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Dear Baroness Meacher,

**Nationality and Borders Bill: Lords Committee Stage 8th February 2022-
Domestic Abuse**

I am grateful to you for the detailed debate on the Nationality and Borders Bill on the 8th February 2022. Our debate covered a variety of topics including how this Bill would impact victims of domestic abuse. During the course of that debate, I committed to write you on your concerns centred around amendments 124a and 140.

While I am not familiar with the source research relating to the noble Lady's statement that 1 in 2 migrant victims, with insecure immigration status, do not report crimes against them to the police for fear of disbelief, destitution, detention and deportation, I fully acknowledge that many victims of crime are deterred from seeking help from the police and it is recognised that data sharing between the police and Home Office can be a contributing factor influencing the decisions of migrant victims not to report a crime. We acknowledge the findings of the Domestic Abuse Commissioner's 'Safety Before Status' report which explored this issue, and to which the Government published a response on 4 January 2022.

The sector has also made it clear that many migrant victims believe that the primary motivator for the police and Immigration Enforcement (IE) in collaborating is to seek enforcement action, rather than focussing on the criminal allegations reported. Sector representatives have strongly stated that in all cases where a migrant has been identified as a victim of crime, the priority of the police and IE must be the wellbeing of the victim and investigating the allegations of the criminal activity, to ensure that the perpetrators are brought to justice and re-victimisation is prevented, which we firmly agree with.

The proposed Immigration Enforcement Migrant Victim Protocol (MVP) acknowledges that immigration enforcement action should not be taken against vulnerable victims of crime and that even the threat of such action can be detrimental to the victim. We believe that whilst we have not agreed with the sector's solution of implementing a complete data sharing firewall between the police and Home Office, this alternative proposal still achieves the same aims of ensuring that migrant victims

can feel safe in the knowledge that they can report to the police and that power is removed from perpetrators.

The Home Office is committed to continuing to work with the Domestic Abuse Commissioner (DAC) and sector organisations to understand the barriers to victims reporting crime and establish routes for safer reporting.

Similarly, the Home Office has committed to ongoing engagement and discussion with the sector, the DAC and the Independent Anti-Slavery Commissioner to continue to identify safeguards that can be put in place to mitigate the deterrence effect of data sharing. This work is 'medium-term' as we recognise that there is further engagement that needs to be undertaken. We also wish this work to complement other initiatives we are considering, including strengthening IE's Vulnerability Strategy and identifying any improvements to our interactions with migrant victims of crime.

The duty, under Section 81 of the Domestic Abuse Act 2021, to lay the review report in Parliament has been complied with and there is no intention to bring the MVP work further before parliament. Work has commenced to develop the MVP and the code of practice and we aim to implement them by end August.

We are committed to ongoing engagement with stakeholders in order to inform and develop the IE Migrant Victim Protocol. The Home Office engages regularly with a variety of stakeholders and will continue to use the appropriate forums to keep the wider sector and interested parties informed of this work.

We note that sector representatives are apprehensive that the victims they work with may be wary of them engaging with the Home Office in the development of the Protocol. We would strongly welcome the involvement of the sector in ensuring that this proposal is workable and achieves the desired aims and to suggested ways in which we can do this without undermining the relationships the sector have with the victims they support.

I hope this provides clarification and I look forward to continuing to work with you to deliver this important legislation and further discussing these critical issues as the Bill moves through Parliament.

A copy of this letter will be placed in the libraries of both Houses.



LORD SHARPE OF EPSOM OBE