



Victims of Crime and Immigration Status

Giving Everyone the Confidence and Safety to Report Offences



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The Right to Report



Victims of crime must have the confidence to come forward and report incidents to the police. Home Office policy requires police forces in England and Wales to pass on the immigration status of victims to immigration officials if they suspect the victim does not have the right to reside in the UK. A consequence of this policy is that people who have suffered some of the most serious crimes including domestic abuse, sexual offences, rape and modern-day slavery are deterred from going to the police because they risk deportation. The policy not only restricts access to justice for some of the most vulnerable people in our society but also means offenders are less likely to be sentenced and could go on to reoffend. We should not allow this to continue. Anyone that is unfortunate enough to be a victim of crime should be able to tell the police what has happened and be able to seek justice. This report aims to change national policy so victims who report crime can do so safely and securely.

Informing the police that you have been a victim of crime is a difficult process for anybody to go through. Contacting the police after something has gone wrong takes courage but is the first step towards justice through the courts. This difficulty is increased for people who are concerned about their immigration status because of fears over their ability

to stay in the country if they report a crime.

At present, there is no guarantee that victims who report a crime will not have their immigration status passed on to the Home Office; indeed, police are required, by law, to share information which they become aware of with the Home Office.



The policy risks splitting our criminal justice system into two tiers.

In London, the Metropolitan Police Service (MPS) act on a case by case basis and will only pass on information where there is a serious concern that an individual is in the country illegally.¹ The Guardian has reported that MPS policy is to allow officers discretion in deciding whether to carry out checks on the Police National Computer system. This puts the MPS ahead of many of the other 44 police forces in the United Kingdom that have a policy of conducting checks as a matter of standard procedure.² However, both national and MPS practice could be improved to ensure that all victims are confident in reporting crime regardless of their immigration status.

Victims Silenced

Last year, the consequences of MPS policy were exposed in a case in London. A woman went to a police station in East London to report having been kidnapped and raped in Germany. She was taken to one of the three Havens which provide immediate support to victims of rape and sexual abuse. However, the woman was then arrested at the centre and taken to a police station where she was questioned over her immigration status.³ The woman had informed the police that she had entered the country illegally while she was reporting the rape and as a result was arrested on suspicion of illegal entry into the UK. The implications of this case are clear: people will feel less able to report serious crimes to the police for fear of being arrested.

The Mayor of London, Sadiq Khan, has been quick to identify the issue and improve the MPS's practices by working with his Deputy Mayor for Policing



and Crime, Sophie Linden, and the Commissioner of the MPS, Cressida Dick. After this incident, the Commissioner wrote an open letter to all victims of sexual assaults and rape to reassure them they will be supported by the police regardless of their immigration status. While this was a welcome step, the letter did not contain a cast-iron guarantee that details would not be passed on to the Home Office because of the legal requirement for the police to do this. The letter stated:



I cannot make a guarantee about every police officers' actions in all cases. But I would like to reassure you that my main priority is the investigation and tackling of these very serious crimes. Thus, these sorts of issues [e.g. immigration status or drug taking] are usually irrelevant and will not be held against you'.⁴

These assurances, whilst welcome, are limited. We still do not know if people will be arrested at a later date or on what basis decisions to pass on information to the Home Office are made. It could be argued that the police have a duty to pass on details of people who are breaking the law by being here illegally. However, focussing on immigration risks letting more serious crimes, such as modern slavery, sexual assault and rape, go unreported and not investigated.

The policy risks splitting our criminal justice system into two tiers, in which illegal immigrants are targeted by criminals who know that they are less



likely to report crime. This is particularly true of crimes such as modern-day slavery and human trafficking where the inability to work legally drives people into exploitative relationships in which organised criminals force victims to carry out work with earnings siphoned off to the gang masters. The police’s approach to organised criminal activity which involves hierarchical group structures, such as gang related crime, is generally to use low level offences to gather information that allows for the prosecution of ‘bosses’ and those higher up the chain of criminal activity. The same principle should be at work here – those who are here illegally should be encouraged to report crimes so that we can catch the most serious criminals carrying out crimes such as modern-day slavery.



There is nothing inevitable about this situation; if the Government has the will and the courage to change the policy; it can change.

Seeking Justice for Vicitms

It is impossible to put a figure on the true scale of the problem in London as the MPS do not collect figures on the number of people whose information has been passed on to the Home Office. However, as we have seen earlier in this report, it is clear that the policy has led to the arrest of victims of crime in the past. Just one injustice is one too many when we

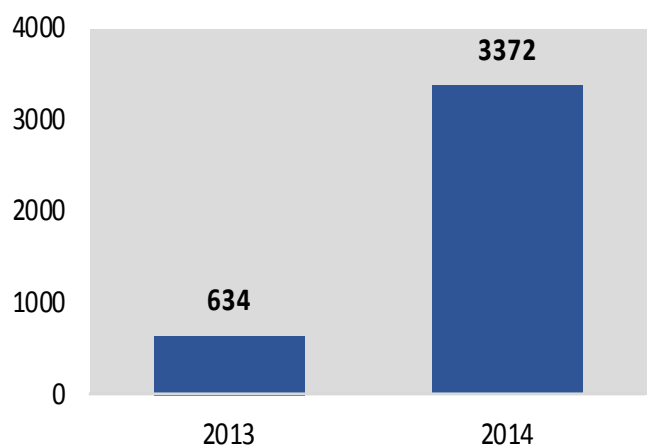
are talking about crimes against some of the most vulnerable in our society. There is also no evidence about the number people put off from reporting crimes because of fears over their immigration status.⁵ This means we have no way of knowing how many criminals have escaped justice, as their crimes never come to the attention of the police.

The National Police Chiefs Council (NPCC) has a role to play in advising police forces about best practice in this area. The NPCC have recently announced that they are “considering whether further advice to police forces is required”⁶. As the Mayor has made clear, at present, the MPS are required to pass on immigration data to the Home Office.⁷ Meaningful change will, therefore, have to come from action taken by the Government, as well as from NPCC guidance. Moreover, it is clear that this policy is at least partly a result of the Government’s wider policies towards immigration. The number of tip-offs the police across England and Wales gave to the Home Office shot up from 634 in 2013 to 3,372 in 2014.⁸

Change to Empower Victims

At Mayor’s Question Time on the 21st June 2018, I raised the issue with the Mayor and asked what can be done to give people the confidence to report crimes without fear of being arrested or deported. The Mayor reiterated his commitment to “putting the needs of the victims of crime at the heart of

Immigration Referrals made by Police Forces in England and Wales to the Home Office



Source: The Guardian (November 2017)

everything that the criminal justice system does".⁹ Since taking office, the Mayor has appointed London's first ever Victims Commissioner, Clare Waxman, to champion the rights of all victims in London and has put an additional £6 million into victims' services.¹⁰ Following my question to the Mayor in June, she convened a summit with the Deputy Mayor for Policing and Crime which looked at safe routes to report crime.¹¹ Sadiq Khan pledged to look at this issue at this summit and has announced that he will write to the Home Secretary to try to influence national policy to help all victims to come forward and report crimes. This is the leadership which we need from the Mayor who has shown he is willing to listen to everyone living in London and lobby the Government about changes which will ensure access to justice and the safety of all Londoners.

There is nothing inevitable about this situation; if the Government has the will and courage to change the policy, it can change. On 9th May the Government announced that the NHS will no longer have to share immigrants' data with the Home Office over fears that the policy was deterring vulnerable people from accessing healthcare. As the Government sees the disastrous effects of the 'hostile environment' policy across the United Kingdom it is rightly dismantling key parts of an agenda which has proved damaging and cruel.

We now need the Government to look at this issue too and consider any necessary changes to its obligations to the police.

Recommendations

Recommendation 1

Different police forces have different policies as to how frequently police officers will check a victims' immigration status. This is not good enough – where a person lives should not determine their confidence to come forward and report crimes. **The Mayor should continue to lobby the Home Secretary to ensure that the Home Office work with the National Police Chiefs Council to urgently provide updated guidance for police forces across England and Wales that ensures victims who report crimes will not have their immigration status checked.**

Recommendation 2

I welcome the Mayor of London's pledge to write to the Home Secretary to ask for a change in national policy, which requires police forces to pass on information about the immigration status of those without a right to reside in the United Kingdom. This change would improve the safety of all Londoners as the perpetrators of serious crimes will be brought to the attention of the police. We need a national approach to ensure that Londoners arrested by other police forces are treated on the same basis as they would be by the MPS. **The Mayor should continue this campaign by writing to all forty-two Police and Crime Commissioners across England and Wales and seeking their support in changing national policy.**



References

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