



# KALAYAAN

justice for migrant domestic workers

16/04/2020

Kevin Foster MP  
Minister for Immigration

Victoria Atkins MP  
Minister for Safeguarding

By email: [victoria@victoriaatkins.org.uk](mailto:victoria@victoriaatkins.org.uk) and [kevin.foster.mp@parliament.uk](mailto:kevin.foster.mp@parliament.uk)

Dear Ministers,

## **Concerns about Migrant Domestic Workers and Coronavirus**

We are writing to raise our concerns about the impact of the Coronavirus on our clients, and highlight issues we believe the government must address to protect some of the most vulnerable.

Kalayaan was established in 1987 and is the leading UK charity offering advice, advocacy and support services to migrant domestic workers. We are regulated by the Office of the Immigration Services Commissioner (OISC), SRA and BSB and authorised to provide immigration advice and services. Kalayaan is also a designated first responder to the National Referral Mechanism, the UK framework for identifying and supporting victims of modern slavery.

By way of background, the client group we assist include men and women, who have come to the UK with an Overseas Domestic Worker (ODW) visa, as part of a private or diplomatic household. Unfortunately, those we assist are often victims of ill treatment and exploitation. It is common for us to hear accounts of people being forced to work excessively long hours, without proper breaks and with pay below the National Minimum Wage. Our clients are sometimes forcibly confined to their workplaces. They are not given enough food or even a proper place to rest or sleep. They are often subject to verbal and sometimes physical abuse. Our clients escape from their employers, sometimes before or after their visas expire, and then have to contend with the hostile environment. We are concerned that within our client group, there are a number of people who will become more vulnerable as a result of the risk and impact of Coronavirus and the measures currently in place to tackle this crisis.

We appreciate the initiatives introduced by government, to alleviate the distress faced by some of the most vulnerable groups in society. We recognise that the challenge faced by government is unprecedented, and has resulted in the creation of many measures to address this crisis. Despite the costs, it is accepted that these steps will

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save lives, and so are essential. However we remain concerned that the unique circumstances faced by migrant domestic workers has not been fully considered. We wish to draw these matters to your attention, and suggest some further essential measures.

#### 1. No Recourse to Public Funds restriction

Within our client group, we assist those with the right to work, but with a “no recourse to public funds” condition attached. This includes those who were issued a visa prior to April 2012 and have the right to renew their visa annually as well as those who are recognised as victims of modern slavery and granted Limited Leave to Remain under provisions in the Modern Slavery Act 2015. Unfortunately, this condition is causing our clients grave difficulties. We are receiving a number of reports from workers who have been dismissed from their jobs without cause or notice and others threatened with dismissal if they do not comply with their employers’ demands. Due to the terms of their visa these workers have no bargaining power or ability to negotiate, nor are they safeguarded by any of the measures the government has so far introduced.

If a migrant domestic worker has their employment terminated, they cannot benefit from the furlough scheme, they cannot claim statutory sick pay, and because of the ‘no recourse to public funds’ (NRPF) condition, they cannot apply for universal credit. As a result, they are at greater risk of becoming destitute. We are concerned, that as a result of this cohort’s previous experience of being exploited, they are more likely to revert to an exploitative situation in order to survive, as this is a familiar pattern of treatment, and they have no alternatives available to them. These clients are at greater risk of exploitation.

Former victims of modern slavery or trafficking, are less likely to have the safety net of friends and family, to turn to for support. It is highly unlikely they will find new employment in the current climate when social distancing requirements prevent them from joining a new household.

We would highlight that whilst working, migrant domestic workers would have paid their tax, like all other employees. In light of this they should not be excluded from the safety net that the social welfare system provides during this exceptional period. Temporary measures could be introduced to remove the barriers, preventing this workforce from accessing public funds.

The NRPF restriction also adversely affects workers still accompanying their employers to the UK on a non-renewable 6-month visas, who intend to leave before their visa expires. Workers are permitted to change employer to provide them an escape route from abuse, however with the restrictions now in place, exercising this right is very difficult, leaving them either trapped or without any form of support available to them should they flee.

**Recommendation 1: Suspend the No Recourse to Public Funds condition attached to all ODW visa holders to enable them to access the support they will need in the event their employment is terminated or they flee from an abusive employer.**

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**Recommendation 2: Introduce a concession for ODW visa holders. We would recommend an automatic 6 month extension to their leave. Whilst social distancing requirements prevent workers from finding new employment, this will enable them to remain safe, documented, without the incurring the financial costs and practical burden of having to try and access legal advice during this difficult period.**

## 2. Subsistence for victims of modern slavery

Kalayaan is concerned with the low level of financial support provided to our clients who are in the National Referral Mechanism and accessing outreach support under the Victim Care Contract. Ordinarily they receive £70 fortnightly which equates to £5 a day. We are concerned the amount is insufficient for victims to meet their essential needs. This was the case prior to the coronavirus outbreak but is now being keenly felt by victims who are faced with having to prioritise the most urgent items to keep them and their families healthy and safe.

**Recommendation 3: Increase subsistence support for victims of modern slavery by £20 a week in line with the uplift announced by the Chancellor on 20 March for those in receipt of Universal Credit.**

**Recommendation 4: All survivors issued a positive Conclusive Grounds decision to be automatically granted a residence permit with a minimum renewable term of 3 years. Survivors granted short periods of leave have reported difficulty in accessing suitable accommodation, education, training or employment. These insecurities can lead to a destabilisation in mental health and impede recovery.**

## 3. Overstayers and potential victims of exploitation

We also assist a number of clients who have yet to be identified as Victims of Trafficking and Modern Slavery, who have overstayed their visas. They will approach us for help to regularise their status, as they do not want to remain in the UK illegally. However, these clients are often fearful of the authorities. From the accounts we have heard this mistaken belief often stems from threats made by their employers, who are usually wealthy and powerful, who as a means to control their staff, are at great pains to remind our clients how helpless they would be if they tried to flee or seek assistance. This experience combined with the impact of the hostile environment faced by foreign nationals, means that these clients may be reluctant to seek help, as they fear that rather than being assisted, they will simply be penalised or deported.

We would ask that compassion is shown to those who have become overstayers, as they also need support, to enable them to survive during this incredibly difficult time, when food banks are reporting shortages and charities are subject to huge pressures, there is a real danger that people at the margins, which includes overstayers in the UK, will be going without food, and the essential supplies needed to survive and stay healthy. In this difficult time, we would ask that all in society regardless of their status, are protected. We would ask the government to consider widening the scope of NASS or the NRM subsistence payments, to all migrants in the UK, who cannot access any other type of support. This will ensure that no one goes hungry, or is vulnerable to

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exploitation during this difficult time. This will also ensure the wider safety of the public, as Coronavirus in the margins, will prevent us from defeating this pandemic emphatically.

**Recommendation 5: Ensure all individuals, regardless of immigration status can access emergency support which will ensure their subsistence and safety.**

We understand that the government will be receiving many letters of representation, such as ours, however we represent a very specific client group who are in real and immediate risk of destitution. We look forward to hearing the government's proposals to deal with the real concerns we raise.

Yours faithfully,

Rita Gava  
Director

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