

18 March 2021

The Rt. Hon Priti Patel MP
Secretary of State for the Home Department

Kevin Foster MP
Minister for Immigration

Victoria Atkins MP
Minister for Safeguarding

By email: public.enquiries@homeoffice.gov.uk, kevin.foster.mp@parliament.uk and Victoria@victoriaatkins.org.uk

Re: Reforming the Overseas Domestic Worker visa

We are writing to you to express the need to reinstate important provisions within the Overseas Domestic Worker visa, in place between 1998 to 2012, which enabled migrant domestic workers to change employer without restrictions and to apply to renew their visas on the basis of this employment. These protections enabled workers in the UK on the Overseas Domestic Worker visa to escape and to challenge the systematic abuse they face. Our call is supported by a Parliament petition that has reached over 12,700 signatures.ⁱ

No worker should be forced to choose between work that is exploitative or homelessness or destitution. Disturbingly, this is the every-day reality facing migrant domestic workers in the UK due to the changes to the Overseas Domestic Worker visa which were introduced in 2012 and removed the right for migrant domestic workers to change employers. Working abroad and in the confines of private households, exploitation and abuse of these workers takes place behind closed doors and away from oversight of any regulatory body. Tragically, lives have been lost since the start of the pandemic due to domestic workers employed for over six months not having the ability to speak out against abusive employers flouting lockdown rules due to their lack of secure immigration status.ⁱⁱ

While the right to change employer was in theory re-instated in 2016, the change is so limited that it is of little practical use to migrant domestic workers. The 2016 rules only permit workers to change employers within the term of their original six-month visa. The right to change employers without the right for workers to apply to renew their visas on the basis of this new employment means workers are tasked with finding safe and decent re-employment with only months or weeks remaining on their visa. This makes them unattractive to employers looking for someone to undertake domestic work in a private household which often encompasses care-focused tasks and leaves workers in a weak negotiating position, pushing them into exploitative work. Finding quick re-employment is also impossible for those who have had their passports confiscated as they have no way of establishing they have the right to work in the UK. These workers are then subject to the hostile environment and remain at risk of abuse from those looking to exploit their precarious status.

As a government with strong stated commitments to address exploitation including slavery and trafficking, it is crucial that the UK acts quickly to prevent exploitation by restoring the Overseas Domestic Worker visa rules which were in place from 1998 – 2012 and which have been recognised nationallyⁱⁱⁱ and internationally^{iv} as the best way to protect this workforce and prevent forced labour. It did so by guaranteeing fundamental rights to workers including the right to change employer *and*

renew their visa. This meant that workers remained visible and able to access support as well as taking cases before the courts and to the authorities, thereby acting as an important deterrent in the fight against abusive employers. This visa also provided a pathway to settlement so long as workers could demonstrate they had been working continuously in the UK for five years without recourse to public funds and had passed their Life in the UK test and English speaking exams. In doing so it recognised the value of these workers and their contribution to the UK economy. Workers have been waiting since 2016 when the government committed to implement certain measures to ensure their safety but these have yet to materialise and no interim safeguards have been put in place.^v

Reinstating the pre-2012 Overseas Domestic Worker visa would send the world a strong message as we build back better from the pandemic that the UK can be a global leader who believes in and supports its workforce and is committed to addressing the root causes of abuse and exploitation by ensuring the fundamental rights of workers are protected and that all workers have options which enable them to access justice. Such a move would do much to ensure that workers are not too worried about their immigration status being questioned to receive the Covid vaccine^{vi}.

We call on you to act on the over 12,000 signatories to the petition and restore the pre-2012 Overseas Domestic Worker visa to ensure workers' fundamental rights are respected and prevent the abuse too many migrant domestic workers have been forced to endure.

We are aware the government has responded to the petition. In view of the above, we call on you to revisit your decision.

Yours sincerely,

- Rita Gava, Director, Kalayaan
- Marissa Begonia, Director, The Voice of Domestic Workers
- Kate Roberts, UK and Europe Manager, Anti-Slavery International
- Urmila Bhoola, former United Nations Special Rapporteur on Contemporary Forms of Slavery, its causes and consequences (2014 – 2020)
- Professor Parosha Chandran, barrister and Professor of Practice in Modern Slavery Law at King's College London
- Diana Holland, Assistant General Secretary, Unite the Union
- Frances O'Grady, General Secretary, TUC (Trades Union Congress)
- Sharan Burrow, General Secretary, ITUC (International Trade Union Confederation)
- Sue Longley, General Secretary, IUF (International Union of Food and Allied Workers Association, including domestic workers)
- Kristjan Bragason, General Secretary, EFFAT (European Federation of Food, Agriculture and Tourism, including domestic workers)

Please send your response to this letter to Rita Gava, Director at Kalayaan who is acting as Secretariat: rita@kalayaan.org.uk

ⁱ <https://petition.parliament.uk/petitions/326765>

ⁱⁱ The Independent, 'The domestic workers trapped in homes with wealthy employers flouting lockdown rules' February 2021

<https://www.independent.co.uk/news/uk/home-news/domestic-workers-lockdown-rules-coronavirus-b1802525.html>

ⁱⁱⁱ The Centre for Social Justice, 'It Happens Here', March 2013

https://www.centreforsocialjustice.org.uk/wp-content/uploads/2013/03/CSJ_Slavery_Full_Report_WEB5.pdf

Joint Committee on Draft Modern Slavery Bill, April 2014

<https://www.publications.parliament.uk/pa/jt201314/jtselect/jt slavery/166/16602.htm>

Joint Committee on Human Rights, November 2014

<https://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/62/6203.htm#a22>

Government stakeholder group, November 2019

<https://www.labourexploitation.org/news/government-stakeholder-group-members-make-statement-overseas-domestic-worker-visa>

^{iv} Draft ILO Multilateral Framework on Labour Migration. Non-binding principles and guidelines for a rights-based approach to labour migration, Geneva, 2006. See Annex II - Examples of best practise, paragraph 82.

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_146243.pdf

Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante: Mission to the United Kingdom of Great Britain and Northern Ireland. United Nations, Human Rights Council. 16 March 2010

<http://www.unhcr.org/refworld/docid/4c0623e92.html>

^v Kalayaan, Briefing on Overseas Domestic Workers for the Modern Slavery Strategy and Implementation Group (MSSIG) Prevent meeting, September 2019

<http://www.kalayaan.org.uk/wp-content/uploads/2019/09/Briefing-MSSIG-meet-11-September.pdf>

^{vi} <http://www.vaccineforall.co.uk/>