

Written evidence submitted by Step Up Migrant Women Coalition - Further submission (DAB95)

Data-Sharing with the Home Office for immigration control Freedom of Information Requests

Introduction

1. The most severe barriers experienced by migrant women to reporting domestic abuse stem from the fear of information sharing for purposes of immigration enforcement, which represents a real threat of detention, deportation and destitution. Perpetrators know this well, which is why King's College London's report with LAWRS, *The Right to be Believed*, showed that 62% of migrant women had specifically been threatened in this manner by their abusers.¹

2. This is consistent with multiple stories that frontline services providers such as LAWRS and the members of the Step Up Migrant Women coalition have been hearing for years. Along with the high levels of threats from perpetrators there's the victims' correlative fear that reporting the abuse to statutory services - particularly the police- will lead to data sharing with immigration authorities resulting in detention, deportation and destitution for them and impunity for their abusers. For women with children, there is the added risk of being separated from their children and for these children to be left in the hands of domestic abuse perpetrators. It is extremely concerning that according to the research's findings over 1 in 2 migrant women are more afraid of reporting to the police and being in turn reported to immigration enforcement than of the perpetrators who abuse them at home².

3. This is consistent as well with information obtained from police forces themselves -through Freedom Information Requests- when 60% admitted referring victims to the Home Office. As a result, trust among migrant communities has been eroded while the purpose of the police to prevent, detect and punish serious crime is undermined.

4. That the immigration system is used by perpetrators should not come as a surprise. This has been recognised as an issue in the statutory guidance on coercive control³.

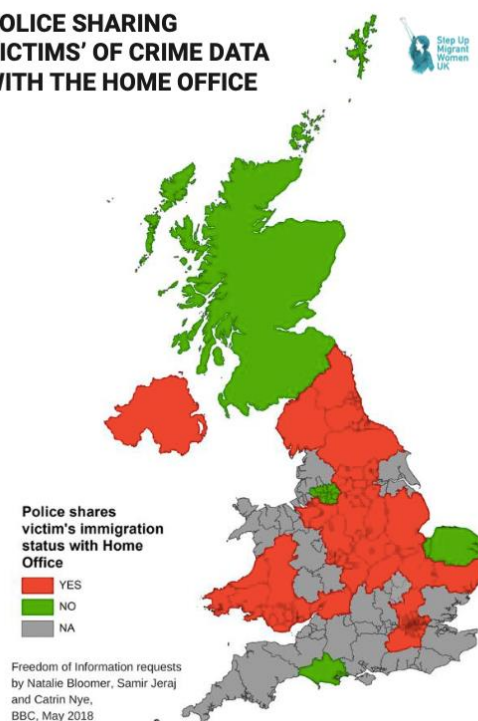
2018 Freedom of Information Requests

5. In May 2018 the BBC's Victoria Derbyshire programme asked all UK police forces:

6. Please confirm if your police force reports victims and or witnesses of crime to the Home Office for immigration enforcement.

7. The responses revealed that 27 out of 45 police forces (60%) in England and Wales share victims' details with the Home Office. 4

POLICE SHARING VICTIMS' OF CRIME DATA WITH THE HOME OFFICE



¹ <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

² Ibid.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf

⁴ <https://www.bbc.co.uk/news/uk-44074572>

8. This information evidences that the risk of immigration enforcement is real for victims who decide to come forward and report their perpetrators. *The Right to be Believed* report illustrates this point very clearly: of 50 survivors with insecure immigration status who were interviewed, 4 were arrested and questioned over their immigration status when reporting the abuse to the police.⁵

2019 Freedom of Information Requests – Amnesty International UK

9. In August 2019, Amnesty International UK (AI UK) conducted a new Freedom of Information investigation in relation to data sharing with the Home Office for the purposes of immigration control, particularly in relation to the existence of policies in this matter. AI UK asked:

10. Please confirm whether your force has a formal policy in place in relation to when victims of, or witnesses to, crimes (who are not suspected of a criminal offence themselves) who come into contact with the police are referred to the Home Office for immigration purposes?

11. The response shed light on the fact that only 9 out of 45 UK police forces had a policy or followed guidelines on whether or not they should share victims' data with immigration enforcement. This lack of policy is concerning since it shows that police forces do not have a clear guidance on how to support victims with insecure immigration status even when victims themselves are not suspected of a criminal offence. In consequence, -as evidence from frontline service providers suggests- most police forces are still able to prioritise on a discretionary basis immigration control above the protection of victims, by sharing data with the Home Office despite there being no legal obligation to do so.⁶

12. In addition, AI UK asked all 45 UK police forces:

13. Please confirm whether your police force has shared data of any victim or witness of domestic abuse with the Home Office for immigration purposes:

- a. **In 2019 to date; and**
- b. **In any of the previous five calendar years**

14. The majority of forces said they could not provide or did not hold this information in an easily retrievable way, suggesting a worrying lack of process for how police handle the data of domestic abuse victims and evidencing that the current guidelines on sharing victims' data are inadequate.

15. AI UK's FOI investigation comes more than a year since Liberty and Southall Black Sisters (SBS) first lodged a Super Complaint⁷ about police forces sharing immigration data⁸. In the complaint, Liberty and SBS revealed that police forces did not appear to have adequate, if any, policies or guidance on this in place.

16. Following these revelations, the National Police Chiefs Council (NPCC) released guidelines⁹ for police forces on sharing information with Immigration Enforcement in December 2018. The guidelines aimed to "encourage a consistent approach across the country", and the NPCC assured that "chief constables have endorsed this position and are amending local policies accordingly".

17. Despite this, AI UK's investigation has shown that just 1 in 5 police forces across the country have since adopted a policy or follow the NPCC guidelines.

⁵ <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

⁶ <https://www.libertyhumanrights.org.uk/issue/care-dont-share/>

⁷ <https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

⁸ The practice of data-sharing between the police and the Home Office when victims report abuse is currently the subject of a joint super-complaint by SBS and Liberty and has led to a legal challenge brought by an SBS user against the Metropolitan Police.

⁹ <https://news.npcc.police.uk/releases/new-guidance-for-officers-on-sharing-information-with-immigration-enforcement>

18. This new evidence shows that for migrant women with insecure immigration status there is no guarantee that they will be treated as victims when reporting domestic abuse to the police. Victims are looking for help and support including legal advice to regularise their status. Evidence from the 50+ members of the Step Up Migrant Women coalition, which is led by the Latin American Women’s Rights Service and BAME ‘by and for’ service providers supporting victims every day, shows that the only way to ensure victims won’t be deterred from reporting crimes to the police is to put a complete end to the sharing of victims’ data.

Conclusion

19. For these reasons above, from the Step Up Migrant Women coalition, we are proposing an amendment (N37) to the Domestic Abuse Bill that gives clear, legislative direction to protect all victims of domestic abuse whilst avoiding confusion and inconsistency in statutory services –including police forces- practices that prevent victims from reporting and enable perpetrators impunity over the commission of these crimes.

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