

Institute for Public Policy Research



SANCTUARY CITIES?

HOW REGIONAL MAYORS CAN
PROTECT VICTIMS OF CRIME WITH
INSECURE IMMIGRATION STATUS

Marley Morris

September 2020

ABOUT IPPR

IPPR, the Institute for Public Policy Research, is the UK's leading progressive think tank. We are an independent charitable organisation with our main offices in London. IPPR North, IPPR's dedicated think tank for the North of England, operates out of offices in Manchester and Newcastle, and IPPR Scotland, our dedicated think tank for Scotland, is based in Edinburgh.

Our purpose is to conduct and promote research into, and the education of the public in, the economic, social and political sciences, science and technology, the voluntary sector and social enterprise, public services, and industry and commerce.

IPPR
14 Buckingham Street
London
WC2N 6DF
T: +44 (0)20 7470 6100
E: info@ippr.org
www.ippr.org
Registered charity no: 800065 (England and Wales),
SC046557 (Scotland)

This paper was first published in September 2020. © IPPR 2020

The contents and opinions expressed in this paper are those of the authors only.

The progressive policy think tank

CONTENTS

Introduction.....	3
Policing and immigration enforcement.....	4
International best practice.....	8
Options for regional mayors	9
Conclusion.....	13
References	14

ABOUT THIS REPORT

This briefing contributes to IPPR's charitable objectives of relieving poverty and those in need and of advancing the voluntary sector, by making recommendations for how to promote safe reporting for the victims and witnesses of crime with insecure immigration status.

ABOUT THE AUTHORS

Marley Morris is associate director for immigration, trade and EU relations at IPPR.

ACKNOWLEDGEMENTS

This briefing forms part of IPPR's integration programme, which would not have been possible without the generous support of the Paul Hamlyn Foundation.

I would like to thank all those interviewed for the purposes of this report, and in particular to Claire Waxman, Elizabeth Jiménez-Yáñez, Gracie Bradley, Jacqui Broadhead, Nicola Delvino, James Asfa, Hannah Gretton, Charlotte Proudman, Will Somerville, Harvey Redgrave, Simon Cox and Alex Sutton for advice and comments on earlier drafts. At IPPR, I would like to thank Phoebe Griffith for her helpful comments earlier in the project. All errors and omissions remain my own.



Download

This document is available to download as a free PDF and in other formats at:
<http://www.ippr.org/research/publications/sanctuary-cities>

Citation

If you are using this document in your own writing, our preferred citation is:
Morris M (2020) *Sanctuary cities?: How regional mayors can protect victims of crime with insecure immigration status*, IPPR. <http://www.ippr.org/research/publications/sanctuary-cities>

Permission to share

This document is published under a creative commons licence:
Attribution-NonCommercial-NoDerivs 2.0 UK
<http://creativecommons.org/licenses/by-nc-nd/2.0/uk/>
For commercial use, please contact info@ippr.org



INTRODUCTION

England's directly elected regional mayors – including the eight metro mayors and the mayor of London – have a critical role to play in facilitating the inclusion and integration of migrants. The 'M9' group of mayors are responsible for city regions that comprise just over half of the total overseas-born population in the UK (ONS 2020). Many have launched campaigns to build a positive message of welcome to migrants in their cities. Some have also challenged the government to reform its current 'hostile environment' approach to immigration enforcement, by opposing measures to delegate responsibility for enforcing immigration rules to frontline workers such as NHS staff.¹ A number are responsible for areas that are part of the 'City of Sanctuary' movement – a network of villages, towns, cities and regions upholding the principle that they are welcome to people fleeing violence and persecution (City of Sanctuary 2019).

A core issue underpinning a city's commitment to inclusion and integration is the relationship between the city and immigration enforcement. In the US, some municipalities have defined themselves as 'sanctuary cities' (distinct from the UK's City of Sanctuary movement) on the basis that local officials limit their cooperation with immigration enforcement. But, while the context in the UK differs from the US and devolved powers are more limited, similar questions have been raised with respect to directly elected regional mayors.

This briefing explores the extent to which regional mayors can safeguard individuals with insecure immigration status from some of the risks posed by the current 'hostile environment' approach to immigration enforcement. We focus on how regional city mayors can ensure that the protection of victims and witnesses of crime with insecure immigration status is not undermined by cooperation between the police and Immigration Enforcement. This is known as the promotion of 'safe reporting': securing routes for victims and witnesses to report crime and receive support without facing enforcement action from the Home Office.

This briefing begins by setting out the current context on cooperation between policing and immigration enforcement and the challenges this poses for supporting inclusion and integration. We then explore some examples of international best practice on how action has been taken at the city level to limit cooperation and support safe reporting for people with insecure immigration status. Finally, we set out a number of potential avenues for England's regional mayors to explore in response to the issue of cooperation between policing and immigration enforcement, as well as making some broader suggestions for how regional mayors can respond to the 'hostile environment' in their city regions.

¹ The government describes its approach to immigration enforcement as the 'compliant environment' but it is more generally known as the 'hostile environment'.

POLICING AND IMMIGRATION ENFORCEMENT

WHY DOES THIS MATTER?

For a city to uphold the principles of integration and inclusion, it must ensure that every resident, regardless of their immigration status, is protected from crime. Migrants with insecure immigration status are particularly vulnerable to crime, including serious crime such as rape and assault, because they are often fearful of the consequences of coming forward for their future in the UK (Liberty 2018).²

For certain types of crime, such as domestic violence and modern slavery, there is a heightened risk because perpetrators may exploit victims' immigration status to inhibit them from reporting to the authorities or accessing specialist services (House of Commons 2019; LAWRS 2019). Since the start of the lockdown and the spread of the Covid-19 virus, concerns have been raised about the increased risk of domestic violence for those with insecure immigration status, because they often cannot access support and fear coming forward to the police (McIlwaine 2020).

Migrants are also at risk of racially or religiously motivated hate crime. While the quality of hate crime data is mixed, there is nevertheless evidence that in Western Europe immigrants are disproportionately likely to be victims of hate crimes (van Kesteren 2016).

To effectively protect migrants from serious crime, victims and witnesses need to feel confident and secure in reporting offences. But current cooperation between policing and Immigration Enforcement risks deterring migrants with insecure immigration status from reporting crimes. In some instances, migrant victims who report serious crimes have themselves been targeted for enforcement action as a result of coming forward (Liberty 2018).

Moreover, there is evidence of migrants not reporting crime because of the risks of encountering Immigration Enforcement. In one study of 50 migrant women with insecure immigration status who had experienced gender-based violence, more than half told researchers that the police would not believe them because of their immigration status, and nearly two-thirds were told by their partner that they would be deported if they reported their crimes (McIlwaine et al 2019). As the testimony of one survivor of domestic abuse below makes clear, fear of Immigration Enforcement can mean that those with insecure immigration status are inhibited from escaping abusive situations and perpetrators are not brought to justice (see box 1). This makes it harder for the police to tackle serious crimes and poses risks to public safety.

A number of campaign groups – including the 'Step Up Migrant Women' campaign, which involves more than 40 organisations³ – have argued that 'safe reporting' mechanisms are needed for victims and witnesses of crime with insecure immigration status in order to ensure that their act of reporting a crime does

2 'Insecure immigration status' generally refers to migrants who are undocumented or who are at risk of becoming undocumented due to the temporary or limited nature of their immigration status.

3 For further details on the 'Step Up Migrant Women' campaign, see: <https://stepupmigrantwomen.org/>

not cause them to become the target of enforcement action by the Home Office (LAWRS 2019).

BOX 1: AMAL'S TESTIMONY

Amal is a mother of three children living in London. We received her testimony on her experiences of domestic abuse as part of this research:

“The first time I was physically abused by my ex-partner, I asked my then-ten-year old son to call the police. My partner said to him: “you call the police, and all of us will be deported”. So we didn’t call the police.

And I, as an undocumented Londoner, endured endless abuse for years, for fear that if I called the police they would share my details with the Home Office.

I don’t want to be afraid any more. We want a reporting system that does not turn victims into criminals. And a city where all Londoners are safe and welcome.”

(Amal’s name has been changed to protect her anonymity.)

WHAT HAPPENS CURRENTLY?

In recent years, there has been a greater focus in government on joint working between the police and Immigration Enforcement. Most prominently, in 2012 the Met Police and the UK Border Agency jointly initiated Operation Nexus, a programme of work designed to target offending by foreign nationals in London. The work was then continued by the Home Office’s Immigration Enforcement directorate when it replaced the UK Border Agency in 2013.

Operation Nexus is divided into two main strands: Nexus Custody and Nexus High Harm. Nexus Custody involves embedding immigration officers into custody suites to ensure that those brought into custody who are deemed potential foreign nationals are identified and subjected to immigration status checks (ICIBI 2014). On the other hand, Nexus High Harm is based on police officers referring cases to Immigration Enforcement where they involve individuals who may not have British citizenship and whose conduct “incurs significant adverse impact... upon individuals or the wider community” (ibid; Home Office 2017a). While there was a significant increase in police and Home Office cooperation in London in the 2012–2017 period, these cooperation activities appear to have reduced in recent years.

While this approach began in London, it has since been rolled out to other parts of the country, including in the West Midlands, Greater Manchester, and the East Midlands. In Greater Manchester, as part of Operation Challenger – a multi-agency approach designed to tackle serious crime – the city has launched Project Advenus, which aims to ensure that the “system of identifying and taking action against foreign national offenders is operating effectively”. Immigration officers are embedded in police teams (though not in custody suites) and police and Immigration Enforcement conduct joint enforcement visits. In some cases, this can lead to enforcement action and the deportation of foreign nationals (Programme Challenger 2018). Other police forces in the East Midlands operate similar teams (see for example HMICFRS 2020).

Campaigners have raised a number of concerns about these practices. It has been argued that police should not have such a close relationship with Immigration Enforcement and should focus their efforts on protecting the public from serious

crimes rather than responding to low-level immigration offences. The shifting of responsibilities for immigration enforcement onto policing has been characterised as a core plank of the government's 'hostile environment' approach to enforcing immigration policy. Critics have also highlighted that the Nexus High Harm strand has targeted rough sleepers for deportation, contradicting the government's original aims to focus on 'high harm' individuals. In 2017, the high court quashed policy guidance that encouraged the police and Immigration Enforcement to target EEA rough sleepers, on the grounds that the guidance breached EU law (Gilmartin 2017).

One of the most serious concerns raised in relation to police and Home Office cooperation is the sharing of data on the immigration status of the victims and witnesses of crime. Current practice on the sharing of immigration data on victims and witnesses of crime varies across the UK. Out of the 45 police force areas in the UK, 27 have confirmed that they do share data on victims and witnesses with immigration enforcement – including the Met Police and Greater Manchester Police – while three have confirmed they do not (including Police Scotland) (Nye et al 2018). This can happen in a range of ways. For instance, police officers may carry out a Police National Computer (PNC) check on a victim or witness of crime to ascertain their criminal history, which may inadvertently flag their immigration status and result in the police officer passing information onto the Home Office. For victims and witnesses, this can be a serious deterrent to reporting crime. Campaigners have argued that this fails the victims of serious crime, undermines integration and inclusion, and creates a broader threat to public safety (Liberty 2018; LAWRS 2018).

In order to improve the consistency of practice and address some of the concerns raised by campaigners, the National Police Chiefs' Council (NPCC) issued guidance in December 2018. The guidance emphasised that those reporting a crime should, regardless of their immigration status, be treated first and foremost as a victim of crime, and stated that no PNC checks should be made on victims of crime solely to determine whether they have broken immigration rules. But the guidance did not rule out police officers making PNC checks for other reasons – such as for intelligence research – which could then result in information on a victim or witness's immigration status coming to light. Moreover, the guidance stated that, where it becomes apparent that a victim has no leave to remain in the UK, it is "wholly appropriate that the officer in this case should contact Immigration Enforcement at the appropriate juncture" (NPCC 2018).

In June 2020, the NPCC issued further guidance on sharing information with the Home Office on victims and witnesses with insecure immigration status, which elaborated on the 2018 guidance. It argued that there was a "clear public interest" in joint working between the police and the Home Office and stated that where victims are suspected of being immigration offenders "the police will share information about them with the Home Office". While it noted that police officers should take a proportionate approach and delay data-sharing where measures need to be taken to protect victims and witnesses from harm, the guidance was clear that in general information on suspected immigration offenders should be referred to the Home Office without delay (NPCC 2020).

NPCC guidance is not binding, but is generally expected to be followed by chief constables. In this case, the guidance has been adopted by the Metropolitan Police (MPS 2019). The approach to data-sharing set out in the NPCC guidance is currently subject to a super-complaint by Liberty and Southall Black Sisters (Liberty and Southall Black Sisters 2018).

WHAT IS THE LEGAL SITUATION?

Police officers do not have a general statutory duty to share information on individuals' immigration status with Immigration Enforcement (LAWRS 2018). While the Immigration and Asylum Act 1999 provides powers for the sharing of information for immigration purposes, there is only a duty to share nationality documentation when specifically directed to do so by the Home Office (Liberty and Southall Black Sisters 2018). There is therefore nothing in law that requires the broad approach to cooperation and data-sharing currently taking place between the police and Immigration Enforcement. Despite this, the police have argued that data-sharing is part of the police's broader responsibility to tackle crime and protect the public (NPCC 2020).

However, some legal experts have challenged this perspective, arguing that sharing individual data with Immigration Enforcement could breach the Human Rights Act (HRA). The HRA requires public authorities, including the police, to not act in any way incompatible with the human rights set out in the European Convention of Human Rights (ECHR). This includes the protection of the right to life, the prevention of torture and inhuman and degrading treatment, and the prevention of slavery, servitude and forced labour. Legal experts have suggested that current police practices undermine these rights by deterring victims and witnesses of serious crimes from coming forward and thereby impeding efforts to investigate such crimes. Following this line of reasoning, they have argued that current data-sharing practices between the police and Immigration Enforcement conflict with the HRA (LAWRS 2018; Liberty and Southall Black Sisters 2018).

The current legal situation is therefore contested. Crucially, however, it is clear that there is no general legal duty for the police to share information on the immigration status of the victims and witnesses of crime with Immigration Enforcement.

WHAT POWERS DO REGIONAL MAYORS HAVE?

Some regional mayors – in particular, the mayor of London and the mayor of Greater Manchester – have specific powers over their police forces. They set the strategic direction and priorities for their police forces through police and crime plans. They are also responsible for setting the local police force budgets. In other parts of England and Wales, directly elected police and crime commissioners (PCCs) are responsible for the oversight of local police forces.

While the London and Greater Manchester mayors have oversight of the Metropolitan Police Service (MPS) and the Greater Manchester Police (GMP) respectively – in London's case through the Mayor's Office for Policing and Crime (MOPAC) – these police forces nevertheless retain their operational independence. Moreover, while in other parts of England and Wales, PCCs (or in Greater Manchester, the mayor) appoint the chief constable of their local police force, in London the MPS is headed by the metropolitan police commissioner, who is appointed by recommendation of the home secretary after consulting with the mayor. The commissioner is therefore directly accountable to the home secretary as well as to the mayor.

The London and Greater Manchester mayors accordingly do not have direct powers over how day-to-day policing operates in their areas and cannot simply instruct their police forces to adopt different working practices with Immigration Enforcement. They are, however, in a position to identify the priorities for their police forces and include these within their police and crime plans. While they may not have strict legal avenues to compel specific practices, they do have options to exert 'soft power' and work with their respective police forces to promote and encourage change. They also have other policy levers – including budgetary powers – to take action on safe reporting, as discussed further below.

INTERNATIONAL BEST PRACTICE

In the international context, the approach of municipalities to the issue of safe reporting depends crucially on the powers they have and the role of national governments.

A recent study at the University of Oxford explores different ‘safe reporting’ practices across the US and Europe.⁴ As the study explains, a number of ‘sanctuary cities’ in the US have introduced policies to limit cooperation between the police and immigration authorities within their jurisdictions. These policies vary from city to city, generally based on the principle of ‘don’t ask’ (police authorities deliberately not requesting information on an individual’s immigration status), ‘don’t tell’ (information not being passed by the police on to immigration enforcement), or ‘don’t enforce’ (immigration rules not being enforced by the local police). Such an approach is feasible because the US federal government is responsible for immigration enforcement, while local and state authorities are largely responsible for policing. Moreover, the local police authorities operate almost entirely independently from the federal government and are protected constitutionally from federal efforts to compel cooperation. This provides the scope for cities to set their own policies on cooperation between local police and federal agents (Delvino 2019).

However, in Europe – including in the UK – city authorities have far less autonomy on policing matters. But while the policies developed by ‘sanctuary cities’ in the US largely cannot be replicated elsewhere, European countries have adopted different approaches to promoting safe reporting. In the Netherlands, for instance, police and migrant support organisations in the Amsterdam Zuid-Oost borough with the support of the national government piloted a new arrangement for safe reporting known as ‘free in, free out’. This policy allowed victims and witnesses with irregular migration status to enter police stations and report crimes under the assurance that they could leave without facing arrest. The policy was initially implemented in the Amsterdam Zuid-Oost borough and was then rolled out to other local areas. Ultimately, the ‘free in, free out’ policy was introduced across the whole of the Netherlands and became part of official national guidance (though it is not formalised in Dutch law) (Timmerman et al 2019).

Beyond new policies on information-sharing with immigration enforcement, cities have also taken other steps to support victims and witnesses of crime with insecure immigration status. Cities in both Europe and North America have, for instance, funded immigration legal advice for the victims of crime, conducted outreach with migrant communities to encourage reporting, and invested in training for local law enforcement officials (Devino 2019). In Montreal, the city authority has supported the Centre d’aide aux victimes d’actes criminels (CAVAC) to set up an ‘intervention and protection unit’, which will offer confidential support and guidance for migrant victims regardless of their immigration status (Council of Europe 2019). Therefore, even where legal powers have been limited, cities have nevertheless found ways to take action to safeguard victims and witnesses who have an insecure immigration status.

⁴ For further details on this study, see: “Safe reporting” of crime for victims and witnesses with irregular migration status in the USA and Europe, webpage. <https://www.compas.ox.ac.uk/project/safe-reporting-of-crime-for-victims-and-witnesses-with-irregular-migration-status-in-the-usa-and-europe/>

OPTIONS FOR REGIONAL MAYORS

Under the current devolution settlement in the UK, fundamental change in favour of safe reporting – for instance, through a ‘firewall’ between policing and Immigration Enforcement – would need to be delivered at the national level. But there are also significant steps that regional mayors can take to support victims and witnesses with insecure immigration status at the local level, as well as to drive forward change nationally.

In particular, the mayor of London and the mayor of Greater Manchester to some extent have direct oversight over their respective police forces. These mayors could consider the following.

Including safe reporting as a strategic priority for their police forces as part of their police and crime plans

While the London and Greater Manchester mayors do not have direct powers over the day-to-day operations of their police forces, they can use their ‘soft power’ by highlighting the importance of safe reporting in their police and crime plans. The mayors could, for instance, emphasise to their police forces that officers should prioritise protecting the victims of serious violent crime over pursuing low-level immigration offences. This could help to spur their local police forces to reconsider current practices on data-sharing with Immigration Enforcement.

Offering support for multi-agency police work only if guarantees for victims are ensured

Multi-agency and partnership work play an important role in local policing strategies. But there is a risk that a focus on multi-agency approaches can facilitate greater data-sharing between police and Immigration Enforcement with respect to the victims and witnesses of crime. In some instances, city region mayors are directly involved in multi-agency work with policing and Immigration Enforcement – for instance, as part of Programme Challenger in Greater Manchester. In these cases, the mayors could agree to cooperate on multi-agency projects only on the basis that certain conditions are met on data-sharing; for instance, on the condition that projects do not result in immigration enforcement action being taken against the victims or witnesses of crime, unless there is a statutory obligation to do so. This could help to nudge local police forces to develop a change in approach to their multi-agency working.

Increasing training for police officers to build understanding of the perspective of victims with insecure immigration status

Another area where the London and Greater Manchester mayors can make use of policy levers to promote changes in police practices is through police force training. To help encourage better practice among police officers, the London and Greater Manchester mayors could dedicate some of their police force budgets to train officers to help them to understand the fears about reporting crime for migrants with insecure status. As part of this programme of training, police officers could be guided on how to take an unequivocally victim-centred approach when responding to victims with an insecure immigration status.

Beyond using specific powers related to local policing, there are also other, more indirect approaches that regional mayors could take to encourage the reporting of crime by victims and witnesses with insecure immigration status. Regional mayors could consider the following.

Urging the government to take action at the national level and to support a pilot project for safe reporting in their cities

Regional city mayors can use their political platforms to challenge national approaches on data-sharing between policing and Immigration Enforcement. They could focus their influencing on policy proposals directed at the Home Office, as well as recommendations for changes to NPCC guidance. For instance, in 2018, the mayor of London and the London Victims' Commissioner issued a joint call to the home secretary to promote safe reporting, including recommendations on reinstating legal aid for immigration cases and introducing operational guidelines for police officers to prioritise the safety of victims with insecure immigration status over pursuing immigration offences (Mayor of London 2018).

Another area where mayors could focus their advocacy efforts is on developing national immigration policies to support victims of crime. For instance, they could advocate for the expansion of the destitution domestic violence (DDV) concession – an immigration route that provides victims of domestic abuse temporary access to benefits while they make their application for indefinite leave to remain as a victim of domestic violence. This concession is only currently available to those who have formerly been granted leave to remain in the UK as a spouse or partner of a UK citizen or settled person; regional city mayors could argue for it to be expanded to those who may have been in the UK via other immigration routes.

Finally, adopting the approach taken in the Netherlands, regional city mayors could call for support from the Home Office and the NPCC to pilot a new approach to safe reporting in their cities (or indeed in specific boroughs). This could involve introducing new guidance for police in some cities to not share information with the Home Office on victims or witnesses of crime with insecure immigration status. The outcomes for crime reporting could then be monitored and compared with other cities. As noted above, in the Netherlands, a pilot project in the Amsterdam Zuid-Oost borough led to the roll-out of the 'free in, free out' policy across the whole country.

Investing in greater numbers of independent victims' advocates and specialist services for supporting victims with insecure immigration status

Independent victims' advocates (IVAs) are independent professionals that provide emotional and practical support to victims and navigate them through the criminal justice system. IVAs can provide advice to victims with insecure immigration status and can accompany victims in meetings with the police and other criminal justice partners to offer support and reassurance. There is some evidence that advocates provide a connecting role between victims and other professionals and that their focus on building trust with victims can encourage greater engagement with the criminal justice system (Victims' Commissioner for England and Wales 2019). There is also evidence that advocates can help to challenge victim-blaming cultures among other criminal justice professionals (ibid).

To encourage reporting by victims with insecure immigration status, regional mayors could invest resources in greater numbers of IVAs. Crucially, this could also include support services for migrants with specialist knowledge and skills on immigration issues, to help them tackle the specific barriers faced by victims with insecure immigration status. Some of these IVAs and specialist services could be based in police stations, in order to build relations with police officers and reassure victims with negative perceptions of policing. Alongside this, regional mayors could also focus on expanding provision for independent domestic

violence advisors (IDVAs) who help victims of domestic support who are at high risk of harm – in particular, those with specialist knowledge and skills in supporting people with insecure immigration status. Finally, drawing on Montreal’s intervention and protection unit, regional mayors could consider funding non-governmental organisations (NGOs) to provide a city-wide initial contact point for victims with insecure immigration status who are concerned about directly reporting to the police.

Supporting awareness-raising activities for migrant communities

Regional mayors could also ensure that their authorities take steps to engage in greater outreach with migrant communities, in order to provide clear advice on their rights through public events, community forums, and information-sharing among local partners. This could include guidance on reporting hate crime, such as information on reporting anonymously or using third party reporting centres. It could also include information on how to find and approach IVAs/IDVAs and services with specialist skills in supporting victims with insecure immigration status.

WHAT ELSE CAN REGIONAL MAYORS DO IN RESPONSE TO THE ‘HOSTILE ENVIRONMENT’?

Beyond promoting routes for safe reporting, there are other ways that regional mayors can take action in response to the ‘hostile environment’. In particular, they can focus on how to limit cooperation between Immigration Enforcement and other local organisations or services within their remit.

This is particularly pertinent given the recent reports of data-sharing and cooperation between certain local agencies and the Home Office. For instance, in 2017, an FOI request found evidence of local authority social service departments introducing embedded Home Office workers within their ‘no recourse to public funds’ teams (Home Office 2017b). Since the FOI request, several local authorities – including Lewisham and Southwark Councils – have now taken steps to remove these officers (Busby 2019).

There is also evidence of attempts at cooperation and data-sharing between Immigration Enforcement, homelessness charities, and local government. Most recently, an FOI request in 2019 found that the Home Office’s Rough Sleeping Support Service was seeking to work with the Greater London Authority (GLA), local authorities and homelessness charities to make arrangements for the sharing of personal data on homeless migrants in London (Townsend 2019). The Rough Sleeping Support Service aims to help local authorities and charities with information on rough sleepers’ immigration status. While in principle the service can help rough sleepers to gain access to support, it can also lead to enforcement action (Home Office 2019). Since the reports came to light last year, at least 11 local authorities have publicly refused to share personal data with the service without individuals’ explicit consent (Mohdin 2019).⁵

In response to some of these broader challenges, regional mayors could consider the following options.

Ensuring that there is no direct cooperation between the authority and Immigration Enforcement

Regional mayors could ensure that no employees under their responsibility engage on joint projects with Immigration Enforcement, unless there is a statutory obligation to do so. This would help to send a message to other organisations and local authorities on where there should be limits on cooperation and data-sharing with the Home Office.

⁵ In September 2020, the Home Office’s Rough Sleeping Support Service was relaunched and now requires rough sleepers’ consent for the sharing of data.

Making funding to organisations conditional on limiting cooperation with Immigration Enforcement

Regional mayors could use their budgetary powers to try to leverage change in other organisations. For instance, they could make any funding to homelessness charities conditional on an agreement to limit cooperation with Immigration Enforcement. They could also exert pressure on local authorities by withholding funding where it may be used for projects involving cooperation on enforcement action between local government and the Home Office.

Introducing a migration and integration commissioner at the city region level

Regional mayors could introduce a new independent commissioner for migration and integration to advocate for the rights of migrants, highlight risks related to immigration enforcement, and engage across different migrant communities. In London, the deputy mayor for social integration already has an important role in facilitating integration and community engagement, but similar functions could be developed in other city regions. An independent migration and integration commissioner would provide a contact point for issues related to immigration enforcement in the city region, as well as helping to send a message about the city region's priorities at the national level.

CONCLUSION

This briefing has explored how directly elected city regional mayors can promote safe reporting for victims and witnesses of crime with insecure immigration status. In particular, the briefing has summarised the current state of play on data-sharing between police forces and the Home Office and the potential ways for regional mayors to develop distinctive approaches within their city regions.

While the powers granted to regional mayors are relatively constrained – and do not allow for the ambitious approach taken by ‘sanctuary cities’ in the US – there are nevertheless a number of areas where action is possible, from prioritising the importance of safe reporting in police and crime plans to investing in more independent victims’ advocates and training for local police forces. Moreover, regardless of their precise legal powers, regional mayors can play an important role in engaging in advocacy at the national level on the benefits of safe reporting, as well as on the broader risks posed by the ‘hostile environment’ for migrant communities in their city regions.

REFERENCES

- Busby M (2019) 'Immigration check outcry sees officers removed by Council', *Guardian*. <https://www.theguardian.com/uk-news/2019/feb/24/labour-councils-remove-embedded-immigration-officers>
- City of Sanctuary (2019) 'About', webpage. <https://cityofsanctuary.org/about/>
- Council of Europe (2019) 'Intercultural cities: good practice examples', webpage. <https://www.coe.int/en/web/interculturalcities/-/montreal-launches-a-policy-of-non-discriminatory-access-to-all-municipal-services>
- Delvino N (2019) *Safe Reporting of Crime for Victims and Witnesses with Irregular Migration Status in the United States*, COMPAS. <https://www.compas.ox.ac.uk/2019/safe-reporting-of-crime-for-victims-and-witnesses-with-irregular-migration-status-in-the-united-states/>
- Gilmartin C (2017) 'High Court quashes guidance on deporting EEA nationals who are sleeping rough', *UK Human Rights Blog*. <https://ukhumanrightsblog.com/2017/12/15/high-court-quashes-guidance-on-deporting-eea-nationals-who-are-sleeping-rough/>
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services [HMICFRS] (2020) *PEEL: Police effectiveness, efficiency and legitimacy 2018/19 – Derbyshire Constabulary*. <https://www.justiceinspectors.gov.uk/hmicfrs/publications/peel-assessment-2018-19-derbyshire/>
- Home Office (2017a) *Operation Nexus: High Harm*. <https://www.gov.uk/government/publications/operation-nexus-high-harm>
- Home Office (2017b) 'Embedded Home Office workers within Local Authority Child in Need assessments', Freedom of information – 46332 [request from Amy Murtagh – Project 17]. https://www.whatdotheyknow.com/request/embedded_home_office_workers_wit
- Home Office (2019) 'Factsheet: Rough Sleeping Support Service', blog post. <https://homeofficemedia.blog.gov.uk/2019/07/10/factsheet-rough-sleeping-support-service/>
- House of Commons (2019) *Draft Domestic Abuse Bill*, First Report of Session 2017–2019, Joint Committee on the Draft Domestic Abuse Bill. <https://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-domestic-abuse-bill/news/chairs-statement-on-publication/>
- Independent Chief Inspector of Borders and Immigration [ICIBI] (2014) *An inspection of Immigration Enforcement activity in London and the West Midlands ('Operation Nexus')*. <https://www.gov.uk/government/publications/inspection-report-on-immigration-enforcement-activity-december-2014>
- Latin American Women's Rights Service [LAWRS] (2018) 'Safe reporting of crime for migrants with insecure immigration status', Step Up Migrant Women UK, roundtable report. <https://stepupmigrantwomenuk.files.wordpress.com/2018/06/lawrs-safe-reporting-roundtable-report.pdf>
- Latin American Women's Rights Service [LAWRS] (2019) *Ending violence against women and girls: migrant women and safe reporting of VAWG*. https://www.sistersforchange.org.uk/wp-content/uploads/2019/03/121-LAWRS_SUMW-2nd-Briefing-updated-final.pdf
- Bradley G M (2018) 'Care don't share', *Liberty*. <https://www.libertyhumanrights.org.uk/policy/report-care-dont-share>
- Liberty and Southall Black Sisters (2018) *Police data-sharing for immigration purposes: a super-complaint*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf
- Mayor of London (2018) 'Mayor calls to protect victims of crime with insecure status', press release. <https://www.london.gov.uk/press-releases/mayoral/protect-victims-of-crime-with-insecure-status>

- McIlwaine C (2020) 'Living in fear during the COVID-19 crisis: migrant women with insecure immigration status and domestic violence', King's College London. <https://www.kcl.ac.uk/living-in-fear-during-the-covid-19-crisis-migrant-women-with-insecure-immigration-status-and-domestic-violence>
- McIlwaine C, Granada L, and Valenzuela-Oblitas I (2019) *The right to be believed: Migrant women facing violence against women and girls (VAWG) in the 'hostile immigration environment' in London*, Latin American Women's Rights Service [LAWRS]. [https://kclpure.kcl.ac.uk/portal/en/publications/the-right-to-be-believed\(0fed627f-4879-4803-be35-302bf1f95acd\).html](https://kclpure.kcl.ac.uk/portal/en/publications/the-right-to-be-believed(0fed627f-4879-4803-be35-302bf1f95acd).html)
- Metropolitan Police Service [MPS] (2019) 'Vulnerable, juvenile, or intimidated witnesses: vulnerable victims and witnesses with insecure immigration status'. https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2019/june_2019/information-rights-unit---sharing-information-with-the-immigration-enforcement
- Mohdin A (2019) 'Councils refusing to reveal data of rough sleepers to the Home Office', *Guardian*. <https://www.theguardian.com/society/2019/jul/17/councils-refusing-to-share-personal-data-of-rough-sleepers-with-home-office>
- National Police Chiefs' Council [NPCC] (2018) 'Information Exchange regarding Victims of Crime with No Leave to Remain', Chief Constables' Council Paper. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767718/Appendix_1.pdf
- National Police Chiefs' Council [NPCC] (2020) 'Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender'. https://www.npcc.police.uk/Guidance%20on%20Info%20Sharing%20with%20Home%20Office_Website%202020.pdf
- Nye C, Bloomer N, and Jeraj S (2018) 'Victims of serious crime face arrest over immigration status', BBC's Victoria Derbyshire programme. <https://www.bbc.co.uk/news/uk-44074572>
- Office for National Statistics [ONS] (2020) 'Population of the country by birth and nationality, January 2019 to December 2019', dataset. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality>
- Programme Challenger (2018) 'Serious and organised crime strategy for Greater Manchester, 2018-20'. https://www.programmechallenger.co.uk/about_us/challenger_strategy/
- Timmerman R, Leerkes A, and Staring R (2019) *Safe reporting of crime for migrants with irregular status in the Netherlands*, COMPAS. <https://www.compas.ox.ac.uk/wp-content/uploads/SR19-Netherlands-country-report.pdf>
- Townsend M (2019) 'Secret plan to use charities to help deport rough sleepers', *Observer*. <https://www.theguardian.com/politics/2019/jul/06/home-office-secret-plan-charities-deport-rough-sleepers>
- van Kesteren J (2016) 'Assessing the risk and prevalence of hate crime victimization in Western Europe', *International Review of Victimology*, 22(2), 139-160. <https://journals.sagepub.com/doi/10.1177/0269758015627046>
- Victims' Commissioner for England and Wales (2019) *Victims' advocates: A rapid evidence assessment*. <https://victimscommissioner.org.uk/published-reviews/victim-advocates-a-rapid-evidence-assessment/>

Institute for Public Policy Research



GET IN TOUCH

For more information about the Institute for Public Policy Research, please go to www.ippr.org

You can also call us on +44 (0)20 7470 6100, e-mail info@ippr.org or tweet us @ippr

Institute for Public Policy Research

Registered Charity no. 800065 (England & Wales),
SC046557 (Scotland), Company no, 2292601 (England & Wales)

The progressive policy think tank