenging. Consequently, IASC requested raw data from the NCA for all referrals for Vietnamese nationals between 2009 and 20th October 2016. The report draws on this data source unless otherwise stated.

The origins and motivations of Vietnamese nationals on the move to the UK

- During the last decade migration from Vietnam to the UK first originated from the key Northern provinces of Hai Phong as well as Quang Ninh (and to a lesser extent Hanoi) in the Red River Delta and the North Mountains and Midlands regions. More recently, these provinces have been supplemented by migration from provinces in the North Central Coast region including Nghe An, Quang Binh and Ha Tinh; Overlaps exist between these migration flows and the origins of modern slavery victims (Figure 10)



- Key 'push' factors for movement include: state involvement in the licencing and ownership of migration brokers; economic motivations and unstable employment; environmental disasters; family debt; abuse; harassment by the police or government; minors who have been abandoned or orphaned and seek a better life; material aspiration
- Key 'pull' factors include: friends or family members already in the UK; established smuggling routes and the proliferation of agents; the perception that there is a realistic prospect of being able to earn enough money in the UK to pay back any loans

The roots and routes of Vietnamese nationals' exploitation

- Smuggling agents market services to transport migrants to the UK - a premium service will be advertised as taking as direct a route as possible with minimal risk and can cost up to £33,000; economy services can vary in price from £10,000-£20,000 and can take several months as migrants make their way across Europe into the UK
- Whereas smuggled migrants who returned to Vietnam from the UK reported seeking out the services of smuggling agents, 72% (51) of 71 victims of modern slavery whose NRM files were analysed (where it was possible to identify) said that they were either approached (44) or kidnapped (7)
- 31 of 70 victims (for whom it was possible to identify a country or point in their journey at which they had been exploited) experienced modern slavery en route to the UK (Figure 12)
- The most commonly identified countries in which victims were exploited were China (10 – predominantly sexual exploitation); Russia (9 – labour and sexual exploitation); France (5 – predominantly sexual exploitation) and the Czech Republic (4 – sexual exploitation)
- Of the 63 victims of modern slavery whose NRM files were analysed and included some form of route, 49% (31) journeyed through Russia and 71% (45) pinpointed France as their penultimate destination before reaching the UK (Figure 14)
- Perpetrators who exploit Vietnamese nationals through modern slavery are often of the same nationality; NRM files also revealed that Chinese, Russian, Polish and British nationals may be complicit in the modern slavery of Vietnamese nationals en route to the UK

Modern slavery experienced by Vietnamese nationals in the UK

- 55 of 70 victims (79%) (for whom it was possible to identify a country or point in their journey at which they had been exploited) whose NRM files were analysed experienced modern slavery while in the UK (Figure 12)
- According to NRM data for those who have received a PCG decision, the most common sectors within which Vietnamese nationals experienced modern slavery in the UK are labour exploitation, including cannabis cultivation and nail bars, followed by sexual exploitation
- Of the 198 individuals who received a PCG decision from the NRM for labour exploitation between 2009 and 20th October 2016, 115 experienced forced cannabis cultivation, the majority of whom were male minors at the time of exploitation (77) (Figure 17); 15 individuals were exploited in a nail bar, 11 of whom were minors at the time of exploitation (Figure 18)
- Despite the existence of legislation and the availability of long standing Crown Prosecution Service (CPS) guidelines for discontinuance of cases, some Vietnamese individuals who are recognised victims of forced

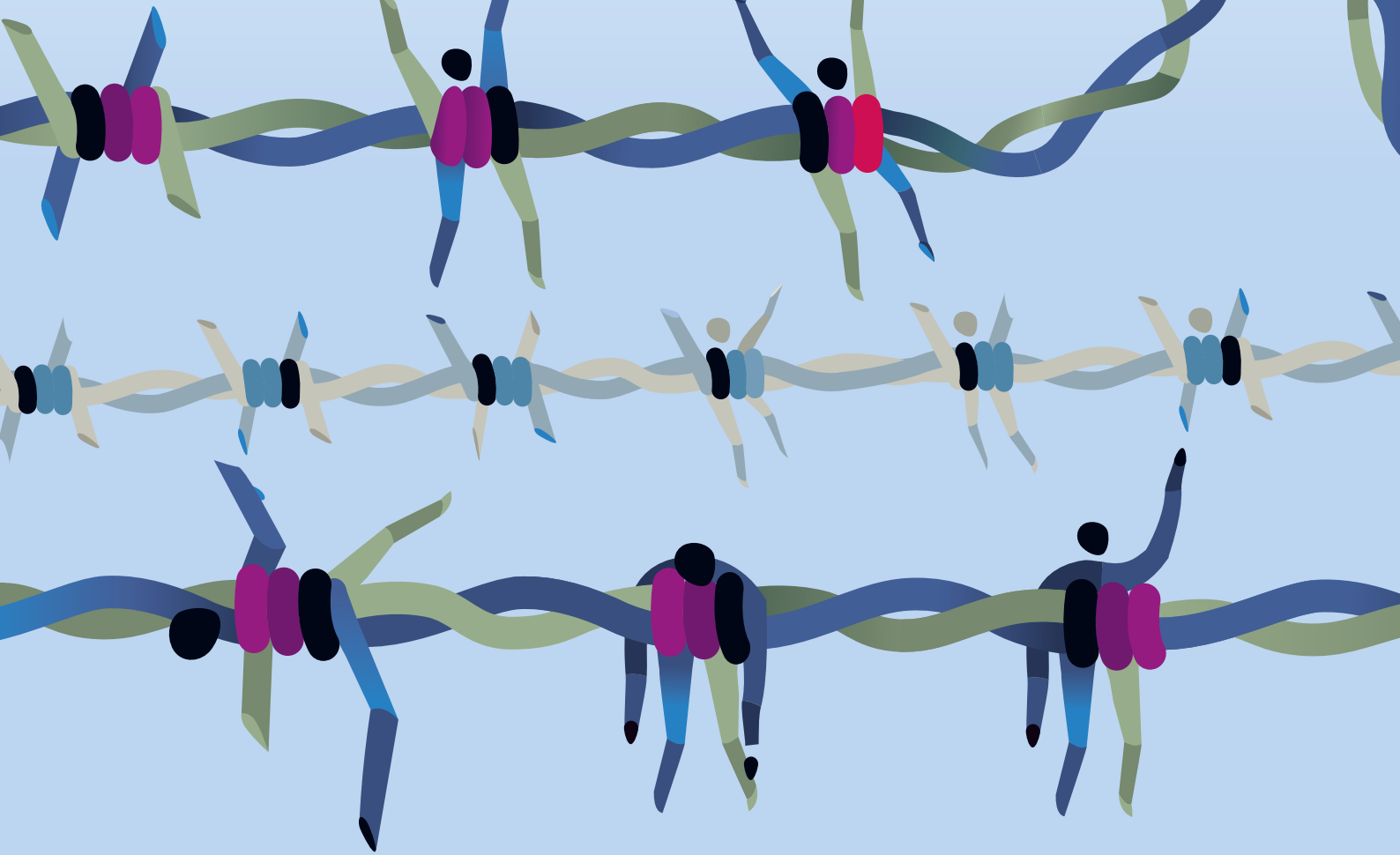
labour (predominantly cannabis cultivation) have been criminalised

- Police are encountering Vietnamese minors but are not always able to identify them as victims of modern slavery; in 22 of 45 referrals for minors their first engagement with a First Responder was the police. Of these, half (11) were referred into the NRM by the police in their role as First Responder



115
out of **198**

EXPERIENCED FORCED
CANNABIS CULTIVATION



Vietnamese minors in the UK

- Of 1,599 referrals to the NRM for Vietnamese nationals between 2009 and 20th October 2016, 223 were flagged as ‘age disputes’; the majority for males who claimed to be minors on referral (122) (Figure 20)
- The frequency and speed with which Vietnamese minors go missing from care is a significant issue
- Analysis of NRM files has found rationales for why minors may chose to leave a care setting and how minors are re-trafficked from care

“
Analysis has highlighted issues around the transmission of NRM decision outcomes, data quality and lost intelligence opportunities
”

National referral mechanism data quality and its consequences

- Analysis has highlighted issues around the transmission of NRM decision outcomes, data quality and lost intelligence opportunities
- In the case of just over half of the NRM files (39 of 75) analysed, the NCA NRM master datasheet had no recorded location of exploitation (listed as not known or blank). Yet within NRM files it was possible to identify one or more location(s) of exploitation for all but 5 of the 75 victims
- In 12 out of 36 cases where a location of exploitation had been identified in the NCA’s NRM datasheet, the record was at odds with information gathered from NRM files. Here an incorrect location was recorded or only one was recorded when in fact there were multiple locations of exploitation
- The limitations of the current NCA NRM data system cast doubt over whether the NCA’s published NRM statistics for non EEA nationals can be wholly relied upon – this may have serious implications for our understanding of the threat picture

Based on these findings, the Independent Anti-Slavery Commissioner’s recommendations are shared in Chapter Seven of this report.

GLOSSARY

AAT	Alliance Anti Traffic
ACPO	Association of Chief Police Officers
AFP	Australian Federal Police
ANT	Association of Nail Technicians
ARLEMP	Asia Regional Law Enforcement Program
CPS	Criminal Prosecution Service
CTAC	Child Trafficking Advice Centre
DOLAB	Department of Overseas Labour (Vietnam)
DOS	The United States Department of State
FCO	Foreign and Commonwealth Office
GLAA	Gangmaster and Labour Abuse Authority
HMG	Her Majesty's Government
IASC	Independent Anti-Slavery Commissioner
ICTA	Independent Child Trafficking Advocate
ILO	International Labour Organization
IOM	International Organization for Migration
JCLEC	Jakarta Centre for Law Enforcement Cooperation
JIT	Joint Investigation Team
JSTAC	Joint Strategic Analysis Centre
MOLISA	Ministry of Labour Invalids and Social Affairs (Vietnam)
MSHTU	Modern Slavery Human Trafficking Unit
NCA	National Crime Agency
NGO	Non-Governmental Organisation
NPCC	National Police Chiefs Council
NSPCC	National Society for the Prevention of Cruelty to Children
NRM	National Referral Mechanism
NVQ	National Vocational Qualification
PCG	Positive Conclusive Grounds
PGCM	Positive Conclusive Grounds Minutes
PRG	Positive Reasonable Grounds
TIP	Trafficking In Persons
TVPA	Trafficking Victims Protection Act of 2000 (USSD)
UKVI	UK Visas and Immigration

1. INTRODUCTION

THE NATURE AND SCALE OF MODERN SLAVERY EXPERIENCED BY VIETNAMESE NATIONALS EN ROUTE TO, AND WITHIN, THE UK

The role of the Independent Anti-Slavery Commissioner (IASC) was created as one of the key provisions of the landmark Modern Slavery Act 2015². This legislation was established under the leadership of the then Home Secretary Rt. Hon Theresa May MP. The Commissioner's role is to spearhead the United Kingdom's (UK) fight against modern slavery. Under the provisions of the Act, the Commissioner submitted a strategic plan³ to Parliament which includes international collaboration as one of five key priorities. The strategy and his first annual report⁴ highlighted Vietnam as a key source country for victims whom the UK support through the National Referral Mechanism (NRM).

In July 2015 the then incumbent Prime Minister David Cameron visited Vietnam. The assistance of the IASC was sought in order to help strengthen existing cooperation with Vietnamese authorities in the fight against modern slavery. The IASC visited Vietnam in December 2015 as part of his plan to better understand the circumstances of the trafficking and exploitation of Vietnamese nationals in relation to the UK. His objective was to provide recommendations and advice to HMG and relevant stakeholders in both countries, including the development of a 'memorandum of understanding' between relevant UK and Vietnamese authorities.

During this fact finding mission, the Commissioner established that the Vietnam-UK modern slavery threat picture was little understood, with questions about how victims are recruited, their routes to the UK, the forms of exploitation they experience and the criminal modus operandi in the UK remaining unanswered. Consequently, the Commissioner commissioned this research to examine the dynamics of Vietnamese nationals' exploitation en route to, and within, the UK.

➤ 1.1 Objective, aims and research questions

The objective of this research was to examine the dynamics of modern slavery experienced by Vietnamese nationals en route to, and within, the UK. Within which there were two aims:

- To deepen understanding in order to improve the domestic and upstream response
- To provide evidence to assist the IASC to improve law enforcement and public authorities' ability to identify, support and assist victims as well as to prevent modern slavery among Vietnamese nationals

The research questions were as follows:

1. What are the push and pull factors that underpin a victim's decision to travel?
 - Reason victim wished to travel
2. What, if any, vulnerabilities are putting Vietnamese nationals at risk of becoming victims of modern slavery?
 - How the victim was recruited in Vietnam ie. who by, were they approached or sought out
3. How is the trafficking of Vietnamese victims to the UK organised?
 - The messaging used to encourage victims to travel
 - Geographic routes to the UK
4. What can we learn about the 'trafficking journey,' from recruitment through to exploitation and identification:
 - Demographic profile of victims
 - Origin of victims
 - Location the victim was recruited from
 - Circumstances that made the victim vulnerable to recruitment
 - Location(s) of exploitation
 - How victims are identified in the UK
5. What can be done to reduce the incidence of human trafficking and modern slavery, both from Vietnam and within the UK?

2. http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf

3. http://www.antislaverycommissioner.co.uk/media/1075/iasc_strategicplan_2015.pdf

4. <http://www.antislaverycommissioner.co.uk/media/1097/annual-report-2016.pdf>

Modern slavery is a hidden crime and so in order to answer these questions a mixed method approach was required. Evidence for this report was collected during the Summer and Autumn of 2016 using the methods listed below.

For a detailed discussion of the methodology, including reflections on the pros and cons of each data source, please see Annex One:

- A literature review of open and closed source documents
- Analysis of the National Crime Agency's (NCA) NRM master datasheet
- Content analysis of 75 NRM files made available to IASC for Vietnamese nationals referred into the NRM between 2009 and 2016 who had received a positive conclusive grounds decision (13 females and 15 males exploited as an adult / 21 females and 26 males exploited as minors)
- 61 Semi-structured interviews with:
 - Representatives of NGOs in Vietnam (9) and the UK (10)
 - Vietnamese community members in the UK, including business owners (5)
 - Academics based in Vietnam (3) and those examining cannabis cultivation and modern slavery among Vietnamese nationals (2)
 - Police force representatives in England (11)
 - UK and international government officials in Vietnam (7)
 - UK government officials (2)
 - Vietnamese nationals who migrated illegally to the UK but have now returned to Vietnam (known as 'returnees') (12)
- Life history interviews with 11 potential victims of trafficking identified in the UK who at time of interview were being assisted by non-governmental organisations (NGOs) and had been granted a PRG decision.

1.2 The nature and scale of modern slavery experienced by Vietnamese nationals en route to, and within, the UK

Modern slavery is a serious and often organised crime. As defined by the Serious Crime Act 2015, an organised crime group is a group which has as its purpose, or one of its purposes, the carrying on of criminal activities and consists of three or more people who agree to act together to further that purpose. Vietnam is a source country for victims exploited through this crime and is, to a lesser extent, a destination too (DOS, 2017). In 2017 the United States Department of State (DOS) provided the following 'Country Narrative' for Vietnam in their annual Global Trafficking in Persons (TIP) report:

Some victims are subjected to forced labor in the construction, fishing, agricultural, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Angola, United Arab Emirates, and Japan. Workers may find themselves compelled to work in substandard conditions for little or no pay, with large debts and no legal recourse to address labor law violations. Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent labor opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and in other Asian countries, including Thailand, Malaysia, Republic of Korea, Taiwan, and Singapore. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—mostly to China and increasingly to Malaysia and Singapore—are subjected to domestic servitude or forced prostitution (DOS 2017; p428).

While many Vietnamese victims are exploited in countries local to Vietnam, evidence also shows that Vietnamese nationals are experiencing modern slavery en route to and while in Europe. Europol, for example, featured Vietnamese in the top ten non-EU trafficked nationals to the EU in 2016 (p1). In the case of the UK, Vietnam has consistently featured in official NCA NRM statistics as one of the top three source countries for potential victims of modern slavery since 2012*.

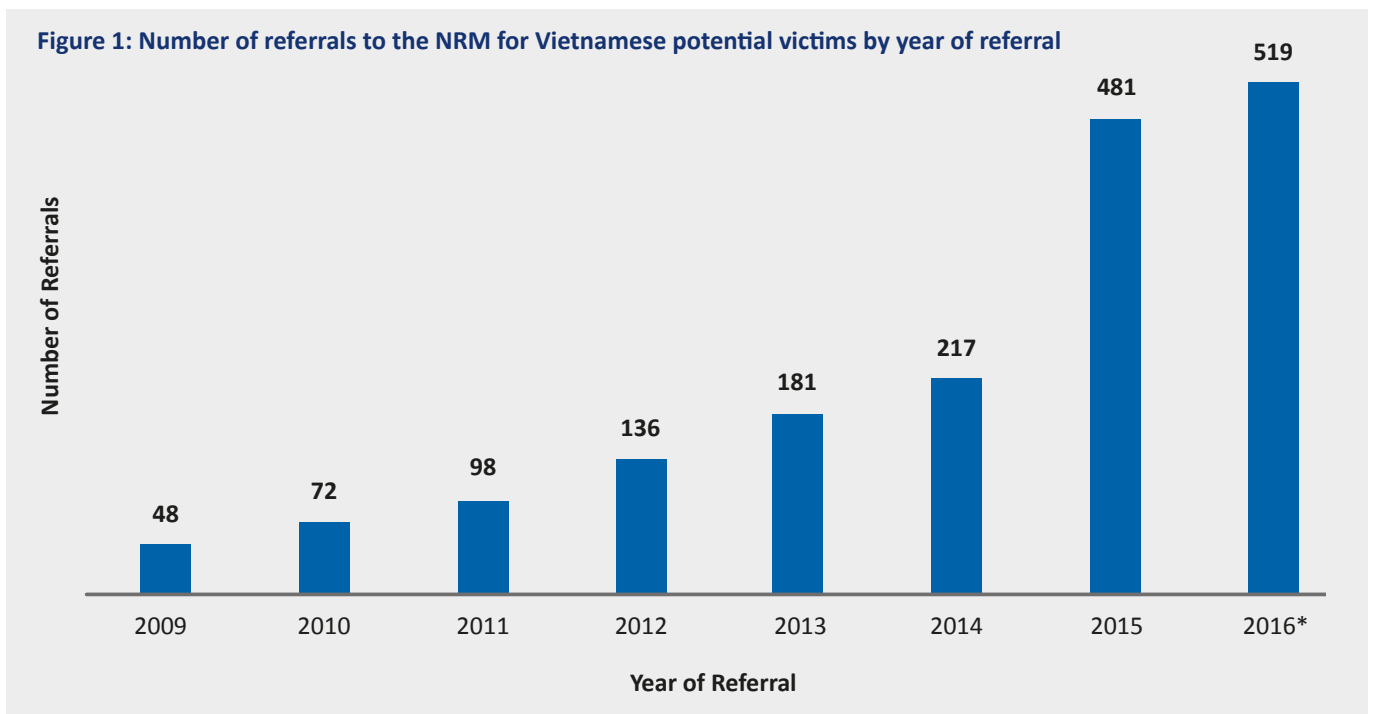
* Please see <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

1.3 Data trends among Vietnamese potential victims of modern slavery referred to the NRM

The NRM is the UK's framework for identifying victims of human trafficking and modern slavery and ensuring that they receive the appropriate support. The NRM is also a mechanism through which the NCA Modern Slavery Human Trafficking Unit (MSHTU) collects data about victims. It is important to be mindful however, that modern slavery is a hidden crime and therefore NRM data only includes information regarding those who have been identified, and in the case of adults where consent to enter the system has been obtained (Please see Annex One for further discussion of this source). While it can only ever provide a partial picture, it is nonetheless one of the richest sources of data available. To date however, a somewhat marginal view of the value of the NRM material has been adopted, an approach that would never be taken in respect of any other crime involving vulnerable victims.

In 2016, Vietnamese nationals ranked in the NCA's End of Year Summary as the second most commonly referred cohort of potential victims (519 referrals)⁵. Unfortunately, NRM data currently released by the NCA is limited to only a few variables, which makes understanding the specificities of particular nationalities' exploitation challenging. Consequently, raw data was requested from the NCA for all referrals for Vietnamese nationals since 2009. This data included a multitude of variables that are not available in the NCA's statistical releases. Please note therefore, that the report draws on this data source (correct as of 20th October 2016) **unless otherwise stated.**

Between 2009 and 2016, 1,747 referrals to the NRM were made for Vietnamese potential victims. Year on year this number has increased and between 2014 and 2015 there was a large spike, with a percentage increase of 122%. In 2016 this dropped to an 8% growth on the previous year (Figure 1)⁶.



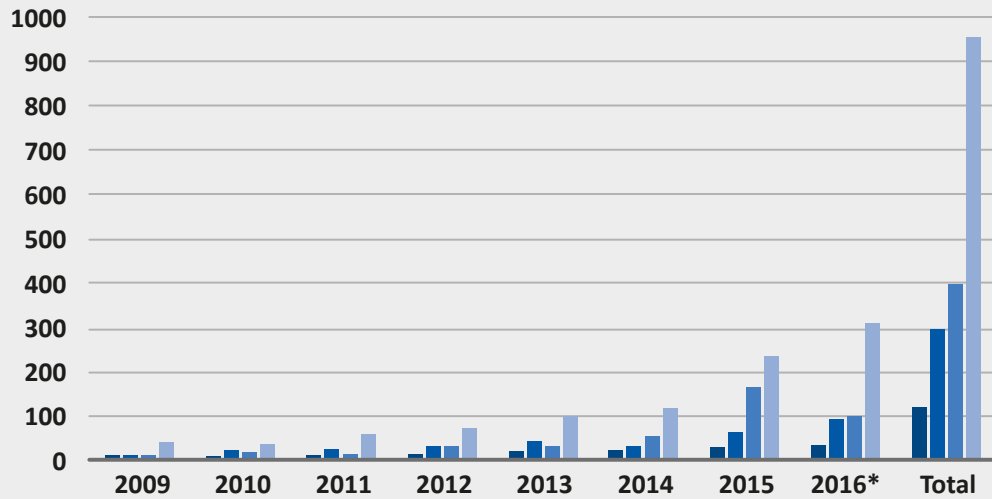
As Figure 2 overleaf shows, labour exploitation has consistently featured as the most common form of exploitation potentially experienced by Vietnamese nationals referred to the NRM. Figure 2 uses the IASC NCA data cut for 2009 to 2015, which includes some information which is not currently available in NRM statistical releases. The data used for 2016 is taken from the NCA's End of Year Summary. Based on this information, we find that 394 (of a possible 1,747) referrals are recorded as experiencing 'unknown exploitation'. **Considering only those referrals where a type of exploitation is recorded, potential labour exploitation accounts for 70% of all referrals between 2009 and 2016 (950 of 1,353 referrals)**⁷.

5. <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2016-nrm-statistics/788-national-referral-mechanism-statistics-end-of-year-summary-2016/file>

6. Figure 1 is based on the NCA IASC data cut and includes data from 2009 to 2015. 2016 reflects data published in the latest annual NCA statistical release.

7. Figure 2 is based on the NCA IASC data cut, drawing on data from 2009 to 2015. 2016 reflects data published in the latest annual NCA statistical release.

Figure 2: Number of referrals to the NRM for Vietnamese potential victims by type of exploitation and year of referral

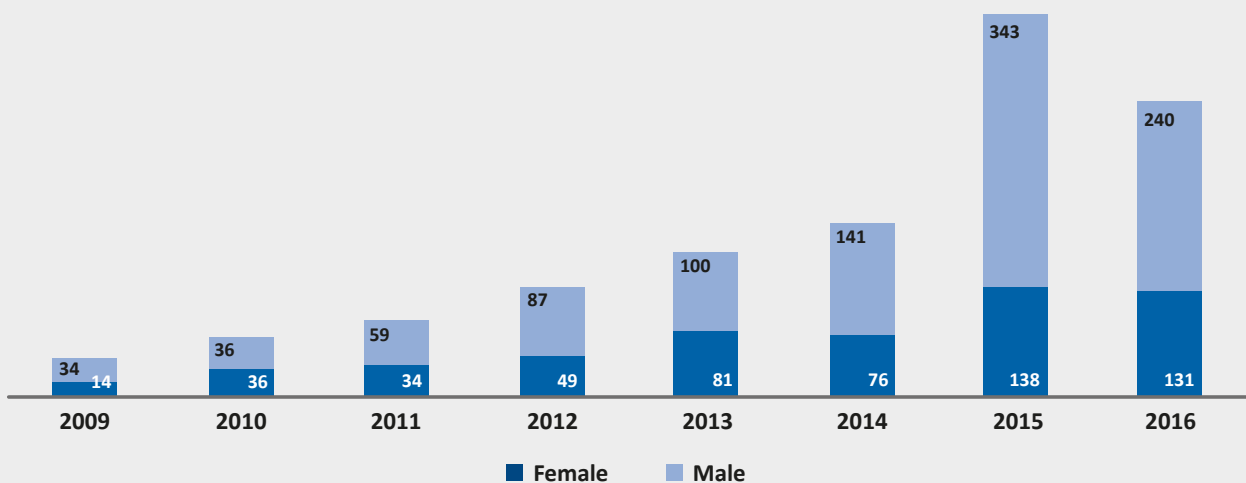


Domestic Servitude	2	4	8	9	14	20	26	30	113
Sexual Exploitation	3	19	20	29	40	30	61	88	290
Unknown exploitation type	4	16	10	28	27	53	162	94	394
Labour Exploitation	39	33	55	70	100	114	232	307	950

The second most prevalent form of modern slavery is sexual exploitation, which accounts for 21% of all referrals where the potential type of exploitation is known (290 of 1,353); followed finally by domestic servitude which constitutes 8% of referrals where the potential type of exploitation is known (113 of 1,353).

The exploitation of Vietnamese nationals is a highly gendered phenomenon. Figure 3 is based entirely on the IASC NCA data cut which includes referrals up to and including 20th October 2016 (1,599 referrals)⁹. As the graph below depicts, each year since 2009 the majority of potential victims have been male; male potential victims make up 65% (1,040 of 1,599) of all Vietnamese nationals referred to the NRM between 2009 and 20th October 2016.

Figure 3: Number of NRM referrals for Vietnamese potential victims by year of referral and gender



9. Currently nationality and gender are not available in an accessible format within current NCA NRM statistical publications.

Digging deeper, we find that just over half of referrals have been for those who potentially experienced exploitation as a minor rather than an adult (54% of all referrals). In particular, males exploited as minors represent the largest cohort (620 of 1,599 or 39% of all referrals).

Figure 4: Number of NRM referrals for Vietnamese potential victims by type of exploitation, time at which the claimed exploitation (adult/minor) occurred and gender

Claimed exploitation type	Female	Male	Total
Adult - Domestic Servitude	39	16	55
Adult - Labour Exploitation	76	342	418
Adult - Sexual Exploitation	180	15	195
Adult - Unknown Exploitation	23	47	70
Exploited while adult total	318	420	738
Minor - Domestic Servitude	28	25	53
Minor - Labour Exploitation	60	375	435
Minor - Sexual Exploitation	67	6	73
Minor - Unknown Exploitation Type	86	214	300
Exploited while minor total	241	620	861
Total	559	1040	1599

1.4 Victims’ journey through the NRM process and decision making

Turning to consider Vietnamese nationals’ journey through the NRM, the table below (Figure 5) shows the ‘current status’ of all referrals for Vietnamese nationals as of 20th October 2016. Of the 1,599 Vietnamese nationals referred to the NRM, **632 had been considered at the conclusive grounds stage and 370 received a PCG decision.**

Figure 5: Status of NRM referrals for Vietnamese nationals as of 20th October 2016

Stage of decision making	Decision	2009	2010	2011	2012	2013	2014	2015	2016	Total
Reasonable Grounds Decision	Pending	0	0	0	0	1	0	17	16	34
	Negative	16	14	14	20	39	22	73	54	252
	Positive	0	0	1	1	2	42	134	217	397
Conclusive Grounds Decision	Negative	5	14	17	28	39	64	76	19	262
	Positive	12	30	41	45	61	62	88	31	370
Withdrawn		1	7	4	6	7	7	10	9	51
Suspended		14	7	16	36	32	20	83	25	233
Total		48	72	93	136	181	217	481	371	1,599

Many potential victims are however, still waiting to progress through the NRM decision making process. For example, 46 Vietnamese nationals who were referred to the NRM between 2009 and 2014 had yet to receive the outcome of a conclusive grounds decision as of 20th October 2016 (Figure 5).

1.5 Data trends among Vietnamese cases of modern slavery that received a positive conclusive grounds decision

The following section draws on the IASC NCA data cut, wherein of a possible 370 Vietnamese individuals who had received a PCG decision, 311 had a recorded type of exploitation. Based on this information we see that the majority of individuals who received a PCG decision (where the type of exploitation is known) had experienced labour exploitation (198 of 311, 64%), with sexual exploitation as the second most prevalent form of modern slavery (78 of 311, 25%). These trends mimic those found in the 'All referral' data. In Figure 6, the most common forms of exploitation are shown by gender and age category when the exploitation occurred (adult/minor).

Figure 6: Most common type of exploitation for victims who received a PCG decision by age category when the exploitation occurred and gender

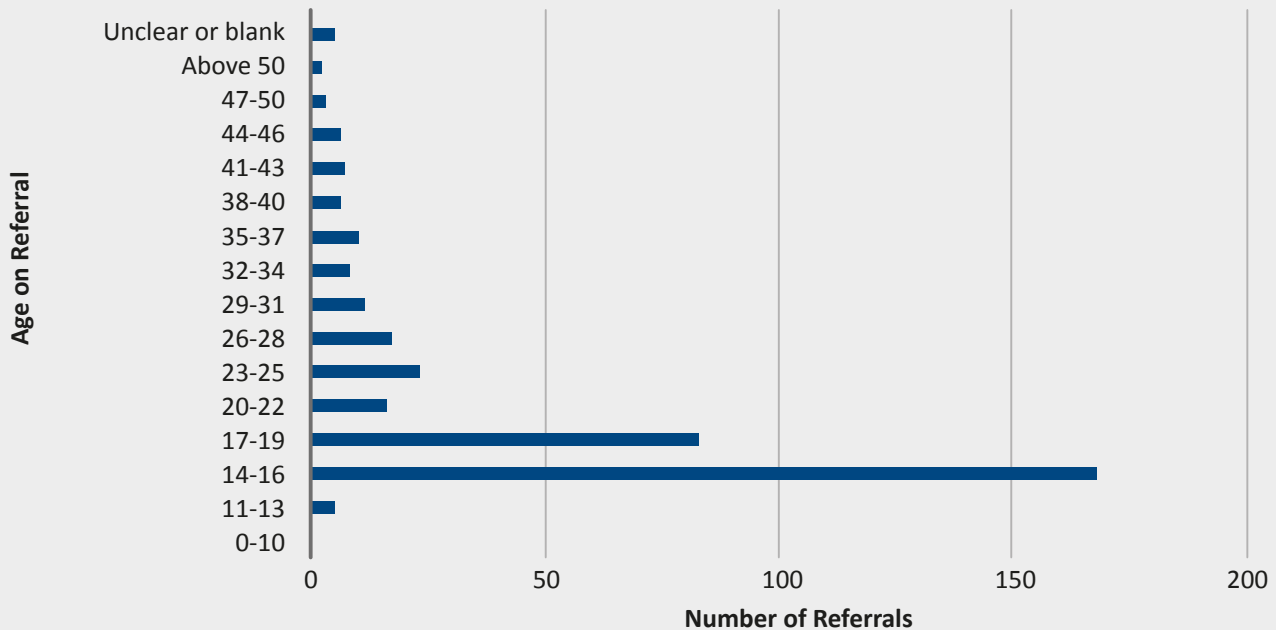


- **The majority of male minors** experienced **forced labour** and account for **38%** of all referrals that received a PCG decision (and for whom the type of exploitation is recorded) (119 of 311)
- **The majority of male adults** experienced **forced labour** and account for **14%** of all referrals that received a PCG decision (and for whom a type of exploitation is recorded) (45 of 311)
- **The majority of female minors** experienced **sexual exploitation** and account for **9%** of all referrals that received a PCG decision (and for whom the type of exploitation is recorded) (29 of 311)
- **The majority of female adults** experienced **sexual exploitation** and account for **14%** of all referrals that received a PCG decision (and for whom the type of exploitation is recorded) (44 of 311)

Of the 370 victims who received a PCG decision, the majority were aged 19 and below (253 of 365 PCG decisions where age is known) at the time of referral.

In particular, the age category 14-16 accounts for 46% of all referrals (168 of 365 PCG decisions where age known). 16 is the mode age on referral of Vietnamese nationals who received a PCG decision, accounting for 83 victims. Please see Figure 7 for a visual representation of these trends.

Figure 7: Age on referral for individuals who have received a PCG decision



1.6 Structure of this report

This report is divided into seven chapters. Chapter Two discusses the origins and motivations of Vietnamese nationals on the move, including the history of Vietnamese migration to the UK. Chapter Three examines the roots and routes of exploitation along the journey to the UK, while in Chapter Four the realities of life in the UK are examined. Chapter Five looks particularly at the exploitation of Vietnamese minors in the UK. In Chapter Six, findings from analysis performed on NRM case files and data held by the NCA and UKVI is presented as a case study of existing NRM data quality issues. Finally, Chapter Seven provides a roadmap for action, crystallising the learning from this research into evidence based recommendations for HMG and relevant stakeholders.

2. THE ORIGINS AND MOTIVATIONS OF VIETNAMESE NATIONALS ON THE MOVE TO THE UK

The relationship between migration and modern slavery is complex, especially because an individual can begin a ‘smuggled migrant’ and become, at any moment, a ‘trafficking victim’ and vice versa. The terms ‘smuggled migrant’ and ‘trafficking victim’ can imply a static, binary state that is in reality rather more fluid. In this chapter then, we begin by unpacking the legal distinctions applied to ‘smuggling’, ‘trafficking’ and ‘modern slavery’. Aware that trafficking can be bound up with broader legal and irregular migration flows, we then turn to outline the history of Vietnamese migration to the UK, before examining the origins and motivations of those who undertake the journey.

2.1 Definitional challenges: unpacking smuggling, human trafficking and modern slavery

In 2000 the United Nations General Assembly adopted a resolution passing the Convention on Transnational Organised Crime, which was supplemented by two protocols of relevance:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as Palermo Protocol)
- Protocol against the Smuggling of Migrants by Land, Sea and Air

These international legal treaties have bound all those States who consequently ratified the Convention and its supplementing protocols with a duty to cooperate and fight these transnational organised crimes. Both the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air have introduced clear, internationally recognised definitions of what trafficking and smuggling are.

According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹⁰:

- “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- The **consent** of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- “Child” shall mean any person under eighteen years of age.

10 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children <https://treaties.un.org/doc/publication/mtdsg/volume%20ii/chapter%20xviii/xviii-12-a.en.pdf>

The Protocol against the Smuggling of Migrants by Land, Sea and Air states¹¹ that:

- a) “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
- c) “Fraudulent travel or identity document” shall mean any travel or identity document: (i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or (ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or (iii) That is being used by a person other than the rightful holder;
- d) “Vessel” shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

UK anti-trafficking legislation has recently been consolidated and extended through the landmark Modern Slavery Act 2015. The Act consolidates and seeks to clarify the offences of human trafficking for sexual exploitation (Sexual Offences Act 2003) and non-sexual exploitation (Asylum and Immigration Act 2004) into one substantive offence of human trafficking while also providing the separate offence of slavery, servitude and forced or compulsory labour (Coroners and Justice Act 2009) and an offence for preparatory offences (committed with a view to committing a trafficking offence). The Modern Slavery Act 2015 defines human trafficking as:

- 1) A person commits an offence if the person arranges or facilitates the travel of another person (“V”) with a view to V being exploited.
- 2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- 3) A person may in particular arrange or facilitate V’s travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.
- 4) A person arranges or facilitates V’s travel with a view to V being exploited only if—
 - (a) the person intends to exploit V (in any part of the world) during or after the travel, or
 - (b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.
- 5) “Travel” means—
 - (a) arriving in, or entering, any country,
 - (b) departing from any country,
 - (c) travelling within any country.
- 6) A person who is a UK national commits an offence under this section regardless of—
 - (a) where the arranging or facilitating takes place, or
 - (b) where the travel takes place.
- 7) A person who is not a UK national commits an offence under this section if—
 - (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.

¹¹ Protocol against the Smuggling of Migrants by Land, Sea and Air https://www.unodc.org/documents/southeastasiaandpacific/2011/04/som-indonesia/convention_smug_eng.pdf

Trafficking and smuggling are criminal offences, and it is the criminal organised networks that profit from both. Trafficking is however, a crime against an individual, often without his/her consent, when a person is transported for the purpose of exploitation. Whereas smuggling is a crime against the State, as it involves the illegal crossing of borders, with the consent of the person who is smuggled. It ends when a journey is complete, often as soon as the border is crossed and the migrant reaches his/her destination. It is important to highlight that human trafficking can happen across borders, where borders can be crossed both legally and illegally, but also within a single country.

To summarise, legally there are clear distinctions between those who are smuggled and those who are trafficked and end up in modern slavery. However, when one unpicks the biographies of those on the move, it is not uncommon for them to experience both smuggling and trafficking. Amid this complexity it is important to be clear however, that when determining whether a child (under 18) is a victim of trafficking, his or her consent to being trafficked is irrelevant and the means by which they are trafficked is also irrelevant. Therefore, it is not necessary for any of the following to be present: threats, use of force, fraud and deception, inducement, abuse of power or a position of vulnerability, or use of debt bondage. Rather, it is enough to show only movement and purpose.

2.2 Four waves of irregular Vietnamese migration to the UK

There are no definitive figures documenting the *irregular* Vietnamese population currently living in the UK. Work carried out ten years ago however, indicated an upper limit of 20,000 (Sims 2007; p.4). Meanwhile, the ‘regular’ Vietnam-born population in the UK, excluding some residents in communal establishments, was estimated to be 29,000 in the 2015 Annual Population Survey (ONS, 2015)¹². The Vietnamese community in the UK is recently settled, arriving in the UK, in the main, since the end of the Vietnamese war in 1975. **Vietnamese migration to the UK is by no means homogeneous and is best viewed in terms of four distinct waves, each with its own particular genealogy** (Silverstone & Savage 2010).

The **first migration** of Vietnamese refugees to the UK:

- Numbered around 16,000 and was part of a planned resettlement programme from South Vietnam at the end of the Vietnam–American War (Sims 2007)
- Most settled in London and the South East of England, although large numbers were also dispersed to cities including Birmingham, Liverpool and Manchester
- These initial migrations of people had multiple disadvantages, including language difficulties and unemployment

This group was followed by a smaller **second migration** in the late 1980s:

- Two waves within this secondary migration, the first part arrived between 1983 and 1988 and largely consisted of family arrivals. The second part of this group followed between 1989 and 1992 as part of a further quota of refugees under what was known as the ‘2000 programme’
- Suffered from multiple disadvantages, in this case including problems associated with criminal activities which had taken root in the refugee camps for the Vietnamese Boat People
- Out of this second group, some individuals from the ‘2000 programme’ have been identified as being significant criminal players in the contemporary UK (Silverstone & Savage 2010; Tran 2000; 2002)

These waves were substantially augmented by a **third phase** of irregular migration during the late 1980s, 1990s and into the early 2000s:

- This third phase consisted of Vietnamese migrants who entered the UK having first legally resided in the former Soviet Union, as well as other parts of Eastern Europe, which also had a strong link with socialist Vietnam
- Vietnamese migrants were invited by different countries for a variety of purposes
- Notably, there were also Vietnamese migrations between European countries during this time, for example, between the Czech Republic and Germany
- The fall of the Berlin Wall and the subsequent reunification of Germany meant that the large numbers of Vietnamese guest workers in Germany were left isolated and impoverished (Silverstone & Savage 2010); while the global financial crisis of 2008 meant that once buoyant labour markets collapsed and thousands became jobless and dispossessed (Bilefsky, 2009)
- Over time, these dislocations have prompted movements of irregular Vietnamese migrants to the UK. Examples of this dynamic are provided by 4 of 12 Vietnamese returnees, who were interviewed for this study (research interviews 2016):

¹² Estimates are based on the Annual Population Survey (APS) which is made up of wave 1 and wave 5 of the Labour Force Survey (LFS) plus annual sample boosts which are included primarily to enhance the geographical coverage. As some residents of communal establishments are excluded from the coverage of this survey the estimate given here will be different from the standard ONS mid-year population estimates, which cover all usual residents (latest available for 2014).

Respondent four is a male who ran a small agricultural business in Nghe An. He found it hard to make good money and heard from people who had been to Europe that it was easier to make money there. He left Vietnam in 2005 and stayed in the Czech Republic until 2011. He was working in a shop but heard it was easier to make money in the UK, so decided to go there and paid 2,500 euros to do so.

Respondent five migrated to Germany, where he was working illegally selling cigarettes. He paid \$20,000 to get there from Vietnam but after a while was caught by the German police. He then fled Germany, paying 5000 euros to an agent to go to the UK. He took a train to France, and then hid in a refrigerated lorry to the UK. There was no job at the end, despite having been promised one.

Respondent six went from Vietnam to the Czech Republic and lived there for seven years where he worked in construction. He went to the UK in 2015 as he heard that he could make more money there. He paid between £2,000 and £3,000 to go from Czech Republic to the UK, with several other irregular migrants of different nationalities.

Respondent nine is a male from Nghe An, who worked as a mechanic. He migrated to the Czech Republic where he lived for three years before deciding to come to the UK for economic reasons. He perceived he would have a better life in the UK, more money and improved living conditions.

Finally, a **fourth migration** followed, known by the established diaspora as the ‘new arrivals’:

- Initially included irregular migrants smuggled and/or trafficked from Northern provinces within the Red River Delta and North Mountain and Midlands regions, predominantly Hai Phong and Quang Ninh (Silverstone & Savage 2010)
- There has since been a further migration stream, beginning around 2010. This sub stream consists of migrants smuggled and/or trafficked from the North Central Coast provinces of Nghe An, Quang Binh and Ha Tinh to Europe and the UK
- Primarily individuals rather than families (Tan & Nguyen 2017: p14) and male (AAT & FCO 2014; FCO 2014)

➤ 2.3 The Push and Pull factors that inform Vietnamese nationals’ decision to leave Vietnam

In the study of migration, push factors are those that encourage a population to leave its home, while pull factors are those that draw a population to another area or place (Lee 1966). In this section we explore the specific push and pull factors that have resulted in the latest wave of Vietnamese migration to the UK.

Push factors

- Migration is a well-established economic strategy practised locally and internationally
- The state is directly involved in the licencing and ownership of migration brokers, which encourage and facilitate migration
- While most Vietnamese workers are employed, they can be under-employed and their employment unstable
- Environmental disasters
- Needing to pay off a family member’s debt
- Abuse by a family member, extended family or carer
- Harassment by the police or government
- Minors who have been abandoned or orphaned and seek a better life
- Material aspiration

It is important to situate Vietnamese migration to the UK within the broader context of developments within Vietnamese society. Stakeholder interviews indicated that migration is an economic strategy practiced on a large scale into South-East, East Asia and beyond. Broadly speaking, the Vietnamese Government recognises this and encourages migration as it is not harmful to the social order and provides ever growing remittances. In 2015 the World Bank listed Vietnam as one of the Top 10 remittance recipients, receiving \$12.3 billion, accounting for 8% of its GDP (World Bank, 2016).

Based on figures from the Vietnamese Ministry of Labour Invalids and Social Affairs (MOLISA), there were an estimated 500,000 Vietnamese citizens working abroad in more than 40 countries in 2012, with 80,000 Vietnamese workers on average migrating each year (Ministry of Foreign Affairs of Vietnam 2012). It is worth noting that the UK however, does not rank as one of the most popular destinations. Instead, according to the Vietnamese Department of Overseas Labour (DOLAB), the breakdown of contract-based migrant workers sent abroad by sending companies is as follows: “Malaysia (90,000); Chinese Taipei (80,000); South Korea (45,000); Japan (20,000); and the remaining number divided among Africa, Australia, Europe, the Middle East, and North and South America” (See Ministry of Foreign Affairs of Vietnam 2012: p15).

The State's involvement in encouraging and facilitating migration – creating a push factor – is evident in its direct involvement in the licensing and ownership of migration brokers (Miller 2015). The International Labour Organisation (ILO) (2016a: p1) cite, for example, that according to DOLAB in 2013, there were in excess of 180 recruitment agencies in Vietnam licensed to send workers abroad – 138 of which the State owned or had a partial stake in. This number had risen to 200 by 2015. Overall, recruitment agencies, in which the State has at least a partial interest, send “more than 88% of all Vietnamese migrant workers abroad each year” (ILO 2016a: p1). It is important to note however, that despite these agencies being legal businesses and often having state involvement, there are published accounts of migrants being exploited, not being paid and having been overcharged by brokers (ILO 2016a).

Stakeholders interviewed in Vietnam (research interviews 2016), were unambiguous in stating that the main push for migration to the UK was economic. When large samples of returnees from the UK to Vietnam were asked what they thought motivated fellow migrants, they expressed similar sentiments – that they were also economically driven (FCO, 2014; AAT & FCO 2014). A recent study with returnees from Nghe An (AAT & FCO 2014), for example, highlights issues of poverty and wishing to earn money to support the family or cover childrens' schooling as some of the main reasons for migration to the UK. These economic issues were mentioned by 78% of 140 respondents, equivalent to 109 cases. In addition, another rather nebulous category of motivation was included in the survey, 'wishes for a new life' (15%), which if subsumed into the broader category of economic advancement, takes the figure to 93%. A broader, recent study of 346 returnees reported (FCO 2014: p72): “Out of many reasons, two key ones were provided: economic events and occupational events”. The economic events referred to failing businesses and poor family economic conditions, while the occupational events were caused by job loss, unemployment, low-income jobs that could not cover life expenses and the failure to find a job. In effect, these all identify one motivation to migrate – economic concerns.

Migrants' desire to improve their economic prospects is reflected in the challenging employment environment in Vietnam. The two aforementioned reports include information about returnees' backgrounds, which suggests that the majority previously worked in manual occupations (agriculture, fishing), seasonal or casual work, running small businesses or were unemployed. While recorded unemployment is low in Vietnam – World Bank data from 1998 to 2016 “records the average value of unemployment for Vietnam during that period at 2.31 percent” (Trading Economics 2017) – it can be that individuals are under-employed and their employment unstable. For example, the ILO (2016b: p1) state that “61% of all workers in Vietnam are estimated to be engaged in vulnerable forms of employment, such as contributing family workers and own account workers. Gender inequality persists in the labour market”.

In addition, those living in the poorer provinces in the coastal regions of Vietnam still have their livelihoods subjected to flooding and environmental disaster. For example, research participants mentioned the catastrophic impact of an under-reported environmental disaster on the fishing industry (particularly in Ha Tinh and Quang Binh) and subsidiary businesses where a Taiwanese company's toxic industrial effluent has destroyed local fishing stocks (Ives 2016; Paddock 2016). This was described in a research interview (2016) with a potential victim of modern slavery as follows, “In July a lot of fish were dead, even on the roads. And many people swam in the sea and they said they are dead there as well. They were so frightened to buy even fish at the market”.

Analysis of 75 NRM files for Vietnamese victims who received a PCG decision has also uncovered some useful findings, which point towards further 'push factors' for consideration. In the case of individuals who had been exploited as minors, 30 of 47 reported that they had been orphaned or abandoned by parent(s) or close family members while living in Vietnam. This fundamental vulnerability had in turn led to their desire or necessity to change their circumstances. Of these 30 individuals, the following secondary issues were mentioned as catalysts to their movement: 12 cited financial difficulty or having to pay off a family member's debts; 3 stated that they had to flee an abusive extended family member or carer; 2 said that they were harassed by the police and/or government for religious reasons; 1 wanted to find a family member in the UK; 1 wanted a better life; 1 was encouraged by their extended family to leave Vietnam; 1 was homeless and felt they had no other option and 2 were kidnapped against their will; a further 7 did not state their reason for wishing to leave Vietnam.

Taken together with the remaining 17 victims who had not been orphaned or abandoned, we find the following reasons underpinning the movement of those who were exploited as minors (47):

- Financial difficulty or needing to pay off a family member's debts (19)
- Abusive family member that they were seeking to escape (6)

- Harassment by the police or government (5)
- Homeless and felt they had no other option (3)
- Kidnapped (3)
- Wanted a better life (2)
- Wanted to find a family member (1)
- Was encouraged by an extended family member to leave Vietnam (1)
- Not stated or unclear (7)

Similar patterns emerged in the analysis of files for victims exploited as adults (28):

- Financial difficulty or needing to pay off a family member’s debts (7)
- Harassment by the police or government (6)
- Orphaned or abandoned and felt had no other option (2)
- Kidnapped (4)
- Abusive family member that they were seeking to escape (3)
- Wanted a better life (1)
- Was encouraged by an extended family member to leave Vietnam (1)
- Not stated or unclear (4)

Of the 75 NRM files analysed, the largest cohort cited financial difficulty or needing to pay off a family member’s debt as the catalyst to their decision to move (26). Meanwhile, 11 identified harassment by the police or government as part of their rationale to leave Vietnam. For some of these victims, this began as a result of their decision to protest either against the government or their employer. In 2015 the FCO’s Human Rights and Democracy Report noted that “freedom of expression and assembly continued to be a major concern. We assess that both political and human right activists continued to be arrested and sentenced for expressing peaceful opinions” (p1). Looking at the issue further, fieldwork undertaken in Vietnam for this study picked up dissatisfaction with the state of corruption in Vietnam. This was also borne out in statements within NRM files as well as in interviews held by the research team with potential victims identified in the UK. For example,

“ I found that some [Vietnamese] policemen were working with the gang too, and that the gang paid the police not to investigate what they did. [In the UK] there was a Vietnamese interpreter, but I was so scared about what was happening. I didn’t know at that time that the police in the UK don’t beat or hurt you.

Police in Vietnam receive bribes. If you have money to pay them then everything will be okay and I do not have money and I cannot do anything. ”

On the one hand, potential victims may have an interest in exaggerating persecution or harassment in Vietnam in order to support an asylum claim. On the other however, it is clear that these sentiments are also echoed in further studies which argue that Vietnam continues to experience corruption and the weak implementation of anti-corruption laws. According to Transparency International, for example, corruption remains a serious issue. Its 2016 Index of Corruption Perceptions Index (Transparency International 2016) aggregates data from a number of different sources that provide perceptions of business people and country experts on the level of corruption in the public sector. Vietnam scored 33 based on a scale of 0 (highly corrupt) to 100 (clean).

Moving on, the growing materialist aspirations of many Vietnamese, especially young people, is a further push factor. This was mentioned by an NGO in Vietnam (research interviews 2016), which has been working in country since 2009, as well as by a Vietnamese business owner who used to work in an NGO in the UK assisting Vietnamese migrants. As one research participant put it, “the gaps between the poor and the wealthy are large but consumer culture has permeated everywhere. Through the internet, young people are aware there are alternatives available to them” (research interviews 2016). At the beginning of 2016, for example, 93% of the Vietnamese population owned a mobile phone; 44% of these being smartphones (We Are Social, 2016 cited from Tech Asia 2016). Ever increasing smart phone ownership combined with internet access has helped erode commitments to communist aspirations of equality, replacing them with more pressing desires for immediate material consumption. These aspirations are most evident among the younger generation and Vietnam is a relatively young country. High end Western brands, both real and imitation, are on display even in the poorer areas of Vietnam. Building on which, the material benefits of migration to the UK are also immediately identifiable in ostentatious displays of wealth by returnees or by families relying on remittances, who use them to build large houses or buy cars. This serves as a further reminder of the benefits of economic migration to the UK – a point which will be revisited in the following section (research interviews 2016).

Pull factors

- Knowledge of friends or family members who are already in the UK and who can assist with the provision of accommodation and employment
- Existence of established smuggling routes and the proliferation of agents willing to push migrants along them
- Perception that there is a realistic prospect of being able to earn enough money in the UK to pay back any loans

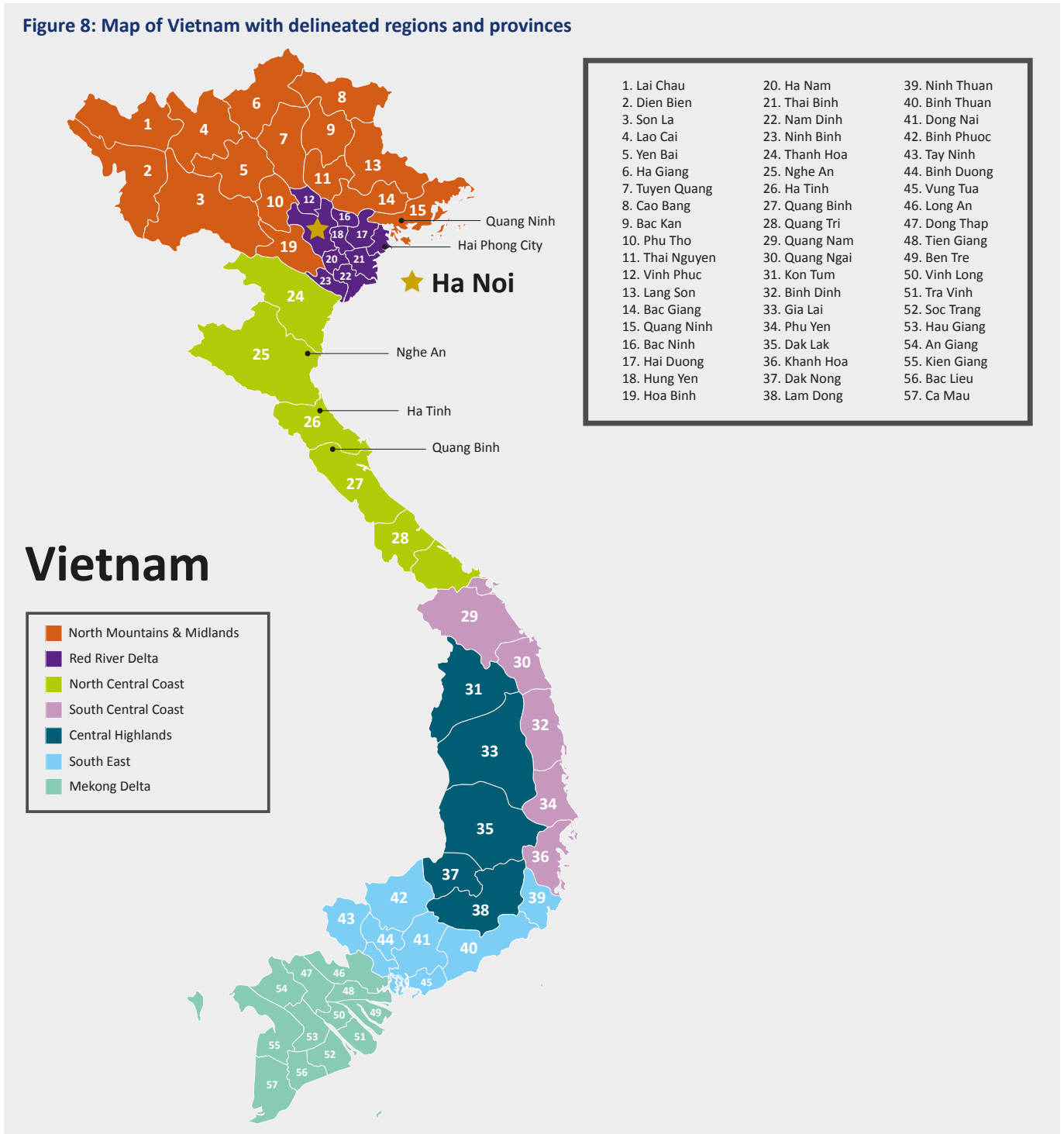
The pull factors encouraging migration to the UK are numerous and include knowledge of friends or family members who are already in the UK and who can assist with the provision of accommodation and employment. For example, two of the 12 returnees interviewed mentioned the helpful assistance that they received in finding work in the UK from irregular migrants who were either friends or family. A second pull factor is the existence of established smuggling routes and the proliferation of agents willing to push migrants along them. A third pull factor is the perception that there is a realistic prospect of being able to earn enough in the UK to pay back the money that has been borrowed to complete the journey. The FCO (2014: p39) survey of 346 returnees concludes for example that:

Despite the fact that many people before their departure did not know about the life and work in the UK, they all thought that they would lead a life in comfort and freedom with a high-income job (5 to 10 times as high as the average income in Vietnam). This reasoned why a great number of people chose the UK as their destination. They assumed that within a short time, they could afford to pay off the debts that they owed for their journey to the UK.

In summary, the evidence suggests that the motivation for Vietnamese nationals on the move is largely economic. Yet as analysis of NRM files has revealed, for the victims of modern slavery identified in the UK, there are nuanced motivations that may lie beneath this umbrella term. For those exploited as minors we see that the majority reported being orphaned or abandoned by family members, creating a fundamental vulnerability. This is an issue that will require further investigation. As for adults, issues around gambling, personal debt or repaying family debt were particularly prominent. Notably, in 11 of the 75 files, harassment or violence perpetrated by the police and/or government were cited as the primary catalyst for movement away from Vietnam.

2.4 Origins of Vietnamese migrants and victims of modern slavery identified in the UK

Figure 8: Map of Vietnam with delineated regions and provinces



Turning to consider the contemporary geographic origins of those on the move, we see that:

- During the last decade, migration from Vietnam to the UK first originated from the key Northern provinces of **Hai Phong** as well as **Quang Ninh** (and to a lesser extent Hanoi) in the **Red River Delta** and the **North Mountains and Midlands** regions. In Hai Phong, migration is not evenly spread but rather is concentrated from districts including Le Chan, Hong Bang, Do Son as well as Thuy Nguyen and Kien Thuy (AAT & FCO 2014; FCO 2014).
- More recently, these provinces have been supplemented by migration from provinces in the **North Central Coast** region including **Nghe An**, **Quang Binh** and **Ha Tinh**.

Analysis of NRM files found that the **majority of victims of modern slavery identified in the UK had been based in the Red River Delta (23) and North Central Coast (21) regions** prior to departure (Figure 10).

Figure 10: Count of origin of victims who have received a PCG decision and whose file was analysed

Region based prior to departure	Province based prior to departure	Count of individuals
Red river delta	Hanoi	8
	Hai Phong	6
	Hai Duong	3
	Bac Ninh	2
	Nam Dinh	1
	Ninh Binh	1
	Ha Tay	1
	Vinh Phuc	1
Total		23
North central coast	Nghe An	15
	Ha Tinh	2
	Quang Binh	2
	Thua Thien-Hue	1
	Thanh Hoa	1
Total		21
North eastern	Quang Ninh	4
	Lao Cai	1
	Ha Giang	1
Total		6
South eastern	Ho Chi Minh City	3
	Ba Ria-Vung Tau	1
	Binh Thuan	1
Total		5
Central Highlands	Dak Lak	2
North western	Son La	2
Not stated	Not stated	16
Grand Total		75

Northern Vietnam: Red River Delta and North Mountains and Midlands regions (Hai Phong, Hanoi, Quang Ninh provinces)

It is important to note that Hai Phong and Quang Ninh are among the most developed cities, not only in the North of Vietnam but the whole country. The port city of Hai Phong has a history of migration to the UK, and can in this regard be compared with the region of Fujian in China, which has been the key province from which irregular migrants have come from China to the UK (Pieke, Nyiri, Thuno & Ceccagno 2004). There has been large-scale migration from this province to the UK and it is argued that people “migrate because it is in their nature, and they have always done so” (Thuno & Pieke 2005: p495). In short, structural conditions are important but so are historically informed cultural explanations.

Hai Phong also has a reputation within the Vietnamese community for containing ‘tough’ people who are accustomed to foreign travel and who are also entrepreneurial and value the success of commercial activities (research interviews 2016). The burgeoning economy means that land prices are rising and it is reported that many families have relatively large plots of land. These can then be sold to provide collateral for further migrations. A recent site visit by a Vietnamese researcher confirmed that migration is ongoing from Hai Phong and that there are several migration agencies which freely advertise their services in regard to legally moving to the UK. They also offer more clandestine services to facilitate irregular entry to the UK (Pham 2015).

Meanwhile, Hanoi is the capital of Vietnam, which is the biggest city in area and the second in population. According to a 2009 population census, there are 6,451,909 people living in Hanoi. Many workers come to Hanoi from other provinces, particularly the Northern Delta area. According to the FCO (2014: p22), illegal migrants who returned from the UK and 'were living in Hanoi [had] mostly originated from neighbour provinces like Hai Phong, Hai Duong, and Hung Yen'.

Central Vietnam: North Central Coast region (Nghe An, Quang Binh, Ha Tinh provinces)

A relatively recent change in migration has been the growth of irregular migration from three central provinces, **Nghe An, Quang Binh** and **Ha Tinh**. It is not completely clear why there has been a surge in migration from these areas. However, it can be argued that these provinces are historically economically poor and have supplied significant numbers of migrants to the aforementioned labour exchange programmes (Hue 2008; Thanh 2008).

As with Hai Phong and the other Northern provinces, migration is not spread throughout these provinces, but rather is concentrated in particular districts and towns. The workers for labour export in Ha Tinh are mostly unskilled workers from the countryside and mountainous areas, who fail to meet the requirements for foreign workers, especially in labour markets which require skilled and educated entrants. The majority of the irregular migrants who returned from the UK to Ha Tinh reside in districts including Can Loc, Duc Tho, Hong Linh town and Ha Tinh City (FCO 2014).

Finally, Quang Binh has a large workforce and therefore labour export plays an important role in the province's agenda of sustainable job creation and its poverty reduction programme. It also has a history of sending migrants abroad to work in labour exchange programmes. A number of irregular migrants from Quang Binh, who returned from the UK, were found to be from districts such as Bo Trach, Quang Trach and Dong Hoi City, while in Nghe An, key areas from which migrants originate are Cửa Lò Town, Yên Thành District and Vinh City (FCO 2014).

3. BROKERING ACCESS TO THE UK: THE ROOTS AND ROUTES OF VIETNAMESE NATIONALS' EXPLOITATION

In the previous chapter we examined the origins and motivations of Vietnamese nationals on the move. In this chapter we turn to look at the decision making process that Vietnamese nationals go through, the role of agents in facilitating their movement, the routes taken to the UK and the incidence of modern slavery along the journey. As before, we examine trends within the broader migration flow as well as the specific experiences of Vietnamese victims of human trafficking and modern slavery.

3.1 The decision making process

The family is a core social unit in society according to Confucian ideology, which is important to Vietnamese culture. There is an expectation of individuals that they will remain loyal to, and supportive of, their families. This notion of 'family' transcends the Western concept of the nuclear family and 'family support'. 'Support' in the Vietnamese context extends to the provision or facilitation of employment, business help or finance. Within the family, women and children are expected to show submission to the male head of the household. Family relationships, just as with relationships with friends outside of families, are deeply imbued with notions of 'trust' and 'trustworthiness' and much rests on the public presentation of an individual's image in terms of standing or 'face'. 'Loss of face' is an important stigmatic event which is to be avoided if at all possible. Such informal underpinnings of Vietnamese culture can assist in understanding how Vietnamese migrants decide to move away from Vietnam and on to the UK (Silverstone & Savage 2010).

Recent studies with Vietnamese returnees from the UK point to the importance of family consultation during the process of migration (AAT & FCO 2014; FCO 2014). After collecting the initial information regarding the migration journey (mostly from friends and acquaintances but also from agents – see below), almost all returnees in these studies consulted their family members to make the migration decision. The content of the consultation prior to their departure focused on whether or not to migrate; if they decided to migrate, where did the money come from - which source? How should it be borrowed? Who would borrow on their behalf? What should the anticipated job be? Which smuggling ring would they follow? When would they depart? (FCO 2014). Those involved in the consultation were most often the returnees' parents and/or their wife/husband, if married.

Most of the information and context for the motivation to migrate is framed within achieving economic advancement, for oneself and ones' wider family. As we have seen, family members and acquaintances play a key role in the decision making process. This does not mean however, that the information is always neutral as, for example, family members may encourage other family members to leave Vietnam. In a recent interview, a Vietnamese national living in the UK accounted for his journey as follows: "I left Vietnam mainly due to my family and financial situation - my mother wished for me to have a better life" (Pham 2015: p1).

3.2 The modus operandi of smugglers and traffickers at source

In addition to messaging from family members and acquaintances, there are smuggling agents known as *doung day* in Vietnamese (Pham, 2015). As we explored in Chapter Two, there are clear legal distinctions between smuggling and trafficking. Yet in practice we see victims begin a smuggling journey and later being trafficked, or embarking on what they initially believe to be a smuggling journey and instead being trafficked by individuals posing as smugglers. In this section then, we explore the modus operandi of smuggling agents in Vietnam and draw out where possible the specificities of modern slavery victims' interactions at source.

Smuggling agents market services to transport migrants to the UK - the route, the length of time it takes and the risks involved, are price sensitive (Pham 2015; Tan & Nguyen 2017). For example, a premium service will be advertised as taking as direct a route as possible with minimal risk. The premium service used to cost around £20,000 and is now understood to cost up to £33,000 (Silverstone & Savage 2010; Tan & Nguyen 2017; research interviews 2016). In July 2010, 31 Vietnamese suspects, together with 66 irregular migrants, were arrested in France, Germany, Hungary and the United Kingdom. As the Consular Department, Ministry of Foreign Affairs of Vietnam (2012: p37) describes, two human smuggling methods were used in these cases – one of which could be described as the 'premium service'.

Here, would-be migrants opted for a more expensive but more secure method, paying their criminal intermediaries for false travel documents, Schengen business visa application papers and a direct flight to Paris, where they were kept in safe houses before travelling to the UK. A second, 'economy' option is also available. One iteration of which is captured in the excerpt below,

...migrants were given false travel documents, flown from Vietnam to Moscow and then transported by train, car or truck into European Union countries. Those seeking transport to the United Kingdom each paid a fee of 2,000 to 3,000 Euros to a Kurdish criminal gang, which hid them in secret compartments or beneath the cargo of trucks travelling from Belgium and France through the English Channel tunnel.

Economy services can vary in price from £10,000-20,000 and can take several months as migrants make their way across Europe into the UK. Of the returnees from Nghe An province, for example, 49% reached the UK within 3 months and 23% claimed that it took more than one year (AAT & FCO 2014). The journey often included temporary stops in Russia, the Czech Republic, Slovakia, Germany, Hungary, Republic of Ireland and France.

Meanwhile, research by Tan & Nguyen (2017: p39) found that there are two ways to make the crossing between Calais and the UK: the "normal/low cost way" which costs between €3,000 and €4,000 (£2,500-£3,500) and the "VIP way" which costs between €10,000 and €14,000 (£8,000- £12,000). In the first option the role of the smugglers,

...is limited to "guiding/advising" the migrants on their illegal journey, authorising them access to the motorway rest area so that they can get into one of the lorries — without the driver's knowledge — and providing them with accommodation and feeding them until they manage to make the crossing.

It is thought that the latter rate involves the complicity of the lorry driver who will have the migrant with them in their compartment and can potentially involve Vietnamese owned haulage firms (Tan & Nguyen 2017: p39).

Research also indicates that if a migrant is intercepted, they will attempt the journey again, as this is the only way the migrant would be able to recoup their initial investment. It is also likely that the agent would encourage a further attempt at smuggling (FCO 2014). As Tan & Nguyen (2017: p42) found, this may result in a situation where:

Some migrants have attempted the "normal way" unsuccessfully many times and have resorted to adding £9,000 (over £10,000) to get through using the "VIP way", whether staying with the same network or choosing another. In total, they spend £12,000 ("normal way" + "VIP way", i.e. nearly £14,000) to be able to get to the United Kingdom from Calais.

Clearly, irregular migration is 'big business'. The smuggling agents in Vietnam are therefore not neutral brokers of the journey. There is significant evidence to suggest that they:

- Exaggerate the reliability of their services
- Exaggerate the financial rewards attainable in the UK
- Understate the risks engendered in the journey and
- Understate the risks of being identified as being illegally resident in the UK (AAT & FCO 2014; FCO 2014; Pham 2015; research interviews 2016).

Returnee 12 (research interviews 2016), for example, describes her disappointment that the journey and its outcome were not as advertised:

“ I was told that I would live like a queen in the UK, good food, nice clothes, easy job with a high salary. I anticipated a good standard of living. The UK was the only destination on offer, and I decided to go as neighbours have relatives in the UK and they send back a lot of money. They built a nice house and they have a big car; so I wanted to go to the UK. I did not know anyone in the UK but was told by the agent that they would arrange job for me (they did not). I approached the agent and paid \$25,000. I went on a plane, then a car and then a truck - but I did not know which countries they took me through. It took two months. There was no violence or exploitation on the way but the trip was very hard. The agent also did not honour the agreement, it turned out to be more expensive than agreed and the job I was promised did not materialise. ”

An example of one way in which agents operate is evidenced by a recent study from Pham (2015). An agent service was approached in Hai Phong. They advertised their migration services openly and were prepared to offer assistance for legitimate or illegitimate migration – claiming, ‘the latter is easy, if others can do it, so can you’. They were not explicit regarding the route; it was not a clear and/or a direct route of entry – and they would only discuss the preparation for the first step, for example telling individuals to make their way to Hanoi and meet at an allocated place. They could provide falsified bank documents and employment documents to assist with visas. They were unspecific regarding all the documents required but advised they would be provided at a given time (Pham 2015). A Vietnamese nail bar owner, who is now a British citizen, who was interviewed in this study, made the journey herself and described it as follows:

“ I had little knowledge of what the journey would entail and wanted and expected to be moved quickly. Instead I had to wait over a month but there were other people who were there for three months. I thought some people had little or no idea of the process and were surprised at the length of the journey (research interview 2016). ”

The exaggeration of the prospect of employment is clear within available evidence. The study in Nghe An, for example, examined this issue (AAT & FCO 2014) and found that just over half the migrants, 75 out of 140 (54%), said that they were promised by an agent that on arriving in the UK they would receive a job. In reality 80% (60 of the 75 respondents) did not get their promised jobs when they came to the UK. Of those 75 people, 44 were promised positions in restaurants and hotels as waiting staff, room cleaners, kitchen-hands or dishwashers, or jobs in nail shops or at stores as shop assistants; 19 people were promised jobs which would have generated an income anywhere between £400 and £3,000 per month; six were promised employment in garment and texture workshops, or on construction sites; four were promised the job of planting medical herbs or growing cannabis; one was promised a job as a housekeeper and babysitter with a salary of £1,000 per month; and one was promised some education or training in the UK. If the original job offer promised did not materialise, migrants then pursued their own informal contacts within the Vietnamese community to attain work; for example Returnee Six, interviewed as part of this study, stated that:

“ The agent in the Czech Republic said they would introduce me to people in the UK and that I would get a job. However the agent lied and just left me to fend for myself in the UK. However, I then quickly met people in the UK from my region and started to work in a restaurant washing dishes in China Town” (research interview 2016). ”

The larger study of 346 returnees, acknowledged that it is difficult to calculate returnees’ average income because they often experience long periods of unemployment and their method of payments differ. The following pay rates were however provided:

“ On average, if they were hired, they could be paid £300 to £2,500 per month for hotel cleaning (normally £800 to £1,200), £300 to £3,000 per month for kitchen work (normally £600 to £1,200), and £300 to £1,500 per month for babysitting (FCO 2014: p61). ”

None of this is to say however, that those seeking to leave Vietnam are necessarily the most impoverished. To reach the UK requires a considerable amount of capital, much of which needs to be raised before the journey. For some, they are able to leverage this money through family and acquaintances using ‘tontines’. As Tan & Nguyen (2017: p47) explain:

“ The tontine is a traditional system of solidarity lending without interest which provides support for the financial projects of members of the community. It is borrowed from the Chinese who refer to it using the term “hui” — which means “association, meeting, group or grouping” — this system of mutual assistance is based on trust. ”

Another option is to mortgage their house or land to obtain a loan from an official bank. Yet as the AAT & FCO (2014) survey of returnees suggests, these individuals are likely to be the minority. Indeed, very few returnees were able to fund their migration to the UK exclusively through the support of family members and friends. Instead they were forced to resort to the informal credit market, either using informal credit bodies who adjust their rates based on the capital pledged or becoming dependent on their informal money lender – whether this be the agent/trafficker who arranges their journey or a ‘loan shark’. No deadline is set for repayment but interest on the loan accrues over time with high interest rates which can fluctuate at the whim of the lender. In the case of those who borrow from a ‘loan shark’ this can create a spiral of debt since:

“ if they do not manage to pay it off, they take out another loan from another usurer with a higher interest rate (Tan & Nguyen, 2017: p48). ”

In the case of the 75 modern slavery victims whose NRM files we analysed, we found evidence of 38 being in a form of debt bondage (see also CEOP 2011). Typically this comprised the cost of their journey or repaying family debt.

Finally, when considering how the services of smuggling agents or traffickers posing as smuggling agents are initially encountered, we find mixed evidence. On the one hand, all twelve returnees interviewed as part of this study said that they contacted the smuggling agent themselves. In addition the authors of the largest study of returnees were equally clear that smuggling agents do not seek people out but rather they are sought out. Services offered by agents are advertised via friends and family, through those who have used the service or who know someone who did (AAT & FCO 2014; FCO 2014; Pham 2015; Tan & Nguyen 2017).

Yet for victims of modern slavery who received a PCG decision from the NRM, we find that 51 of the 71 (where stated) victims (72%) whose case files were reviewed said that they were either approached or kidnapped:

- 44 approached by a stranger
- 10 villager, family member or boyfriend connected the victim to an agent
- 10 sought out a smuggling agent
- 7 kidnapped
- 4 unclear or not stated

Cases of kidnap were however, unusual. There is little incentive for criminal groups to do this - there is a cost to sending someone to the UK and there is a risk that at any-point they will abscond, already aware of their grave danger. Given the large number of often desperate and vulnerable migrants who are looking for work in the UK, there are few benefits for criminal groups to take this approach. Instead, they are able to take advantage of the large and readily available pool of individuals already wishing to move, willing to put their life into a stranger’s hands.

3.3 Trafficking and exploitation en route to the UK

Smuggling, like all informal arrangements, carries with it the potential for discomfort, threats of violence and abuse. The difficulty of the journey has been highlighted in recent work by AAT & FCO (2014); in a sample of 140 returnees from the UK to Nghe An, 22% were detained by facilitators for some of their journey and were not allowed to make phone calls. In addition, some smuggling rings did not allow the irregular migrants to leave the house or the gathering area and insisted all external communication activities were under their strict supervision. In the FCO’s (2014) study of 346 Vietnamese returnees from the UK, several said that they were exposed to life-threatening risks like being cooped up in a van, refrigerated vehicle, car trunk, or the under-part of a van, jumping out of the vehicle while it was running. For females and minors, they faced sexual abuse. Tan and Nguyen’s (2017) work also found that sometimes violence is used if and when migrants try, for example, to make their own way to the UK from France without the permission of local smuggling groups. These behaviours may be a product of the informal journey or precautionary measures put in place by smugglers to avoid detection. They can however, also indicate that individuals are being trafficked rather than smuggled. This was sadly the case for the 75 Vietnamese victims whose NRM files were studied as part of this research.

In Figure 12 (below) the point in the journey at which these victims were exploited is charted. Please note that at this stage only 70 victims' narratives are included for analysis, since the remaining 5 were unable to identify a location or point of exploitation. Where available, Figure 12 is based on information gathered from UKVI's Positive Conclusive Grounds Minutes (PCGMs). Framed by the Council of Europe Convention on Action against Trafficking in Human Beings, PCGMs contain an overview of the details of someone's case (including their route to the UK) and a concluding section which is "a summary of [UKVI's] views on what elements of the convention have been met, so we are looking at Action, Means and Purpose of each event" (UKVI email communication 2017). Included in these statements are the locations, where known, that a victim is believed to have experienced modern slavery. Two examples of summary statements are included below:

It has therefore been decided that "on the balance of probabilities" the potential victim (PV) is a victim of human trafficking from Vietnam to the UK and within the UK for the purposes of forced criminality.

It has therefore been decided that "on the balance of probabilities" and the evidence available, the claimant is a victim of human trafficking from Vietnam to an unknown country for the purposes of forced labour and from the unknown country to the UK for the purposes of domestic servitude.

Analysis revealed that 31 of the 70 victims, (for whom it was possible to identify a country or point in their journey at which they had been exploited), had experienced modern slavery en route to the UK – this accounts for just under half of all victims whose files were analysed in this study (Figure 12).

Figure 12: Point at which exploited through modern slavery by count of Vietnamese victims with a PCG decision

Scenario	Vietnam	En Route	UK	Number of Victims
1	X			2
2	X	X		2
3	X		X	6
4	X	X	X	1
5		X		11
6			X	31
7		X	X	17
Total				70

Victims were able to name Belgium, China, Czech Republic, France, Germany, Greece, Laos, Russia (see Vozhdaeva 2012), Taiwan and Turkey as countries within which they had been exploited. The most common countries cited were China (10 – predominantly sexual exploitation); Russia (9 – labour and sexual exploitation); France (5 – predominantly sexual exploitation) and the Czech Republic (4 – sexual exploitation).

In the case of China, 20 of the 70 victims were able to identify that they had passed through this country en route to the UK and half of these - 10 of the 20 - were able to cite being exploited in situ. Linked to which, the National Society for the Prevention of Cruelty to Children (NSPCC) have identified a trend whereby children are being trafficked to China and then on to the UK:

“ The need for this cross border work in Vietnam and China came about because since 2007, 20% of cases referred to Child Trafficking Advice Centre (CTAC) have been Vietnamese children and a high percentage have described their journey via China. The majority of children have described their onward journey via Czech Republic, Russia, Germany and France. It has remained a consistent pattern. CTAC believe both China and Vietnam are key partners in working together to try to prevent this form of child abuse and disrupt organised crime (Baptiste-John, Pande & Gibbons 2015: p8). ”

In the following section then, we will build on Figure 12 to explore the different dynamics of victims' exploitation.

➤ 3.4 Trafficking scenarios and organisational considerations

Taking an overview of the NRM case file evidence and findings from primary and secondary studies, several trafficking scenarios have emerged, which point towards the different dynamics of victims' exploitation. Seven exploratory scenarios are described below (See Figure 12):

1. **Exploitation is only experienced by the victim in Vietnam (2 of a possible 70 victims).**
2. **Exploitation is experienced by the victim in Vietnam. They also experience exploitation en route to the UK (2 of a possible 70 victims)**
3. **Exploitation is experienced by the victim in Vietnam. They also experience exploitation in the UK (6 of a possible 70 victims)**
4. **Exploitation is experienced by the victim in Vietnam. They also experience exploitation en route and in the UK (1 of a possible 70 victims)**
5. **No exploitation is experienced in Vietnam. Instead, exploitation is experienced by the victim while en route to the UK. No exploitation is experienced once they arrive in the UK (11 of a possible 70 victims)**
6. **No exploitation is experienced in Vietnam or en route to the UK. Instead, exploitation is experienced by the victim only upon arrival in the UK (31 of a possible 70 victims)**

It is interesting to note that of the 70 victims who were able to pinpoint a location or point of exploitation, the largest number (31) stated that they only experienced exploitation once in the UK. This means that there may be three further dynamics at play, which we explore here:

- a) **The victim is trafficked from Vietnam to the UK with the intention of exploiting the victim on arrival**

For example one participant from Pham (2015: p35) describes her trafficking as follows:

“ He’s our neighbour and we met a few times. He said if I wish to come to the UK, he would help. I didn’t really believe him, I just laughed, because my family is very poor [paused] we don’t have any money. And he said if I wish to go he will arrange everything. He will help me to come here [the UK]. And he really did help me. Before I left, he told me that once I arrive, life will be better [paused] he has a nails salon and he will help me with money to send back home to support my parents. He paid for me to go the illegal route, through different countries to the UK. I used false/forged passport to Russia. Once in Russia I had to walk through a few countries but I don’t know where it is. Finally I got to France, stayed in France for one week and I was able to get on the lorry to the UK. A gentleman who paid and helped me to go he said he was bringing me to the UK to work. But when I arrived, I contacted him, he picked me up and took me to a house. The house was small and dirty and old. He let me stay there. I stayed for the first year. It was miserable. He lied to me, he said that he will let me learn and work in his nails salon. But actually he tricked me to come here [the UK] to live in a small house and to be his domestic and sex slave. He abused me and his friends often gather around. Drinking, taking drugs (hard drugs) and often beat me up and force me to obey them. ”

- b) **The victim is smuggled from Vietnam to the UK and only experiences exploitation on arrival, having been sold to traffickers by the final link in the ‘smuggling chain’**
- c) **The victim is smuggled from Vietnam to the UK and only experiences exploitation on arrival, having been identified by traffickers while in the UK**

7. No exploitation is experienced in Vietnam. Instead, exploitation takes place en route to the UK and in the UK (17 of a possible 70 victims)

a) The victim is trafficked to a country local to Vietnam and exploited there. They are then trafficked – either by the same group or by another group to whom they have been sold – on to the UK, where they also experience exploitation

This narrative is found in several accounts of conclusive NRM decisions. Yet as the victims are initially exploited locally, it is plausible that Vietnamese NGOs and Vietnamese law enforcement agencies are not fully aware of this onward trafficking to the UK, and the importance of identifying the trafficking links between countries local to Vietnam and the UK. In this scenario it may be that *one or more* trafficking ‘network’ is operating.

The dynamic of changing hands between different trafficking groups, is demonstrated in an account given by a potential victim interviewed as part of this research. They shared:

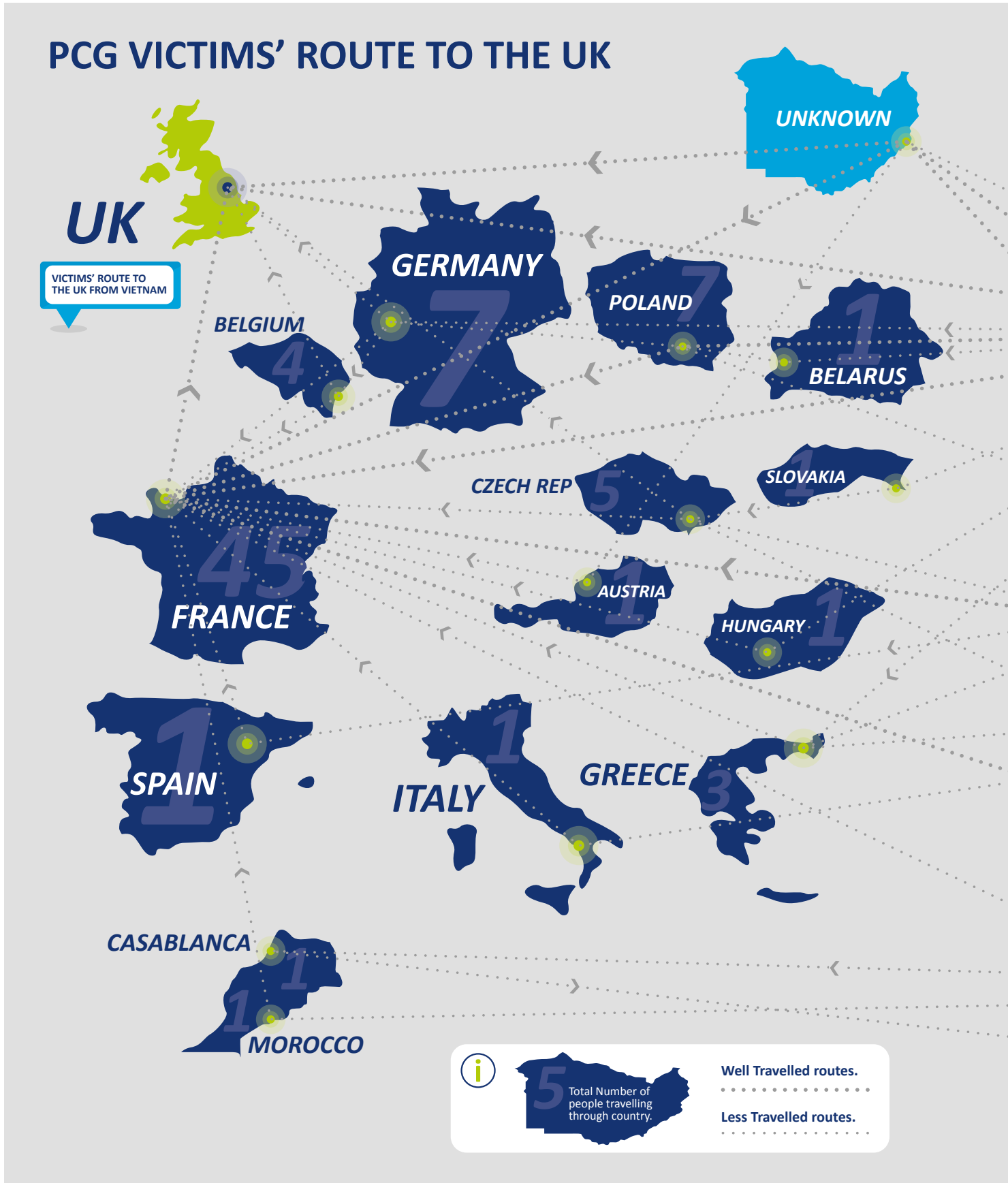
“ *The first part of the journey [to Europe] was to China and then in the back of a lorry going through countries. They said I am not allowed to ask where the places are. I travelled and they put me in a house and they made me start to work. They made me sleep with men they brought to the house. I refused. I said I want to speak to the people who brought me over. They said those people sold me on to you already. They said I have to work for them and repay the money I owe before I can leave. And if I refuse they will lock me in a room and won't let me eat. I cried and I begged them....I had to work there for a while, I can't remember how long. One person from the group said they could take me to a better place. I believed him... So I was put in the back of a lorry in a wooden crate, and then I arrived in the UK. Then I was forced to do that same job in the UK again (research interview, 2016).* **”**

b) Alternatively the victim is trafficked to a country that is not local to Vietnam, for example Russia. They are exploited along a route which ends in the UK, either by one group or a series of groups to whom they have been sold. They also experience exploitation in the UK.

Importantly Scenario 3, 4, 6 and 7, and each of the dynamics which underlay them, point towards the existence of trafficking networks here in the UK. **Indeed, 55 out of a possible 70 victims (79%) experienced exploitation while in the UK.** Based on this sample of PCG NRM files, it is clear then that Vietnamese modern slavery is not only an international issue but a domestic one too, which will require targeted action in the UK. Finally, while it is hoped this exploratory analysis will be of use to partners, it is clear that much more needs to be done to understand the nature, structure and prevalence of traffickers and their networks here in the UK. Only by taking this considered approach can we begin to dismantle these criminal networks.

3.5 Geographical route to the UK

UK law enforcement, in both the UK and in Vietnam, needs to react quickly to new and emerging routes from Vietnam to the UK. The core routes are well established and outlined in this section, although they are likely to be subject to change. For example, as with many public services, UK visa operations have been streamlined and UK visa applications from Vietnamese nationals, as with nationals of many other countries who require visas to travel to the UK, are not processed in-country but currently by HMG officials based at the British Embassy in Bangkok. Here, visa applications from the nationals of several countries in the region are assessed.



These decisions are taken under time pressure and it is thought that smuggling groups are aware of this and are using the premium visa services as they think that these applications will not be fully scrutinised (research interviews 2016). Legitimate visas are also targets for agencies who pursue Tier Four visas for study groups to the UK and then arrange for the students to disappear and for smuggling groups who use legitimate passports to claim visas for similar-looking Vietnamese nationals. Analysis of NRM files demonstrated the use of the several routes to the UK (Figure 13):



Based on this information, we see a handful of countries emerge as nodes in the journey to the UK (Figure 14):

Figure 14: Top 5 countries passed through by victims who received a PCG decision

Top 5 countries passed through by victims	Number of victims
France	45
Russia	31
China	20
Poland	7
Germany	7

One of the key countries travelled through en route to the UK is Russia. Of the 63 victims of human trafficking and modern slavery whose case files were analysed and included some form of identifiable route, 31 (49%) journeyed through Russia. Of these, several flew direct to Russia before continuing their journey overland through countries including Belarus, Belgium, Germany, Hungary, Poland, Slovakia, the Czech Republic and France. Interviews with UK law enforcement (research interviews, 2016) suggest that this route has previously been underestimated and hundreds of visas to Russia are routinely being distributed.

It is also striking that 71% (45) of the 63 victims who were able to identify some form of route, pinpointed France as their penultimate destination before reaching the UK. It is clear that France plays a pivotal geographic role in the migration and trafficking journey. This is corroborated by AAT & FCO (2014) who found that 89% of returnees transited (125 out of 140 people) through France as a last stop before arriving in the UK (p51).

3.6 A spotlight on France

France is therefore a key transit country for Vietnamese victims identified in the UK. Vietnamese nationals are known to have stayed in the following camps in France: Teteghem until its closure in November 2015, Grand-Synthe near Dunkirk and Angres. The largest of these camps is Angres, which is located approximately 20 minutes outside of Arras and 1 ½ hours from Calais. The camp has been in existence since 2006, prior to which it was used by Serbian migrants. Known by the Vietnamese migrants as ‘Vietnam City’, it is in the middle of a forest on top of a former coal mining camp and consists of a main building that serves as the dormitories and canteen. The building remains from the coal mining camp and is in dilapidated condition, with no heat and a caved-in roof in some areas. There is cold running water, piped in by the local Angres government.



(‘Vietnam City’, courtesy of Pacific Links Foundation)

Following a visit in December 2016, Pacific Links Foundation stated that there were roughly 60-70 Vietnamese individuals in the camp who had been there from one week to two months. Most were in their early to late 20s, with several women in their 40s and above and boys and girls in their teens, some as young as 15. The majority were from Nghe An (particularly Nghi Loc district), Hai Phong and Hai Duong provinces, although there was at least one migrant from the Mekong Delta in the south of Vietnam (Can Tho province).

Pacific Links Foundation state in a write up of their visit to 'Vietnam City' that Vietnamese migrants were in the camp temporarily until they could get on a lorry that would take them to the UK. They report that no one expressed any desire to stay in France, but instead intended on going to the UK and working in a Vietnamese-run nail salon. They believed that the Vietnamese community in the UK would support them.

As Tan & Nguyen (2017) describe, Angres is a strategic location for a camp since:

“ There is a motorway service station [nearby] where many HGV drivers rest during the day and at night before travelling to Calais where they will cross the Channel to Great Britain. The motorway rest area has no security: there is no double fencing or camera. For this reason, access to the trailers there is much easier than at the ports. Migrants can therefore attempt the journey every night. ”

It is believed that Vietnamese 'smugglers' overseeing the camp are cooperating with Kurdish nationals to facilitate this process (research interviews 2016; Pacific Links, 2017). They are understood to demand £3,000 just to access lorries and were asking for up to £12,000 for a bespoke service, including a lorry which comes from a Vietnamese owned and/or complicit haulage company. This dynamic is found in the NRM file of the following victim:

“ When we arrived in France we stayed in a house with about 80-100 other people. Whilst I was there I was instructed to go to the forest to find wood for fire and cooking if I wanted to...they made a list of everyone's names at the house. When they called your name it was time to leave and board a vehicle. (NRM file) ”

Pacific Links Foundation allude in their report to needing to gain the trust of the 'smugglers' overseeing the camp in order to be able to speak with the migrants present. At the same time, Tan & Nguyen's (2017: p38) also describe "difficulty in getting them [the migrants] to speak freely, not only because of the language barrier but also because the migrants are being monitored by 'smugglers'. The migrants cannot speak freely and have been told not to speak". In their research Tan & Nguyen (2017: p78) state that it is "important to monitor this stage in the Calais area as the conditions at this time could potentially result in the migrants becoming victims of trafficking". While this is undoubtedly true it masks the possibility that victims of trafficking are already among the migrants inhabiting camps such as Angres. For example, UNICEF (2016: p46) visited Angres in 2016 and stated "there is a strong suspicion that the existing situation is one involving trafficking or exploitation". In its report UNICEF further shares that "it was not possible to gather a direct testimony over the course of the assessment on account of the controlled speech of the unaccompanied children living on the site (a clear indicator of trafficking)" (UNICEF 2016: p11). Meanwhile, in interviews with potential victims, who at time of interview had been granted a PRG decision, we learn that camps may indeed be used to hold victims of trafficking – even if they themselves are not yet aware of the situation that they are in. An example is outlined below from one potential victim's experiences of what is likely to be Grand-Synthe, near Dunkirk:

“ After 6 months we were put in a lorry that carries clothing and they drove us all the way to France [from Russia]. We had no idea where we were travelling. Then we were told it was France. So when in France we were locked up in a storage room in Paris for about a month and a half. About 40 Vietnamese were kept in this storage place/warehouse...I spoke to others there, some travelled like me from Vietnam to Russia then there, but others went through a forest on foot on an overland route and others flew to Paris. We just waited there for about a month and a half, it was a holding area. They eventually send people off to different countries including England and Spain. Someone took a few of us by train to Dunkirk. We were brought to a forest. We were by a lake and our group was all Vietnamese so they brought rice for us and we fished for fish.

We were in Dunkirk for half a month, when we were living in Dunkirk we weren't in a tent or anything we slept under the trees and fended for ourselves for food other than rice...The group took us to where vehicles stop and tried to get us onto a lorry. They said we need to keep quiet in the lorry. They said the driver was part of their group, although I don't know. I arrived in the UK with several others and the organisers called people and some people came and collected us (research interview 2016) ”

A further potential victim describes how violence is used as a means to ensure compliance. Interviewee Seven (who had received a PRG decision) shared with us:

“ We were taken to the forest. There's a house like the one we're in now on this site and it's filthy and you get to bathe once a week and must gather wood from outside. Charity workers come and try to help to cook rice and chop wood. Generally there is no electricity. You have to collect water from somewhere else for everyday use. Every night at 1-2am they would prepare and a big group would go and try and jump into a lorry. I heard the rumours that a Vietnamese person got beaten to death because they didn't follow the gangs to take them to the lorries and they did it themselves. As long as you listen to them [the gang in the forest] and do as they say and what you are told, you are fine. The days when the weather was bad we couldn't go to the lorry and we had to stay in the house and not leave it and stay quiet. Vietnamese people oversee the people in the forest (research interview 2016). ”

Considering this issue further, in 2016 Cook reported on an interview with Swati Pande of the NSPCC that:

“ ‘The Jungle’ had been used for years...as a secret holding station to hide Vietnamese children before they are smuggled across the English Channel to the UK. After making that journey they are forced to work in so-called cannabis farms...there is a very clear pattern to this and it is part of an incredibly well organized criminal supply chain (Cook 2016). ”

Of course it is not only in migrant camps that Vietnamese nationals can experience exploitation or be held (whether knowingly or otherwise) by traffickers. Looking in more detail at the cases of those Vietnamese migrants who have received a PCG decision we find that four of the five victims who were exploited while in France had been sexually abused in a private home. For example, one victim (who received a PCG decision) had signed a contract which stated that she must work for 5 years cleaning houses and looking after children in exchange for help to leave Vietnam. Instead she was transported by her trafficker to France, where she was handed over to another group to be sexually exploited:

“ [I stayed for] 4 years in France...I was asked to sit down by way of gesture, not speaking because I don’t speak the language...after a while I was taken upstairs and walked through a hallway and put in a room...Under the bed there were drawers. I pulled the draw and there were sleeping clothes, condom lotions and perfumes and I saw them and I was worried. Later that evening a man came into the room and he was a pervert and tried to do something bad, I fought back and tried to stop him, I was raped...He passed me a phone and told me to listen, the other end was the lady who brought me and I listened and she said to me the contract said you had to work for me for five years. It cost me a lot of money to take you out of Vietnam and now you have to work for me and listen. (NRM file) ”

France is therefore a key partner country with which HMG should work.

3.7 The nationality of ‘link points’ en route to the UK

It is clear from analysis of the NRM files that the perpetrators who exploit Vietnamese nationals through modern slavery are often of the same nationality. This is unsurprising given that earlier work looking at the smuggling of Vietnamese migrants indicated that Vietnamese nationals provide safe houses and control almost the entire route across Europe (Silverstone & Savage 2010; Europol, 2013). Tan & Nguyen (2017: p92) corroborate this assertion:

Migrant smuggling is carried out mainly by Vietnamese networks: transport is provided by a Vietnamese driver, the migrants are put up in places that are monitored by the Vietnamese and Vietnamese migrants travel with other Vietnamese rather than in mixed groups.

At the same time, analysis of the NRM case files has also revealed that Chinese, Russian, Polish and British nationals may be complicit in the modern slavery of Vietnamese nationals en route to the UK. Moroccan, Indian, Afghan and Albanian nationals were also named less frequently by victims. Meanwhile, of particular concern to Vietnamese migrants is the growing presence of non-Vietnamese organised crime groups who control entry from France into the UK (Khomami 2015). In some cases, it seems that new networks are forming as a result. For example Tan & Nguyen (2017: p92) report that “we have seen that for the last section of the journey between Calais/Dunkirk and the United Kingdom, Vietnamese smugglers may use other networks — run by Kurds or Albanians — to transport migrants”. It is essential that these emerging trends are monitored and used to inform HMG’s strategic response.

3.8 Entry to the UK

Analysis of the NCA’s NRM master datasheet for victims who had received PCG decisions revealed very limited detail on the method by which they entered the UK. Within the 75 NRM files analysed however, it became clear that all of the victims (where known) entered clandestinely, seeking to evade immigration controls through concealment in a vehicle.

Figure 15: Mode of entry by count of Vietnamese victims with a PCG decision

Mode of entry	Number of victims
Not stated	36
Lorry	34
Storage container	2
Private vehicle	1
Shipping container	1
Refrigerator van	1
Total	75

As Figure 15 shows, a lorry was the most common mode of transport. In the case of those found in refrigerator lorries, Tan & Nguyen (2017: p39) report that some take the risk “because smugglers tell them that they will have a better chance of avoiding scanners and dogs. They cover themselves with an aluminium bag at the last moment so as not to be visible by the scanner”. Where immigration controls are evaded, smuggled migrants / victims of modern slavery are then ‘dropped’ in an area inland.

4. MODERN SLAVERY EXPERIENCED BY VIETNAMESE NATIONALS WHILE IN THE UK

As we saw in the previous chapter, analysis of UKVI held NRM files uncovered that in 55 of 70 cases (where a country of exploitation was known) victims had experienced modern slavery while here, in the UK. Modern slavery is therefore a domestic issue with which we must better grapple. In this chapter we examine the illegal work that Vietnamese nationals undertake in the UK and the modern slavery that can pervade each sector.

4.1 Illegal work in the UK

Studies conducted with returnees from the UK to Vietnam present a relatively positive picture of irregular migrants' experiences while working in the UK (AAT & FCO 2014; FCO 2014). The returnees interviewed for this study also had reasonably good experiences. For example, Returnee One started doing domestic work cleaning houses and running errands for Vietnamese people. Initially he received accommodation, food and £100 per week. He did this for two months, then moved into construction work and then into construction work for cannabis factories (i.e. removing existing materials and installing new equipment). This paid a better wage at £1,000 per month. Meanwhile, Returnee Three met with friends in the UK who assisted him in getting work in a variety of Vietnamese and Chinese restaurants for four or five years. He spent two years working in a west end restaurant. He was paid £300 per week with accommodation and food included (for six days work). Following this he worked as a chef, was paid a similar wage and lived in the restaurant. He was well treated. Later, his friends said he could make more money growing cannabis; he therefore tried growing cannabis and became the grower in a factory. He was apprehended by the Police and went to prison for six months.

As we saw earlier in this report, newly arrived irregular migrants often rely on finding employment through family, friends or Vietnamese contacts. In addition, there are also thriving online communities used by both irregular and legal Vietnamese communities, where a range of jobs are available. These web forums, such as *Viethome*, provide obvious adverts for labour, much of it illegal. While Vietnamese migrants may take part in illegal work within the UK without any issues of note, we know that this does not of course preclude the existence of modern slavery. According to NRM data for Vietnamese victims who have received a PCG decision, the most common sectors of exploitation here in the UK are labour exploitation, including cannabis cultivation and nail bars, followed by sexual exploitation. In the following sections we explore each of these, drawing out the scale and nature of the problem as well as Vietnamese victims' experiences of it.

4.2 Cannabis cultivation

As Anti-Slavery International (2014: p9) rightly state, forced criminal activities can be "a lucrative and low risk enterprise". Recognising this 'opportunity', the role of Vietnamese nationals in cannabis cultivation is critical for understanding both the smuggling and trafficking of Vietnamese to the UK.

Evidence suggests that the possibility to grow cannabis without detection and the money that can be made from this enterprise is widely known among the Vietnamese community. Quoting a Vietnamese migrant who they interviewed in a Calais camp, Tan & Nguyen (2017: p30) write, for example, that "like many migrants that we met, Dao is aware of the possibility of working in the cannabis business". Meanwhile, out of 140 returnees interviewed from Nghe An province as part of AAT & FCO's study (2014: p26), 95 people (68% of 140) stated that the main job that they did in the UK was growing cannabis (AAT & FCO 2014; p26). The larger study of 346 returnees concluded:

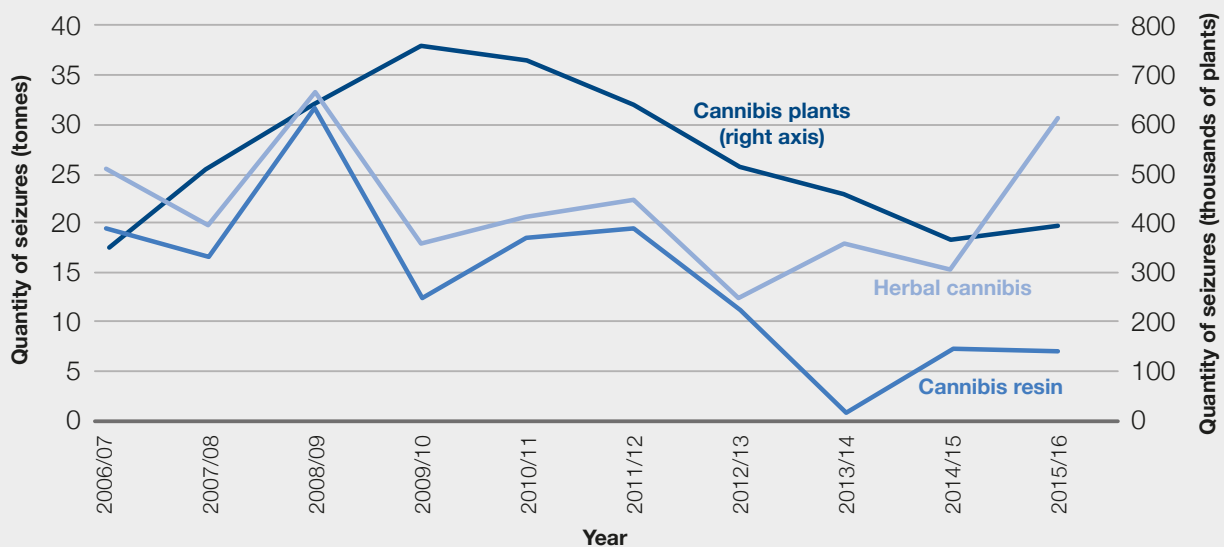
“Those returning before 2008-2009 tended to avoid negative aspects of life in the UK. They also avoided to mention cannabis growers as a job of Vietnamese in the UK and, fully aware that it was illegal, refused to admit their participation in cannabis production lines (although the witnesses said yes). Their stories often depicted their good relationship with native co-workers there. On the contrary, those returning later insisted that growing weeds was a popular job of Vietnamese in the Island, and they held no shyness or shame talking about how they as well as others had played a role in a cannabis-related ring.” (FCO 2014: p67)

According to a 2016 EU Drug Markets Report, cannabis “is the most widely used drug in Europe and is estimated to account for around 38% of the retail market for illicit drugs, worth more than EUR 9.3 billion annually (ranging from EUR 8.4 to 12.9 billion)” (EMCDDA & Europol 2016: p7). Some 22 million adults in the EU have used it in the last year and around 1% of European adults use it on an almost daily basis (EMCDDA & Europol 2016). According to the National Police Chiefs’ Council (NPCC) (2014: p3), the commercial cultivation of cannabis is defined as follows: “Twenty-five or more cannabis plants, at any stage of growth (germination), are being or have been grown or there is evidence of a cannabis farm.” The definition of a cannabis farm is given as follows:

“ The premises or part therein, has been adapted to such an extent that normal usage would be inhibited and usually present within the premises, or part therein, are items solely concerned for the production of cannabis, i.e. Hydroponics system; High intensity lighting; Ventilation / Extraction fans; Any other associated equipment; and / or Electricity meter bypassed (abstraction of electricity). In addition to the above, the overall appearance of the venue, together with available intelligence also indicates if the site was, is, or is intended to be a cannabis farm, irrespective of the number of plants present on the site. For example, there may be no plants but the site has been made ready to commence cultivation ” (NPCC 2014: p4)

Cannabis cultivation is big business in the UK and involves thousands of people who cultivate cannabis for a variety of reasons and on a variety of scales (ACPO 2012; EMCDDA & Europol 2016; Kirby & Peal 2015). The scale of cannabis cultivation in the UK is captured in the two problem profiles by ACPO (2012) and the NPCC (2014). These document the several thousand cannabis farms which are discovered each year. According to ONS data analysed by Direct Line, in 2014/15 across “the whole of England and Wales there were 366,841 cannabis plants seized over the 12-month period, equal to over 1,000 every day (Direct line 2016: p1). The amount of cannabis seized by both the Police and Border Force over time is also outlined below: (Hargreave & Smith 2016: p15) (Figure 16).

Figure 16: Quantity of cannabis seized, 2006/7 to 2015/16, police forces and Border Force



While the numbers of plants and farms can go up and down, the sheer scale of resources needed to police the issue is worth noting here. The thousands of farms detected also mean that there is a need for equipment to be removed, plants to be destroyed, forensic material to be taken and, in some instances, electricity to be reconnected (ACPO 2012; NPCC 2014). Such is the scale of cultivation, that it has recently been estimated that the UK may now actually be exporting cannabis (Hagan & Parker 2016).

It is acknowledged internationally by academics and law enforcement agencies (including those in Canada, Czech Republic, Holland and France) that parts of the Vietnamese diaspora are involved in cannabis cultivation (Bouchard & Nguyen 2011;

Luong 2014; Schoenmakers, Bremmers & Kleemans 2013; Vy & Lauchs 2013; Bouchard, Alain & Nguyen 2009; Schoenmakers, Bremmers & Wijik 2012; Tan & Nguyen, 2017). The latest EMCDDA & Europol drug report states that,

“ Large indoor production sites have been linked to violent inter-group crime and electricity theft and are also associated with human trafficking activities. Migrants and victims of human trafficking, as well as other vulnerable people, have been employed or coerced into working in production sites. Although many groups are involved, Dutch and Vietnamese OCGs, in particular, have established a reputation internationally as important actors in this area. Some of these groups have established their own cannabis production sites outside their country of origin, while others provide know-how and equipment to groups in other countries, facilitating the diffusion of domestic cannabis production to new locations. ” (EMCDDA & Europol 2016: p17)

Vietnamese nationals initially played a major role in the expansion of cannabis cultivation in the UK. Early problem profiles estimated that the Vietnamese constituted up to two thirds of those being arrested for cannabis production (ACPO 2012; Silverstone & Savage 2010; SOCA 2009). Recent estimates have been more conservative (Kirby & Peal 2015; NPCC 2014). The NPCC’s most recent problem profile states that between 2012 and 2014:

“ 6,010 offenders were identified as involved in the commercial cultivation of cannabis. Offenders continue to be predominantly male accounting for 88.5 per cent of all offenders, and largely white North European (70 per cent of all offenders) most frequently aged between 25 and 34. There has been a decline in the proportion of South East Asian offenders over the last three years, now representing approximately 12 per cent of all offenders recorded. ” (NPCC 2014: p5)¹⁷

Although the sample size is very small, interviews with Vietnamese business owners (4) suggest that Vietnamese involvement with cannabis cultivation is now declining, at least in London. This is due to the growing expense of setting up a house (e.g. property costs) and the risk of being caught (research interviews 2016). However, outside of London the picture is less clear. Interviews with experienced detectives, who have led multiple investigations into cannabis cultivators, noted that Vietnamese cannabis cultivators have become more sophisticated in avoiding detection, using heat blocking materials for example. Other forces were aware of Vietnamese nationals renting properties from ‘rogue’ landlords identified by local councils. Detectives in the West Midlands mentioned multiple Vietnamese organised crime networks who were active in the region and had developed their own cottage industry with Vietnamese nationals also making cultivation equipment to be placed within the farms (research interviews 2016).

Within the commercial cannabis cultivation business there are a variety of tasks: properties need to be rented or bought; equipment and seeds need to be purchased; food needs to be provided to the gardeners; electricity needs to be bypassed; the crops need to be farmed or grown; the harvest needs to be distributed and money needs to be sent back to Vietnam. For the rental of properties, the buying of equipment and the distribution of cannabis, it is likely that the Vietnamese nationals involved will already be established in the UK as these processes require contacts outside the Vietnamese community and some require substantial investment. The two roles which do not, however, are the most dangerous within the cannabis business and involve bypassing the electric supply (something some Vietnamese nationals have a reputation for being skilled at) or acting as the gardener: the individual who looks after and tends the crop (Silverstone & Savage 2010; FCO 2014).

It has been suggested by Silverstone & Savage (2010) that although many gardeners are paid limited amounts of money weekly, a system also exists in which profit from the crop is split between the grower and the owner so that the grower can pay off their smuggling debt within a six month period. After this, if they successfully complete further harvests (of the cannabis crop) they can earn substantial amounts of money and eventually run their own legal or illegal business. More recent work confirms this kind of arrangement is ongoing (AAT & FCO 2014; FCO 2014).

17 However, a recent freedom of information (FOI) request to all police forces across the UK found that in the period 1st January 2011 to 31st December 2013, there were an estimated 3,992 foreign nationals arrested for offences relating to the cultivation of cannabis under Section 4(2) and Section 6(2) of the Misuse of Drugs Act 1971; 1,658 (41%) of those were Vietnamese (RACE 2014).

Returnee Three, for example, was working as a mechanic in Hai Phong, before deciding to migrate to the UK. He lived in London and started off working in the kitchens of Vietnamese restaurants; he had to pay for accommodation but he was earning £180/200 per week. He worked six days a week for other Hai Phong people. Later however, he decided to become a gardener of cannabis crops. He did not get paid weekly but did get paid when the crop was harvested. At times he was earning £10,000 per month. He could leave the house whenever he wanted and had access to his own car. He was very happy in the UK and stated that he would very much like to come back.

Turning to consider the organisation of Vietnamese nationals involved in cannabis cultivation, this research supports the contention that they are not on the whole organised criminals by trade from Vietnam, but instead come from the wider professions of those who migrated here over time. Although there are limited examples of Vietnamese street 'gangs' or large organised crime groups controlling large parts of the cannabis market,¹⁸ this does not mean that there are not: significant individuals who can own multiple cannabis cultivation sites or use properties they own to house irregular migrants who they send to work in cannabis cultivations (FCO 2014); or brokers who might know where available opportunities are for cannabis growers. According to historical and current police operations, Vietnamese cannabis cultivators are extremely mobile and it is very common for there to be, for example, links between owners based in London with farms in the Home Counties or with owners in Manchester having links into Scotland (research interviews 2016). Often Vietnamese cannabis cultivators will also have other properties and businesses in the UK (research interviews 2016).

Unlike for example some Albanian groups, the Vietnamese are not typically involved in general crime in the UK. They are not known to import or distribute Class A drugs or to routinely use firearms. They are also not involved in claiming territory or street based criminality, such as robberies, and will therefore not feature on 'gang' matrices used by the Metropolitan Police Service. This also explains why they do not feature within local or national threat matrices that the police service utilise to grade organised crime groups or 'gangs'. They are therefore unlikely to be targeted by specialist police teams with covert capabilities or cross border capacity as other groups who are more routinely violent and are involved in Class A drugs. Compared with non-Vietnamese 'gangs' or organised crime groups they also do not routinely raid each other's premises or rob each other's crops; this is important in understanding why they are not detected more regularly (research interviews 2016).

There have been incidents of serious violence connected to Vietnamese cannabis cultivation. For example, a well-publicised murder in Gwent (BBC 2008) and a less publicised attempted murder in London, were the result of the loss of cannabis crops. Given the illegality of the trade, there are likely to be more violent events which have not come to the attention of the authorities. However, taking into account the multi-million pounds of profit being gleaned, the levels of intra-group violence are low. It has been suggested that hospitals do not routinely report Vietnamese nationals entering emergency wards, and Vietnamese nationals do not present themselves to the police with knife or gunshot wounds that are a result of 'gang' related violence (BBC 2016; research interviews 2016). This is not to say that the business of cannabis cultivation is without documented examples of violence. As a lucrative illegal business, farms can be subject to violent raids by criminal competitors, in particular non-Vietnamese street gangs. For example one returnee mentioned that female gardeners ran the risk of being raped if their cannabis farm was raided by a non-Vietnamese group (research interviews 2016). It is also well documented that the risk of violence falls on the most junior and visible member of the network – the gardener.

The available literature concludes that, on the whole, Vietnamese criminal cannabis networks are relatively small; they are mono-ethnic (although recent evidence suggests that partnership working may be developing), rarely deploy violence, especially lethal violence, and do not readily co-operate with authorities (research interviews 2016; Silverstone & Savage 2010). The latter point is important and contrasts with the behaviour of local criminals; all of the police representatives interviewed said that the majority of Vietnamese who are caught would either not give evidence or would produce what seemed to be prepared statements claiming to be minors (Please see section 4.2.2 and 5.1). This is not to say that co-operation is impossible. In one case, a Vietnamese manager of two cannabis farms agreed to co-operate with the police after he was nearly killed by the owners for allegedly stealing the crops (research interviews 2016).

18 They confine themselves to growing the cannabis and selling it to wholesale dealers who are non-Vietnamese. How these transactions take place is not currently understood by academics or law enforcement.

4.2.1 Modern slavery in the cannabis cultivation sector

Sadly the cannabis cultivation sector includes not only those who have voluntarily agreed to cultivate the drug, but victims of modern slavery too. In 2016 Swati Pande, of the NSPCC Child Trafficking Advice Centre (CTAC) shared that,

“ Many people in the UK are really concerned about what feed goes into chickens and if the chicken they eat is really organic...But they have no idea where their cannabis has come from. It might be blood cannabis they are smoking. They need to understand this. ” (Cook 2016)

The literature review and review of available NRM data and NRM files has revealed a reoccurring scenario where minors and vulnerable adult migrants are deliberately employed to work in the most junior roles within cannabis cultivation (See also Kelly & McNamara 2015). This form of modern slavery is prolific among Vietnamese nationals and accounts for 115 of the 370 individuals who at the time of this research had received a PCG decision. Taking a closer look at the data, we see that the majority of those ensnared in forced cannabis cultivation are males who are exploited while a minor (Figure 17).

Figure 17: Number of referrals exploited through forced cannabis cultivation who have received a PCG decision

Exploited while minor/adult	Female	Male	Grand Total
Exploited while a minor	6	77	83
Exploited while an adult	4	28	32
Total	10	105	115

Modern slavery in this sector usually involves cultivating or gardening the crop while confined within private houses or premises. The exploiters use minors or vulnerable adults as they are easy to manipulate and/or coerce, and they do not pay them. Further, many trap their victims within a form of debt bondage, whether this be through the cost of their journey to the UK or the price at which they have been bought. Violence – whether threatened or actualised – is common both with regard to the victim’s personal safety and that of their family in Vietnam. Mr B’s story illustrates many of these elements:

“ Mr B, a middle aged man, was offered a job in Europe as a gardener by a wealthy friend. He accepted the job as he believed it would allow him to pay off his debts. He was introduced to a group of men who arranged for him to be smuggled out of Asia. After a long and difficult journey B arrived at a bleak industrial estate in rural Ireland and was taken to a barn. Inside the barn the heat was stifling. He saw hundreds of plants being fed and watered by hoses under artificial lights. He was shown how to control the hoses, the heaters and lights and was told that it would be his job to look after the plants. The men locked him in and threatened him that he would be very sorry if anything happened to the plants. He only had an old mattress to sleep on and was brought food once a week. B had no idea what country he was in, but he knew that he was trapped in a cannabis factory. When the police eventually discovered the barn, they found B still locked inside. With the assistance of an interpreter, he told them he had been kept as a slave, forced to tend to the plants, and had been threatened with violence. He told them that he had never received any money. ” (MRCI 2014: p5)

In another case, Interviewee Two (who had been given a PRG decision) described his experience as follows:

“ The driver opened the back of the lorry and then I was transferred to a car. I was taken to a warehouse and was locked up there. And then I was transferred to a different house and then they brought a lot of equipment for cannabis cultivation in to the house and they forced me to grow the cannabis. I watered the plants, however I didn’t know how to do it so all the plants were dead and then owners came and beat me up. The owners were Vietnamese. And sometimes Vietnamese people were coming to the house with Westerners. Sometimes they came to the house to check I was doing the job properly. Sometimes they came to the house and brought food. I was locked in the house. I stayed in that house for 4 or 5 months and I was beaten up many times and now I have severe headaches very often. And when I had the intention to escape they tracked me down and beat me again. During the 4/5 months I tried to escape. After I arrived in the house I could recognise the bad smell of the plants, I couldn’t bear it. I really wanted to escape. They came and cut part of the plants and harvested them. They didn’t share any money with me and they beat me up. There was no problem with other gangs, only the gang at the cannabis farm. ” (research interviews 2016)

The scale of this cannabis production and the modern slavery within it was recently underlined within the media, following the discovery of a marijuana farm in a former nuclear bunker¹⁹. The bunker contained several thousand plants, with approximately 200 being cultivated in each of the bunker’s 20 rooms. Police estimate the street value of the cannabis was over £1million. In this case, three Vietnamese teenagers were found to be acting as ‘gardeners’ for the crops. Speaking to The Guardian, DI Paul Franklin from Wiltshire police stated: “We believe they had no choice. I think they were held there in human-trafficking, slave conditions... We have never seen anything on this scale.” He said the men, who spoke no English, had been “very fearful and apprehensive” when they were arrested²⁰.



Photograph: Wiltshire police/EPA/The Guardian

4.2.2 Police response to cannabis cultivation in the UK

When considering the law enforcement response to this phenomena, it is undeniable that the cannabis cultivation sector poses significant challenges.

In this study, 11 police officers from five forces were interviewed about their experiences of cannabis cultivation. The emerging narrative was as follows:

- 1) The majority of cannabis cultivation is criminal enterprise which is freely entered into
- 2) The majority of those who are involved are adults, although many claim to be children

¹⁹ <https://www.theguardian.com/uk-news/2017/feb/24/huge-cannabis-farm-staffed-trafficked-vietnamese-teenagers>

²⁰ Three individuals were previously charged with conspiracy to hold persons in slavery or servitude, but the Telegraph reported on June 7, 2017 that these charges were dropped “due to a lack of evidence”. Please see: <http://www.telegraph.co.uk/news/2017/06/09/three-men-grew-cannabis-worth-millions-pounds-plead-guilty-running/>

Unfortunately it may be the case that upon detection, some of those who voluntarily cultivate cannabis (or indeed other irregular Vietnamese nationals encountered by UK law enforcement) will say they are trafficked and/or provide their lowest plausible age to enhance the possibility of staying in the UK and avoiding detention. The following case illustrates this scenario:

“ Mr C...left Vietnam for the UK in 2009, hoping to earn a fortune. He arrived in the UK in 2010. After staying in the waiting house for three months or so, he went to grow weed. Two months later, he was seized in a grow house. He confessed that he was a teenager aged 13-14, locked indoors and forced to grow plants by some adults. Later, he revealed that the senior migrants had told him this trick. The court decided to keep him in a children’s centre. Just two or three days later, he escaped from the centre and went straight to an acquaintance’s house to wait for another job opportunity. After three months waiting, he started the cultivation job in another grow house and was later caught when going out. When questioned about the reason for his disappearance from the first children’s centre he said that he had got lost while going shopping for some clothes. This time, he was moved to another children’s centre. He said that this time he was under stricter supervision. The third night in the camp he escaped through the window. He restarted growing weed in the third grow house in early 2012. During this period he continuously moved from one grow house to another because the houses were under alert. He managed to harvest two crops before being arrested for the third time. He then claimed adolescence again but the court was not convinced. After ten days, he decided to confess the truth and claim for a return. Before confessing, he didn’t consult with anyone. He reported that on learning from the senior’s experience, he got bored with the life there and made up his mind to return. ”
(FCO 2014: p80)

Supporting this, the FCO’s (2014) report based on 346 returnees from the UK to Vietnam, found that several respondents were aware that when found in a cannabis cultivation house they would receive lighter sentences if they were believed to be trafficking victims. As we will see in the following section, this is making it ever more complicated to discern between those who are victims of modern slavery and those who have willingly entered in to cannabis cultivation in the UK.

Meanwhile, policing of cannabis cultivation is not a national policing priority despite close links with modern slavery. Looking across forces in England and Wales, there seems to be a mixed response dependent on the Chief Constables’ Control strategy and the priorities of Police and Crime Commissioners. For example, in Merseyside they conducted a two week operation targeting cannabis cultivators, whilst in the West Midlands an effective team which only targeted cannabis cultivation was disbanded some years ago and there are no known plans to reform it. In the Greater Manchester area, the police have a dedicated modern slavery team which pursues perpetrators regardless of the type of exploitation. Yet as Detective Inspector Paul Franklin, who leads a team specialising in drug crime in Wiltshire, recently shared with The Guardian, “Cannabis doesn’t feature highly in terms of police priorities; heroin and crack cocaine do. If you can grow cannabis, in terrace houses, under the radar, we probably don’t hit that many of them and there is still good money to be made from it.”²¹

4.2.3 The criminalisation of Vietnamese victims of forced cannabis cultivation

It is clear that the cannabis cultivation sector is complex, facilitating an occupation for those seeking illegal work while at the same time harbouring horrific modern slavery and exploitation. As we saw in the previous section, cannabis cultivation is a particularly problematic area for the police and in turn the judiciary, who are responsible for ensuring that justice is administered appropriately.

This is starkly underlined by the reality that currently some Vietnamese victims of forced cannabis cultivation are being criminalised for the very acts that they have been made to perform. This is despite the existence of legislation under the Council of Europe Convention on Action Against Trafficking in Human Beings and new legislation enacted in England and Wales, Northern Ireland and Scotland which seeks through statutory defences and presumptions against prosecution to enshrine the international principle of ‘non-punishment’ (please see UNICEF 2017: p5):

21 https://www.theguardian.com/society/2017/mar/25/trafficked-enslaved-teenagers-tending-uk-cannabis-farms-vietnamese?CMP=Share_iOSApp_Other

- “Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.”
1 Article 26, **Council of Europe Convention on Action Against Trafficking in Human Beings**
- In **England and Wales, Section 45 of the Modern Slavery Act** introduces a statutory defence for victims of modern slavery. In relation to children, this provides that a child is not guilty of an offence if the child does that act as a direct consequence of having been a victim of slavery or relevant exploitation, and a reasonable person in the same situation as the child would act in the same way. For adults, a statutory defence is available for those who are coerced into forced criminality and satisfy the following criteria:
 - the person is aged 18 or over when the person does the act which constitutes the offence,
 - the person does that act because the person is compelled to do it,
 - the compulsion is attributable to slavery or to relevant exploitation, and
 - a reasonable person in the same situation as the person and having the person’s relevant characteristics would have no realistic alternative to doing that act.
- **The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act in Northern Ireland** also introduced a statutory defence in Section 22, but with no reasonableness test for children. This defence is limited in that it applies only to offences which attract a maximum sentence of less than five years, as well as a small number of additional specified offences which are particularly linked to trafficking and exploitation.
- **In Scotland, there is no statutory defence in place. Instead, Section 8 of the Human Trafficking and Exploitation (Scotland) Act 2015** places a duty on the Lord Advocate to issue and publish Instructions about the prosecution of a person who is, or appears to be, the victim of an offence of human trafficking. The Act stipulates that the Instructions must include factors to be taken into account or steps to be taken by the prosecutor when deciding whether to prosecute a child who does an act which constitutes an offence, and the act appears to be done as a consequence of the child being a victim of trafficking.

In England, it is currently not known in how many cases the statutory defence has been raised by minors or adults.

Unfortunately this information is not readily available and as UNICEF (2017: p8) experienced, the Crown Prosecution Service (CPS) is “not able to provide any consistent information on the use of the statutory defence or the application of the broader non-punishment principle”. It has however, issued guidance on non-prosecution for criminal exploitation cases. This aims to stop cases getting to court where the statutory defence would need to be used (CPS 2015).

In the case of minors a 2016 freedom of information request made by The Guardian to police forces across the UK showed that 149 Vietnamese children had been arrested for cannabis cultivation in the previous three years (McClenaghan 2017). While the aforementioned legislation only came into effect recently, it is likely that some of these children will have been tried after its introduction. In the latest report produced by the Group of Experts on Action against Trafficking in Human Beings (GRETA), who are responsible for monitoring State implementation of the Council of Europe Trafficking Convention, concerns were raised about several cases in the UK “... where child victims had been convicted for drug-related offences in cannabis growing cases and incarcerated” (GRETA 2016: p69).

The case of THN (prior to the introduction of the Modern Slavery Act 2015) provides a detailed example of how minors can be criminalised as victims of modern slavery. THN was found in a house in Bristol in which a very large quantity of cannabis was being cultivated. He said that he had returned to the United Kingdom in December 2010. He told the arresting officers that he was relieved to see them. He was interviewed in the presence of his solicitor, an interpreter and an appropriate adult. He said that he was nearly 17 years old. A prepared statement was produced which indicated that he had been brought into England in a freezer container. He owed money in Vietnam and the deeds to his parents’ home had been taken as collateral. Initially he was convicted of cannabis cultivation but this was challenged on Appeal. This judgement ruled that THN should not be prosecuted as a criminal offender and instead the Court of Appeal concluded that, “there is now powerful evidence that the appellant was a trafficked child and that his criminal activities were integral to the circumstances in which he was a victim. Accordingly this conviction will be quashed”. (EWCA Crim 991 2013).

More recently, in February 2016 a Vietnamese orphan who was imprisoned after being caught tending a Wirral cannabis farm had his conviction quashed, after he was found to be a victim of modern slavery. This victim had been brought to the UK by a Chinese gang as a child and forced to work in a restaurant in Kent, before being compelled to be a drug farmer in the Wirral.

He was arrested in 2004 at a private house in Beechwood, Wirral and found to be tending 400 cannabis plants, worth £80,000. Before being identified as a victim of trafficking however, he was locked up for 15 months having pled guilty to producing cannabis at Liverpool Crown Court (Stewart, 2017).

Some of the recommendations put forward by GRETA (2016) to address these issues are summarised by UNICEF (2017) and included here:

- Ensure that the non-punishment provision is capable of being applied to all offences that victims were compelled to commit
- Strengthen efforts to ensure compliance, including by promoting the existing guidance, and developing guidance where there is none, among the police, legal professionals, prosecutors and judges
- Remove the requirement to apply the ‘reasonable person’ test to children within Section 45 of the Modern Slavery Act 2015

These recommendations are echoed by UNICEF in their report ‘Victim not Criminal’ (2017: p2) and they add that mechanisms should be “put in place by the prosecuting agencies and government to properly monitor the implementation of the non-punishment principle across the UK”.

In the case of adults we also see that the ‘non-punishment principle’ is not always properly upheld. Research undertaken by Burland (2017: p1), for example, suggests that there are potentially a “number of cases where potential trafficked persons are still being punished”. The methodology for this research was an extensive content analysis of media reporting on court cases in England and Wales of foreign nationals on trial for cultivating cannabis in cannabis factories since 31st July 2015, when Article 45 of Section 5 of the Act entered into force. Using this method Burland (2017) uncovered 13 cases where individuals, explicitly described as people who had been trafficked or enslaved, were convicted of cultivating cannabis. In one of these cases a judge told the defendant, “You came here looking for a new life and you found yourself in something approaching modern slavery.” The judge sentenced the man to ten months in prison for cannabis cultivation. While failing to provide conclusive evidence of the criminalisation of victims, Burland’s (2017) research has however, highlighted several cases where further investigation is required. In addition, information made available to IASC by a UK NGO, details 20 Vietnamese potential victims encountered in prisons between February 2013 and March 2017. 8 were on remand awaiting their court hearing, 12 had been sentenced – they had all been charged with cannabis cultivation. Following the referral of 16 of the 20 to the NRM, 6 received a PCG decision for forced criminal exploitation; 2 received a negative PCG decision; 4 have received a PRG decision and are awaiting their conclusive grounds decision; 3 are awaiting a decision at the reasonable grounds stage and 1 received a negative RG decision.

In summary then, while the existence of legislation is encouraging, it is troubling that some Vietnamese individuals who go on to be recognised as victims of forced labour are still criminalised first.

4.3 Nail bars

As the Vietnamese community has expanded, it has proven to be entrepreneurial and has established itself in key business niches, such as the restaurant trade and pre-eminently within the nail sector. The Vietnamese excel both at setting up successful nail shops and also as nail technicians. Although data on the number of these businesses is not available, it is thought that they are the most popular niche business run by Vietnamese community members in the UK (Bagwell 2008; Silverstone & Savage 2010).

Many businesses run as cash only and there are two ways in which these businesses are typically set up. In the first, the Vietnamese national owns the business and hires its own staff; in the second, staff are hired on a self-employed basis, renting out chairs or stations in salons (research interviews 2016). Interviews with nail bar owners, suppliers and technicians (4) confirm that there is a shortage of qualified nail technicians in the UK and if jobs are advertised they will attract large numbers of irregular applicants who expect to be paid £300+ per week (research interviews 2016). Technicians will most likely be expected to work six days a week and at least eight hours a day. Many jobs come with accommodation, although this will be cramped. For example, interviews with nail bar owners, suppliers and technicians (4) indicate that it is considered normal for four nail technicians to share a two-bedroom flat.

Analysis of NRM files has revealed how nail bars can become not only a place of illegal work but exploitation too (see Baxter 2013). Of the 198 individuals who received a PCG decision from the NRM for labour exploitation, 15 experienced modern slavery in a nail bar. The majority of whom were exploited while minors, as demonstrated in Figure 18.

Figure 18: Vietnamese victims with PCG decision by gender and whether exploited as a minor/adult

Exploited while minor/adult	Female	Male	Grand Total
Minor	7	4	11
Adult	4	0	4
Grand Total	11	4	15

In one instance, a victim was forced to work seven days a week from the morning until 6pm or 7pm in the evening. They were paid £30 a week for their work. Another victim, a male minor at the time of exploitation, was an orphan who was raised by his grandmother. He had to fend for himself when his grandmother passed away and he was beaten by police after being involved in a protest. A fellow villager took him in and advised him to leave the village to avoid further reprisals from the police. His neighbour arranged for him to go to Russia. Having arrived in Russia he was taken to a residence where he was locked up and forced to sew clothes for no remuneration. After a year and a half he was taken to the UK where he was placed in a private residence. Here he was again locked in a room but this time he was trained to paint nails. After completing this training he was taken to nail bars to find work. He was made to work five days a week in two different nail bars where he was paid £6.50 an hour. Rather than being able to keep this money however, he was forced to give it to his traffickers who transported him to and from the nails bars each day and kept him locked up. The victim explains,

“ At the time I thought the people from the nail bar were the same as the guys I stayed with in the house so I was afraid to tell them [what was happening] and I thought I would be beaten ” (NRM file)

In another example, in March 2017, following a multi-agency welfare visit to a nail bar in Bath city centre, a Vietnamese nail bar owner was charged with conspiring to control other persons for the purpose of labour exploitation. The owner was also charged with conspiring to arrange or facilitate the movement of females in the UK, in order to control them in labour exploitation, and charged with the acquisition, retention, use or control of criminal property (cash in excess of £60,000)²². Three other defendants were released on conditional bail until the next court hearing. The newspaper, Somerset Live, reported that the investigation subsequently broadened, and police operations linked to these arrests have taken place in Staffordshire, Cheltenham and London.

Frustrating efforts to tackle exploitation in this sector is the fact that despite their popularity and the numbers of people involved, nail bars remain a relatively unregulated industry in the UK and the regulation which does exist seems to be voluntary only. There are National Vocational Qualifications (NVQs) which nail technicians are expected to gain in order for them to practice but it is not thought that these qualifications are mandatory in the Vietnamese nail sector. There also exists an Association of Nail Technicians (ANT) which includes a code of conduct but it is not clear how many technicians belong to this organisation. Meanwhile, the Mayor of New York has introduced a variety of measures aimed at ensuring that nail technicians are not exploited at work and are paid at least the minimum wage. Nail shops also now need to display ‘a bill of rights’ in multiple languages. Further, owners have been targeted by a state-led task force to return back pay owed to workers (Ressler 2015). Such ideas are explored further in IASC’s recommendations (Chapter 7).

4.4 Sexual exploitation

According to the NCA’s NRM master datasheet, sexual exploitation is the second largest sector of modern slavery experienced by both potential Vietnamese victims and those who have received a PCG decision. The number of victims with a PCG decision for this type of exploitation has fluctuated over time. Please see Figure 19 which includes data for referrals for Vietnamese victims who received a PCG decision between 2009 and 20th October 2016.

22 <http://www.somersetlive.co.uk/modern-slavery-charges-for-woman-appearing-in-court-after-bath-nail-bar-probe/story-30194291-detail/story.html#cf43Kul4XkrC50UP.99>

Figure 19: Victims with PCG decision who have experienced sexual exploitation by year of referral and minor/adult

Year of referral	Exploited as a minor	Exploited as an adult	Total
2009	0	1	1
2010	6	3	9
2011	4	6	10
2012	4	4	8
2013	9	11	20
2014	2	7	9
2015	4	13	17
2016	1	3	4
Total	30	48	78

Comparing the NRM master datasheet to information held within NRM files held by UKVI has uncovered however, that the incidence of sexual exploitation experienced by Vietnamese nationals in the UK may be higher than previously thought. Of the 16 victims who had experienced sexual exploitation in the UK (based on information from UKVI’s PCGMs), nine had no location of exploitation recorded in the NCA master datasheet and 7 were classified under a different type of exploitation, for example ‘labour’ or ‘domestic’. One reason for this could be that within the NCA master datasheet there is not the ability to record multiple forms of exploitation and corresponding locations. This data is also based solely on the information that is provided in the initial NRM referral form, which can be very scant.

It is important to note that while stakeholders in Vietnam interviewed for this study, did recognise sexual exploitation of Vietnamese nationals as an issue outside of the UK, they were of the view that it is not something that commonly happens *within* the UK. An experienced participant who took part in the study thought it:

“ ...very unlikely and did not happen with migrants in the UK. Yes it happens in Mekong Delta and the south into local countries but not northerners, meaning not to those from the middle provinces and above that the UK migration from Vietnam is drawn from. ” (research interviews 2016)

This was also the view of senior police officers interviewed, who had an overview of modern slavery, vice and organised crime units within their force area. It is noticeable however, that respondents were not denying the existence of trafficking for sexual exploitation but instead felt that this was happening more often within the Roma, Romanian and Albanian communities, and not the Vietnamese. Yet the accounts of those who have been given PRG or PCG decisions paint another picture. This can be seen in the narrative below:

“ Two other girls were in a similar situation to me. Two of them had started working in nails bars when they first arrived in the UK but were told that they would not be able to pay their debts fast enough and were forced to work as prostitutes... There was a constant stream of men coming and going through the day and night. Two of the other girls seemed very young, possibly 16 or 17. They were forced to have sex with more men than I and the other girl... They did not say where they were from in Vietnam. ” (NRM File)

A further victim, who at time of interview had received a PRG decision, experienced the following:

“ The first part of the journey was to China and then in the back of a lorry going through countries. They said I am not allowed to ask where the places are. I travelled and they put me in a house and they made me start to work. They made me sleep with men they brought to the house. I refused. I said I want to speak to the people who brought me over. They said those people sold me on to you already. They said I have to work for them (as a sex-worker) and repay the money I owe before I can leave. And if I refuse they will lock me in a room and won't let me eat. I cried and I begged them. I had to work there for a while, I can't remember how long. One person from the group (the traffickers) said they could take me to a better place. I believed him. I was just thinking to get out of that place, just to get out. So I was put in the back of a lorry in a wooden crate, and then I arrived in the UK. Then I was forced to do that same job in the UK again. I arrived and I fell pregnant while I was working there. I was very weak and one day when I was working I fainted and I said look I need to see a doctor otherwise I might die. They didn't say anything then. One evening they drove me to a place where I was to look after some children. ” (research interview 2016)

Clearly these accounts are troubling, especially as they document forced sexual exploitation in the UK. And yet, it appears that the current NRM recording system may not be a wholly accurate measure of the incidence of sexual exploitation experienced by Vietnamese nationals here in the UK. This of course has a multitude of important ramifications, from incomplete threat assessments to the inefficient targeting of resources and ultimately the failure to identify victims of this crime. Recommendations for how to remedy these issues are included in Chapter 7 of this report.

4.5 Identification of modern slavery victims in the UK

Analysis of 75 NRM files (all of whom had received a PCG decision) can provide some insight into how victims of modern slavery are identified in the UK and referred into the NRM. In order for a referral to be made to the NRM, first a victim needs to be identified or to come forward themselves. The NRM is a voluntary system and therefore consent must be given before an NRM referral can be made for adults. For children, a referral is compulsory. In other cases of vulnerability such as rape or FGM, consent is also required for specific actions in relation to victim welfare or examination, but in these cases recording processes appear to be better understood. There are many reasons why adult victims decline a NRM referral, including not viewing themselves as a victim at the point they are encountered. Some may also change their mind and decide a referral would assist them at a later point in time. If consent is gained (in the case of adults), a NRM form is completed and sent by a nominated First Responder.

In the case of 16 of a possible 30 referrals for individuals who had received a PCG decision and were encountered as adults, their first engagement with a First Responder was the police. In 12 of these cases, the police encountered the victim through proactive activity – for example an arrest or raid. In the remaining four cases the adult themselves sought help from the police or someone acting on their behalf (3) or it is unclear (1). Of the 16 cases where the police encountered a victim, three were referred into the NRM by the police. The remaining 13 were later referred into the NRM by UKVI (10); or an NGO (3).

Turning to consider how NRM referrals came to be made for individuals encountered as minors, we find that for 22 of a possible 45 referrals their first engagement with a First Responder was the police. In 12 of the 22 cases, the police encountered the victim through proactive activity – for example an arrest or raid. In the remaining ten cases the minor themselves or someone acting on their behalf sought help from the police. Of the 22 cases where the police encountered a victim, half (11) were referred into the NRM by the police in their role as First Responder. The remaining 11 were later referred into the NRM by UKVI (5); an NGO (2); Local Authority (3) or a Home Office official (1). In the case of Vietnamese minors then, this evidence suggests that while the police may encounter victims, they are not always able to identify them as such.

5. VIETNAMESE MINORS IN THE UK

Over the last four years, Vietnamese nationals potentially exploited as minors have either ranked as first or second for the number of referrals to the NRM. Most recently, in 2016 Vietnamese nationals presented as the second most prevalent nationality among all potential victims who were exploited as a minor (tied with Albania). According to NRM data for victims with a PCG decision, between 2009 and 20th October 2016, 46% of referrals were made for minors aged 14-16, with a mode age of 16. Against this backdrop, the following chapter explores ‘age disputes’ and how they can negatively impact on victims, as well as the issue of minors who go missing after identification and the subsequent risk of re-trafficking.

5.1 Age disputes

In an attempt to properly safeguard children, general guidance was issued in 2014 by the Department for Education on the care of unaccompanied and trafficked children. It states that:

...age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a Local Authority’s assessment of unaccompanied or trafficked children (Department for Education 2014: p8)

In addition, the Modern Slavery Act 2015 includes a section on the ‘presumption of age’. According to Section 51:

2) Until an assessment of the person’s age is carried out by a local authority or the person’s age is otherwise determined, the public authority must assume for the purposes of its functions under relevant arrangements that the person is under 18.

3) “Relevant arrangements” means arrangements for providing assistance and support to persons who are, or who there are reasonable grounds to believe may be, victims of human trafficking, as set out in –

- a) guidance issued under section 49 (1)(b);
- b) any regulations made under section 50(1).

During this research, dissatisfaction with the age assessment process was a common issue raised by NGOs, police services and social workers. The mechanism is not thought to be sufficiently accurate and interviewees reported occasions where they felt that adults were incorrectly classified, which created the safeguarding issue of potential adults being placed with children. Conversely, it was also reported that children were being classified as adults and then missing out on the protections owed to them (research interviews 2016). These difficulties are reflected in the number of ‘age disputes’ flagged by the NCA in their NRM master datasheet among referrals for potential victims. The majority of discrepancies were for male potential victims who claimed to be minors on referral.

Figure 20: NCA NRM data on age disputes among Vietnamese referrals

Gender	No		No Total	Yes		Yes Total	Grand Total
	Adult	Minor		Adult	Minor		
Female	322	179	501	19	39	58	559
Male	436	439	875	43	122	165	1040
Grand Total	758	618	1376	62	161	223	1599

Clearly, part of the complexity surrounding age disputes is the argument that some potential victims referred to the NRM may purposefully give a false age in order to gain an immigration advantage. In the case of returnees for example, an experienced academic and community worker in Vietnam stated that out of the 39 returnees she was working with, there was only one child. She was certain that most people were not children and were instead advised to say that they were. They had been briefed to avoid deportation and detention. She gave an example of one 40 year old man who told the authorities he was 15 and the authorities believed him. A similar account was given by an experienced Vietnamese social worker concerning her experiences in the UK where she had dealt with several alleged children. She was convinced that adults routinely lie and do so blatantly. This view was also shared by members of the Vietnamese community who were interviewed. In this vein, returnees interviewed for this study shared the following:

“ Returnee One: I do not know much but of the children who were smuggled, 80-90% of them were lying about their age and were not children. I think any children were not young children (none under 16), I did not see any.

Returnee Two: I saw no children - all of those who say they are children are not children. Vietnamese people know they should say this if they are caught as if they say this they will not go to prison and they will escape.

Returnee Four: I had not seen any children and did not think there were any.

Returnee Eight: They only say that they are children so that they can stay in the UK. So for example if they are born in 1985, they say that they are born in 1995. ”

Yet it is also essential to be aware that a potential victim may give a false age because they have been coached to or told to by their trafficker. The statement of a false age should never therefore, be used as evidence against a potential modern slavery victim.

The difficulty experienced by any authority seeking to accurately identify an individual's age is compounded by the reality that in the case of the exploitation of Vietnamese minors, it is teenagers on the cusp of adulthood that are typically targeted. This can make it challenging for professionals to differentiate between minors and adults. The PCG NRM data shows that 16 is the mode age of referral and this is also echoed within interviews conducted for this research. Stakeholders from a prominent Vietnamese NGO, for example, were clear in their view that Vietnamese families would not send young children (i.e. 14 and below) to the UK unless there was some aspect of family reunification to be gained by it. For example, if a family had settled in the UK and was doing well, they might send for a young niece or nephew to enhance their prospects. However this was considered an unusual scenario. It was felt more common that families would only send over adolescents, usually 15 and above, whom they considered were sturdy enough to endure the journey and able to make money in the UK (research interviews 2016). Although many are still naïve to the risks of the journey, migrant families may know the sorts of manual work that are likely to be available and will therefore send adolescents who they think are resilient and adaptable.

On this issue, it is important to note that Pacific Links Foundation (2016; 2017) found on visiting 'Vietnam City' that the teenagers present had been encouraged and sent by their parents. They have therefore concluded that any prevention work must target the parents, as they seemed to be the driving force for the migration of those under 20 in this camp. The Pacific Links Foundation will subsequently be adjusting their prevention campaigns to focus heavily on the parents in the main source provinces, as it seems that they are the drivers for their childrens' migration.

In addition to concerns about how to accurately assess a victim's age, issues were raised in research interviews (2016) concerning the identification of the child victims. The police are not taking the fingerprints of children found in potential modern slavery environments, but they are taken by UKVI when a raid is conducted on nail bars or other premises.

The First Encounters pilot, due to begin shortly in Hertfordshire, may go some way to addressing this issue and the Commissioner will be monitoring its progress. The pilot will see fingerprints and photographs taken of all unaccompanied children who come into contact with Border Force, Immigration Enforcement and police. This is part of the Missing Migrant Children's work and the Home Office has indicated that it will be rolled out nationally following the pilot.

5.2 Vietnamese minors who go missing and the risk of re-trafficking

It is an inescapable fact that many Vietnamese children are at risk of being re-trafficked, even after identification as a potential victim of modern slavery. Research from ECPAT UK, for example, highlights that frontline professionals found:

“ Vietnamese children were more likely to go missing than unaccompanied children of other nationalities (ECPAT 2016: p51). ”

Local authorities' ability to address this issue is fraught with difficulty. On the one hand, a secure estate is typically seen as inappropriate and is often already over-subscribed. On the other, the speed at which children can leave sheltered non-secure accommodation presents significant challenges. Again, research from ECPAT UK is helpful here and shows that of 28 Vietnamese children who went missing in Kent, 60% went missing within three days of entering care (ECPAT 2016). Interviews with police officers and social workers in London, the Midlands and the North of England echo this pressing issue (research interviews 2016). In particular they explained that the speed at which this can happen causes issues for the police as they will not necessarily have identified who the victim is before they disappear. When these minors leave their accommodation, they will be placed on missing persons lists, but with common surnames and little or no biometric data available, police services interviewed had low expectations that they would find them quickly, if at all. This means they are exposed to the risk of further exploitation and re-trafficking.

The frequency and the speed with which Vietnamese minors go missing from care is being considered by the Independent Child Trafficking Advocates (ICTA) service and projects within the Home Office's Child Trafficking Protection Fund. This service was recently piloted and is now being rolled out in three early adopter sites before being carried out nationally. It may be that this assists, however data released from the evaluation of the ICTA pilot schemes showed that "72 children (46%) had at least one missing episode that was recorded. Out of these 72, there were 27 children who remained missing (17% of the whole cohort of children). From these 27, 23 were Vietnamese nationals" (Kholi et al 2015: p29). Taking a comparator research design, the authors conclude that "there is no evidence that having an advocate led to reductions in the number of children going missing" (Kholi et al 2015: p29).

Meanwhile, Sir Martin Narey's review of Children's Residential Care argues that it is currently a challenge for local authorities, the voluntary and private sector to recruit foster carers who are of the sufficient calibre to meet the needs of complex and challenging adolescents (Narey 2016). Vietnamese NGOs and Vietnamese social workers in the UK (3) noted the lack of Vietnamese foster carers who might be able to assist with the provision of culturally sensitive foster care arrangements. Other NGOs interviewed in this study in the UK suggested that foster carers needed the confidence to be pro-active, for example in restricting children's phone use or internet use, in order to thwart re-trafficking attempts (research interviews 2016).

Analysing the files of Vietnamese victims with a PCG decision who were minors when referred into the NRM and initially went missing from care does however, reveal some helpful rationales which could be used to further shape provision in this area:

- Not feeling safe in their accommodation
- Feeling isolated because they do not speak English and could not communicate with the people around them
- Feeling lonely and wanting to seek out other Vietnamese nationals
- Being forced to move to a new foster family, despite not wanting to leave the first
- Not understanding what social services is or what was happening
- Experiencing sexual abuse by their foster carer
- Getting lost while out walking
- Wanting to go and visit a family member

Finally, within NRM files, there is also evidence of minors being directly re-trafficked from care, providing useful insight into how this happens. In the case of one of these victims, they were placed in the same care facility as others who had been exploited alongside them. When two of the other victims contacted their trafficker out of fear of what might happen if they did not, the third person felt that they had no choice but to comply. Fear of reprisal led a further victim to contact their trafficker, while others were either located by their trafficker while out walking or befriended by a trafficker while in care. The following story outlines one of these re-trafficking narratives:

While a minor he found himself begging and homeless. Still in Vietnam, he was approached by a man who told him he would take him to an unspecified foreign country for \$30,000. He was informed that he could find work there and he could pay back his debt when he reached his destination. On arrival in the UK, he was approached by a friend of the person who initially recruited him. He was taken to a cannabis factory and told to grow cannabis, then subsequently arrested. As a minor, he was then released into local authority care (foster care). Here, he was approached by the same man who trafficked him to the UK, who then forced him into domestic servitude and forced him yet again to cultivate cannabis. He was then arrested at another cannabis farm and again placed into local authority care. He was then taken from local authority care by the same individual who trafficked him and this time forced into further domestic servitude for another man, which included regular sexual abuse and physical violence. He eventually escaped and again is within social service care (NRM file).

Recommendations to address the findings in this chapter are included in Chapter Seven.

6. NATIONAL REFERRAL MECHANISM

DATA QUALITY AND ITS CONSEQUENCES:

NRM REFERRALS FOR VIETNAMESE NATIONALS AS A CASE STUDY

In the UK the NCA is the lead agency responsible for collating, analysing, quality assuring and disseminating NRM data on potential victims of modern slavery identified in the UK. As part of this research, the NCA was requested to supply data from its master NRM datasheet for all Vietnamese referrals up to and including 20th October 2016. This information was used in a variety of ways and is utilised throughout this report (Please see Methodology at Appendix A). What is important however, is that this analysis revealed NRM data quality issues which can lead to real life consequences. From the quality of our victim care to how effectively we can fight modern slavery and its perpetrators, good data matters.

In 2014, recommendation 9.4.2 of a Home Office report acknowledged that investment needed to be made in IT “to support the human trafficking referral mechanism and to manage data in such a way that it can be used to support intelligence gathering” (Home Office 2014: p58). Yet three years on, the NCA master datasheet, which has evolved to the extent that it is now in excess of 16850 lines and over 100 columns, remains the primary repository of NRM data. IASC understands that the Home Secretary has pledged to transform the NRM along with its data system. It is hoped that this chapter (and recommendations in Chapter 7) will underline the urgency with which this process must proceed and help HMG to consider where and how improvements can be made to the NRM data system.

6.1 The analytical process and why it matters

Aside from using the NCA’s NRM master datasheet to produce descriptive statistics, it also formed the starting point for a coding frame. More specifically, to perform content analysis on 75 (of a possible 370) of UKVI’s NRM files for victims who had received a PCG decision, the data held for each of the identified individuals was extracted from the NCA’s master NRM datasheet and placed in a new sheet. Each variable had its own cell along the horizontal axis and unique reference numbers along the vertical. As the coding of the NRM files went on, any discrepancies with information collected from the NCA’s master datasheet were recorded and emerging themes allocated new columns. In total 110 thematic categories were developed through this process.

The intention behind this exercise was to draw out information pertinent to the research questions using data collected from, and about, individuals that have been recognised as victims of modern slavery by UKVI (in their role as a competent authority) and granted a PCG decision. In the process of matching and analysing NCA and UKVI held NRM records however, multiple data quality issues were uncovered – 5 of which are included in this chapter. Each of these issues complicates the credibility of the current NRM system of data collection, analysis and dissemination. In turn this analytical process has highlighted issues around the transmission of NRM decisions between UKVI and the NCA, lost intelligence opportunities and the failure to identify crime trends and align operational priorities. As this chapter will outline, each of these data quality issues may have real life consequences for victims, particularly around the themes of effective care and the prevention and disruption of modern slavery crime. The findings also speak to two wider concerns:

1. **The limitations of the current NCA NRM data system cast doubt over whether the NCA published statistics for non-EEA nationals can be wholly relied upon – this has serious implications for our understanding of the threat picture.**
2. The findings in this chapter are based on what could be described as a case study of Vietnamese nationals referred to the NRM. The scale of these issues – including poor crime recording, incorrect and/or incomplete data capture – may therefore be much larger, effecting other non-EEA nationals and perhaps EEA nationals too.

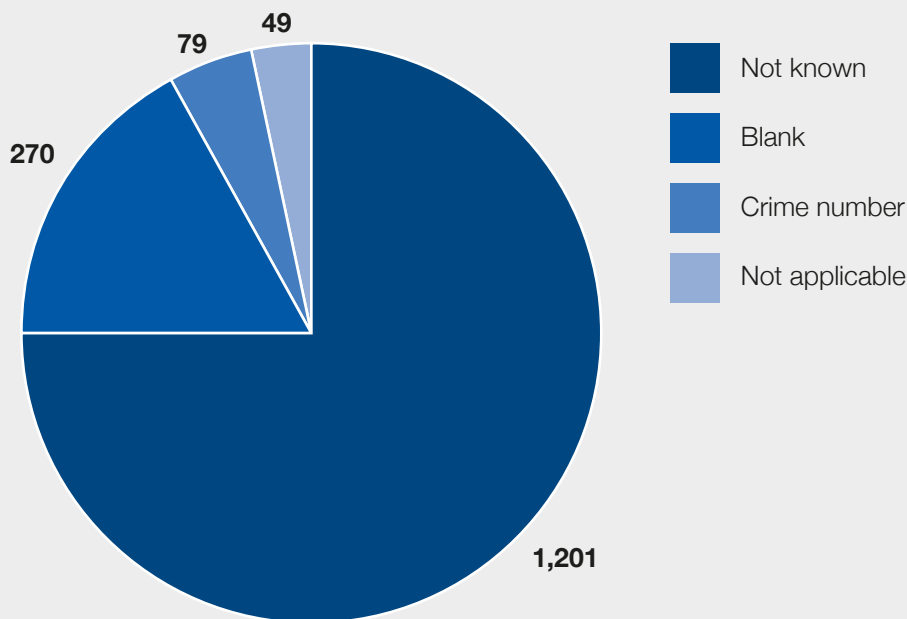
6.2 Real life consequences: victim care

6.2.1 Crime recording

As outlined in IASC’s Annual Report 2015-2016, police forces are not yet routinely recording modern slavery crimes. The National Crime Recording General Rules clearly state that “a crime must be recorded (one per victim) if a victim, or a person reasonably assumed to be acting on behalf of the victim, believes that a crime has occurred” (IASC 2016: p13). While there have been changes over time to the ‘Violence against the Person’ counting rules within which modern slavery is included, the Commissioner maintains that there should be a crime recorded for every NRM referral. There are signs of improvement in 2016/17 (please see the Commissioner’s forthcoming annual report) on this account, although it is also clear that failure to appropriately crime NRM referrals continues. This can have important real life consequences for potential victims, given that when NRM referrals are not recorded as crimes, investigations are not launched and victims do not receive access to the justice that they both need and deserve. It is the duty of police to correctly record allegations of crime, the NRM must not be used a filtering or quality assurance system as NRM decision makers are remote and they are not criminal investigators. There is no other crime where police would rely on others to decide whether a crime has been committed.

At the same time as ensuring that police crime recording is meeting this standard however, the NCA must also take responsibility for recording any crime reference numbers received or gathered from the police, since it administers the master datasheet for NRM victim information. It is alarming then, that analysis of the NCA’s NRM master datasheet showed that only a handful of Vietnamese potential victims had a victim crime reference number recorded. Indeed, only 5% of referrals, amounting to 79 out of 1,599 individuals since 2009, had a victim crime reference number (please see Figure 21)²³.

Figure 21: Victim crime reference numbers recorded by the NCA for Vietnamese potential victims between 2009 and 20th October 2016



Unfortunately, focusing only on victims who had received a PCG decision did not reveal any improvement. Instead, only nine out of a possible 370 victims had an allocated victim crime number.

Since December 2016, the NCA has taken positive steps to ensure that all NRM forms that are received by the NCA NRM team are sent to the appropriate police force within 24 hours. This has been put in place to support the crime recording process by ensuring that NRM referrals are directed to the correct police force area. Yet, it is undoubtedly the police’s responsibility to ensure that the National Crime Recording standard is upheld. It is also essential that the NCA maintains an accurate record of crime numbers since obtaining justice is an important part of victim care. As we have seen, victims are on occasion being charged for the very acts that they have been forced to commit (Section 4.2.3). Without a record of any crime number the NCA is unable to work with the police to identify and address any such cases.

It is essential then that the police and the NCA work together to address this issue and that the Home Office take it into consideration when redesigning the NRM data system.

²³ The number of victims with a recorded victim crime reference number may be lower than 79, given that some of the numbers appeared to be a prison number or other identifier.

6.2.2 Contradictory records of conclusive grounds decisions

Through matching NCA and UKVI held NRM records, it became apparent that there were serious discrepancies in the recording of conclusive grounds decision outcomes. Seven files out of the 75 analysed were classified as having received different NRM decisions in UKVI and NCA records (please see Figure 22). Clearly, this is particularly worrying since our analysis only focused on 75 out of a possible 370 cases – the scale of this issue may therefore be larger. Indeed it may stretch beyond Vietnamese nationals to other non-EEA nationals referred to the NRM.

The NRM guidance issued by the Home Office states that the decision outcome made by a Competent Authority should be recorded on NRM9 forms and be sent to the NCA NRM team. The NCA have shared with IASC that in all of the cases quoted in this report, the information recorded on the NRM spreadsheet was correct when compared with the information that had been received from UKVI by the NCA NRM Team. In the majority of cases, the NRM9 form had not been sent to the NCA NRM team and in one case the NRM9 had been sent with an incorrect decision. In a case that had been withdrawn, this was deemed a duplicate by UKVI then reinstated but the NCA NRM team were not informed.

This explanatory information is helpful – and coupled with IASC’s findings – underlines the importance of any NRM data system redesign putting in place processes that ensure such errors cannot occur. This is particularly important given that the decision that a victim receives can impact on their access to compensation and discretionary leave.

6.2.3 Contradictory crime related recording for victims of forced labour

According to the NCA’s records, 23 victims of forced labour who received a PCG decision for cannabis cultivation had also been charged with a drug related offence (of a possible 115). While these referrals were made prior to the statutory defence provided by the Modern Slavery Act 2015, this finding starkly underlines the importance of the statute and indicates that agencies must take appropriate action to ensure that victims of modern slavery are not penalised as criminals where the situation is as contained in Section 45 of the Modern Slavery Act 2015 (protection of victims). It may be that the victim was charged prior to receiving a positive conclusive grounds decision. Regardless, it is essential that such conflicts are flagged and addressed promptly. No victim, traumatised in a foreign country, should be subjected to incarceration instead of receiving the care that they are entitled to. This issue is examined further within the context of forced cannabis cultivation in Chapter 4 and again recommendations connected to this finding are included in Chapter 7 of this report.

6.3 Real life consequences: prevention and disruption of modern slavery crime

6.3.1 Incomplete NRM data capture

The NCA’s NRM master datasheet captures categories of information about a victim and their exploitation; in places the categories are sparsely populated. In contrast the information contained within UKVI’s NRM files – which can include the NRM form, conclusive grounds minutes, asylum interviews and witness statements – is extremely rich. This situation has arisen because:

- a) The NRM master datasheet is completed based on information provided in the NRM referral forms, which can be scant or non-existent.
- b) The categories contained within the initial NRM referral form are limited and in some cases are not as useful as they could be
- c) The Home Office Competent Authority, in this case UKVI, will have gathered a greater level of detail and information in order to make their RG and CG decisions, yet this information is not systematically collated, analysed or shared between UKVI and the NCA. Instead it sits in paper files, untapped.

By coding UKVI’s NRM files, the research team were able to draw out information that not only enabled the categories in the NCA’s master datasheet to be more comprehensively completed but also for new ones to be created. Examples of which are included below:

- Each encounter with a First Responder
- Last location that the victim lived in before being smuggled/trafficked
- Education level
- Prior occupation
- The circumstances that created a victim’s vulnerability to being trafficked
- Whether the victim was approached by their smuggler/trafficker or if they themselves sought out the individual

- What promises the victim was made by their smuggler/trafficker
- The quoted cost of the journey to the UK
- The geographic route taken to the UK
- Any identifiable locations that the victim travelled through
- The nationality of smugglers/traffickers en route to the UK
- Identifying features connected to any location of exploitation
- Whether the victim absconded from care, and if so why
- Whether the victim was re-trafficked in the UK and if so how many times and under what circumstances.

Each of these categories of information is of value – whether this be for improving victim care, improving our understanding of modern slavery crime and how it happens or for disrupting the criminals that perpetrate it. As this report has unfolded, information collected through the aforementioned coding process has been used, demonstrating how NRM data can inform our strategic approach to tackling modern slavery crime. Based on this learning, recommendations are also included in Chapter 7 for how any future NRM data system can be improved.

6.3.2 Incomplete or contradictory data on location of exploitation and exploitation type

In the case of just over half of the files (39 of 75) that IASC analysed, the NRM master datasheet had not recorded a location of exploitation (listed as not known or blank). Yet analysis of NRM files identified one or more location(s) of exploitation for all but 5 of the 75 victims. At the same time, in 12 out of 36 cases where a location of exploitation had been identified in the NCA's NRM datasheet, the record was at odds with the information gathered from UKVI's conclusive grounds minute documents and/or the contents of a NRM file. Here, an incorrect location was recorded or only one was recorded when in fact there were multiple. Again, this issue can be traced back to a failing system, whereby the NCA only record that which is included in the initial NRM referral form. Meanwhile, the Home Office Competent Authority – in this case UKVI – is collecting a greater level of information that is being wasted.

This finding is alarming, since the NCA's information from initial NRM forms is used to compile statistics that inform our understanding of the UK's human trafficking and modern slavery threat picture. In the worst case scenario this could mean, for example, that we wrongly believe that victims are almost always exploited abroad when it could also have occurred here in the UK. Seeing the bigger picture, it also raises the question of the reliability of the information collected for other categories, including for example, the type of exploitation endured by a victim. Indeed, analysis of UKVI held NRM files showed that victims had sometimes experienced multiple forms of exploitation en route to the UK, yet the NCA's master datasheet has not always recorded this. For example, in one case the PCG minute produced by UKVI recorded that a victim had endured labour exploitation in a clothing factory in Russia and forced cannabis cultivation in the UK, yet for this same individual the NCA had only recorded 'Unknown exploitation type'. Again, this will lead to a skewed understanding of the modern slavery threat and will ultimately undermine our ability to tackle it. This is also important information to capture because the nature of a victim's trauma should be a key consideration when building tailored support that is based on an individual's needs.

Taken together, the findings of this case study have important ramifications for broader discussions about NRM data collection, analysis and how it can be improved. Reflecting on which, Chapter 7 will provide detailed recommendations.

7. CONCLUDING RECOMMENDATIONS

Based on the findings of this research, along with knowledge of previous policies and interventions, the following chapter provides recommendations for action structured within the 4P framework of the HMG Modern Slavery Strategy.

7.1 PURSUE: prosecuting and disrupting individuals and groups responsible for modern slavery

- Utilise strong organisations and effective collaboration
- Develop and utilise new and existing capabilities
- Attack criminal finances
- Ensure that effective legal powers are available
- Internationally, improve our own capabilities and cooperation with international partners

THEMATIC OVERVIEW	
Recommendations for domestic action	Recommendations for UK supported delivery in Vietnam
<ul style="list-style-type: none"> • Memorandum of Understanding • Law enforcement • NRM data system redesign 	<ul style="list-style-type: none"> • Training for Vietnamese law enforcement and immigration officials by law enforcement and immigration specialists

Memorandum of Understanding

1. The Home Office SRO for Vietnam to lead on establishing and managing a Memorandum of Understanding between the UK and Vietnam. This should be developed through dialogue with relevant agencies and bodies, including but not limited to:
 - Immigration agencies
 - Home Office (UK) / Ministry of Public Security (VN)
 - NCA
 - Law enforcement agencies
 - Diplomatic channels
 - Judiciary

A strategic action plan should be developed to guide and support the MoU and include inter alia the following thematics:

- Intelligence sharing
- Training of law enforcement and immigration officials
- Co-ordinated investigations between the NCA, UK forces and the Vietnamese MPS and MPSI
- Secondment of Vietnamese police officers to the UK, with approval from the Minister of MPS
- Access to Vietnamese convicted traffickers in Vietnam

Law Enforcement

2. The police to ensure that for every referral to the NRM there is a corresponding crime report and a proportionate investigation; and the NCA to work proactively with the police to ensure that every crime report is recorded in the NRM master datasheet
3. Recognising the vulnerability and building an effective response to *cannabis cultivation* in the UK, the NPCC lead for Modern Slavery and Cannabis should develop guidelines and review processes, to include:
 - i. Reassessment of cannabis cultivation’s standing on UK police forces ‘harm matrix’
 - ii. Provide advice to police on potential vulnerability when attending venues such as cannabis farms and promote consideration pre-charge as to whether an individual is a victim of modern slavery and should be diverted away from the criminal justice process

- iii. Where victims of modern slavery are not initially identified on entering the criminal justice system and it is later established that they are in fact a victim of modern slavery these cases should be raised with the CPS
 - iv. Provide guidance to the police on the potential for modern slavery within the nail bar sector
 - v. Routinely record the number of raids on nail bars and cannabis farms with metrics on arrests and number of victims identified
 - vi. Work with UK police forces to develop trusted community contacts within the Vietnamese community in the UK and to establish community consultative groups. These should periodically include participation from the NCA, Border Force and Immigration Enforcement. The NPCC for Modern Slavery should provide leadership of this activity and promote a model of good practice.
4. NCA and policing to work collaboratively to review their respective records and ensure that no victims of forced cannabis cultivation have been incorrectly charged.
 5. NCA and UK police to collaborate on finding an opportunity to invite Vietnamese police officers to the UK to observe a modern slavery operation which targets Vietnamese perpetrators. This will be with a view to developing an active working relationship.

According to Vietnamese domestic law any foreign law enforcement agency cannot operate in Vietnam. However, they can only observe or advise. If we are to dismantle the criminal networks that span between the UK and Vietnam it will be helpful to begin to encourage discussion around this topic to demonstrate to Vietnamese partners the benefits of a co-ordinated investigatory approach. This could be started through inviting Vietnamese law enforcement officials to observe a UK based operation which is targeting Vietnamese perpetrators.

6. NPCC lead for Modern Slavery to work with the NPCC lead for Foreign National Offenders including Mutual Legal Assistance (MLA) and Extradition to develop opportunities for intelligence sharing, increased and streamlined MLA requests and where possible the use of JIT's (with another EU country or countries and Vietnam as a partner); increased awareness among police forces of MLAT and international opportunities.
7. NCA to work with HMG partners, the Vietnamese Ministry of Public Security and relevant Vietnamese agencies to jointly investigate financial flows connected to the exploitation of Vietnamese nationals identified in the UK.

IASC understands that the NCA is committed to tackling criminal finances connected with modern slavery and human trafficking and works with a range of UK and international partners to investigate financial flows. From information gathered by the research team the NCA provided Vietnamese partners with money laundering training in 2014. It is unclear however, whether this important capacity building has resulted in any tangible outcomes. Given that modern slavery is primarily financially driven, the investigation and disruption of, criminal profits generated from the trafficking of Vietnamese victims must be a priority.

8. As a priority, UK and French officials to work collaboratively to identify and prosecute criminals operating within 'Vietnam City' and to identify and ensure appropriate support for their victims.

Training for Vietnamese law enforcement and immigration officials by law enforcement and immigration specialists

9. UK to engage with Vietnamese law enforcement officials and to capitalise on and deepen existing relationships with ARLEMP, the JCLEC and the Bali Process among other partners.

Within the region the Australian Federal Police (AFP) consider the Asia Regional Law Enforcement Program (ARLEMP) to be the flagship programme for police leadership and management training. ARLEMP's key objective is to support the professional development of emerging leaders within partner law enforcement agencies.

The UK funds the Jakarta Centre for Law Enforcement Cooperation (JCLEC) and the capacity of this establishment should be explored to provide further regional opportunities for training. The Bali Process is developing a more coordinated response within the areas of the 48 members, including increased and effective law enforcement pursuit.

IASC understands that the NCA is keen to work with other countries to encourage coordination and collaboration for training and capacity building in this area. We look forward to seeing these relationships grow and strengthen.

10. Home Office to work with the Vietnamese Ministry of Defence to train Border Guards on the border between Vietnam and China

It is understood that the last time training was undertaken with Vietnamese border guards (who cover land and sea crossings) was in 2013. While journeys to the UK often begin by air, it is important to be mindful that countries local to Vietnam – particularly China – are also passed through by land. In order to identify Vietnamese nationals who are being trafficked, or will later be trafficked, it is essential that this upstream work takes place.

NRM data system redesign

- 11. The Home Office and the Competent Authorities (NCA & UKVI) must now recognise the value of NRM data and urgently ensure that current information is analysed and matched with other data sources to develop a better understanding of inter alia: the threat picture; emerging trends; victims’ vulnerabilities; the profile of offenders. Work to digitalise the system must be undertaken as a matter of priority.
- 12. As part of any NRM data system redesign, the Home Office must ensure that information gathered throughout the decision making process – not just from the initial NRM referral form – is digitally recorded, analysed and regularly disseminated to partners to inform an evidence based response and a more effective pursuit of offenders.
- 13. NCA to view information gathered through the NRM decision making process as intelligence and to share actionable information with police in a time sensitive manner. Any future NRM data system redesign must consider how to effectively capture and exploit actionable intelligence gathered throughout the NRM process with a view to launching proactive investigations and disrupting criminals.
- 14. The NCA (and any future responsible authority) to ensure that its NRM statistical release is available in an accessible format which ideally allows the user to interact with the data and perform analyses. The release should:
 - i. Include the same data variables in each publication, allowing users to track change over time.
 - ii. Be based on consultation with data users – both internal to HMG and external.
 - iii. Potentially follow ‘Experimental’ or ‘Official Statistics’ standards, based on advice from the Home Office’s Chief Statistical Advisor.

Current and future NRM data must be quality assured to the highest standard and made available to interested partners in an accessible format. Such steps will assist those interested in better understanding crime trends within this area, including those seeking to undertake research and broaden the evidence base.

7.2 PREVENT: preventing people from engaging in modern slavery

- Improve our evidence base on modern slavery offenders
- Deter people from engaging in modern slavery through raising awareness of the reality and the consequences
- Prevent the facilitation of modern slavery
- Use interventions to stop people being drawn into modern slavery crime
- Utilise both the established offender management framework and new bespoke tools to deter reoffending

THEMATIC OVERVIEW	
Recommendations for domestic action	Recommendations for UK supported delivery in Vietnam
<ul style="list-style-type: none"> • NRM data system redesign 	<ul style="list-style-type: none"> • Modern slavery research with offenders • Regulation of labour brokers operating in Vietnam

As with Pursue, the biggest challenge to delivering the Prevent section of the HMG strategy, is the current failure to combat this often organised crime in line with well-established processes used for similar crime types.

NRM data system redesign

1. Home Office to ensure that any NRM data system redesign considers how information collected through the decision making process can be systematically recorded, collated, analysed and used to develop a better understanding of:
 - Modern slavery organised crime models
 - Modern slavery offender profiles

Modern slavery research with offenders

2. NCA to work with Vietnamese authorities to debrief convicted traffickers in Vietnam identified as complicit in modern slavery en route to or within the UK

While IASC is not aware of any convictions of Vietnamese traffickers in the UK at the time of writing, in the 2017 Trafficking in Persons (TiP) report it is stated that “The [Vietnamese] government conducted initial judicial proceedings against 355 trafficking suspects under articles 119 and 120 of the penal code. Of these, the court system reported initiating the prosecution of 295 defendants for trafficking offenses, leading to 275 convictions, compared to 217 convictions in 2015 and 413 convictions in 2014”.

Regulation of labour brokers operating in Vietnam

3. HMG to consider what role it could play in supporting the Vietnamese Ministry of Labour, Invalids and Social Affairs to design and implement a regulated and ethical labour broker scheme.

7.3 PROTECT: strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness and resilience against this crime.

- Protect people at risk of becoming victims
- Strengthen security and improve our ability to detect victims and traffickers at the border
- Improve awareness of the signs of modern slavery amongst members of the public
- Improve both public sector and private sector awareness and resilience

THEMATIC OVERVIEW	
Recommendations for domestic action	Recommendations for UK supported delivery in Vietnam
<ul style="list-style-type: none"> • Regulate the nail bar industry 	<ul style="list-style-type: none"> • Targeted prevention programmes • Strategic communication campaigns

Regulate the nail bar industry

1. Home Office to work with the Director for Labour Market Enforcement, GLAA and the Association of Nail Technicians (ANT) to implement measures to prevent modern slavery in this sector, using existing regulation and laws as well as to consider if specific licensing is required.

This kind of business and others considered high risk could be required to prove compliance with current regulations as part of a licensing scheme. This may include, for example:

- Health and Safety certificates
- Proof of business insurance
- Proof of training provision for staff
- Proof of HMIC compliance with respect to National Insurance contributions
- Provision of bank account details of staff – these can be verified with employees
- Certification of environmental compliance

Targeted prevention programmes

2. Home Office to explore opportunities for developing prevention programmes for groups in Vietnam who are specifically at risk of being trafficked to Europe and the UK.

A prominent Vietnamese NGO, Pacific Links Foundation, is developing an academic scholarship programme for at risk children aged between 12 and 18. This programme exists to address some of the fundamental vulnerabilities that can see a child become a victim of modern slavery. The Home Office should use NRM data to better understand these vulnerabilities – both for adults and minors – and consider how future funding can be directed towards piloting evidence based projects.

Strategic communication campaigns

3. Home Office to lead on developing evidence based and strategic communication campaigns for dissemination in high prevalence areas in Vietnam:

i. Safe migration

Clearly, it is essential that those seeking to leave Vietnam are warned of the risks connected with this decision – including but not limited to modern slavery. It is also important however that they are informed about what options are available for ‘safe migration’. This would entail promoting awareness of and educating people about reputable labour agencies and legitimate companies that can offer work opportunities both abroad and in Vietnam. By taking this approach, HMG would ally itself with initiatives undertaken by the UN, IOM and the Australian government, which not only warn potential migrants of trafficking, but also deliver campaigns to facilitate safe recruitment and regular migration pathways. To deliver this programme HMG might want to consider the following:

- Funding an increase in locally engaged staff based at the embassy who can conduct field trips and safe migration workshops in high risk provinces.
- Learning from the IOM’s Migration Resource Centre (MRC) and considering whether this is a model which they would want to take forward. The MRC operated in its pilot period in Hanoi and was supported by a website which to date has attracted more than 100,000 visitors. As well as providing counselling services, the MRC provides prospective migrants with accurate and regularly updated information on labour market conditions, recruitment opportunities, pre-departure orientation, employment welfare and medical services. The MRC hopes to promote potential migration opportunities within the country and provide accurate country profiles of the labour opportunities for destination countries.

ii. Modern slavery victim’s stories

Whether due to the trauma they have experienced or for fear of their traffickers, this research found that several victims had not shared their ordeal with friends or family back in Vietnam. It is essential that the horrors of modern slavery are communicated and that individuals understand that they are putting themselves at risk if they do not practice ‘safe migration’.

Particular thought must also be given to how children and their parents can be best engaged. ECPAT UK have recently been given funding to disseminate a film which focuses on children exploited in the cannabis trade.

7.4 PREPARE: reducing the harm caused by modern slavery through improved victim identification and enhanced support and protection

- Proactively identify and recognise victims of modern slavery
- Provide victims of modern slavery with appropriate and effective support
- Provide specialist support to child victims of modern slavery
- Support the reintegration of victims into society
- Support victims and witnesses of modern slavery through court proceedings
- Ensure effective safeguards to prevent victims being criminalised

THEMATIC OVERVIEW	
Recommendations for domestic action	Recommendations for UK supported delivery in Vietnam
<ul style="list-style-type: none"> • Modern slavery data and analysis • Age assessments • Police training • Support services for Vietnamese victims in the UK • Judiciary training 	<ul style="list-style-type: none"> • Support services for victims who have returned to Vietnam • Development of a national biometric data database in Vietnam

Modern slavery data and analysis

1. Any NRM data system redesign should include the provision of regular NRM data briefings for each UK police force area on their threat picture, with a view to encouraging proactive investigations.

2. Joint Slavery and Trafficking Analysis Centre to be tasked with reviewing all available evidence on the prevalence of the sexual exploitation of Vietnamese nationals in the UK and sharing findings with appropriate partners including effected force areas.
3. The NCA to include in its statistical publication of NRM data the number of people who are recorded as missing, including at a minimum, nationality and age category at time of exploitation (minor/adult). This requirement must also be included in any redesigned NRM data system.
4. The NCA must begin to record and publish data where victims have been processed through the NRM more than once.

Age Assessments

5. Relevant experts with the LGA to undertake a review of the 'Age Assessment' process with a view to developing a system in which partners have confidence

Police training

6. College of Policing and the training team within the Modern Slavery Police Transformation programme to develop and deliver training on the identification and treatment of victims of forced cannabis cultivation based on newly developed national police guidelines.
7. College of Policing to ensure training is provided to UK police forces on modern slavery including raising awareness of victims' potential fear of authority figures (particularly for Vietnamese nationals) and techniques to put them at ease.
8. College of Policing to work with the training team within the Modern Slavery Police Transformation programme to develop and deliver training to UK police forces on the statutory defence and 'non punishment principle' (as appropriate in England & Wales, Scotland and Northern Ireland) and how it can be operationalised.

Judiciary training

9. The Judicial College to continue to deliver training on the statutory defence and 'non punishment principle' and how it can be operationalised.

Support services for Vietnamese victims in the UK

10. Home Office to consider funding a pilot Telephone/Skype counselling service for Vietnamese potential victims within the first hours of having been identified in the UK.
11. Home Office to consider how to build the capacity of Independent Child Trafficking Advocates to identify and reduce risks of re-trafficking or going missing.

Support services for victims who have returned to Vietnam

12. To date the HMG has helped with the financing of existing shelters run by NGOs and has also invested in building its own. While these are clearly positive steps, the current shelters cater for women and girls. Yet since 2009, 65% of all referrals have been for males and 39% of all referrals for male minors (Figure 4). It is clear therefore that any future provision should be oriented towards catering for the needs of men and boys.
13. Home Office to undertake a scoping exercise, designed to explore alternative reintegration options (beyond shelters) for victims of trafficking returned from the UK to Vietnam.
14. Home Office to ensure that any organisations that it funds in Vietnam are subject to stringent safeguarding checks at both the strategic and operational level.

Development of a national biometric database in Vietnam

15. Home Office to scope the possibility of working with Vietnamese partners to encourage and assist the development of a national biometric database, with a view to improving law enforcement's capability to identify victims and offenders and victim care.

The Vietnamese authorities do keep records which are of proven use, for example, there is a nationwide ID card system. To receive this card, every Vietnamese person provides their fingerprints and photograph to their local police station at age fifteen. These fingerprints and details are currently not kept electronically however, but are instead stored at individual police stations. It is argued here that a new system is needed, which will allow for this collection of biometric information to be electronically available and utilised where appropriate to address modern slavery.

ANNEX ONE: METHODOLOGY

In this chapter the methodology that underpins this research is outlined. It is important to acknowledge that despite the authors' best efforts to be accurate in their judgements, the study is not without limitations. Consequently, attention is also given to weighing up the strengths and weaknesses of the sources upon which this report is built.

➤ **NCA NRM master datasheet**

On behalf of the IASC, the NCA was requested to provide a cut of their NRM master datasheet, for all referrals made on behalf of Vietnamese nationals between 2009 and 20th October 2016. Using this information, descriptive statistics were produced to provide a contextual backdrop to the subsequent research. This data was also used to compliment analysis of 75 UKVI held NRM files for victims who had received a PCG decision.

➤ **Literature review**

Guided by the project's research questions, a review of all relevant open and closed source literature was undertaken. The conclusions drawn from this exercise are used to support arguments made throughout this report. The literature review drew on three studies which contain useful primary data: one study of Vietnamese migrants who reside irregularly in the UK (Pham 2015) and two studies which are built on data from individuals who have returned to Vietnam after being irregular migrants in the UK (AAT & FCO 2014; FCO 2014).

The first study draws on eight semi-structured interviews with irregular residents who are currently living in the UK (Pham 2015). The two studies based on returnee data have far larger samples. The first study by AAT & FCO (2014) is based within Nghe An province (a key source province for irregular migration to the UK) and included a sample of 140 returnees, who were interviewed by Vietnamese researchers using a structured face to face interview: 37 people had been back in Vietnam for four or five years; 62 had returned for three years; 29 had returned for one or two years and 12 had returned for less than a year (AAT & FCO 2014). The second report draws on 346 structured interviews undertaken by a Vietnamese research team. This report was able to provide broader geographical coverage and draws on returnees who originated from and returned to the following provinces: Quang Binh (163), Ha Tinh (81), Hai-Phong (62), Quang Ninh (18) and Ha Noi (22). The majority had returned to Vietnam between 2010 and 2013 (FCO 2014: p31).

Given the limited primary data available, these studies (AAT & FCO 2014; FCO 2014; Pham 2015) alone cannot account for the dynamics of Vietnamese nationals' exploitation through modern slavery. Further, with the exception of Pham's research (2015), all of the studies outlined have been carried out at the behest of government departments, which may have influenced the quality of data elicited. For example, it is possible to assert that respondents may have been more cautious in revealing their own agency in criminal activities such as cannabis cultivation or smuggling operations. To provide as comprehensive a picture as possible, the literature review was therefore supplemented by secondary reports (both open and closed) produced not only by governmental bodies but also non-governmental bodies, academics, statutory agencies and Freedom of Information requests. A full list of sources is provided in the bibliography.

➤ **Semi-structured interviews**

The literature review is complimented by a series of semi-structured qualitative interviews with key stakeholders in both the UK and Vietnam. These include:

- Representatives of NGOs in Vietnam (9) and the UK (10)
- Vietnamese community members in the UK, including business owners (5)
- Academics based in Vietnam (3) and those examining cannabis cultivation and modern slavery among Vietnamese nationals (2)
- Police force representatives in England (11)
- UK and international government officials in Vietnam (7)
- UK government officials (2)
- Returnees from the UK now living in Vietnam (12).

Sampling was initially purposive, with respondents deliberately chosen with the research aims and objectives in mind. Snowball sampling was later used as respondents mentioned others who they thought it would be worthwhile to interview. In all cases, an interview schedule was used to structure the interview. Content analysis was applied to the resulting material and this qualitative data was tabulated into Microsoft Excel, with columns representing themes, and rows representing individual interviews. This approach has allowed all the interviews to be considered either on a case by case basis or thematically, to ensure minimal loss of narrative material.

It is important to elucidate the challenge of asking questions about modern slavery. In the UK and Vietnam, for example, it became obvious that although legal definitions exist, not all of them are shared. For example, in Vietnam the age of majority is 16 rather than 18, as is the law in the UK²³. Further issues arose around establishing a shared understanding of the terms 'smuggling' and 'modern slavery', which were compounded by the use of a translator (who may be liable to translating such terms through their own cultural perspective). To mitigate these issues, the interviewer sought to use examples to help explain concepts and check a shared understanding.

▶ Life history interviews with Vietnamese potential victims of modern slavery

Eleven Vietnamese potential victims of modern slavery who were in safe accommodation in the UK and had received a PRG decision from the NRM Competent Authority were interviewed using a life history approach.

Interviews took place face to face and were organised at the convenience of the participants. It was felt that the participants' safe house accommodation was the most appropriate location for the interviews, which lasted between thirty minutes and two hours. Due to the sensitivity of the subject, interviews were not recorded but a contemporaneous note was taken and interviews were written up subsequently. Protecting the anonymity of interviewees was of paramount importance and therefore names or identifying features were not attached to any written notes or tables of analysis. A consent form was included for interviewees to sign to indicate their agreement or otherwise to participate in the research. In addition interviewees were asked to confirm verbally that they had received, read and understood the form inviting them to participate in the research and that they were happy to proceed. To aid this, the form was translated into Vietnamese and a translator was asked to read out the form and confirm with the participant that they clearly understood its content.

The research ethics were informed by the consideration of London Metropolitan University Research Ethics Committee and interviewees were offered the option to stop the interview at any point. In this instance, the participant would then be provided with guidance as to where to seek statutory and non-statutory assistance.

Interviews conducted with potential victims of modern slavery explored interviewees' biographical experience and began with the open question 'can you please tell me a little bit about yourself?' The participant was thereafter encouraged to speak freely. At particular points the interviewer was then able to guide the participant's recollections toward topics pertinent to the research questions. Notes were subsequently coded and all the qualitative data was tabulated into Microsoft Excel, with columns representing themes, and rows representing individual interviews. Again, this approach allowed all of the interviews to be considered either on a case by case basis or thematically, to ensure minimal loss of narrative material.

As stated, the interviews (5 males and 6 females) were conducted with Vietnamese potential victims who had received a PRG decision from the NRM. To be awarded a reasonable grounds decision the case reviewer must decide whether "I suspect but cannot prove" that the individual is a victim of modern slavery. The accounts collected therefore cannot be proved with absolute certainty. It is also essential to remember the emotional impact on victims of traumatic experiences or indeed Post-Traumatic Stress Disorder. Further, it is not uncommon for traffickers to provide stories for victims to tell if approached by the authorities; any errors, or lack of reality, may be because their initial stories are composed by others and learnt. Each of these factors must be borne in mind when reading the accounts of survivors included in this report.

23 Please see: <http://www.thanhniennews.com/education-youth/vietnamese-lawmakers-vote-to-keep-age-of-majority-at-16-60924.html>

➤ Analysis of the NRM files for Vietnamese nationals who received a positive conclusive grounds decision

On behalf of IASC, UKVI were requested to provide files held for all Vietnamese victims referred to the NRM between 2013 and 2016 who had received a PCG decision. UKVI were unable to retrieve all of the files requested for operational reasons, however, 75 were included for analysis for Vietnamese nationals referred to the NRM between 2012 and 2016 (out of a possible 370 referred to the NRM since 2009).

Figure 23: Number of UKVI held files analysed by age category when exploited and gender

Adult/minor when exploited	Female	Male	Total
Adult	13	15	28
Minor	21	26	47
Total	34	41	75

Figure 24: Number of UKVI held files analysed by year

Year of referral	Number of files (1 per victim)
2012	1
2013	23
2014	19
2015	28
2016	4
Grand Total	75

Content analysis was performed on each of these files, drawing out information pertinent to the research questions. To capture this information an excel sheet was developed, which started as the information held in the NCA's NRM master datasheet for each of the 75 victims. Each variable had its own cell along the horizontal axis and unique reference numbers along the vertical. As the coding went on any discrepancies with information from the NCA's master datasheet were recorded and emerging themes allocated new columns. In total 110 thematic categories were developed through this process.

Just as with the aforementioned interviews with victims who received a PCG decision, it is important to remember the threshold of evidence applied to a Competent Authority's decision making. For a PCG decision to be awarded, the assessor must be satisfied that an internally consistent account has been given and that "on the balance of probabilities" it is accurate. Therefore, while these accounts are undoubtedly rich and highly valuable, it is important to be mindful that they may not be 100% accurate. Further, as outlined previously, it may be that victims are suffering from post-traumatic stress or have been coached about what to say.

Indeed, it is acknowledged that NRM data is partial, with the potential for bias. This bias can emanate from the fact that they are victim centred accounts, based on individuals' personal recollections. Further, the NRM based accounts included in this report are by their very nature collected only from those who have come to the attention of the authorities. Modern slavery is however, a hidden crime and it may be that alternative dynamics of exploitation are present that have yet to be identified. On balance however, the NRM data has been found to be exceedingly rich and is of course one of our best sources of information on this topic.

In conclusion, the combined weight of evidence has allowed IASC to develop a good understanding of the dynamics of the exploitation of Vietnamese nationals en route to, and within, the UK. It is hoped that this research design – which has demonstrated the value of utilising data collected through the NRM decision making process - will be used as a model for future projects.

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