

PREVENTING AND ADDRESSING ABUSE AND EXPLOITATION: A GUIDE FOR POLICE AND LABOUR INSPECTORS WORKING WITH MIGRANTS



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Preventing and addressing abuse and exploitation: a guide for police and labour inspectors working with migrants.

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This work follows the event [Migrants reporting crime: building trust and improving police efficiency](#), supported by PICUM. We would like to thank the participants of the event: Claire Waxman, London Victims Commissioner; Dame Sara Thornton DBE QPM, UK Independent Anti-Slavery Commissioner; Michael Zwart MCM, Dutch National Police - Amsterdam Unit; Bob Barrows Esq, New York City Police Department. Thank you to Alyn Smith and Lilana Keith for their support in the organisation of the event.

This guide builds on the work developed by the [Step Up Migrant Women Campaign](#) and the [Labour Exploitation Advisory Group \(LEAG\)](#).

The Latin American Women's Rights Service (LAWRS) is a by-and-for, feminist and human rights organisation addressing the practical and strategic needs of Latin American migrant women displaced by poverty and violence. LAWRS' mission is to provide Latin American migrant women with tools to assert our rights and pursue personal empowerment and social change. We directly support more than 5,000 women annually through culturally and linguistically specialist advice, information, counselling and psychotherapy, advocacy, development programmes, and workshops.

Focus on Labour Exploitation (FLEX) is a research and policy organisation working towards an end to labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

FOREWORD

BY CLAIRE WAXMAN

Independent Victims' Commissioner for London

As Independent Victims' Commissioner for London, my work primarily focuses on improving victims' experiences of the justice system and ensuring they have better access to justice and support. I have worked to identify key issues in police policies, in prosecution decision making and in courtroom practices. Having been through the justice system myself I know it can be isolating, daunting, deeply confusing and at times, re-traumatising. Victims often feel they do not have a clear idea of what their rights and entitlements are, or what they can and should expect from the system. But this isolation and fear is compounded for those victims who are prevented from accessing justice in the first place due to their immigration status.

One of the first things I worked on as Independent Victims' Commissioner for London was the Mayor's Violence Against Women and Girls Strategy. This was published in 2018 with the stated aim of making London the safest city in the world for women and girls. Leading an extensive survivor consultation, a clear theme came through from women with insecure immigration status who felt that police would not take their abuse seriously or would share their information with immigration enforcement rather than investigate the crime. More often than not, these fears prevented women from seeking help and safety or reporting a crime at all. I remember being struck by the bravery and resilience of these victims, who had endured so much from their abusers and yet were being forced to choose between staying with their abusers or risk suffering further harm and abuse from a justice system that failed to see them first and foremost as a victim. The same can be said for victims of exploitation and modern slavery, who often remain working for their exploiters for a long time for fear of the repercussions they, or their colleagues, could face if they were to report to the police or a labour inspector.

It is important to acknowledge the level of vulnerability involved with these types of abuse. Hostile environment policies are weaponised by abusers and exploiters, who use the threat of arrest, deportation and, in the case of domestic abuse, having children removed to coerce and silence victims. It remains shocking that, in 21st century Britain, we allow our justice system to empower abusers and prioritise immigration concerns over delivering actual justice, safety, support to survivors and disrupting the behaviours of dangerous perpetrators.

These hostile immigration policies not only endanger the lives of direct victims but also put others at risk of harm now and in the future. We know that abusers and exploiters often exhibit patterns of behaviour and rarely have one single victim. By coming forward and bringing perpetrators to justice, victims are helping to protect other people from

being harmed in the same way. Where immigration policies are preventing victims from safely and securely reporting, they are indirectly placing them at risk and creating potential future victims of these perpetrators. It is critical that we understand the significance and importance of safe reporting and see the benefits of protecting wider society.

The dynamics of this abuse and the challenges facing these victims have been well documented, thanks to the tireless work of organisations like the Latin American Women's Rights Service and Focus on Labour Exploitation. They have centred the voices of the victims like the ones I spoke to in that survivor consultation. They have shown how current policies are facilitated and contribute to creating new forms of abuse.

But it would be entirely wrong to frame this problem as insurmountable. As this important guide outlines, there are clear success stories from around the world where communities have taken the decision to reprioritise and redesign justice. They have invested in constructive relationships between law enforcement and migrant communities; they have marshalled data and intelligence and created safe and secure routes for reporting; they have enabled police to access better intelligence and do their jobs more effectively; they have pushed back on national policies which seek to criminalise victims. Most importantly, they have provided dignity and safety to migrant victims. The issues and policies outlined in this document should be a rallying call to all decision makers, that we can and should decide that migrant lives are worth protecting and that the justice system is here for everyone.

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1 INTRODUCTION

Migrants with insecure immigration status often feel unable to report cases of abuse and exploitation for fear that government authorities will prioritise their immigration status over the harm they have experienced and that they will face serious personal consequences as a result. This makes migrants more vulnerable to abuse and exploitation, as abusers capitalise on this fear to act with impunity because they are unlikely to be held accountable for these violations.

As a result, relevant authorities are unable to prevent and address serious crime, like forced labour, servitude and domestic abuse, since they cannot access valuable intelligence needed to identify and prosecute abusers and exploiters. This situation results in migrants being denied safety and justice, and offenders going unpunished and remaining free to abuse others, creating a significant threat to public safety.

This guide looks into the police and labour inspectors' practice of sharing migrants' personal information with the Home Office for immigration enforcement purposes. It describes how this is affecting migrants, especially victims of domestic abuse and labour exploitation, and making them vulnerable to harm. It also analyses how this reporting is carried out in practice in the UK. Finally, it outlines practical strategies to increase trust between these agencies and migrant communities. Building on international good practice, these strategies aim at enabling migrants to securely reportⁱ abuse and exploitation and allow agencies to access valuable intelligence to prevent and address these crimes.

2 GLOSSARY

FORCED LABOUR refers to work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.ⁱⁱ

HUMAN TRAFFICKING is defined by the United Nations, as the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.ⁱⁱⁱ

INSECURE IMMIGRATION STATUS refers to migrants whose status is temporary or insecure due to waiting for a decision about their permission to stay, because their status is dependent on someone else or because they lack permission to enter or stay in the country. Examples of migrants with insecure status include people who are dependent on their partners', spouse or other family members' status, people whose permission to work ties them to an employer, limits their working hours or restricts them from working in other sectors (e.g. seasonal workers, students, overseas domestic workers, etc.), people who are lawfully in the UK but are subject to conditions that restrict their access to full social and economic rights in the UK (e.g. tourist visas, those with No Recourse to Public Funds, people with visas that limit their 'right to work' such as asylum seekers and some potential victims of modern slavery in the National Referral Mechanism). It also includes those with undocumented status, such as people who have irregularly entered or stayed in the country, whose leave to enter or remain has expired or has been denied (e.g. refused asylum claims).

MODERN SLAVERY is an umbrella term encompassing slavery, servitude, forced or compulsory labour and human trafficking.

REMOVAL refers to the enforced removal of someone who does not have leave to remain in the UK, including people whose leave to remain was denied or expired. This differs from the term 'deportation' which in the UK refers to enforced removal of someone usually after they have served a criminal sentence of 12 months or longer. However, these terms are often used interchangeably by migrant communities. In this document, this distinction was preserved with the exception of quotes, in which the term used by the quoted migrant was maintained.

SERVITUDE refers to an obligation to provide a service that is imposed by the use of coercion. Servitude is an ‘aggravated’ form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the victim feeling that their condition is permanent and that the situation is unlikely to change.^{iv}

VIOLENCE AGAINST WOMEN AND GIRLS (VAWG) is ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life’.^v

3 INSECURE IMMIGRATION STATUS AS A VULNERABILITY TO ABUSE AND EXPLOITATION

“When you are undocumented you are forced to choose between many impossible choices. You have to choose between letting your employer steal away half your wages or keeping your children fed. You have to choose to either stay with a violent man or choose to sleep on the street. You have to choose between being robbed because they know you are undocumented or being raided by the immigration officers. Your life becomes a series of impossible choices. You just have to choose the one that makes you sleep a little bit better at night.”

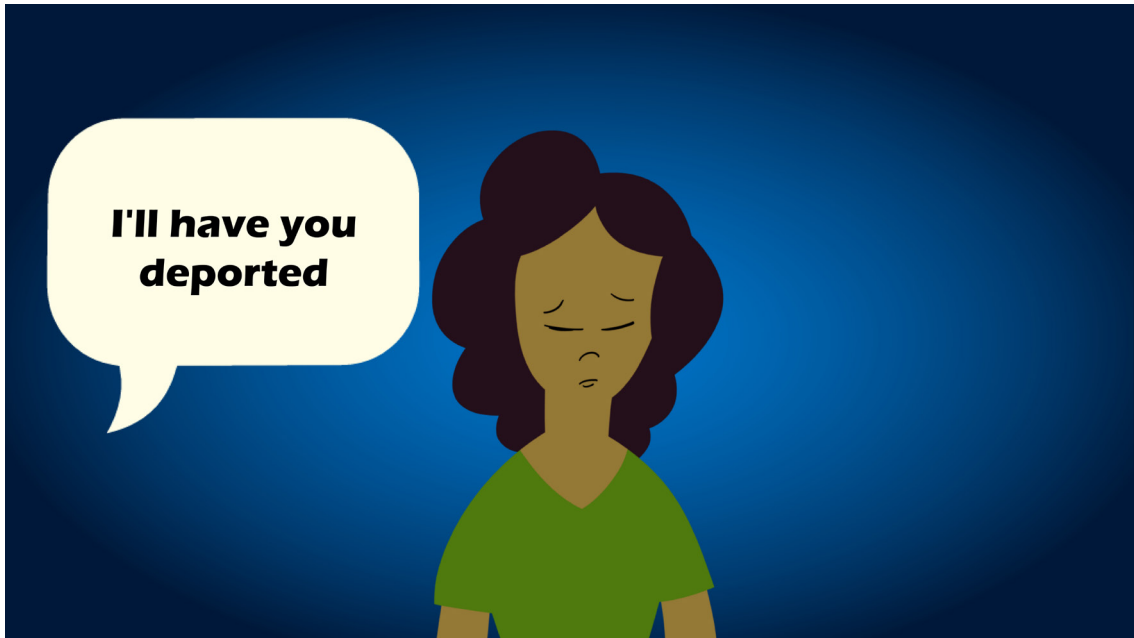
Angélica, Venezuela

While no one is inherently vulnerable to abuse or exploitation, some people experience heightened risks as a result of their personal (e.g. gender, age, race, ethnicity), situational (e.g. immigration status, employment type) and/or circumstantial (e.g. economic destitution) vulnerabilities, which interact and intersect affecting their risk and resilience to abuse and exploitation.

Insecure immigration status acts as a major vulnerability to abuse and exploitation. Evidence has shown that abusive employers and perpetrators of domestic abuse use migrants’ insecure status to threaten, coerce, control and trap them in abusive and exploitative situations.^{vi} As part of the abuse and violence, many migrants are often misinformed about their rights, with some believing they have no protection or entitlements despite having regular status in the UK. In the last few years, this has particularly been an issue affecting European migrants who have been misled about their rights and entitlements by their employers since the Brexit referendum.^{vii} These issues are expected to worsen now that the Brexit grace period has come to an end.^{viii} Thousands of Europeans and their family members are still awaiting a Home Office decision on their status, which is causing challenges in proving their right to stay and work in the UK.^{ix} Adding to that, those who have missed the deadline are now undocumented unless they are able to prove they had ‘reasonable grounds’ for not applying for status before. This complex scenario will likely lead to more migrants becoming vulnerable to abuse and exploitation.

Migrants with insecure immigration status can face significant barriers accessing decent employment. The UK's criminalisation of undocumented work coupled with high fines for those employing workers with insecure status has left many migrants with no other option than to accept unsafe jobs, often with conditions that amount to, or which pave the way for, exploitation, including forced labour and servitude.^x

Similarly, insecure status also affects victims of domestic abuse. According to Imkaan^{xi}, in the UK, more than 90% of abused women with insecure immigration status have been threatened with removal from the UK by their perpetrators if they report the abuse. This data is confirmed by the Step Up Migrant Women campaign (SUMW), which found that the most common factor preventing women from reporting to the police is fear of removal from the UK.^{xii} In many cases, migrant women become undocumented because perpetrators refuse to make immigration applications to regularise their status in order to keep exerting abuse.



4 IMMIGRATION-RELATED FEAR OF REPORTING ABUSE AND EXPLOITATION

“I would raise a complaint if I was protected in some way against deportation.”

Renata, Brazil

Immigration status is one of the main considerations migrants make in deciding whether or not to report abuse and exploitation. When they fear that reporting could lead to negative consequences, such as detention and removal, migrants are less likely to reach out to relevant authorities, such as law enforcement and labour inspectors.

In the case of domestic abuse, research by the Step Up Migrant Women campaign with over 50 women with insecure status found that more than 50% feared that the police would not believe them because of their immigration status. Almost 1 in 5 never formally reported the abuse with fear of removal being the most cited justification for not reporting.^{xiii}

Equally, for migrant workers, fear of detention and removal is one of the primary barriers to reporting issues at work.^{xiv} Even when the threat does not come directly from the employer, migrants often feel unable to report for fear that their personal information will be passed onto immigration authorities, putting them at risk of being stripped of their source of income and separated from their families and communities. Recent research by the European Union Agency for Fundamental Rights in eight European countries, including the UK, uncovered that migrant workers with insecure status regarded exploitation as unavoidable, describing that they believed labour inspectors and the police were more concerned about their immigration status than their experience of exploitation.^{xv}

This issue also affects those with regular immigration status but who are concerned that reporting could put their jobs at risk and negatively affect their visas, and even British nationals who fear that reporting issues at work could make their colleagues, friends and family vulnerable to immigration enforcement action. Indeed, a 2019 study by the University of Nottingham concluded that the British public are reluctant to report potential cases of modern slavery offences for fear that it could lead to negative immigration consequences for victims due to the police’s perceived close relationship with immigration enforcement authorities.^{xvi}

5 CONSEQUENCES OF REPORTING MIGRANTS TO IMMIGRATION ENFORCEMENT

“Unfortunately, the lack of clarity about the circumstances in which information will be shared with Immigration Enforcement [...] can dissuade victims from reporting to police, stopping them from getting support and protection they need, but also enabling abusers to continue their behaviour unchallenged.”^{xvii}

Mike Cunningham, CEO at the College of Policing

“Concerns were voiced by many stakeholders about conflating labour market enforcement with cracking down on illegal [sic] migrants. I share this concern and would want to ensure the Single Enforcement Body for employment rights does not assume any responsibility for immigration enforcement as part of its remit.”^{xviii}

*Matthew Taylor CBE, UK Director of Labour Market Enforcement
(2019-2021)*

Migrants’ fear of seeking help and, as a result, being left vulnerable to immigration enforcement action is not unfounded. The first super complaint investigation by the College of Policing, HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and the Independent Office for Police Conduct (IOPC) on policing and immigrants status concluded that despite not intentionally seeking to prioritise immigration enforcement, there is clear evidence that the police sometimes do. This contributes to a perception that the police give more weight to immigration issues than to investigating crime and safeguarding victims. It also found that in many cases the Home Office has used information provided by the police against migrant victims for immigration enforcement purposes.^{xix}

Freedom of Information requests submitted in 2018 confirm these findings, as they uncovered that 60% of police forces in the UK were reporting information about migrant victims and witnesses of crime with insecure status to immigration enforcement authorities.^{xx} In addition, SUMW research found that out of 50 women with insecure status who had experienced domestic abuse, 27% had their residence status questioned by the police when seeking help and four women were sent to immigration detention as a result of reporting abuse to the police.^{xxi}

Similarly, migrant workers are at risk of having their personal information shared with Immigration Enforcement by labour inspectors and the police. Freedom of Information requests found that all labour inspectorates in the UK^{xxii} had provided information on migrant workers to immigration authorities for enforcement purposes at least once between 2016 and 2019, and all but one had conducted simultaneous operations with Immigration Enforcement.^{xxiii} Many police forces in the UK also regularly invite immigration enforcement authorities to operations aimed at identifying modern slavery offences. These simultaneous operations are problematic because they bring together two conflicting enforcement objectives: identifying and supporting migrants who have been abused and exploited, while also targeting non-compliance with immigration policy. As a result, these operations create a situation in which migrants are unable to differentiate between agencies that aim at enforcing immigration policy, and those whose primary objective is to support them. Therefore, even when labour inspectors and police are not conducting immigration checks themselves, migrants are unsure whether they can trust they will not be penalised for reporting abuse and exploitation then, or at a later stage, when they are ready to disclose.

When police and labour inspectors report migrants with insecure status to immigration authorities and the person is arrested, detained or removed as a result, the message that is being sent to other migrants is that they may face the same consequences if they report. This strengthens perpetrators' power over these migrants and allows them to continue abusing and exploiting others with impunity.



TYPES OF REPORTING TO IMMIGRATION ENFORCEMENT^{xxiv}

The main ways information about someone's immigration status can become available to immigration authorities following an encounter with the police or labour inspector in the UK, include:

- **Active reports.** These occur when the agency suspects someone has insecure status and actively reports information about them to Immigration Enforcement putting the migrant at risk of immigration enforcement action then or at a later stage.

Even when these agencies do not actively report someone to immigration authorities, they may be unintentionally making migrants vulnerable to further harm by engaging in passive forms of reporting, such as:

- **Simultaneous operations.** These occur when agencies whose primary purpose is to support people who have experienced abuse and exploitation, such as labour inspectors and police, invite Immigration Enforcement to their operations, or join operations whose main purpose is to enforce immigration policy.
- **Advice or information channels.** These occurs when a person or agency uses the available channels to seek information or advice from the Home Office (e.g. Immigration Enforcement's National Command and Control Unit)^{xxv} and the information provided can later be used for immigration enforcement purposes against the migrant.
- **Chain referrals.** These occur when an agency refers a migrant to another agency for further support, and the respective agency reports the individual to Immigration Enforcement via any of the types of reporting described above.

There is no legal requirement on labour inspectorates to carry out or support immigration enforcement activities, including by reporting migrants' personal information to immigration authorities within the Home Office. At the time of writing the Home Office is reviewing the engagement between police forces and immigration enforcement as a result of the a super-complaint on data sharing.^{xxvi}

Another consequence of these practices is that they tarnish migrants' trust in the police and labour inspectors and affect these agencies' ability to identify and support those who have experienced abuse and exploitation. This is especially concerning when considering that many people do not self-identify as victims.

Victims of domestic abuse may not recognise the signs of an abusive partner until the abuse has escalated and their lives are in danger. Those with insecure status are exposed to further risk, since they often endure longer periods of abuse than other victims due to fear of being reported to immigration authorities.^{xxvii} In some cases, previous experiences with police in their countries of origin can also act as a deterrent for migrants reporting abuse, which is then used as a manipulation tool by perpetrators to exert coercive control over migrant victims. For this reason, it is important that they are believed and supported when seeking help from statutory agencies, like the police, irrespective of their immigration status.

Similarly, in the case of labour exploitation, indicators of exploitation are often complex, as experiences can vary greatly, and coercion takes many forms. For instance, a domestic worker might not have their passport retained by the employer but might be pressured to work for meagre pay through emotional coercion because they have been with the family for a long time; a cleaner might be free to find other employment, but if they are undocumented and know they are unlikely to be hired elsewhere, they might stay under exploitative conditions in order to support their family. In LAWRS' experience supporting migrant women on employment issues, workers rarely self-identify as victims of forced labour, servitude or human trafficking before seeking specialist advice. Specialist support allows them to understand the legal protections they are entitled to and their employer's responsibilities, helping them to realise that they have rights.

Reporting of migrants' personal information to Immigration Enforcement also hinders the prevention of crimes such as domestic abuse and exploitation by creating a vacuum in the enforcement of rights for migrants with insecure status.^{xxviii} In the case of employment rights, this makes them unable to address labour abuse, such as underpayment, unless their case is so severe that it is covered by the offences under the UK Modern Slavery Act 2015. This creates an unseen tier of exploitation that sits below the threshold for that Act but causes great harm to workers and undermines the health of the UK's labour market.

TEMPORARY FIREWALL: WHY IT HAS NOT WORKED

Temporary firewalls between different statutory services and the Home Office have been put in place before in the UK, with disappointing results. After the fire in Grenfell tower in 2017,^{xxix} in order to increase participation in the investigations and provide assistance to victims, the government offered undocumented migrants affected by the fire a 12-month period of limited leave to remain which would allow them to access support. However, the policy was unsuccessful and a very limited number of victims came forward to claim support.^{xxx}

Many undocumented migrants victims of the Grenfell tower fire decided instead to rely on the support of charities, for fear of their data being shared and the risk of detention and deportation beyond the 12-month period. Without victims coming forward, information that would be crucial to the investigation remained inaccessible. As a result, the Home Office decided to extend Indefinite Leave to Remain to those who passed security and criminality checks.

As with the Grenfell victims, other victims of crime often refuse seeking support that would allow them to stay in the UK for a limited period of time when they know that they might not be able to regularise their status before this period ends.^{xxxi} This puts communities at risk, prevents police and inspectors from accessing valuable information, hinders trust between them and the public, and allows perpetrators of crime to continue undetected.

6 SECURE REPORTING TO IDENTIFY AND PREVENT ABUSE AND EXPLOITATION

“Equal rights without discrimination. This is what it is all about. [...] People were afraid of the police, they were afraid of being deported if they reported a crime. [...] We wanted to help them, and by helping them we were able to learn more about their situation - we had the opportunity to get intel on human trafficking, abuse and all kind of other crimes. But to do this, we had to build trust. [...] The best result to me, as a police officer, is that people trust the police, that we are seen as honest, fair, that we are seen as the police for everyone and not only for people who have [immigration] papers.”^{xxxii}

Amsterdam Police senior police officer

“If you work, you’re entitled to your pay, no matter what immigration status you have. [...] This is not an amnesty – it’s a strategic move. First because it’s the right thing to do and secondly because allowing them to report to us helps us take down this commercial enterprise that benefits from underpaying and exploiting workers.”^{xxxiii}

United States senior civil servant

When police and labour inspectors report migrants to immigration authorities, even if unintentionally, it helps foster a cycle of vulnerability and impunity. Migrants become more vulnerable to abuse and exploitation as they see no way out, believing authorities will prioritise their immigration status over the harm they experienced, or that they will face serious personal consequences as a result of seeking help. Abusers are able to capitalise on this fear to act with impunity, as they are less likely to be held accountable for these violations. Consequently, relevant authorities are unable to access valuable intelligence needed to prevent and address abuse and exploitation. In this scenario, everyone is worse off, as migrants are denied justice and safety, and offenders go unpunished and remain free to abuse others, creating a significant threat to public safety, as evidenced by findings from the police super-complaint published in December 2020.^{xxxiv}

For these reasons, it is vital that police and labour inspectors throughout the UK introduce secure reporting mechanisms. Secure reporting means choosing to prioritise the well-

being and safeguarding of migrants over potential immigration offences, ensuring they will not be penalised for reporting abusive or exploitative conditions, at home, at work and beyond.

Secure reporting has been tried and tested by police and labour inspectors abroad, achieving positive outcomes, such as access to better intelligence that facilitated the identification of perpetrators of crimes like domestic abuse and human trafficking, and prevented abuse from developing into more severe cases with potentially fatal consequences.



INTRODUCING AND STRENGTHENING SECURE REPORTING MECHANISMS

Building on good practice, below are some strategies to introduce and strengthen secure reporting mechanisms within police forces and labour inspectorates in the UK.

1. IDENTIFY CURRENT PRACTICES

Start by assessing your agency's current policies and practices. Some useful questions to ask yourself and your colleagues include:

- Does your agency have a written guidance or policy that outlines its approach to engaging with migrants with insecure immigration status? How does it ensure all staff are aware and abide by it? How does it ensure migrants and the organisations supporting them are aware of your policy/guidance?
- Do you or your colleagues ask people about their immigration status or seek to find out about it? If so, is this information essential to support the migrant and/or investigate the issue, and if so, why?
- Has anyone from your agency reported information about migrants with insecure status, actively or passively, to Immigration Enforcement in the last 12 or 24 months? If so, why and how? Is the collection of the immigration data

essential to carrying out your functions and if so, why?

- Does your agency conduct simultaneous operations with Immigration Enforcement? And if so, how often does that happen, why do you do it?
- Are you and your colleagues aware that information shared with the Home Office via these reporting channels (see 'types of reporting' p.13) can and has been used for immigration enforcement purposes, including against victims and witnesses of crime? If so, which steps are taken to ensure this reporting does not interfere with your agency's safeguarding duties?
- Do you know the ethnic and migrant composition of the community you serve, and have you built strong relationships with specialist organisations supporting those groups?
- Have you established dialogue with migrants and their communities about their perception of your agency, and the reasons why they trust or do not trust this agency?



2. ESTABLISH DIALOGUE WITH THE COMMUNITY AND ORGANISATIONS SUPPORTING THEM

Organise outreach sessions to meet the community, engage organisations trusted by migrants, such as specialist organisations, trade unions, etc. Use this opportunity to listen to their views and concerns and build connections with these groups to start developing or strengthening a relationship of trust.

3. DEVELOP OR IMPROVE POLICIES ON ENGAGING MIGRANTS

Build on the knowledge gained from the review exercise and from your greater engagement with the community to strengthen your policies. Ensure all staff in your agency are aware and abide by the rules. International good practice has shown that successful interventions have focused on the following criteria:

Police should prioritise victim and witness safeguarding, irrespective of immigration status.

Labour inspectors should support all workers to address minor and major workplace abuse, irrespective of immigration status.

In addition, these agencies should:

- not actively enquire about immigration status or carry out checks for immigration enforcement purposes, including during visits and investigations
- not seek out matters of concern to immigration enforcement bodies
- not report information on people who have experienced abuse and exploitation, victims and witnesses of crime for immigration enforcement purposes
- not conduct simultaneous operations with immigration authorities
- appoint a single point of contact (SPOC) in every force to oversee compliance with this guidance
- ensure that migrants are referred to specialist services, including those 'by and for' migrant, Black and minoritised organisations, which can support them to resolve their immigration status
- work with migrant and community organisations to build trust with the community, and ensure migrants are aware they can securely report abuse and exploitation without fear of facing negative immigration consequences as a result
- establish agreements with immigration authorities that guarantee that migrants who are in the process of seeking justice are not detainable or removable while their cases are ongoing



4. MAINTAIN REGULAR COMMUNICATION WITH MIGRANTS AND THOSE SUPPORTING THEM

Once a migrant has reported an issue, keep them and the organisation supporting them updated on the development of their case, where possible. This helps them build trust in the reporting process and feel like the agency is taking steps to support them in addressing the reported issue.



LEARNING FROM GOOD PRACTICE

Recognising the importance of building trust with all migrants in order to solve crime, prevent and address abuse and exploitation, police and labour inspectors abroad have introduced and strengthened secure reporting mechanisms that have led to positive outcomes for their agencies, migrants and the wider community. Below are some examples of these practices.

POLICE

THE NETHERLANDS: BUILDING TRUST BETWEEN POLICE AND MIGRANT COMMUNITIES^{xxxv}

In 2006, the Amsterdam police realised they were facing difficulties carrying out their police duties of fighting crime and protecting people in areas of the city with a high number of undocumented migrants, due to the lack of trust these groups had on the police. As a result, police started making contact with the communities in those areas to establish a relationship of trust that would make it possible for undocumented people to report crimes and for the police to gather intelligence from these groups.

Every three to six months, the same police officers would host large meetings where the community could speak freely about their experience with law enforcement to understand the barriers they faced in engaging with the agency. These meetings served as a way for police officers to reflect on their role and comments were used to identify which strategies should be taken forward. Migrants were encouraged to report crimes directly to the police or with the support of a community organisation. With time, this led to an increase in reporting and better outcomes for policing, including identification of perpetrators.

“More people later came forward to police stations, and they spread the word in their communities [that it was safe to report]. We even had a case of homicide that was solved because an undocumented person was not afraid to come forward and to help the police and the justice department to solve this crime.”

Amsterdam Police senior police officer

In 2013, this system was expanded across the city of Amsterdam through a pilot called “safe in, safe out”, in which migrants with insecure status could report crime without having the police act upon their immigration status. After a year, the police conducted a review of the pilot to assess if it should be continued, concluding that it should. In 2016, this policy was instituted at national level; however, application is inconsistent, with some police officers still acting against it, despite its positive results elsewhere.

LABOUR INSPECTORS

UNITED STATES: CITIES ARE SAFER WHEN MIGRANTS CAN SECURELY REPORT TO THE POLICE^{xxxvi}

Since the mid-1980s, major cities in the United States, including Chicago, New York City, Seattle, Philadelphia and the whole state of California, have adopted policies aimed at protecting the safety of all its residents. By passing resolutions that limit local civil servants and law enforcement officials’ involvement with immigration enforcement actions, these cities aim to promote migrants’ engagement as witnesses and allow them to come forward when they are victims of a crime, irrespective of their immigration status.

In New York City, for example, the police have developed guidance that prohibits officers from inquiring about immigration status of victims of crime, witnesses or others who approach the police seeking assistance. This has helped to make secure reporting part of their culture, and ensures that officers are held accountable and disciplined if they violate the guidance.

“What really guides the NYPD’s immigration policy is that we are charged with public safety and we are charged with supporting victims of crime. One thing as a police agency that would not be acceptable to us is for a crime victim to be continuously re-victimised because of the potential of immigration consequences. [...] The ultimate goal is to solve crimes, prevent re-victimisation and bring justice to our crime victims.”^{xxxvii}

New York City Police Department senior police officer

As a result, studies found that large metropolitan areas in the United States that established this separation between policing and immigration enforcement have 65.4% less violent and property crime per 10,000 people than those that work closely with immigration authorities.^{xxxviii} Another benefit from introducing secure reporting was the development of a better and more timely awareness of risk and crime within the communities by local police.

“For police departments in general [in the United States], the way we measure our success as a police agency is based on crime complaints we received - how many people have filed a complaint in a police station, or have called 911, or have made their complaint in some way. [...] If you have a large segment of your population who is not willing or is hesitant to report crimes to your police department, you may not be grasping what is going on in the communities that you police.”^{xxxix}

New York City Police Department senior police officer

Research also confirmed an increase in victims' engagement with the police in areas where secure reporting was guaranteed, as non-governmental organisations encouraged their clients to report crimes^{xl}. Secure reporting is also seen to increase integration and engagement amongst residents.

UNITED STATES: WORKERS' RIGHT TO ENFORCE LABOUR RIGHTS, IRRESPECTIVE OF IMMIGRATION STATUS^{xli}

In the United States, all workers are protected by employment rights, even if they work without a permit. Workers are encouraged to report cases of underpayment to labour inspectors, who use public service announcements, partner with councils and ethnic minority media outlets to make workers with undocumented status aware that they can securely report to them.

Workers can report at the federal or state level without fear of being removed from the country, and labour inspectors support them to recover unpaid wages. This is seen as a strategy to tackle unfair labour practices by employers that benefit from underpaying and exploiting workers, and to prevent severe forms of exploitation, such as forced labour and human trafficking.

“The more we learn about human trafficking, about how it works, the more it becomes clear to us that human trafficking is a commercial enterprise - a business model that profits from taking advantage of workers, underpaying them, denying them rights that they are entitled to. So it's important for us to help workers get the wages they are owed and address poor employment practices, because that's how we'll deal with the unfair advantage that this commercial enterprise creates in their supply chain.”

United States senior civil servant

In 2011, the US Department of Labor and the Department of Homeland Security established a Memorandum of Understanding to “reiterate the national policy goal that immigration enforcement will not interfere with employment and labour rights enforcement in the workplace.” To achieve this goal, immigration enforcement

agreed to withhold action on cases where a labour dispute was pending to allow all workers to access justice. The Memorandum of Understanding also clarified that immigration should not undertake enforcement visits in workplaces with an active labour dispute to allow inspectors to conduct their investigation and any related proceedings. Finally, this agreement established that immigration enforcement and the Department of Labor shall not “conduct joint or coordinated civil enforcement activities at a worksite”.

Inspectors only contact immigration authorities with the consent of the worker, usually to help regularise their status by applying for a ‘T visa’, which allows certain victims of human trafficking and their immediate family members to remain and work in the United States while their case is being investigated or the trafficker is being prosecuted. “If you hold the victims accountable [by reporting them to immigration authorities], you empower the traffickers, the criminals.”

BRAZIL: LABOUR INSPECTORS ADVOCATED FOR SECURE WORKPLACE INSPECTIONS^{XLII}

After identifying that Federal Police officers responsible for enforcing immigration were treating labour exploitation of migrant workers with insecure status solely as a violation of immigration policies, Brazilian labour inspectors stopped conducting simultaneous inspections with the Federal Police at a regional level, while advocating nationally for more protective rights for victims of human trafficking.

“We, the labour inspectors who were dealing with undocumented immigrants in the city of São Paulo, understood that by issuing deportation orders, the Federal Police not only violated human rights treaties ratified by Brazil but also supported the main manipulation tool used by unscrupulous employers to keep migrant workers from seeking assistance: the threat of deportation.”^{xliii}

Brazilian senior labour inspector

Over time, other regions of the country started to identify cases of exploitation of undocumented migrant workers which were followed by immigration action. In light of these cases, labour inspectors and other specialist organisations supported the development of guidelines for interinstitutional use which clearly indicated best practices in supporting undocumented migrant workers.

“We believed the separation between labour inspection and immigration enforcement was essential to counter precarity at the workplace and promote better working conditions. [...] Today these procedures are relatively solidified, despite constant protest from xenophobic groups who perceive migrants as threats or less deserving of support. [...] While this is not an easy journey, it is an essential one in the fight against labour exploitation.”

Brazilian senior labour inspector

BELGIUM: RECOGNISING THE NEED AND OPENING AVENUES FOR SECURE REPORTING^{XLIV}

In Belgium, over 300 workers with insecure status have reported cases of unpaid wages to labour inspectors without suffering immigration consequences since 2010. Under the Belgian system, if a worker approaches a labour inspector to report cases of labour abuse, the concept of “professional secrecy” removes the labour inspector’s duty to report undocumented migrants to immigration authorities.

While this system has seen an increase in reports by undocumented migrants, a conflicting government policy creates barriers for inspectors conducting workplace visits. When an inspector identifies someone with undocumented status during a workplace inspection, they are required to inform the police under the justification that they have witnessed a crime (i.e. employment of someone with undocumented status).

As the police share information with immigration authorities, the worker is then made vulnerable to immigration consequences. This is a case of chain referral, where, even though the labour inspectors themselves do not report workers to Immigration, a requirement that they inform the police makes workers unsafe. FAIRWORK Belgium has noted that this policy has stopped some workers, documented and undocumented, from contacting the relevant inspectorate due to a worry that reporting an abusive employer would lead to an inspection that would put their undocumented colleagues at risk.

ENDNOTES

ⁱ Organisations working in the immigration, women and labour rights sectors use both *safe reporting* and *secure reporting* to describe a mechanism to ensure that victims and workers with insecure immigration status can report crime without facing negative consequences in regards to their legal status. This is relevant for all parties involved in the protection of vulnerable victims and workers, such as police and labour inspectorates.

ⁱⁱ International Labour Organisation. n.d. "[What is forced labour, modern slavery and human trafficking.](#)" *International Labour Organisation*.

ⁱⁱⁱ United Nations Office on Drugs and Crime. n.d. [Human Trafficking](#). *United Nations Office on Drugs and Crime*.

^{iv} [Siliadin v. France](#), 73316/01, Council of Europe: European Court of Human Rights, 26 July 2005.

^v UN General Assembly, [Declaration on the Elimination of Violence against Women](#), 20 December 1993, A/RES/48/104.

^{vi} McIlwaine, Cathy, Lucila Granada and Illary Valenzuela-Oblitas. 2019. [The Right to be Believed: Migrant women facing Violence against Women and Girls \(VAWG\) in the 'hostile environment' in London](#). London: King's College London and Latin American Women's Rights Service; Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{vii} Focus on Labour Exploitation. 2017. [Lost in Transition: Brexit & Labour Exploitation](#). London: Focus on Labour Exploitation.

^{viii} The grace period was the period of time between 31st of December 2020 - the last day in which EU nationals and family members could enter the UK to live, work and study under EU free movement rules- and the 30th of June 2021. During this period, any person who was lawfully resident in the UK by virtue of EU free movement law continued to have their right of residence protected under domestic law.

^{ix} Focus on Labour Exploitation. 2021. "[Home Office needs to take urgent action to prevent the disentanglement of thousands of Europeans living in the UK.](#)" *Focus on Labour Exploitation*; O'Carroll, Lisa. 2021. "[EU citizens applying for settled status face legal limbo due to backlog.](#)" *The Guardian*; O'Carroll, Lisa. 2021. "[Over 50,000 EU citizens apply for settled status in a day to beat the deadline.](#)" *The Guardian*.

^x Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{xi} Thiara, Ravi K. and Sumanta Roy. 2012. [Vital Statistics 2: Key findings report on Black, Minority Ethnic and Refugee Women's and Children's experiences of gender-based violence](#). London: Imkaan.

^{xii} McIlwaine, Cathy, Lucila Granada and Illary Valenzuela-Oblitas. 2019. [The Right to be Believed: Migrant women facing Violence against Women and Girls \(VAWG\) in the 'hostile environment' in London](#). London: King's College London and Latin American Women's Rights Service.

^{xiii} McIlwaine, Cathy, Lucila Granada and Illary Valenzuela-Oblitas. 2019. [*The Right to be Believed: Migrant women facing Violence against Women and Girls \(VAWG\) in the 'hostile environment' in London.*](#) London: King's College London and Latin American Women's Rights Service.

^{xiv} Crépeau, François and Bethany Hastie. 2015. "[The Case for 'Firewall' Protections for Irregular Migrants: Safe-guarding Fundamental Rights.](#)" European Journal of Migration and Law 2-3: 157-183; Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2016. [Labour compliance to exploitation and the abuses in between.](#) London: Labour Exploitation Advisory Group and Focus on Labour Exploitation; European Union Agency for Fundamental Rights. 2018. [Protecting migrant workers from exploitation in the EU: boosting workplace inspections.](#) Vienna: European Union Agency for Fundamental Rights; Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting.](#) London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{xv} European Union Agency for Fundamental Rights. 2019. [Protecting migrant workers from exploitation in the EU: workers' perspectives.](#) Vienna: European Union Agency for Fundamental Rights.

^{xvi} Birks, Jen and Alison Gardner. 2019. "[Introducing the Slave Next Door.](#)" *Anti-trafficking Review* 13: 66-81.

^{xvii} Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. 2020. "[Immediate action needed by government and the police to ensure that vulnerable migrant victims of crime can confidently report to the police.](#)" Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. .

^{xviii} Director of Labour Market Enforcement, Good Work Plan: establishing a new Single Enforcement Body for employment rights – initial response from the Director of Labour Market Enforcement, November 2019.

^{xix} Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. 2020. "[Immediate action needed by government and the police to ensure that vulnerable migrant victims of crime can confidently report to the police.](#)" Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services.

^{xx} Nye, Catrin, Natalie Bloomer and Samira Jeraj. 2018. "[Victims of Serious Crime face arrest over immigration status.](#)" *BBC.*

^{xxi} McIlwaine, Cathy, Lucila Granada and Illary Valenzuela-Oblitas. 2019. [*The Right to be Believed: Migrant women facing Violence against Women and Girls \(VAWG\) in the 'hostile environment' in London.*](#) London: King's College London and Latin American Women's Rights Service.

^{xxii} The UK has a decentralised labour market enforcement system comprised by four main agencies with the following responsibilities: Gangmasters and Labour Abuse Authority (GLAA), works to prevent, detect and investigate worker exploitation and related modern slavery offences across all labour sectors in England and Wales; HM Revenue & Customs National Minimum Wage (HMRC NMW) responsible for enforcing national minimum and living wages throughout the UK; Employment Agency Standards Inspectorate (EAS) is responsible for investigating complaints about employment agencies and employment businesses; and the Health and Safety Executive (HSE) works to prevent work-related death, injury and ill help by providing businesses with support to manage risks, helping workers adopt safe working practices and investigating workplace accidents.

- ^{xxiii} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.
- ^{xxiv} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation; There are other ways information can travel to immigration enforcement via statutory agencies, such as through the use of joint databases, bulk data sharing and embedded or seconded immigration officers. However, the research found no evidence of these practices being used by the researched agencies at the time.
- ^{xxv} The Immigration Enforcement's National Command and Control Unit is a Home Office-led service that allows police officers to inquire about an individual's immigration status. The Home Office has confirmed that information gathered during these calls can be used for immigration enforcement action.
- ^{xxvi} <https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>
- ^{xxvii} McIlwaine, Cathy, Lucila Granada and Illary Valenzuela-Oblitas. 2019. [*The Right to be Believed: Migrant women facing Violence against Women and Girls \(VAWG\) in the 'hostile environment' in London*](#). London: King's College London and Latin American Women's Rights Service.
- ^{xxviii} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.
- ^{xxix} The Grenfell tower was located in North Kensington, London. On 14th June 2017, a fire broke out on the 24-storey tower, leaving 72 fatal victims. More than 70 were also injured, with 223 people escaping.
- ^{xxx} Bulman, May. 2017. "[Immigration amnesty for Grenfell Tower survivors labelled 'meaningless' as Home Office admits few are coming forward](#)," *The Independent*.
- ^{xxxi} For instance, for many victims of domestic abuse and other forms of VAWG, pathways to regularisation are often lengthy, owing to the complexity of their experiences of abuse. This includes having received the wrong immigration advice or being made undocumented as part of the cycle of abuse they experienced.
- ^{xxxii} LAWRS. 2020. [Migrants reporting crime: building trust with the police](#) [Video]. YouTube.
- ^{xxxiii} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.
- ^{xxxiv} Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, College of Policing and Independent Office for Police Conduct. 2020. [*Safe to Share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status*](#). London: Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services.
- ^{xxxv} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.
- ^{xxxvi} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [*Opportunity Knocks: Improving responses to labour exploitation with secure reporting*](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{xxxvii} LAWRS. 2020. [Migrants reporting crime: building trust with the police](#) [Video]. YouTube.

^{xxxviii} Delvino, Nicola. 2019. [Safe reporting of crime for victims and witnesses with irregular migration status in the United States](#). Oxford: Center for Migration Policy and Society at Oxford University; Wong, Tom. 2017. ["The Effects of Sanctuary Policies on Crime and the Economy."](#) Center for American Progress.

^{xxxix} LAWRS. 2020. [Migrants reporting crime: building trust with the police](#) [Video]. YouTube.

^{xi} Collingwood, Loren and Benjamin Gonzalez O'Brien. 2019. [Sanctuary Cities: The politics of refuge](#). Oxford: Oxford University Press.

^{xli} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{xlii} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

^{xliii} Bignami, Renato. 2017. ["Labour rights or immigration enforcement? The case of labour inspections in Brazil."](#) Accountability Hub.

^{xliv} Labour Exploitation Advisory Group and Focus on Labour Exploitation. 2020. [Opportunity Knocks: Improving responses to labour exploitation with secure reporting](#). London: Labour Exploitation Advisory Group and Focus on Labour Exploitation.

