

OPCC Update (December 2021) in response to the Safe to Share Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status.

Response from the PCC for Suffolk in relation to Recommendation 6

1 Introduction

This document sets out the Police and Crime Commissioner for Suffolk's response to the report from HMICFRS, the College of Policing and the IOPC on the Liberty and Southall Black Sisters' super-complaint on policing and immigration status (known as Safe to Share).

The report has two recommendations which impact PCCs specifically:

Recommendation 5. To chief constables and police and crime commissioners (or equivalents)

With reference to recommendation 1, pending the developments outlined in other recommendations, and in consultation/collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, through the appropriate channels, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.

The response to this has been handled in the Constabulary response but we would add:

The Constabulary works closely with partners on the Suffolk Violence and Abuse Partnership and our office has a victims' services relationship with many of the providers who sit on that partnership. We are content that there are both general and community based services for victims of domestic abuse which are open to all victims, but we specifically fund two provisions through PHOEBE and Leeway's Project Safety Net who have a more honed offer to diverse communities and would be able to provide appropriate support to women whose status is insecure.

On a more general note, the HMICFRS recommendation in their inspection reports on VAWG – signifies the importance of a multi-agency response to VAWG. We are currently working with all partners on the Safer Stronger Communities Board which includes Suffolk local authorities, the police and our office, alongside voluntary sector partners on the Suffolk Violence and Abuse Partnership to review our current multi-agency VAWG Strategy and consider a more consistent system wide approach to the gaps and issues arising from this significant area of work.

Recommendation 6. To police and crime commissioners (or equivalents)

Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks.

In his initial response to the report the PCC for Suffolk published a [position statement](#) (Feb 2021) which said

My office will work with the organisations we commission to support victims, to progress the recommendation to assess the local access to services for victims, we will report on our findings in due course.

1. Local assessment

Recommendation 6

In response to recommendation 6, the Suffolk OPCC spoke to number of organisations to understand the support available to victims of crime who have an insecure immigration status. These

organisations comprised both specialist victim support organisations (commissioned by the PCC) and organisations that provide immigration advice.

Our assessment of local access to specialist victim support organisations found the following:

2.1 Nature and scale of the issue

There is little data available to illustrate the volume of cases where victims of crime have an insecure immigration status or require immigration advice in Suffolk.

“Mapping immigration advice in the UK”, a presentation to the based on research by Dr Jo Wilding¹ found the following ‘demand’ or potential need for immigration advice in Suffolk.

- 74 people in s95 support (Section 95 of the Immigration and Asylum Act 1999). Support with housing and essential living needs of asylum seekers
- 78 unaccompanied children
- 233 in three prisons

Our best estimate is that PCC commissioned services in Suffolk deal with less than 50 cases per year where the victim of crime has an insecure immigration status, and these are predominantly domestic abuse cases. To put this in context, PCC commissioned services received over 23,000 new referrals for victim support in 2020/21 and provided support to 10,700 victims².

However, the victim support services we spoke to agreed with the Liberty and Southall Black Sister’s claim that clients are unlikely to report to the police or seek support from any authority, including healthcare professionals, if their immigration status is insecure. It was widely felt that victims were not aware of their entitlements. It is likely there are more victims of crime in Suffolk with insecure immigration status who have not accessed support services.

Victims of domestic abuse:

- Organisations providing support to victims of domestic abuse told us that they had recently seen more cases where English is a second language (or the client does not speak English at all) and where immigration status has been raised as an issue. These cases are few.
- Concerns were raised about changes to the destitution domestic violence (DDV) concession (application for public funds/benefits whilst immigration application to settle in the UK is being considered) and no resource to public fund challenges. The exclusion of the issue in the DA bill was a concern for the sector.
- Timeliness of access to support is crucial – a victim of domestic abuse cannot wait weeks for immigration advice once the decision to leave has been made.

We were told that the UK exit from the European Union and deadline for Settled Status has increased the number of cases seeking legal advice (regardless of/whether or not a victim of crime). All organisations we spoke to thought that the numbers requiring assistance with their immigration status would continue to increase of the next few years.

There does appear to be some link between modern slavery and immigration status and the support available for victims. So, in terms of the government and policy response, it was not always seen as helpful to separate or silo these issues.

¹ <https://righttoremain.org.uk/legal-aid-droughts-and-deserts-new-report-by-dr-jo-wilding/> 2019

² PCC analysis for MOJ end of year report, 2020/21

2.2 Local access to specialist victim support organisations

We are content that there are a range of general and specialist (e.g. domestic abuse) victim support services that can support victims of crime whose immigration status is insecure. Most of these services in Suffolk will need to onward refer if advice is required on immigration status.

- The PCC commissions or provides grant funding to several organisations to support victims, whether or not the victim has reported to the police. These organisations will support the victim to report to the police *if* the victim wishes to do so but, importantly for those with insecure immigration status, support is not dependent on having reported to the police.
- The PCC currently supports two domestic abuse services with foreign language speakers who can support non-English speaking victim of crime directly and offer access to legal services where immigration status is insecure. These services are grant funded on an annual basis. These services receive referrals from other domestic abuse support services in the county, children services and social services who do not have specialist skills to support these victims.
- PCC victim support services are county wide but there is potentially a gap in accessibility for victims in rural parts of the county.
- Our victim referral and support hub (Norfolk and Suffolk Victim Care) and IDVA services have translation services however both report minimal cases where immigration status is insecure coming through to them (likely because the majority of their referrals are from the police).

2.3 Immigration advice in Suffolk for victims of crime

Our assessment found that timely access to appropriately qualified advisors specialising in immigration advice in Suffolk is challenging and not well funded.

- A small number of organisations offer immigration advice in Suffolk. The East of England has been called an ‘advice desert’, Norfolk, Suffolk and Essex are particularly affected. “Mapping immigration advice in the UK”, a presentation by Dr Jo Wilding found the following in Suffolk
 - No legal aid
 - OISC Level 3: Suffolk Law Centre (volunteer solicitors)
 - OISC Level 2: Migrant Help x 3
 - OISC Level 1: CAB x 8 plus BSC Multicultural Services

We believe this position has changed and there doesn’t appear to be any substantive Level 3 OISC³ provision in Suffolk at the time of our assessment. Services mentioned using advisors in London to access Level 3 OISC and VAWG trained immigration advisors. It was suggested that this level of qualification to deal with complex cases could be useful provision at a regional level.

- One organisation was clear that having a VAWG background was essential to handling DA cases. Others mentioned having to use services in Essex and Norfolk to access Level 2 qualified services.
- There is a need for a greater volume of OISC trained advisors at least at L1 and L2 working more hours (i.e. where there are trained advisors the number of hours / cases they do may be limited).

³ Office of the Immigration Services Commissioner (OISC) regulates immigration advisors who are not qualified lawyers such as solicitors, barristers and chartered legal executives.

- Organisations do cover Suffolk as a whole (i.e. West Suffolk and Lowestoft as well as Ipswich) but the rural nature of the county is seen as a barrier to accessing support.
- The eastern region migration network is working on capacity building and training more advisors.
- Even if funding were available, recruitment and training challenges were raised: OISC qualification is difficult/lengthy to achieve and the higher levels need great commitment and supervision. Volunteers move on and the experience is lost.
- Only a small number of legal firms in Suffolk will take on legal aid cases.

App A: Agencies contacted during the assessment work

- Bury St Edmunds Women's Aid Centre
- East of England Local Government Association Strategic Migration Partnership
- Gyros
- ISCRE and Suffolk Law Centre
- Leeway – Suffolk IDVA service and Project Safety Net
- Lighthouse (Women's Aid)
- Norfolk and Suffolk Victim Care (Victim Support)
- Phoebe
- Suffolk County Council