



Immigration  
Enforcement

The Capital  
New Hall Place  
Liverpool  
L3 9PP

Katherine Riley  
Portfolio Director  
Criminal Justice Joint Inspection, Protecting  
Vulnerable People Inspections and Super-  
complaints  
HMICFRS

[www.gov.uk/home-office](http://www.gov.uk/home-office)

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By email: [Katherine.Riley@hmicfrs.gov.uk](mailto:Katherine.Riley@hmicfrs.gov.uk)

Dear Katherine,

**Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status**

I am writing in response to recommendation 8 of the HMICFRS, IOPC and College of Policing report into data-sharing between policing and immigration enforcement for migrant victims and witnesses with insecure immigration status. In advance of updating you on progress of this work I would like to share some general observations on the conclusions in the report.

In the report you acknowledge that there are many reasons why policing and the Home Office need to share information when carrying out their public functions of detecting and investigating crime; maintaining public order; and protecting life and limb. You also acknowledge that such information sharing is important for people's safety, providing an example of the National Referral Mechanism process. The report focusses upon one area of data sharing but acknowledges that it has not considered the many other reasons why the two areas may need to share data. The Home Office considers this to be integral to the holistic consideration of the matters raised in the super complaint and that the reasons for sharing the data cannot be removed from one particular category of victim of crime or witness.

The report also stated that there was no evidence that the sharing of personal victim data between policing and the Home Office supported safeguarding of victims of domestic abuse. The Home Office does not agree with this assessment and considers that evidence put forward in case studies demonstrates how contact with the Home Office can address the erroneous perceptions and misconceptions held by migrant victims in relation to resolving their immigration status. We consider that providing all migrants with clear information as to their immigration status and confirming their eligibility or otherwise for access to public funds and enabling them to seek appropriate legal advice where needed

is an essential part in removing a perpetrator's ability to use coercive control over victims around their immigration status.

I further note that the super complaint report 'The hidden victims: Report on Hestia's super-complaint on the police response to victims of modern slavery' published in May 2021 stated:

*"Sharing information between the police and the Home Office can be important and in the public interest. It can help the police carry out an effective investigation, identify vulnerable people and, in some instances, protect them from harm. The Home Office may have relevant information and be able to help with an investigation and/or help to protect and support victims."*

We welcome this conclusion; however, it does raise a point of consistency between the two super-complaint reports.

I now address each of the Home Office recommendations in turn:

### **Recommendation 2**

We agree with recommendation 2. The Home Office are committed to supporting migrant victims and witnesses in the reporting of crime. We have been carefully considering the existing data sharing arrangements and assessing whether it would be appropriate to implement a 'firewall' between Policing and the Home Office concerning any information shared relating to migrant victims and witnesses of crime with insecure immigration status. Workshops were held with migrant victim representatives in early May and they identified a need for further consultation and engagement to fully understand and work through proposals.

We do not consider that the six months to conclude the review to be a sufficient timescale to enable us to have the full benefit of the experience and expertise of migrant representative groups. We are, therefore, extending the review period by six months to enable us to widen and deepen engagement with victim and survivor representative groups. We will be publishing the review findings and conclusions by no later than 29 December 2021 in Parliament, and will, of course, provide you with a copy of the review.

### **Recommendation 3**

We agree with recommendation 3 in principle but do not accept the detailed requirements contained within the recommendation. The complexity of issues raised and the impact of the recommendation has not been fully considered. The wide range of requirements for the protocol to fulfill is impractical for a single document.

However, we remain committed to working with the NPCC to update the current data-sharing guidance for migrant victims, strengthen the safeguarding requirements and provide accountability. This work will, by necessity, follow the outcome of our review into the firewall mechanism as referenced in recommendation 2.

### **Recommendation 7**

We agree with recommendation 7 in principle but do not accept all of the requirements contained within the recommendation. We do not agree with the recommendation to record ethnicity data as we do not have a requirement for such data. We do not use

ethnicity to target or prioritise cases, nor do we place different requirements on ethnic groups as any such prioritisation would not be in accordance with the Equality Act 2010.

We acknowledge that in the intention behind this recommendation to record ethnicity is to assist with identifying any unintended indirect discrimination. However, we do not consider that such data would be useful or be quantifiable as any apparent discrimination might be an incidental consequence of legal discrimination in any immigration control system. We would require a clear and quantifiable justification in law to collect such data and consider that other changes in our data collection can provide the required overview. We also consider that collecting the ethnicity data of victims and witnesses is likely to cause more distress and distrust in the belief that we are seeking to target specific ethnic groups and would not assist us in treating any victim of crime or witness as an individual or in assessing how best to safeguard them.

In the spirit of the recommendation we have already made modifications to our NCCU Enquiry Database to allow us to capture details of victims of crime by crime type at the initial point of referral. These modifications were implemented in April 2020 and have allowed us to be able to collate more meaningful data on victim referrals. We acknowledge that further modifications to our data recording will help to keep us to continually review how we receive and manage victim's data.

We are also working closely with the National Law Enforcement Data team to review what changes are possible in terms of recording markers on the current PNC / PND systems and how any such changes may be reflected on their eventual replacement systems.

## **Recommendations 4 and 5**

Although addressed to the Chief Constables as related to the reporting of crime, we consider the Home Office has a role to play in the formulation of any safe reporting pathways for migrant victims or witnesses and will work with the NPCC and other relevant stakeholders to address this through governance frameworks.

The Home Office remains committed to eradicating modern slavery, domestic abuse and protecting the vulnerable. We will continue to work with law enforcement partners and the third sector to ensure that processes for safeguarding achieve their desired aim. Our review into a firewall mechanism or alternative solutions will be concluded by the end of December 2021 and will be laid before Parliament as we committed to in the Domestic Abuse Act 2021. We will continue to work with the support sectors after conclusion of the review to continue to learn from their experiences. Data collection will continue to be revised to ensure that information held informs future policy or operational changes.

The Home Office understands the concerns raised in the super-complaint and is grateful to HMICFRS for their consideration of the issues. We will continue to work with the NPCC and other stakeholders to ensure that victims and witnesses are safeguarded and perpetrators are brought to justice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E. Montgomery', with a long horizontal flourish extending to the right.

Eddy Montgomery  
Director – Crime & Enforcement

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E [REDACTED]