



KALAYAAN

justice for migrant domestic workers

Campaign Statement

October 2007

Migration must work for workers too

Kalayaan's campaign against the Home Office's proposed changes to immigration law and practice for migrant domestic workers

Executive Summary

The government's new proposals, announced in March 2006 as part of "Making Migration Work for Britain" if implemented will have a devastating effect on Migrant Domestic Workers (MDWs), in contravention of efforts to protect vulnerable workers and eliminate trafficking. The proposals will effectively remove even the most basic of employment rights for MDWs, leaving them powerless before abusive employers.
This is a complete reversal of previous government policy intended to protect vulnerable workers.

Case study

Mary came to the UK from India with her employers. Her work involved looking after 2 children aged 3 and 6, all the housework and cooking. As Mary shared a room with the youngest child she was constantly 'on call and had no time to herself'. The children used to kick and hit her and this was condoned by her employers. She was paid £75 a month for this work.

Currently MDWs like Mary who enter the UK accompanying their employer **are legally entitled to leave that employer** if they are abused or exploited. This gives them vital protection against violence, mistreatment and exploitation. They receive basic protection under UK employment law and are entitled to the National Minimum Wage, statutory holiday pay and a notice period. Their visa as a worker can be renewed annually and renewal is dependent on the MDW being in full time employment as a domestic worker in a private household at the time of renewal. There is also a right to apply for settlement after five years¹, as well as to family reunification.

These rights were won after ten long years of organising and campaigning by MDWs together with Kalayaan and with the support of the Labour movement, trade unions and the British public. When the Labour Government came to power it met the commitment it made in opposition and granted MDWs the right to change employer so providing some escape route from abuse and exploitation.

¹ This was increased from four years in April 2006

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Proposed changes

The Home Office paper on the points-based migration system, presented to Parliament in March 2006 does not include MDWs. However, on 10th March 2006, the Immigration and Nationality Directorate (IND) presented the following proposals to Kalayaan:

- to bring MDWs to the UK on the business visitor visa, which will no longer recognise them as workers
- to restrict domestic workers accompanying their employers to a maximum stay of six months in the UK
- to remove the right to change employers
- to remove any route to settlement.

These proposals raise the most serious concerns including the following:

1 Legalising trafficking:

If the proposals come into force MDWs will have no option to change employer or to renew their visa. This will make it virtually impossible to challenge any maltreatment or abuse, and indeed will encourage it. 32% of MDWs who registered at Kalayaan during 06-07 had their passports withheld by their employer, 24% had been physically abused and 9% had been sexually abused.

The removal of any option to challenge or leave an abusive or exploitative employer is in direct contravention to the Home Office stated policy to protect victims of trafficking and to stop trafficking “at source”.

2 Increase in abuse and illegality:

Taking away the provision to renew their visa, or to change employers, as well as making employers responsible for seeing that MDWs leave the UK at the end of their stay, further increases the power the employer has over the MDW. There will be increases in levels of abuse and more MDWs will be forced into illegality by escaping abuse where they will be further exploited by employers and others taking advantage of their irregular status.

3 Removing access to UK employment law:

If MDWs are identified as business visitors rather than workers, they will no longer be protected by UK employment law and they will have no way to challenge abuse and exploitation at the hands of their employers.

Kalayaan's demands that MDW's retain the basic rights already achieved including:

- retain the right to change employer
- retain the right to apply to renew their visa
- retain the right to apply for settlement after 5 years in approved employment
- continue to be admitted as workers in the UK (not business visitors)

Key organisations supporting Kalayaan's campaign include :
TGWU
TUC
Amnesty International UK
Anti-Slavery International
Joint Council for the Welfare of Immigrants