



By email: Katherine.Riley@hmicfrs.gov.uk
Katherine Riley
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Criminal Justice Joint Inspection,
Protecting Vulnerable People Inspections and Super-complaints
HMICFRS

14 December 2021

Dear Katherine

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

I am writing to provide an update to recommendation 2 made by the HMICFRS, IOPC and College of Policing report into data-sharing between policing and Immigration Enforcement (IE) for migrant victims and witnesses of crime with insecure immigration status.

Recommendation 2 of the HMICFRS report included a proposal that the Home Office undertake and publish a review into the legal framework and relevant policy underpinning data sharing between the police and Home Office, regarding any migrant victim.

The Home Office review has now been completed and the review report '*Home Office and Police data sharing on migrant victims and witnesses of crime with insecure immigration status*' will be laid in Parliament, on 15 December 2021. The laying of the report is required to meet the statutory requirements set out in Section 81 of the Domestic Abuse Act 2021 and the Domestic Abuse Act 2021 (Processing of Victims' Data for Immigration Purposes) (Extension of Relevant Period) Regulations 2021. After laying it will be published alongside the Equality and Community Impact Assessment on www.gov.uk.

To fully inform the Home Office review, we have engaged with the domestic abuse and Modern Slavery support sectors and the Domestic Abuse Commissioner to explore different data sharing 'firewall' models and alternative mechanisms to encourage safer reporting of crime by migrant victims and witnesses.

Having considered all of the information presented we do not believe that a 'firewall' is the appropriate solution. Any measures introduced to limit or discontinue existing information sharing arrangements between the police and the Home Office on migrant victims and witnesses of crime with irregular immigration status, may serve to negatively impact upon the ability of law

enforcement agencies to support victims and consider the most effective safeguarding measure(s). Additionally, it may impact on the police's ability to investigate crime and bring perpetrators to justice.

As an alternative, the Home Office will introduce an Immigration Enforcement Migrant Victims Protocol which will set out that no immigration enforcement action should be taken against a victim whilst investigation and prosecution proceedings are ongoing, and the victim is receiving support and advice, including on making an application to regularise their stay. Alongside this, we will commit to a medium-term piece of work to identify further measures to encourage migrant victims of crime to report to the police.

The protocol will give greater transparency to migrant victims on how their data will be shared and the steps Immigration Enforcement will take to engage with victims prior to casework and enforcement decisions being taken. Immigration Enforcement will work with the National Police Chiefs' Council and the Domestic Abuse Commissioner in its design and communication to officers and promote awareness of the protocol through a range of outreach activities, existing community engagement partnerships and government information channels.

The Home Office has also considered complementary measures that will provide migrant victims of crime with greater confidence and trust in the way the police and Immigration Enforcement respond to the reporting of crime by that group.

The Home Office remains committed to tackling modern slavery, domestic abuse and protecting the most vulnerable in society, regardless of their immigration status. We will continue to work with law enforcement partners and support sectors to ensure that the Immigration Enforcement Migrant Victim Protocol achieves the desired aim of safeguarding victims and witnesses of crime and ensuring that perpetrators are brought to justice.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Maclean', followed by a period.

Rachel Maclean MP