



KALAYAAN
justice for migrant domestic workers

ANNUAL REPORT AND FINANCIAL STATEMENTS

APRIL 2017-MARCH 2018

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MISSION AND BENEFICIARIES

Since 1987 Kalayaan has worked with and supported migrant domestic workers (MDWs) in the UK, aiming to improve their quality of life. Migrant domestic workers are foreign nationals who have come to the UK accompanying their employers to work in their private household, typically as house-keepers, cooks, nannies, carers, or chauffeurs. They enter the UK on an overseas domestic worker visa.

MDWs are particularly vulnerable to abuse of their human rights and to labour exploitation, or in some cases forced labour, for several reasons: they are isolated within their employer's private house, hidden from any of the usual oversight mechanisms for workers, and often have little or no knowledge of the English language. They rely on their employer for their income, their accommodation and their immigration status in the UK, as well as for any information about their rights in the UK. MDWs are restricted from accessing public funds.

Kalayaan aims to reduce these problems by increasing MDWs' knowledge of their rights and ability to access them in practice, and to improve the policy and legislative environment for MDWs in the UK.

Due to changes in legislation in recent years, we now work with two very distinctive groups of migrant domestic workers:

-those whose visa was issued prior to 6th April 2012 have been unaffected by the new restrictions, and continue to be able to renew their visa, provided that they meet the strict conditions, and eventually after 5 years they can apply for settlement. In practice, due to the English language knowledge requirements that need to be met to apply for settlement, many people are not ready after 5 years and continue to renew their domestic worker visa year after year until they are ready. For this reason, we continue to have many service users who are still on the original visa. The demand for our services by this group is still high in terms of support with their applications for visa renewal or settlement, and for advice on employment rights.

-those whose visa was issued after 6th April 2012 have very limited options in the UK. Their visa only allows them to remain in the UK for 6 months and it is not renewable in the UK. After the government conceded that MDWs must be granted at least the right to change employer, in May 2016, those who still have a valid visa are allowed to find alternative employment if they escape an abusive situation, but they are still restricted to a 6-month stay in the UK. MDWs from this group often come to us after having experienced harrowing abuse, and Kalayaan would assess the working experience of each individual to determine whether there are indicators of trafficking for domestic servitude.

The majority of MDWs who come to Kalayaan live within London, but Kalayaan is keen to extend the benefits of its expertise to all MDWs in the UK, and we answer calls for help or advice from all over the UK, both from workers and from those supporting them. Some MDWs travel from other cities to use our services, particularly the advice sessions on Sundays.

DIRECT SERVICES

Advice

Kalayaan continued to provide an average of 20 advice sessions per week, including advice sessions on Sundays. Advice sessions on Sunday are always in high demand, as for many domestic workers this is the only day off work.

We have **assisted a total of 280 migrant domestic workers through our advice services.**

Of these, **105 were new service users** who registered with Kalayaan for the first time, **95% of whom were women.** The majority came from the **Philippines (75%),** followed by **India (10%)** and **Indonesia (9%).** The other clients came from a variety of Asian, African and Latin American countries.

During the registration process, each Caseworker provided general information on immigration and employment rights, and conducted an assessment of the client's immigration situation and working conditions, in order to provide specific advice. Many of the new clients were not aware of relevant immigration rules in the UK, due to the isolated nature of their work within the private household. The questions asked are design to also make an initial assessment of possible trafficking indicators. If the advisor suspects that the client may have been a victim of trafficking, a further appointment is offered for a more in-depth assessment, with an interpreter if necessary. The anonymised data on working conditions is also used to inform our campaign and policy work.

Clients were always provided with a written record of the advice received, and were given the opportunity to ask for clarifications before they signed to confirm that they understood the advice and agreed to the course of action discussed. A new advice record sheet was provided if follow up sessions were required.

When clients could not communicate well enough in English, telephone interpreting was provided, and occasionally face-to-face if necessary.

The registration process included an assessment of the terms and conditions of employment, and some information on employment rights. In some cases, once the client has gained knowledge of their rights, they want to take legal action against their exploitative employer, and we assist them to find a legal representative.

The table below shows the abuse reported by our service users during the registration assessment.

Abuse reported to Kalayaan Registrations between 01/04/2017 and 31/03/2018	Original ODW visa Total 22 18 known ODW visa 1 suspected ODW 3 T5 Int Agreement visa	Tied visa Total 24 6 known ODW visa 13 suspected ODW 5 T5 Int Agreement visa	Post April 2016 Total 50 27 known ODW visa 19 suspected ODW 4 T5 Int Agreement visa
Physical abuse	1 (n = 14) = 8%	5 (n = 20) = 25%	10 (n = 40) = 25%
Psychological abuse	4 (n = 14) = 29%	10 (n = 17) = 59%	27 (n = 39) = 69%
Sexual abuse	1 (n = 15) = 7%	0 (n = 21) = 0%	3 (n = 40) = 8%
No regular food	2 (n = 16) = 13%	11 (n = 21) = 52%	21 (n = 40) = 53%
No bedroom / private space	10 (n = 17) = 59%	14 (n = 21) = 67%	28 (n = 41) = 68%
No bed	6 (n = 17) = 35%	10 (n = 21) = 48%	19 (n = 41) = 46%
No day off	10 (n = 17) = 59%	14 (n = 19) = 74%	37 (n = 42) = 88%
Worked over 15 hours a day	8 (n = 14) = 57%	8 (n = 12) = 67%	24 (n = 32) = 75%
On call	6 (n = 12) = 50%	16 (n = 20) = 80%	33 (n = 38) = 87%
Not allowed out	9 (n = 17) = 53%	17 (n = 20) = 85%	39 (n = 42) = 93%
Weekly salary			
£0	0 (n = 10) = 0%	0 (n = 7) = 0%	7 (n = 22) = 32%
Less than £50	4 (n = 10) = 40%	3 (n = 7) = 43%	0 (n = 22) = 0%
Less than £100	3 (n = 10) = 30%	2 (n = 7) = 29%	11 (n = 22) = 50%
£150 or above	2 (n = 10) = 20%	2 (n = 7) = 29%	2 (n = 22) = 9%
Passport kept from worker	12 (n = 16) = 75%	17 (n = 21) = 81%	42 (n = 45) = 93%
Aware of right to change employer (post April 2016)	N/A	N/A	16 (n = 23) = 30% aware

In addition to registering new clients, we provided further advice and support to existing service users.

We assisted **63 clients with visa renewal applications**, and another **54 with settlement applications**. These applications have become increasingly complex, and require very specific supporting documents. Often the employers are unwilling or too busy to help their workers with these forms, and solicitors would charge between £500 and £1,000, so our service is greatly valued by our clients, who often state that they would not be able to prepare these applications on their own.

In addition, migrants have to pay a health surcharge online before applying. Many of our service users are unfamiliar with computers and the internet, and risk making expensive mistakes if they don't use the system correctly, or even worse, have their application rejected for not complying with this requirement. Kalayaan advisers assist service users with this process as part of the form checking service.

Recently, we have observed that the Home Office appears to apply stricter checks on whether MDWs' salary meets the National Minimum Wage (NMW), when applying to extend their leave in the UK. This has increased the importance of having applications checked by Kalayaan advisors before submission, and has added further value to our service: if the employer is not meeting UK Employment legislation requirements in paying the NMW, the application will most likely be rejected. Our intervention may mean that the employer becomes aware and willing to comply.

The remaining **58 clients** who used our advice services **came for other immigration or employment advice**.

Identification and support to victims of human trafficking

During the reporting period, **Kalayaan identified and referred 31 victims of trafficking** for the purposes of domestic servitude **into the National Referral Mechanism**, for further support and accommodation.

When Kalayaan identifies somebody as a victim of trafficking and the client consent to be referred into the National Referral Mechanism, it is really only the beginning of a long and sometimes emotionally demanding process. The decision is taken by the Competent Authorities in two steps: there is an initial assessment, due to be completed within 5 working days, and if there are enough indicators the person will be given a positive Reasonable Grounds decision. At this stage the victim is entitled to safe accommodation, counselling and medical care if needed, and legal representation under Legal Aid. The person also gains the right to remain in the UK while the case is assessed. If their visa was still valid when the Reasonable Grounds decision was made, then the victim also retains the right to work while the assessment for the Conclusive decision is being made.

Therefore there are some almost immediate benefits, but then the process before the final decision is made, (the Conclusive Grounds decision) can be very long, and requires quite a

lot of involvement from the clients, as they will have to attend interviews with the Home Office, sometimes with the police if the trafficker is still in the UK, and they will have to attend appointment with solicitors. This means having to recount and re-live their experience many times. It can be emotionally demanding for the clients, and very labour-intensive for the caseworkers to support clients through this process, and liaise with all the parties involved, making sure everyone stays engaged.

Being recognised as victims of trafficking does not automatically grant leave to remain in the UK, but as victims are entitled to free representation from immigration solicitors, they can receive advice on possible applications, such as asylum, Humanitarian Protection, or under the new rules which allow MDWs to apply for a 2-year Overseas Domestic Worker visa once they have received the final (conclusive grounds) decisions. Most are able to obtain some form of leave to remain in the UK.

Kalayaan established a new working relationship with the Women's Therapy Centre, and help them pilot a new psycho-education group for victims of modern slavery. We advertised the service to the women that we had referred into the NRM, and 5 expressed an interest in being referred. The project consisted of 5 sessions where the women in the group were supported in sharing their experiences. The psychotherapist leading the group reported: "I feel that the group gave them a space where they felt respected and valued. The women were able to explore how they think and feel about themselves and how this affects their lives and relationships. We were also able work on how to recognise their strengths and resources, and use them to build their self-esteem. Sharing their experiences on an equal and mutual basis helped them to better manage their own wellbeing". All women reported to us having enjoyed the sessions and having found them helpful. Positive outcomes of the project include: one woman went on to 1-to-1 counselling, some joined the yoga classes run by the Women's Therapy Centre, another who had complained of feeling bored and inactive was encouraged to take up her old hobby of sewing, and the centre even fundraised for a sewing machine.

Safe Accommodation

A total of **26 people**, included those referred into the NRM, **were supported into safe accommodation.**

ENGLISH CLASSES by Dominic Clarke

Volunteer-led Sunday English classes

The volunteer-led classes at Kalayaan continued, at three different proficiency levels, reflecting the wide range of proficiency levels of our clients.

The reporting period covers two academic years. In the whole previous academic year **2016-2017, 99 students attended English classes.**

In the whole academic year **2017-2018** (September-March), **98 students have been attending English classes.**

I would like to say a few words about Kalayaan's provision for clients in the Pre-literacy class, which mainly consists of students who have little or no literacy in their first language. This class continued to be taught by a group of volunteers who have been working with this group prior to this reporting period, in one case for more than 3 years, so they have a good deal of experience and understanding of the needs of these students. One of these teachers is a full time paid ESOL teacher and another was continuing to study for a teacher training qualification with K&C College during the reporting period (and has since gained his teaching qualification). This teacher was mentored by myself, and this was a rewarding and interesting experience for both parties. I used my experience of teaching students with very low levels of literacy and formal training in this area to help significantly improve this provision, whilst recognising that these clients are likely only to be able to make relatively limited progress, but that progress is extremely important for the clients.

I was consistently impressed by the happy and welcoming atmosphere that the volunteers created in the classroom and it was a pleasure for me to work with them. It is always interesting for me to meet new volunteers and hear them talk about why they want to volunteer for Kalayaan. During this reporting period (1st April 2016 to 31st March 2017) the following 16 volunteers worked on Sundays, and many of these continue to volunteer with Kalayaan.

Alev Erhan, Aliyah Choudhury, Denise Brown-Branch, Denise Tansley, Giada Baldi, Hannah Vinter, Jamie Alexis Mills, Karina Khokar, Mary Kuper, Natasha Savovic, Sinead Davoren, Stephanie Sybliss, Tendayi Williams, Zahid Zaman, Zainab Baig, Zeina Najjar

Some of the volunteers have been with Kalayaan since I joined (in October 2015) and in one case a volunteer started prior to my arrival at Kalayaan. Reasons for volunteers leaving included: increased work commitments, need to spend more time on academic studies, time spent travelling to and from the Kalayaan office. All volunteers who gave me feedback were extremely positive about their experience of volunteering at Kalayaan.

As well as the aforementioned support for a trainee teacher, Kalayaan provided further training opportunities. As usual an induction day was run shortly before the start of the classes in September 2017. This was attended by 10 volunteers and included a session by the Project Manager (Josie Collins) where volunteers learnt about Kalayaan's 'weekday

work' with migrant domestic workers. In the second session of the induction day volunteers were given detailed advice about checking students proficiency levels. Separately, I organised two training sessions later in the reporting period to help volunteers improve their practical teaching skills and exchange ideas and experiences of teaching with fellow volunteers. Attendance at these two sessions was low, so in future I will arrange training for volunteers that does not involve the having to attend on an extra Sunday. As well as formal training opportunities I provided 1-1 advice to volunteers whenever requested to do so by volunteers.

Getting away from the classroom and visiting new places was achieved by organising outings for the students. During this reporting period visits to Richmond Park and The South Bank were organised and approximately twenty clients took part and enjoyed being together in new places that many of them would otherwise not have visited.

Preparation classes for the language components of Indefinite Leave to Remain

Kalayaan continued to provide free of charge preparation classes for the Life in The UK (LIUK) test and the Trinity B1 Speaking and Listening Secure English Language test (SELT) , as part of its commitment to helping clients gain the very significant benefits of Indefinite Leave to Remain. During this reporting period 31 students attended LIUK classes and 11 students passed the LIUK test. 24 students attended B1 S&L classes and 12 students passed the S&L exam.

The two previous Annual Reports contain background information on these two language tests. During the reporting period I continued to develop high quality teaching materials for the LIUK test that could be either used in the classroom or for self study by students whose circumstances meant that coming to classes regularly was not possible. A student who passed the LIUK test sent a text saying:

Thank you for pushing me to study, I really appreciate this.

In terms of SELT I continued to use the topic 'My job' as the default topic for the first part of the exam. A student commented that they particularly enjoyed a lesson which focussed in the importance of contracts of employment and their importance outside the context of immigration. I continued to advise students that the definitive source of advice on MDW immigration questions are Kalayaan's advisers. With strong students whose language skills are already at a level which means they are already very good prospects for success in the exam there was more flexibility regarding topic choice.

POLICY WORK

Kalayaan met with the Home Office Migration Policy Unit (MPU) in August 17 for an update on the implementation of the recommendations made by James Ewins QC' in his Independent Review on the domestic workers visa. The MPU confirmed that they are working on piloting the information meetings for newly-arrived migrant domestic workers. Kalayaan has formed an advisory group made of migrant domestic workers, front line practitioners and experts in the field of workers' rights and anti trafficking, including James Ewins QC, to produce some minimum standards that we recommended to the Home Office. The recommendations were published and submitted to the Home Office in March 2018. As part of this piece of work, we have also included recommendations as to the visa application process through to arriving in the UK and being requested to attend an information meeting. In doing so, we hope to maximize the opportunities for workers (and employers) to be made aware of the meetings, seeing that the Home Office have stated they have no legal power to compel a domestic worker to attend.

Kalayaan was one of the founding charities that launched the 'Free for Good' campaign, set up to mobilise support for the Modern Slavery (Victim Support) Bill ensuring all recognised victims of trafficking are guaranteed support for 12 months. We produced a briefing on migrant domestic workers and issues with support / being granted leave as recognised victim of trafficking. It was sent to Peers prior to the second reading of the Modern Slavery (Victim Support) Bill in the House of Lords. Baroness Cox spoke specifically on migrant domestic workers.

Kalayaan spoke at the TUC and Labour Party conferences in September 17, raising awareness of issues affecting migrant domestic workers.

Kalayaan worked with the Evening Standard and the Independent on their joint campaign against modern slavery ('I'm free... and now I am treated as a human being': modern slave freed during standard campaign', Evening Standard 21.11.17).

We also provided statistics of abuse to The Guardian, which published an article criticising the government's failure to implement safeguards for domestic workers on the current visa regime and quoted Kalayaan ('Absolutely unacceptable': UK accused of failing to protect domestic workers', The Guardian 19.10.17).

During the reporting period there were significant achievements on two test cases. Kalayaan intervened in the case of *Reyes* before the Supreme Court, in which Ms Reyes, a migrant worker in a diplomatic household, represented by Deighton Pierce Glynn, brought claims against her employers in the employment tribunal for racial discrimination, harassment and failure to pay the national minimum wage. The employers argued that diplomatic immunity meant that even if she had a case, she could not pursue it against them. In October 2017 the Supreme Court disagreed. It held that immunity from civil claims ceased once the diplomat left post. The majority of the court thought that trafficking is a 'commercial activity' which means that diplomats do not enjoy immunity in trafficking civil cases even while they are in post.

At the same time, in the case of *Benkharbouche*, the Supreme Court held that State immunity did not prevent domestic workers in diplomatic households from bringing claims against the State and that any laws that purported to prevent this were in breach of human rights.

These achievements offer the prospect of greater protection for domestic workers in diplomatic households, and the hope that it will be easier for them to access justice.

New outreach material (booklets, posters and banner pens), available in English, Hindi, Tagalog and Bahasa has been finalised and we distributed it to relevant community centres and agencies.

A very significant new relationship was also established with the Indonesian Embassy in London. Kalayaan was contacted by Gulfan Afero, Minister Counsellor, and Anisa Farida, Second Secretary, Protocol and Consular Affairs, who wanted to find out more about situations of abuse and exploitation suffered by Indonesian citizens while in the UK as domestic workers. They had become aware of a number of Indonesians having been referred into the NRM as victims of trafficking, and wanted to find out if the Embassy could do more to support Indonesians at risk. They expressed an interest in finding out more about our work, so we had several meetings and agreed to speak at an event in May 18, to give information on immigration and employment rights and on protection available to victims of human trafficking.

THANKS

Kalayaan wishes to thank all those that made our work possible

Trustees

Thanks to our Trustees for their constant support:

Alison Harvey – Co-Chair

Rob Fink – Co-Chair

David Ould – Treasurer (resigned April 2018)

Silvia Hill – (joined July 17, Treasurer from April 18)

Dr Virginia Mantouvalou

Dr Myriam Cherti

Khadija Najlaoui (resigned June 17)

Nuldia Abdurahim (joined May 2018)

Staff

Thanks to our dedicated staff:

Rita Gava – Director

Josie Collins – Casework Officer

Avril Sharp – Policy and Casework Officer

Marta Bratek – Immigration Solicitor (on maternity leave since Mar 17)

Alex Millbrook – Immigration Lawyer

Andrea Kyselakova - Administrator

Dominic Clarke – English Teacher and Class Coordinator (freelance)

Volunteers

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Thanks to our dedicated Outreach volunteers **Nicholas Queffurus** and **Miela Lilles** and our Research volunteer **Natalie Sedacca**

Our popular English classes could not run without the following **volunteer teachers**, who give their time on Sundays:

Alev Erhan, Aliyah Choudhury, Denise Brown-Branch, Denise Tansley, Giada Baldi, Hannah Vinter, Jamie Alexis Mills, Karina Khokar, Mary Kuper, Natasha Savovic, Sinead Davoren, Stephanie Sybliss, Tendayi Williams, Zahid Zaman, Zainab Baig, Zeina Najjar

Friends and Supporters

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Zubier Yazdani and Dan Carey of Deighton Pierce Glynn
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Tom Hickman and Flora Robertson of Blackstone Chambers
Dr Philippa Webb of 20 Essex Street
Kalayaan Trustee **Alison Harvey and Rob Fink**

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The **Co-op** for their supports to victims of trafficking through their Bright Futures scheme
The **Women's Therapy Centre**
Anti-Slavery International
The Human Trafficking Foundation
The Co-ordinators of the Free For Good campaign

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