

The impact of proposals to abolish the Overseas Domestic Worker visa

The existing Overseas Domestic Worker (ODW) visa provides a vitally important safeguard for some of the most vulnerable and isolated workers in the UK. The Government's proposals to abolish the ODW visa and replace it with a 6-month visit visa, with no employment rights and no right to change employers, greatly increases the risk of exploitation and the likelihood of trafficking. Ending the route to settlement will not significantly contribute to the Government's objective of lowering net migration.

What are the conditions currently experienced by domestic workers?

Domestic workers are some of the most vulnerable and exploited people in the UK. Research by Kalayaan suggests that 56% receive a salary of £50 or less per week, with the majority being 'on call' 24 hours a day, working seven days a week. Furthermore, 54% of domestic workers are subjected to psychological abuse, with 49% not being given their own room and 67% given no time off. A small but significant minority also experience physical abuse (18%) and sexual abuse (3%). The ODW visa crucially allows domestic workers to leave abusive employment and work within another householdⁱ.

What is the likely impact of these proposals?

- **Granting visit visas to workers will create an underclass of thousands of women workers that will have no protection under employment law and allow for exploitation with impunity.**
Minister for Employment Relations, Edward Davey MP, recently stated that the Government "*as a rule does not differentiate between domestic workers' rights and those of other workers.*" The proposed changes contradict the Government's position with regard to domestic workers.
- **The proposals will not significantly reduce net migration: 94% of domestic workers return home with their employer within the term of their first ODW visa.** The ODW visa works well, only approximately 1000 of the entrants on domestic worker visas each year renew their visa but for those who benefit from its protections it is a lifeline. Figures of visas issued and of renewals remain stable and the previous Government agreed this shows the visa is not 'abused'. Grants of settlement to migrant domestic workers accounted for only 0.5% of the total grants of settlement in 2009.ⁱⁱ
- **Removing the Overseas Domestic Worker visa is unlikely to free up jobs for British or EU workers.** The Recruitment and Employment Confederation (REC) supports the current visa scheme and has stated that, "*it is simply not possible to recruit EU citizens for jobs based in private family homes*"ⁱⁱⁱ as most have family responsibilities of their own and cannot 'live-in'. The REC recognizes that domestic workers make, "*a net contribution to the Exchequer and providing essential care and support to many families and individuals*".^{iv}

Ramila from India was raped by her employer. After the rape she was thrown out by her employer. But because she was on an Overseas Domestic Worker visa and not in breach of the immigration rules she could call the police, get assistance and support through Kalayaan and eventually get back to work with a new family. Retaining the right to change employer was vital to Ramila. Under the new proposals Ramila would have not been able to contact the police without facing deportation and then removal from the UK.

- **The Overseas Domestic Worker visa is internationally^v hailed as good practice at preventing trafficking and works to protect migrant domestic workers from exploitation.** The Home Affairs Select Committee enquiry on trafficking stated that, *‘to retain the migrant Domestic Worker visa and the protection it offers to workers “is the single most important issue in preventing the forced labour and trafficking of such workers.”*^{vi} The threat of illegality is one of the main tools used by traffickers to coerce their victims. Women will be faced with the choice of continuing to suffer or fleeing and becoming destitute and ‘illegal’.
- **Removing the visa is likely only to deter good employers, many of whom are wealthy investors and highly skilled migrants, from coming to the UK.** Unscrupulous employers will evade immigration control and continue to bring domestic workers to the UK. Evidence shows that border checks are unable to prevent this. By driving the problem underground, the vulnerability of domestic workers will increase as they will have no escape route. If they do escape, fear of the authorities will prevent them coming forward for support.
- **Under the proposals cost to the Government would increase. Many current victims of trafficking move on and find new work without relying on taxpayer-funded support.** Without the ODW visa or the right to change employer this would be impossible. Over a two year period it is likely that costs to the Government would increase by £850,000 for accommodation and maintenance alone.^{vii}
- **The National Referral Mechanism has been widely criticized^{viii} and in any case does not offer protection to migrant domestic workers who have been abused or exploited but not trafficked.** The Government recognized that trafficking does not encompass all manifestations of modern day slavery and rightly introduced new criminal legislation on forced labour to deal with this. The NRM will not and cannot support victims of abuse and exploitation who are not trafficked. The Overseas Domestic Worker visa is a free of cost alternative that works well.

What change is necessary?

We urge the Government to:

- Retain the Overseas Domestic Worker visa
- Ensure that all overseas domestic workers have the right to change employer including those in diplomatic households
- Migrant domestic workers should be recognised as workers
- Ensure domestic workers who are in full-time domestic employment are able to apply to renew their visas
- Ensure domestic workers retain the right to apply for settlement

Rupika (not her real name) was brought to the UK by her employers. She never held her passport nor knew her immigration status. For 3 years she worked 14 hour days with no day off and slept in the corridor outside the children’s room. She was paid £30 a month but this was sent to her relatives. She never had any cash in the UK and never went out. In desperation she left when the money being sent home stopped and her relatives started threatening to stop looking after her children.

Kalayaan recently published a detailed report on these issues, *Ending the abuse: Policies that work to protect migrant domestic workers*, which can be downloaded from the Publications section of our website www.kalayaan.org.uk

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ⁱ Lalani, M. *Ending the abuse; Policies that work to protect migrant domestic workers*. Kalayaan. May 2011. P12.

ⁱⁱ Ibid P22.

ⁱⁱⁱ Recruitment and Employment Confederation, *Domestic worker visa saved*, (June 2008)

^{iv} Recruitment and Employment Confederation. Lobbying brief: The Domestic workers visa.

^v Draft ILO Multilateral Framework on Labour Migration Non binding principles and guidelines for a rights- based approach to labour migration, Geneva, 31 Oct- 2 Nov 2005. Annex II 'Examples of best practise, VI Prevention of and protection against abusive migration practises', pt 82 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>

^{vi} Home Affairs Select Committee. The trade in Human Beings: Human Trafficking in the UK. Sixth report of Session 2008-09. Volume I. House of Commons. p26

^{vii} Lalani, M. *Ending the abuse: Policies that protect migrant domestic workers*. Kalayaan. May 2011. P30-31

^{viii} The Anti Trafficking Monitoring Group Briefing: Assistance to Trafficked People , January 2011