

### **1. Who are Migrant Domestic Workers?**

Wealthy business people, visiting families, and British expatriate families returning from abroad often come to the UK accompanied by one or more migrant domestic workers (MDWs). These workers, who must have spent at least one year in the employment of the person(s) they accompany, are currently granted a "domestic workers' visa". MDWs often accompany employers who are considered valuable contributors to the UK economy, employers whose entry and stay the government wants to facilitate.

#### **The domestic workers visa permits MDWs to:**

- to renew their visa, usually on an annual basis, as long as they continue to remain in full time employment as a domestic worker in a private household, and
- change employer in the case of exploitation or abuse without forfeiting their leave to remain.

### **2. Migrant Domestic Workers as victims of trafficking**

In 2005 17,137 MDWs were granted visas to enter the UK. Most MDWs enter and leave the UK with employers on a short visit to the UK. Many MDWs work for supportive and decent employers. However, a small but extremely vulnerable number of women are deceived by their employers about the nature of work they will be required to do and in addition are subjected to abuse. The isolated and unregulated nature of work in a private household, together with their dependence on their employer for their work, their housing, food and other basic necessities of life, as well as their immigration status, makes MDWs especially vulnerable to abuse. For the last decade Kalayaan has been contacted by nearly 400 MDWs every year who have fled exploitation and abuse. Just over 5% of all MDWs issued entry clearance to the UK as a domestic worker stay and renew their visa. A large proportion of these workers are seen at Kalayaan where we document the abuse they have suffered.

The following data was collected from the 387 MDWs who registered at Kalayaan during the financial year 2005 to 2006. 86% of MDWs who registered were women.

Physical abuse	23%
Psychological abuse	70%
Food deprivation	71%
No room or private space	56%
Working over 16 hours a day	86%

Where we have had the opportunity to carry out in depth interviews with MDWs, we found that the majority had also been subjected to sexual abuse. A 2006 report by the London School of Hygiene and Tropical Medicine<sup>1</sup> found that victims of forced prostitution and domestic workers who have been sexually abused share similar levels of trauma and health problems.

### **3. Government proposals to remove rights for Migrant Domestic Workers**

The Government intends to change the MDW visa as part of its introduction of the Points Based System (PBS) for migration to the UK. Under the proposals MDWs would remain outside of the system but would be brought in on an amended business visitor visa, as 'domestic assistants'. The visa would be valid for 6 months and would be **non** renewable. After this time the worker would be expected to leave the UK.

### **4. The impact of the proposed changes on Migrant Domestic Workers**

The Government plans to remove rights from MDWs will not benefit workers, employers or the UK.

---

<sup>1</sup> Zimmerman, C., Houssain, M., Yun, K., Roche, B., Morison, L and Watts, C. (2006) "Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in the UK"

**Increased risk of abuse without adequate protection:** Despite the Government's stated concern to protect victims of trafficking, these proposed changes could facilitate trafficking. MDWs would continue to be brought legally to the UK yet they will not be protected by UK employment law. Those domestic workers who are forced to flee abuse will become illegal through no fault of their own and vulnerable to further exploitation. In principle, the Council of Europe Convention on Action Against Trafficking of Human Beings offers some protection for those MDWs who have been trafficked. However in our experience MDWs currently fail to be identified as trafficking victims. The Government is also likely to continue focusing its resources on protecting victims of sexual exploitation rather than those trafficked for labour exploitation. While we applaud the signing of the Convention, we question why the Government plans to remove the existing and effective protection already in place.

**Negative impact on employers:** The proposals do not make sense from the perspective of the employers. MDWs are usually brought to the UK to work as carers of children or elderly people. While this type of work may not be recognised as skilled under the PBS, it cannot be denied that a level of experience is an advantage and that attachment is formed between the carer and the cared for. Families who enjoy a good relationship with their domestic workers will not be able to continue to employ them in the UK after 6 months, but will have to find somebody else. As anyone who has had a young child or elderly dependent knows, an experienced carer is not simply replaceable by another person, however well qualified. MDWs doing live- in care work do not undermine the local labour market, as research shows that EU workers are not prepared to stay in these kinds of jobs<sup>2</sup>. Nanny agencies have reported concerns that the proposed changes will leave them unable to fill many of their positions<sup>3</sup>.

**The costs argument:** To provide MDWs with protection under the Convention would mean that they must be covered by some of the limited resources that women in forced prostitution might need. However to maintain the existing right to leave an abusive employer does not cost the UK anything and helps meet the demand for care workers. These workers pay the costs of renewing their visa each year, pay tax and contribute to the economy. **While MDWs are able to leave an employer legally and to continue working, they remain of economic and social benefit to the UK.**

*'Mary' is a migrant domestic worker from India who was repeatedly raped by her employer. Eventually she became so desperate that she plucked up the courage to call the police. The police were able to assist her and put her in contact with Kalayaan. Eventually she was able to get back to work with a new family.*

*This example illustrates how the current rules facilitate cooperation between domestic workers, NGOs and the police thereby stopping abusive treatment.*

*Under the new proposals, fear of deportation would have been likely to prevent Mary from calling the police. She would have either continued to suffer the abuse or she would have run away and gone underground. In her case, as with many domestic workers, she would not approach the police for fear of deportation as this would mean she would return to India with debts that she incurred to take up a job abroad (initially in Kuwait) in the first place. Such a situation makes impoverished women vulnerable to trafficking and other human rights abuses*

## **5. Kalayaan's Campaign**

We are campaigning for the proposed changes for MDWs to be amended in order to maintain their existing protection. We have had cross party support for the EDM 860 tabled by Christine McCafferty MP calling for the maintenance of existing rights, together with positive media coverage on the issue in The Guardian, the Independent, Time Out, The BBC and Radio 4's Today programme.

<sup>2</sup> Anderson, B., Ruhs, M., Rogaly, B, Spencer, S. (2006) "Fair enough? Central and East Europeans in low wage employment in the UK" York: Joseph Rowntree Foundation

<sup>3</sup> Julia Harris, The Childcare Recruitment Company.