

Step Up Migrant Women
Latin American Women's Rights Service (LAWRS)
Domestic Abuse Bill for House of Commons consideration of amendments briefing
Victims of domestic abuse: data-sharing for immigration purposes
April 2021

Context

In the last year, a sharp rise in domestic abuse has been reported by specialist organisations supporting victims of this heinous crime. In light of this surge, the Government has reassured victims they are not alone while urging them to seek support from the police. Nevertheless, migrant victims continue to be excluded from safety as [they cannot report abuse to the police with the confidence that they will be treated as victims first and foremost](#). Existing data-sharing agreements between the police and other statutory services with Immigration Enforcement prevent women from coming forward, being safe, and getting redress.

Last December, findings from the [first super-complaint in data sharing](#) conducted by three independent authorities, including the HMICFRS, the Independent Office for Police Conduct (IOPC) and the College of Policing, shone a spotlight on the damaging effects of the practice on migrant victims of abuse. The report highlighted the deterrent effect of data-sharing on migrant victims from coming forward, the endangerment of criminal justice outcomes, and the further risk of abuse for victims while enabling perpetrators to coerce, threaten and abuse victims with impunity. Furthermore, the investigation stated that data-sharing causes significant harm to the public interest because serious crimes are not reported, investigated and prosecuted. More importantly, the independent research indicated no evidence that sharing data with Immigration Enforcement constitutes any safeguarding for domestic abuse victims.

Safe reporting amendment

Amongst the recommendations from the super-complaint report, the independent bodies recommended a review of law and policies on data-sharing to provide clear guidance to the police on priorities regarding protecting vulnerable migrant victims of crime. According to the report, due to the lack of clarity in the NPCC guidance from 2018 -and its revised version from 2020- police forces had been inconsistently adopting it, resulting in a lack of reassurance that victims would be treated fairly safely without discrimination.

In this respect, the Domestic Abuse Bill presents an exceptional opportunity to include a clear statutory duty to guarantee safe reporting mechanisms by preventing migrant victims' data from being shared with Immigration Enforcement. Last month with cross-party support, Peers at the House of Lords passed an amendment to establish safe reporting mechanisms led by Baroness Meacher. This amendment seeks to ensure that the personal details of a victim of domestic abuse are processed so that the victim can seek support and are not used for immigration control purposes.

Retaining this amendment is vital to ensure migrant women can come forward without the fear of immigration control. Trust in the police and other services will allow migrant victims to

report crimes and cooperate with investigations to prosecute perpetrators. It will enable migrant victims to access safety and the remedies included in this Bill. The risk of refusing this amendment is that the Home Office and statutory services, including the police, will continue to intensify the vulnerability of migrant women. Further, as stated by Baroness Meacher at the report stage in the Lords: *"The reality is that the Home Office is unwittingly supporting perpetrators in their criminal activities"*.¹

What would the amendment do?

The proposed amendment requires the Secretary of State to make arrangements and issue guidance to ensure that personal data of a victim of domestic abuse in the United Kingdom that is processed for the purpose of that person requesting or receiving support or assistance related to domestic abuse is not used for any immigration control purpose. Victims' information should be excluded from the application of the immigration exemption in the Data Protection Act 2018 in such cases. The provision of clear guidance prohibiting the exchange of information for any immigration control will allow migrant women to access support and justice and perpetrators of domestic abuse to be held accountable for their crimes.

What would the amendment not do?

The establishment of safe reporting mechanisms would not allow women to evade authorities or go underground. On the contrary, women who come forward do so to regularise their status which will be facilitated by this amendment removing fear of immigration enforcement when accessing statutory services/support. Therefore, this amendment won't prevent women from accessing existing support provisions such as the DDVC and other forms of regularisation as these provisions do not require statutory services directly sharing survivors information with immigration enforcement. The amendment intends to give these women the opportunity to access legal advice and the specialist support of organisations that, as recommended by the super-complaint investigation, *"can act as an intermediary and advocate on the victim's behalf in communications with Immigration Enforcement"*.²

Moreover, this amendment would not hinder the victim's safeguarding because, as evidenced by the super-complaint investigation, data-sharing with Immigration Enforcement does not safeguard or benefit victims.

Why is the amendment needed?

The most severe barriers experienced by migrant women to report domestic abuse stem from the fear of information sharing for immigration enforcement purposes, 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*,

¹ <https://hansard.parliament.uk/lords/2021-03-15/debates/4ECEFBDB-E347-4F76-8DFF-604EFC5A618B/Debate> col. 38.

² *Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945314/safe-to-share-liberty-southall-black-sisters-super-complaint-policing-immigration-status.pdf p. 15.

showed that 62% of migrant women had specifically been threatened in this manner by their abusers.³

Evidence shows that 1 in 2 migrant women with insecure immigration status does not report abuse to the police for fear of disbelief, destitution, detention and deportation.⁴ Moreover, almost two-thirds of migrant women feel the police would not support them due to their immigration status. This data shows a whole group of women -migrant women with insecure immigration status- who are barred from accessing justice. This lack of trust in the police is highly concerning in light of the Covid-19 pandemic and the increase of domestic abuse as it contradicts the national message to victims that their safety is the priority.

This amendment is needed to ensure a consistent practice that allows all survivors of domestic abuse accessing the support they need from statutory services underpinned by a clear statutory duty included in the legislation specifically addressing Domestic Abuse. This amendment will ensure that support for survivors is at the centre of statutory services response and prevent the continuation of the current two-tier system based on the immigration status of the victim. Contrary to the government's assertion, this amendment will ensure that migrant survivors of domestic abuse can access available support routes such as the DDVC and others by ensuring that victims are able to come forward to report to the police, health services and social services which are crucial for demonstrating the abuse. Finally, this amendment will prevent perpetrators specifically targeting migrant women for abuse on the basis of their fear to report to the police and other statutory services as well as putting an end to serial abusers who already do this.

Finally, failing to pass this amendment would mean that victims are twice victimised, first by perpetrators of abuse and secondly by the Government. This is because, catapulting migrant victims into the immigration enforcement system without legal advice or support, at the point at which they are simultaneously most vulnerable but have also bravely taken the first step to escaping abuse, is not only unnecessary and counterproductive but also cruel.

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³ McIlwaine, C. Et. Al. *The right to be believed. Migrant women facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London.*
<https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

⁴ Ibid.