

Lords Briefing: Committee Stage

Domestic Abuse Commissioner's Brief for the Victims and Prisoner's Bill: Firewall between Immigration Enforcement and Statutory Services

The Victims and Prisoner's Bill marks a monumental opportunity to improve the response for victims and survivors of domestic abuse and the Domestic Abuse Commissioner welcomes its introduction to Parliament. However, the Victims and Prisoners Bill misses an important opportunity to enable migrant survivors to report domestic abuse. This briefing provides an overview of the issue and the Commissioner's proposed solution to ensure migrant survivors can safely report domestic abuse – for a more detailed explanation, please read the Commissioner's recent report, [Safety Before Status: How to ensure the Victims and Prisoners Bill meets the needs of all victims](#).

Issue

Public services, from police to social services, can share information about a victim with insecure immigration status with the Home Office, which may result in immigration enforcement action. This generates issues for cases of domestic abuse where the victim has insecure status, or does not know their status, such as:

- **Increased ability for the perpetrator to utilise immigration status to retain control and inflict further abuse – known as immigration abuse.** This includes threats of deportation and separation from their children if they report abuse and was a key tool David Carrick used to control one of his victims. Imkaan has reported that more than 90% of abused women with insecure immigration status had their abusers use the threat of their removal from the UK to dissuade them from reporting their abuse.
- **Increased incentive for preparators to destroy documentation.** Perpetrators will destroy documentation, lie to the survivor about their status, or purposely work to cause a survivor's status to become insecure to increase control.
- **A lack of clarity of practice leading to confusion for both survivors and front-line professionals.** There are mixed and conflicting policy processes and positions. For example, the NPCC has a position on data sharing with the Home Office in such cases, there is also the incoming Code of Practice and then also the Protocol being provided by the Home Office. This makes it confusing for both frontline professionals and also for survivors to understand.
- **Poor practice and a prioritisation of pursuing an immigration offence over investigating domestic abuse.** The prioritisation of investigating the victim or survivor's status, making them the centre of the investigation, rather than the pursuit of justice of the abusive perpetrator undermines strategic work to stop domestic abuse and leads to poor practice (Please see Annex A for a case study). The Commissioner has revealed new evidence that every single police force in England and Wales has shared the data of a victim of domestic abuse with Immigration Enforcement over a three-year period, which means that migrant victims and survivors have no safe place to report what has happened to them. This undermines the Home Office's objective of treating migrant victims as victims

first and foremost, resulting in particularly vulnerable victims finding it difficult to report, and subsequently disengaging with the police, statutory services, and specialist support services. This allows perpetrators to continue offending, evade justice and potentially target others, undermining public safety.

Implementing a Firewall between statutory agencies and immigration enforcement

A firewall in practice would be a blanket ban on statutory agencies, such as the police, sharing data of a victim or witness of domestic abuse with the Home Office immigration enforcement. This is where the victims or survivor is requesting or receiving support or assistance related to domestic abuse. This will enable survivors to report and access support without fear of immigration enforcement; would bring more perpetrators to justice; and reduce the grip of immigration abuse.

Despite multiple recommendations of a firewall from the Home Affairs Select Committee, the Justice Select Committee, the Women and Equalities Committee, His Majesty's Inspectorate of Constabulary, Fire and Rescue Services, Welsh Government, the domestic abuse sector, and also the Domestic Abuse Commissioner herself, the Home Office have opted against it.

The Home Office has instead opted for a Code of Practice and a Protocol which is not yet published; however, the current approach is ineffective and counterproductive because:

- The survivor is still open to immigration enforcement once criminal proceedings conclude, meaning they will be fearful to report for risk of being deported post proceedings. Criminal investigations may be closed extremely quickly (in a matter of days), which is particularly pertinent given that charges, prosecutions and convictions for domestic abuse are all dropping.
- It is complicated to understand and won't be easy for victims, who may have limited internet access and may not have English as a first language, leaving perpetrators to exploit this confusion and continue immigration abuse.
- There will likely be inconsistency between force areas on operational decisions on sharing data with immigration enforcement, leading to further confusion to the survivor and a disparity of outcomes across the country.

The Commissioner agrees with Government that victims and survivors need to be treated as victims first. Therefore, it is the Commissioner's opinion that a firewall is absolutely necessary to enable victims with insecure immigration status to safely report what has happened to them. Establishing a firewall is possible and the Government can learn from international examples such as Amsterdam and Quebec.

Recommendations

At Report Stage in the Commons, the Commissioner called on MPs to support Amendment 30 tabled by Sarah Champion to introduce a data-sharing firewall between statutory agencies and the Home Office.

The Commissioner now encourages Peers to support the amendment tabled by Baroness Lister which will insert a new Clause entitled "*Victims of specified offenses*:"



data-sharing for immigration purposes" following Clause 26. This would establish a data-sharing firewall for victims and survivors of domestic abuse, stalking and harassment, modern slavery, sexual assault and rape, and child sexual abuse and exploitation, as well as any additional offences which the Secretary of State could specify in regulations.

The Domestic Abuse Commissioner is working with a coalition of partners across the specialist domestic abuse, sexual violence, and children's sectors, as well as with the Victims' Commissioner to bring about the long overdue change needed for victims' services. She is supportive of a wide range of amendments being led by these partners, including those brought forward by the migrant survivors sector which seek to ensure that victims and survivors of domestic abuse without recourse to public funds can access the support they need.

The Commissioner would welcome contact from any Peers who have an interest in or questions about any of these issues at:

commissioner@domesticabusecommissioner.independent.gov.uk

Annex A: Case study from the Latin American Women's Rights Service (LAWRS) - Lucia*

Lucia is from Latin America and came to the UK on a visitor visa. In 2019, she met her partner online, and after some months, he proposed and convinced her to stay in the UK by telling her he would marry her before her visa expired. However, as time passed, he became aggressive and began isolating her from friends and family. When the pandemic hit, he increased his control over her. At the end of last year, she ended the relationship. After that, he would send her messages and emails insulting and threatening her.

She sought support from the Latin American Women's Rights Service. She was experiencing a high-risk case of abuse and stalking, which led to a deterioration of her mental health and the development of suicidal thoughts. Despite the risk, Lucia was fearful of contacting the police due to her lack of legal status, but as the threats and stalking grew worse, her caseworker supported her to report him to the police. They filed an online report asking for an interpreter.

When the police came to her home, no interpreter was provided. Lucia felt that her case and evidence were undermined. She felt embarrassed and blamed. Later, when the police asked for an ID and looked through her passport and expired visa, they called Immigration Enforcement in front of her and told her that she should be ready to leave at any moment.

The police told Lucia that there she was not a victim of crime as her perpetrator was not threatening her. This was the first time Lucia sought support from the police after three years of being in an abusive relationship. She felt let down by the police and fearful of removal from the country as a consequence of having reported the crime. Meanwhile, her perpetrator continued to harass her, sending threats to come to her house.

The police report to Immigration Enforcement filled Lucia with terror. She contacted her caseworker extremely distressed, saying she did not want to have any contact with the police. As abuse escalated again, her caseworker tried to convince her to make another report, which Lucia opposed as she was more afraid of deportation. Eight days after the police report, Lucia got an immigration enforcement letter. The letter exacerbated Lucia's fear and made her decide to disengage from LAWRS' support altogether. She told her caseworker that she did not believe there would be a way to obtain any justice. Despite being a victim, she felt she was treated as a criminal facing negative consequences due to her immigration status.

Lucia's caseworker is deeply concerned about her safety and wellbeing.