

Dame Vera Baird QC
Victims' Commissioner for England and Wales

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27 April 2020

Rt Hon Ms Priti Patel MP

Home Secretary

The Home Office

Sent by email

Rt Hon Robert Buckland QC MP

Lord Chancellor and Secretary of State for Justice

Ministry of Justice

Sent by email

Dear Home Secretary and Lord Chancellor

DOMESTIC ABUSE BILL

Whilst we are both pleased the government has announced its decision to proceed to the second reading of the Domestic Abuse Bill, we have concerns about the timing.

Our first concern is that there are two ongoing internal reviews of key issues both of which fall within the remit of the Bill.

Victims of domestic abuse on particular visa routes, or who have no formal immigration status cannot access public funds or services and so are left in an invidious position where they cannot leave an abusive partner because they cannot be housed or receive support from publicly funded bodies. We both believe it is entirely unjust someone should live in fear of their life because they are waiting for their immigration status to be formalised.

Equally, the lack of a clear 'firewall' between police and immigration enforcement – currently subject to a super-complaint being investigated by HMICFRS – means victims fear reporting dangerous criminals to the police

due to the potential for immigration enforcement action taken against them as a result. Perpetrators of domestic abuse know this and use fear of immigration control to further abuse and control their victims.

We have called for the Bill to address these issues by recognising this group by allowing them to access public funds to access services that support them, as well as implementing a clear 'firewall' between the police and immigration enforcement.

The Home Office is currently undertaking a review into how migrant women interact with domestic abuse provision. We do not know when the review will be completed and its findings made available. The Bill is the appropriate place to address this issue.

The second internal review relates to the family courts. Last summer the Ministry of Justice set up a Family Courts Panel to review the operation of the courts. It was due to report back by the end of 2019.

Currently, the family courts are being used by abusive partners as an opportunity to inflict further damage to their victims. Within the courts we see a presumption of parental contact at any cost and some judges not always understanding how victims may present themselves in hearings and that the signs of coercive control are not well recognised or understood.

Should the family Courts Panel make recommendations for statutory change, the Bill is an appropriate vehicle for making such reforms. We do not know when the panel will report back.

Our second concern is that the domestic abuse sector is under huge pressure to deliver during the lockdown. Demand for services is increasing and is likely to continue to do so. Providers are having to deliver services whilst complying with the requirements for social distancing.

Many in the sector have waited a long time for this Bill and are keen to participate in the deliberations over the coming weeks. It would be regrettable if they were prevented from participating due to the fact they are totally focused on providing critical frontline services during a national emergency.

It goes without saying we are keen to see the Bill progress quickly and for its provisions to be commenced as soon as possible. Nevertheless, it is a once in a generation opportunity to deliver significant and transformative changes. We are sure you will agree it is important we get it right.

Yours sincerely



Dame Vera Baird QC
Victims' Commissioner for England and Wales

A handwritten signature in black ink that reads "Nicole Jacobs". The signature is written in a cursive, flowing style.

Nicole Jacobs
Domestic Abuse Commissioner for England and Wales