



# KALAYAAN

justice for migrant domestic workers

## **Information Meetings Home Office Pilot – Proposed Minimum Standards**

15 March 2018

This document sets out the minimum standards Kalayaan recommends are adhered to when the Home Office and independent service provider(s) design and deliver the Overseas Domestic Worker information meetings. These standards were drafted in consultation with migrant domestic workers and advocates providing them with direct support, together with an advisory group made up of individuals with relevant expertise. We believe this document is essential to informing the scope and delivery of the proposed 6 month pilot.

The recommendation to have a migrant domestic worker attend an information meeting in the UK was borne out of an independent review into the terms of the Overseas Domestic Worker visa in 2015. The review considered whether the (then) current arrangements were sufficient in protecting migrant domestic workers from abuse of their fundamental rights while working in the UK, including protecting them from abuse that amounts to modern slavery and human trafficking.

*'We have asked for this review to take place and we look forward to the recommendations. I cannot commit a future Government, but the intention is that whoever is in government...will implement the review's recommendations.'*

Karen Bradley, (then) Parliamentary Under-Secretary of State for the Home Department, 17 March 2015, speaking during Commons debate on the Modern Slavery Bill

The review identified a series of procedural failings in ensuring that migrant domestic workers were informed and made aware of their rights as workers in the UK prior to their arrival. One of the key recommendations was to ensure that workers are given a real opportunity to receive information, advice and support concerning their rights while at work in the UK, through the provision of mandatory information meetings for all workers who remain in the UK for more than 42 days.

The review made other recommendations but not all were accepted by the government. Notably, the government has not agreed to implement the recommendation that all migrant domestic workers should have the right to renew their visa (with their existing or a different employer) for up to a further 2 years, bringing their total stay in the UK to 2.5 years. The review found that this was the minimum required to give effective protection to those migrant domestic workers who are being abused while in the UK. This time was to enable them to find safe and decent re-employment, so allowing domestic workers to leave an abusive employer without compromising their options to work and support their families. The review recognised that the lack of alternative working options combined with very real pressures to financially support their families frequently trap people on the Overseas Domestic Worker visa in exploitative employment. This is relevant to the information meetings because whilst rights for workers on

the Overseas Domestic Worker visa remain very restrictive in the UK (6 month non-renewable visa with no recourse), this will likely impact what they choose to do once they are informed of these limited rights and what they perceive their options to be.

Since the independent review was published, the Home Office has stated they have no legal power to compel a migrant domestic worker to attend an information meeting however they have stated their intention to 'strongly signpost Overseas Domestic Workers to their existence during the visa application process'. This is at complete odds with the recommendation made in the review which discusses why a voluntary system would be wholly inadequate and why all evidence points to a mandatory condition to ensure workers fundamental rights are protected.

It is important to view the information meetings within the wider framework of the Overseas Domestic Worker visa regime and not in isolation from other essential changes and improvements that must be made to the entire process, from applying for an Overseas Domestic Worker visa, through to arriving in the UK. The independent review already makes recommendations for improving the delivery of information during the application process, as well as highlighting opportunities to remind and restate information at the UK border. Based on the experiences disclosed to Kalayaan by migrant domestic workers, it is clear that the review's recommendations on the application process have not been fully implemented. We repeat some of the review's recommendations again in this document. If these minimum standards are implemented in full, this will increase the likelihood of workers being aware of the information meetings and their rights in the UK.

Kalayaan strongly urges the Home Office to have regard to this document when considering and finalizing the tender for this service. Any potential bidders must have regard to paragraph 8 in section 1 and sections 4 – 6 of this document.

For further information about these minimum standards please contact Avril Sharp, Policy Officer at [avril@kalayaan.org.uk](mailto:avril@kalayaan.org.uk).

## **Information Meetings Home Office Pilot – Proposed Minimum Standards**

### **Section 1: Recommendations as to the online application process**

1. As part of the VAF online process, it must be made clear that the applicant will be requested to attend an information meeting after they arrive in the UK. The purpose of this must be clearly explained on the online form, as well as who is running the service and how and when they will be notified of the details of the meeting once in the UK.
2. Appendix 7 (Written Terms and Conditions of employment) needs to be amended to include:
  - a) A new section about attendance at an information meeting. As the government has stated they cannot make attendance at these meetings a condition of both the employer and the employee's visa, it should at least be a contractual stipulation agreed by the parties
  - b) Section 1 (Name & address of Employee) must be amended to request the worker provide an email address and contact number they will use in the UK
  - c) Section 2 (Name & address of Employer) must be amended to request the employer provide an email address and contact number they will use in the UK
  - d) Section 5 (Employee's Place of Work) must be amended to cover instances where the employer and employee stay in a hotel in the UK, as well as residing in private accommodation. If the VAF indicates the applicant will be staying in a hotel with their employer, confirmation of a hotel room booked for sole use by the applicant must be provided with the application

### **Section 2: Recommendations as to the Visa Application Centre**

3. Robust procedural mechanisms need to be put in place at Visa Application Centres (VACs) abroad to ensure that workers attend alone. Any who do not arrive alone must be interviewed physically apart from their employer or an employer's representative. They must be alone when they are interviewed and when they receive information on their rights as workers in the UK.
4. The applicant must be given time to read and digest the written information they are issued at the VAC, separate from their employer. They must have the opportunity to ask questions about the information they receive.
5. Staff at VACs must be able to communicate with the applicant in a language they can understand. This will not necessarily be English or the language used in the country they are applying from. Telephone interpreters must be available if needed.
6. Any written information, including the information sheet that must be handed to the applicant, must be in a language they can understand.

7. The information sheet must be amended to inform applicants they will be requested to attend an information meeting in the UK where they will receive impartial information on their immigration and employment rights. It must explain who is running the service and how they will be notified of details of the meeting once they are in the UK. The information must make clear that the sessions are intended to provide information, advice and support to workers to help ensure that their employer is complying with UK rules and laws.
8. The service provider(s) must also provide an information sheet explaining the purpose behind the information meetings and how and when they will be notified about the meetings after they arrive in the UK. This sheet must be handed to the applicant in a language they can read and understand.
9. A hard copy of Appendix 7 submitted online must be provided to the applicant.
10. Staff at the VAC must confirm the email supplied in section 1 of Appendix 7 is the applicant's personal email address.
11. Staff at the VAC must tell the worker their place of work in the UK, hours of work and the stated weekly / monthly pay.
12. Records of what happens at the VAC must be recorded and sent to UKVI along with the applicant's biometrics. This must include a checklist confirming:
  - a) The applicant attended alone
  - b) The language in which they were spoken to
  - c) The email listed at section 1 of Appendix 7 is the applicant's own personal email address
  - d) The applicant was provided with an information sheet from the Home Office and the service provider(s) and that this was in their first language
  - e) The applicant was provided a copy of Appendix 7 submitted with their online application
  - f) The applicant was told their place of work in the UK, hours of work and stated weekly / monthly pay
13. If the application is successful, the applicant must attend the VAC in person to collect their passport endorsed with their UK visa. They must receive this alone, physically apart from their employer or an employer's representative. They must also be provided with a photocopy of their visa and a copy must be sent to the email address recorded at section 1 of Appendix 7 and confirmed by the VAC as the applicant's own personal email address. The VAC must inform the applicant when their visa expires and advise them of their right at all times to retain possession of their passport in the UK.
14. The employer must also attend the VAC. This must not be a representative for the employer. The employer must be seen separately to the worker and given clear

information about their rights and obligations in the UK and an equally clear indication of the criminal civil and future immigration consequences of a failure to discharge those obligations.

15. The information given to the employer must state that their employee will be requested to attend an information meeting in the UK, explain who is running the service and how and when they will be notified of this after they arrive. The employer must pay any travel costs for their employee to attend.
16. The information at (14-15) must be emailed to the address recorded at section 2 of Appendix 7.
17. Records of what happens at the VAC must be recorded and sent to UKVI. This must include a checklist confirming:
  - a) The applicant attended alone when they received their passport
  - b) The language used to speak with the applicant
  - c) The applicant was provided a photocopy of their visa
  - d) The applicant was sent an email of their visa to the email address recorded at section 1 of Appendix 7
  - e) The applicant was told when their visa expires and that they should have possession of their passport in the UK
  - f) The employer was also seen, separately to the applicant
  - g) The language used to speak with the employer
  - h) The employer was given information about their rights and obligations in the UK and consequences as a result of failing to fulfil them
  - i) The employer was sent an email with this information to the email address recorded at section 2 of Appendix 7
  - j) If the employer could not attend the VAC for any reason (eg. they were already in the UK), the VAC must send an email to the employer with information on their rights and obligations in the UK and consequences as a result of failing to fulfil them
18. The contract between the Home Office and their commercial partners at the VAC must have the provisions in paragraphs 3 - 17 expressly stated.

### **Section 3: Recommendations as to UK arrival**

19. At the UK border, the immigration officer should ensure that the migrant domestic worker is in possession of their passport. If a worker's passport is handed to the officer by a member of the employer's household, the officer must return it to the worker

explaining why they are doing this. Passport and identity documents held by someone else is a general indicator of modern slavery so border officers must be alert to this.

20. The immigration officer must inform the worker they will be requested to attend an information meeting. At the same time, the immigration officer must issue the same two information leaflets which should have been issued at the VAC abroad. These must be in the worker's first language.
21. The immigration officer must speak with the worker separately from anyone else they may be travelling with.
22. The immigration officer must issue the employer with information which tells them their domestic worker will be requested to attend an information meeting. They must be told how and when they will be notified.

#### **Section 4: Recommendations as to post arrival**

23. The service provider(s) must notify the worker within 7 days of arriving in the UK that they will be requested to attend an information meeting. This must repeat the purpose of the meeting and confirm the location, date and time.
24. The service provider(s) must invite the worker to attend a meeting within 28 days of arriving in the UK.
25. The service provider(s) must write to the worker at the address recorded in the VAF / Appendix 7.
26. The service provider(s) must send an email to the worker to the address recorded in section 1 of Appendix 7.
27. The service provider(s) must send a text to the contact number recorded in section 1 of Appendix 7.
28. The service provider(s) must send a separate notification to the employer within 7 days of their employee arriving in the UK.
29. The service provider(s) must write to the employer at the address recorded in the VAF / Appendix 7.
30. The service provider(s) must send an email to the employer to the address recorded in section 2 of Appendix 7.
31. The service provider(s) must send a text to the contact number recorded in section 2 of Appendix 7.
32. All communications sent to the worker and employer must be in a language they can each understand.
33. If a worker fails to attend an information meeting, the service provider must report this to the Home Office who must carry out robust checks that are quick and reliable to

determine whether a worker has left the UK. If records do not show the worker has left, the service provider(s) must send a further notification by post, email and text message to both the worker and employer.

34. If a worker fails to attend a second time, the service provider(s) must have scope to carry out a welfare check at the address recorded in the VAF. The purpose of the welfare check would be to invite the worker in person to the next scheduled information meeting and confirm with them and their employer when and where this will take place. The service provider(s) must leave written information with details of the meeting with both the worker and employer.
35. If the service provider(s) cannot complete a welfare check, they must record that no contact was made with the worker.
36. If records show the worker has left the UK, this information must be recorded on both the worker and employer's immigration file so this can be monitored should either party re-enter or reapply for a visa to return to the UK. The fact that a worker has left the UK does not necessarily indicate that they are doing so voluntarily, nor that they have not been exploited either in the UK or in the country they return to with their employer.
37. If a worker re-enters the UK on the same 6 month visa, they must be notified within 7 days about the next scheduled information meeting. A separate notification must be sent to the employer.

## **Section 5: Recommendations as to the Information Meetings**

38. The service provider(s) must have demonstrable experience in supporting and advising vulnerable migrants or otherwise commit to undergo training by Kalayaan prior to the commencement of the pilot. Training needs will need to be reviewed depending who the successful provider(s) will be.
39. The service provider(s) must verify all workers' identities by checking their passports and speaking with the worker.
40. The service provider(s) must be provided with certain biographical information by the Home Office. This can be referred to in the event a worker attends without their passport. Bio data must include a passport picture of the worker, full name, nationality, date of birth and when their visa expires.
41. The information must be delivered in a language the group of workers can understand. Interpreters must be provided in person to assist in the delivery of information and with any questions or other issues that may arise.
42. To ensure the effectiveness of the meetings, the number of workers in a group must be considered to ensure all workers have the opportunity to ask any questions they may have.
43. Videos or presentations must be considered.

44. Content for the meetings must include:

<p>Impartiality from the Home Office</p>	<p>Explain the purpose of the meetings Option to speak privately in confidence to the service provider about any issues workers may be having with their employer</p>
<p>Terms of their visas</p>	<p><b>Domestic workers in private households</b>            Visa limited to 6 months (<u>service provider must confirm with each worker when their visa expires and provide a photocopy</u>)            No right to renew            No recourse to public funds            Worker can change employer and work as domestic worker but only for remaining time on their visa            Ability to change employer not contingent on evidencing any form of abuse            No requirement to notify the Home Office of any change of employer            Required to leave the UK before visa expires</p> <p><b>Domestic workers in diplomatic households</b>            Visa normally issued for 24 months (<u>service provider must confirm with each worker when their visa expires and provide a photocopy</u>)            No recourse to public funds            Can be renewed in the UK if worker remains with the same diplomat            Worker can change employer to private individual and work for remaining term of visa            Ability to change employer not contingent on evidencing any form of abuse            If worker leaves diplomatic employer, cannot renew visa            Required to leave the UK before visa expires</p>
<p>Employment rights</p>	<p>National Minimum Wage and National Living Wage for workers over 25            Salary is actual payments made to employee either weekly or monthly, not the promise of pay and should be in line with contract            Contract of employment (<u>contracts used for the online process should be made available to the service provider who must issue this to the worker</u>)            Possession of passport, all identity documents and own phone            Suitable accommodation (own room, own bed and door that worker can lock from the inside)            Working hours and rest breaks            Excess hours and overtime            Food            Holiday and sickness            Wage slips            Protection from discrimination and harassment due to sex, race, disability, sexual orientation, faith or pregnancy</p>



	Right to join a trade union
Financial services	Opening a bank account with national bank or other bank (eg Philippine National Bank for Filipino workers) Money transfer agencies
Victims of abuse and exploitation	National Referral Mechanism framework (including the 3 days support in government funded safe place prior to referral and what agency provides this support) What constitutes trafficking in human beings for the purposes of domestic servitude and forced labour Who the decision maker is The 2 stage process The support provided – including safe accommodation and subsistence Options for leave to remain with positive identification Challenging negative decisions Timeframes in processing trafficking claims Ability to work whilst in the NRM dependent on receiving positive reasonable grounds decision before visa expires No legal aid funding for representation in stand-alone trafficking claims (pending outcome of legal challenge in April 2018) Contact details for relevant First Responders, including Kalayaan, and organisations who can offer free and confidential advice about the NRM including the Modern Slavery Helpline What information and advice will be provided to a worker during the 3 days of support <b>It must be explained in clear and express terms that if an individual does not consent to a referral / no referral is made after 3 days, the worker will no longer be entitled to stay in the government funded place of safety</b>
Health and safety	Registering with a GP Doctors of the World (assisting with registering with a GP and full health assessment) Access to NHS services (including Accident & Emergency) Emergency numbers to call (999 and 101)
Embassies	Contact details of relevant embassies should be made available Regard should be made to the appropriate department within the embassy (eg. The Philippine Embassy has a department called Assistance to Nationals / ATN)
Contact details for the service provider	In the event the worker returns to their employer but later decides to leave or seek further information, they must be provided contact details for the service provider
Other organisations that can help	Kalayaan The Voice of Domestic Workers Filipino Domestic Workers Association Kanlungan, Consortium of Filipino Organisations

	Unite the union Samaritans Other appropriate organisations that can provide confidential advice and services to workers
Help and advice on returning home	Departure services run by the Home Office

45. All advice and support agencies must be invited to leave literature and / or materials on their services at the information meetings for workers to take away with them.

46. The length of the meetings must allow sufficient time for this content to be delivered and understood as well as time for workers to come forward and speak with the service provider individually and for follow up on any disclosure including potentially emergency accommodation and contacting the police.

47. Whilst information on worker's rights and protections in the UK can be delivered in a group setting, provision must be planned for workers to speak with the service provider(s) individually and in a private space. Venues and the service provider(s) must be able to accommodate for this.

48. At a minimum, Kalayaan recommends the service provider(s) allow 3 hours for content to be delivered. Further time must be provided for in the event workers wish to speak in confidence to the service provider(s).

49. If a worker discloses abuse or exploitation to the service provider(s), in line with the newly announced reforms to the National Referral Mechanism (NRM) they can be taken to a government funded place of safety and receive 3 days of support before they consider whether to be referred to the NRM.

50. The service provider(s) must make a record of those workers who access 3 days of support prior to a potential referral to the NRM.

51. Non disclosures of abuse and exploitation by workers at the information meetings must not be used against them if they later choose to seek referral to the NRM.

52. The service provider(s) must issue all workers who attend with literature on the content covered.

53. The service provider(s) must email all workers who attend with literature on the content covered.

54. After the information meeting, the service provider(s) must remind employers of their rights and obligations to their employees as workers in the UK.

**Section 6: Recommendations as to the exchange of data between the service provider(s) and Home Office**

55. The service provider(s) must record the following information for all workers:

- a) Copies of all correspondence sent or issued to the worker to request that they attend an information meeting
  - b) Copies of all correspondence sent or issued to the employer informing them their employee is requested to attend an information meeting
  - c) Confirmation the worker attended an information meeting and the date of this
  - d) Confirmation the worker was provided a copy of their visa and Appendix 7 used for their VAF at the information meeting
  - e) Confirmation the worker was told when their visa expires at the information meeting
  - f) Confirmation the worker was issued with literature on the content covered and sent an email with the same information
  - g) Confirmation the employer was reminded of their rights and obligations to their employees as workers in the UK
  - h) Confirmation whether the worker accessed 3 days of support prior to potential referral to the NRM
  - i) Confirmation a welfare check was attempted if a worker failed to attend two information meetings and the date of this
  - j) If the service provider(s) were unable to complete a welfare check, confirmation they reported this to the Home Office
56. Any disclosures reported by a worker to the service provider(s) must be kept confidential and not shared with the Home Office. A worker must be permitted to access the 3 days support in a safe place and get further information and advice on their rights and entitlements, including a potential referral to the NRM.

#### **Section 7: Recommendations as to the monitoring and evaluation of the meetings**

- 57. When determining performance indicators and service aims, Kalayaan and co-authors to this document must be consulted and an opportunity provided to give any feedback or concern prior to the pilot commencing.
- 58. Performance indicators and service aims must be reviewed throughout the course of the proposed 6 month pilot.
- 59. Service provider(s) must provide feedback on the effectiveness of the meetings or any difficulties in the delivery of information during the course of the pilot so that changes can be made where appropriate.
- 60. Workers attending the meeting must be encouraged to complete questionnaires or feedback forms on their experience attending the meeting.

61. Independent observer(s) must be permitted to attend a number of meetings in order to provide feedback and observations on the delivery and effectiveness of the meetings.

62. There may be many and varied reasons why a worker may not attend an information meeting or feel able to come forward and disclose abuse. This must be borne in mind when determining performance indicators and service aims.

### **Section 8: Service contract**

63. Kalayaan and the co-authors to this document must be permitted to review the final contract between the Home Office and eventual service provider(s) and provided opportunity to give feedback prior to the commencement of the pilot.

### **Co Authors**

These standards were drafted in consultation with:

- The Voice of Domestic Workers
- Filipino Domestic Workers Association
- Kanlungan Consortium of Filipino Organisations
- Anti-Slavery International
- Unite the union
- Trades Union Congress
- Kate Roberts, The Human Trafficking Foundation
- James Ewins QC, barrister and author of the Independent Review of the Overseas Domestic Worker visa

For further information about these minimum standards please contact: Avril Sharp, Policy Officer at [avril@kalayaan.org.uk](mailto:avril@kalayaan.org.uk).