

# Mayor's Office for Policing and Crime (MOPAC)'s Consultation on Police and Crime Plan 2021-25



## Response by the Latin American Women's Rights Service (LAWRS)

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### About Latin American Women's Rights Service (LAWRS)

LAWRS is a by-and-for, feminist and human rights organisation addressing the practical and strategic needs of Latin American migrant women displaced by poverty and violence. LAWRS' mission is to provide Latin American migrant women with tools to assert our rights and pursue personal empowerment and social change. We directly support more than 5,000 women annually through culturally and linguistically specialist advice, information, counselling and psychotherapy, advocacy, development programmes, and workshops. LAWRS is based in London but supports Latin American women throughout the UK.

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## Introduction

LAWRS welcomes the opportunity to contribute to MOPAC's consultation on its Police and Crime Plan 2021-25. Migrants living in London have been direct victims of multiple crimes exerted by multiple perpetrators for a long time. At the same time, they face many barriers that render them unable to report such crimes and receive support from the police, as well as approaching the authorities as witnesses of crime. For this reason, migrant victims endure abuse and exploitation for more extended periods.

Lack of trust is a key hindrance to approaching the police. One of the main causes of this lack of trust is the current collaboration between police forces and Immigration Enforcement. Over a decade of hostile environment policies have led both undocumented migrants and those with documentation to live and work in the UK fearful of the authorities that are meant to protect them. As migrants are affected by data-sharing for immigration control, the information is quickly spread among migrant communities through word of mouth, damaging trust further. It is imperative that the new Plan considers how to repair this broken relationship between migrant communities and the police in order to really build trust. This will, in turn, allow police forces to more effectively tackle crime and bring perpetrators to justice.

## Increasing trust and confidence

Despite evidence of how data-sharing practices between the police and Immigration Enforcement can undermine trust from migrants, and migrant communities and organisations continuously advocating for the end of such practices, data continues to be shared, in particular through the Immigration Enforcement National Command and Control Unit (NCCU), which can initiate immigration enforcement action.<sup>1</sup>

LAWRS<sup>1</sup> research<sup>2</sup> shows that in cases of domestic abuse and other forms of VAWG, victims with insecure immigration status are unlikely to approach the police. They believe police will prioritise their lack of legal status instead of being protected as victims of serious crimes. We often support women terrified of approaching any law enforcement authority. They fear that in doing so, they will risk being deported and, in cases where women have children, the possibility of being separated from them. This lack of confidence is concerning as it allows perpetrators to continue abusing vulnerable women with impunity.

This issue has raised the concerns of the migrant and migrant women sectors for years. Based on the harmful effects of the continued cooperation between the police and Immigration Enforcement, in 2018, Southall Black Sisters and Liberty presented the first-ever

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<sup>1</sup> <https://questions-statements.parliament.uk/written-questions/detail/2019-10-30/7744>

<sup>2</sup>

<https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

super-complaint, shining a light on the damaging effects of these data-sharing schemes.<sup>3</sup> The independent investigation, led by three independent police watchdogs, was conclusive that these agreements are significantly harming not only victims of crime, but also the public interest, as crimes are not reported and therefore remain unpunished. Among other recommendations, the three police bodies called for immediate action to stop this practice and establish safe reporting mechanisms for all migrant victims and witnesses.

Last December, the Government responded to the latter<sup>4</sup>, arguing that data-sharing with Immigration Enforcement is essential to protect victims. Together with the Home Office, they rejected the possibility of establishing a firewall that would have allowed victims with insecure immigration status to approach the police to report crimes and be safe. Instead, they proposed an Immigration Enforcement (IE) Migrant Victims Protocol.

We wholeheartedly disagree with the Government response and argue that there is a concerning conflict of interest with Immigration Enforcement enforcing immigration rules and safeguarding vulnerable victims. As a community-based by and for migrant women's organisation, we reject this protocol as we know that this alternative approach won't enhance victims' confidence to report a crime. Contrary, by institutionalising the role of Immigration Enforcement in reporting a crime, vulnerable victims won't come forward to the police and will be exposed to further harm. This approach will further damage the little trust that migrant communities have in the police.

We believe that establishing safe reporting mechanisms is key to restoring trust and ensuring that migrant victims of crime feel confident to report, and both victims and witnesses can collaborate with investigations. Safe reporting mechanisms, already in practice in other parts of the world such as [the Netherlands and New York](#), can help the police protect victims, carry out successful investigations and hold perpetrators to account.

In rebuilding improving the experiences of migrant victims, it's vital to understand the structural and institutional discrimination to what migrant women are subjected to when approaching the police and seeking to access the Criminal Justice System. For example, evidence shows that victims are migrant women, criminal investigations and charges have fewer possibilities of going forward.<sup>5</sup> Furthermore, it has been our direct experience more recently that cases are often closed without the victim or supporting organisation being contacted. Ensuring that equality obligations are met, victims are believed and supported, including the provision of trauma-informed interpretation, to bring perpetrators to account, and maintaining ongoing

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/767396/Super-complaint\\_181218.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1041124/HO\\_Review\\_Police\\_and\\_HO\\_data\\_sharing\\_migrant\\_victims.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041124/HO_Review_Police_and_HO_data_sharing_migrant_victims.pdf)

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[https://research-information.bris.ac.uk/ws/portalfiles/portal/188884552/Policy\\_evidence\\_summary\\_1\\_Migrant\\_women.pdf](https://research-information.bris.ac.uk/ws/portalfiles/portal/188884552/Policy_evidence_summary_1_Migrant_women.pdf)

contact with them throughout the process is essential for tackling crime and preventing recurring offenders from abusing victims.

Stronger collaboration with specialist organisations is another key factor to increase trust and confidence in the police, as they are the ones who can provide wrap-around, holistic support that is culturally sensitive. Efficient referral pathways should be established and regular feedback with supporting organisations should be maintained throughout the reporting process and investigations.

## Better supporting victims

Migrant victims of crime have specific needs that are systematically unmet by authorities. As covered above, migrants often avoid reporting crime due to data-sharing practices with Immigration Enforcement. Many that do report, find that their immigration status is prioritised over their safety. It is imperative that migrant victims are treated as victims, that they are believed and provided appropriate support.

In line with the Equality Act and the Public Sector Equality Duty, migrant victims should always be offered certified interpreters. Police must never ask family members or neighbours to translate victims' statements when this support is needed. Police should maintain a trauma-informed approach throughout all interactions with victims. Victims should be able to access constant and accessible information about their reports and investigations. Lack of communication puts victims at risk.

Regardless of their legal status, victims of crime have to be treated as victims first and foremost. To do that, police encountering victims with irregular or insecure status should prioritize their safety and offer support. Interventions putting any form of immigration control (including sharing victims information with the Home Office) before safeguarding victims will deter them from future engagement, pushing them underground and exposing them to further abuse and/or exploitation.

Further support (immigration advice, counselling, advice on VAWG and social benefits, etc.) should be provided by specialist *by and for* organisations, which should be properly funded to provide these services. In order to guarantee access to specialists services, it is necessary to establish clear referral pathways with such organisations as a key step to ensure that this support is provided.

Migrants have often met with racist and discriminatory practices when reporting crime or approaching the police. Structural racism prevents victims from coming forward and collaborating with the police. Training on anti-racism should be ongoing. This training will improve migrants' experiences and their willingness to report and to cooperate with police but also the identification of crime and victims. Furthermore, as above mentioned, there is a need for a clear separation between police tasks and immigration control as evidence shows that

heightened enforcement of immigration legislation by police forces, promotes and increases racial profiling and discriminatory police practices.<sup>6</sup>

## Protecting people from being exploited or harmed

Certain crimes, such as exploitation and modern slavery, and Violence Against Women and Girls, can be hard to identify. This means that victims themselves often do not know that they are victims and that they have a right to receive support. Police officers should be properly trained to recognise these crimes and identify victims and to understand how perpetrators of these crimes operate. This is particularly important as victims can often be encountered before they have had a chance to report (for example, during police operations). It is also relevant in crimes involving the use of people's immigration status to coerce and trap them in abusive relationships and exploitative environments.

Many migrants arrive in this country with false promises from their employers and perpetrators of abuse. They come believing that they have a right to work, or that their visa has been, or will be, taken care of. Others might lose their status (for example, because they are unable to cover the fees for re-applying). The illegal working offence means that they can be committing a crime unknowingly, or simply for trying to survive and support themselves or their families. This very often leads to employers exploiting the situation to their advantage, and threatening to report workers if they complain or if they do not comply with exploitative conditions of work. Similarly, it may lead victims of domestic abuse to remain with their perpetrators and endure abuse for longer, because they are unable to work or to access public funds which prevents them from accessing refuge accommodation. The illegal working offence and the No Recourse to Public Funds rule therefore put people at further risk of exploitation and harm and should be repealed in order to tackle and prevent these crimes and protect victims.

In order to identify people in breach of the 'illegal working' offence, simultaneous operations with Immigration Enforcement are carried out by the police.<sup>7</sup> These operations can hinder trust and discourage workers from collaborating with the police, either because of their own immigration status, because they have been misinformed about their right to work (many European citizens, for instance, were told by employers after the referendum that they had lost all their rights in this country), or because they are scared of putting their colleagues in danger.

For some types of hidden work, such as domestic work, it can be very difficult to spot signs of exploitation. Targeted outreach is important so that victims can receive information and understand when they are being exploited. Ongoing training for police officers on indicators of

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<sup>6</sup> Ritchie, A., 2017. *Invisible No More. Police violence against Black women and women of colour*. Beacon Press.

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<https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>

exploitation, on the National Referral Mechanism and support available for victims is also essential.

Migrant victims of VAWG are often threatened with being reported to the Home Office if fleeing, seeking support or reporting abuse to the police.<sup>8</sup> Our frontline expertise shows that as part of their experiences of abuse, women are misinformed and misled about their rights and entitlements and in many occasions made undocumented to increase perpetrators' power over them. These threats contribute to fostering mistrust in the police and other law enforcement authorities. For that reason, when victims/survivors of VAWG approach the police and they focus their interventions on prioritising forms of immigration control women's worst fears are confirmed. Best practice, involves prioritising the safety of victims and referring them to specialist *by and for* organisations where women can access wrap-around holistic support to rebuild their lives, including accessing immigration advice and casework to regularise their stay.

We are supportive of alternatives to criminal justice outcomes for victims. This is because we understand that not all victims are keen to follow the same pathway to access justice. We believe that the plan should incorporate actions to build stronger communities and increase service-based interventions. The role of service providers such as LAWRS is central to this, particularly with a focus on working on prevention and addressing the root causes of violence and abuse. Access to funding is relevant and therefore, current commissioning structures should be revised to guarantee services embedded in communities can be sustainable to work in partnership with the police to tackle and prevent crime.

## Reducing and preventing violence

At LAWRS we believe that the MOPAC's Police and Crime Plan 2021-25 should put prevention at the centre of the strategy. In doing so, prevention contrary to an enforcement-led approach can provide alternatives to tackle root causes of violence. A focus on prevention is key for marginalised communities and victims, as a heavily focused criminal justice system response might not provide alternatives for them. In contrast, prioritising steps to prevent serious crimes is essential to ensure the human rights of women and their communities are realised. Furthermore, a focus on prevention can reduce the social and economic costs of violence.<sup>9</sup> Migrant communities can be harder to reach than the rest of the general public. Targeted outreach within these communities (including online) and building good relationships, is

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<sup>8</sup> LAWRS data shows that at least 60% of migrant women have received threats of deportation from their perpetrators.

<https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

<sup>9</sup> A public health approach to modern slavery has also been recommended by the Independent Anti-Slavery Commissioner, Public Health England the University of Sheffield in their report: Refining a public health approach to modern slavery

[https://www.google.com/url?q=http://www.antislaverycommissioner.co.uk/news-insights/new-research-on-refining-a-public-health-approach-to-modern-slavery/&sa=D&source=docs&ust=1642704105245712&usq=AOvVaw3hJsK14zskE1\\_haWqWD-ko](https://www.google.com/url?q=http://www.antislaverycommissioner.co.uk/news-insights/new-research-on-refining-a-public-health-approach-to-modern-slavery/&sa=D&source=docs&ust=1642704105245712&usq=AOvVaw3hJsK14zskE1_haWqWD-ko)

essential to ensuring that messages reach them effectively. However, within migrant communities information is more generally shared through word of mouth, which is why it is important that any migrant who reports a crime is provided with the right support.

Prevention of crime and violence in migrant communities also requires close collaboration with specialist community organisations who can provide holistic support to victims, who can carry out effective outreach within the community and circulate relevant information. These organisations are generally made up of people from within the community, and can therefore help improve ties with the police and other authorities when it is relevant and safe to do so.

## Recommendations

- Prioritise safety over immigration status and establish safe reporting mechanisms that allow migrant victims of crime to report without fear.
- Establish a clear separation between crime reporting, accessing support from any form of immigration control.
- Stop simultaneous operations with Immigration Enforcement. Put an end to cooperation with immigration enforcement.
- Ongoing training on victim identification, anti-racism, modern slavery, VAWG, a trauma-informed approach to support.
- Improving communication with victims and with supporting organisations.
- Establishing clear referral pathways with specialist *by and for* organisations for more holistic support.
- Improve outreach strategies working together with community based services.
- Have a prevention and public health approach to addressing and tackling violence and crime.