



KALAYAAN

justice for migrant domestic workers

Remembering the UK's forgotten workforce on International Domestic Workers Day 2020

16 June 2020

'Clearly people who have worked hard for this country, who live and work here should have support of one kind or another.'

Boris Johnson, speaking before the Public Liaison Committee, 27 May 2020

Like many other charities working to support vulnerable at risk communities during the pandemic, Kalayaan has been closely following government guidance with respect to the measures introduced in response to coronavirus. Prior to the pandemic, migrant domestic workers were widely recognised as a workforce susceptible to human rights violations including physical and psychological abuse given their unique vulnerabilities. The pandemic has only served to exacerbate this and expose them to greater risks.

Kalayaan has received a number of reports from workers and those supporting them that they have been dismissed without cause or notice and face homelessness, destitution and exposure to the virus placing themselves and others at risk. We have also heard reports that workers are having to endure abuse and exploitation for fear that they will be thrown out and have no form of support available to them.

Kalayaan shared in the Prime Minister's shock during his appearance before the Liaison Committee that there are hard-working people in this country who are barred from accessing support solely because of a restriction attached to their immigration status. The No Recourse to Public Funds (NRPF) condition is imposed on all migrant domestic worker visa holders which removes access to the social welfare system despite the fact they contribute in taxes. This includes those who were issued their visa prior to April 2012 and have the right to renew their visa annually, as well as those who are recognised victims of trafficking and granted a two-year domestic worker visa under provisions contained in the Modern Slavery Act 2015. Only migrants with leave in the UK under the Family and Human Rights routes can apply to have the NRPF condition lifted if there has been a change in their financial circumstances, so excludes migrant domestic workers.

Should a worker have their employment terminated, they cannot benefit from the furlough scheme, they cannot claim statutory sick pay and because of the NRPF condition, they cannot apply for universal credit. For live in domestic workers, they not only lose their income, but their accommodation as well. As a result, this workforce is left on the brink of destitution and at risk of being forced to enter exploitation as means to survive.

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Josephine's story

Josephine is a recognised victim of modern slavery. Since being recognised she has been issued a domestic worker visa with no recourse to public funds. She has been working as a carer and housekeeper to an elderly couple who have been forced to remain abroad where they had gone to visit relatives just before travel restrictions were imposed. Josephine did not hear from them for several weeks but when she was finally able to call them, they told her that she should look for another job because they could not be sure when they would be able to return to the UK. She has searched for alternative employment, but no-one is hiring domestic workers at the moment. She was offered a job as a carer by a nursing agency but is unable to take up this work because of the restriction on her visa, even though the work she would be doing for the agency is substantially the same as she was doing for her original employers. Because of the terms of her visa she cannot apply for Universal Credit or help with her rent. Her landlord has agreed to take a reduced rent for a while but she fears that the longer the crisis goes on, the more difficult it will be for her to continue with even a reduced rent. She is currently relying on her friends for help but is worried about having to borrow money for food and rent, which she will find difficult to repay later. She is also anxious about the financial implications for her of a shrunken economy, once the crisis has passed. Even though she has the skills and experience that are in such short supply in the social care industry, this is a sector that she is denied from helping.

The NRPf condition also adversely affects those workers still accompanying their employers to the UK. These workers are issued a 6 month, non-renewable visa. As part of the application process, workers should be provided information about their rights in the UK including who they can contact should they experience abuse, however reports made to Kalayaan by workers confirm this does not happen systematically. Workers also continue to receive no information after their arrival in the UK, despite the government's commitment in 2016 that they would introduce information meetings for newly arrived workers in acknowledgement that the application process was failing to protect them. Whilst theoretically these workers have the right to change employer to allow them to escape situations of abuse, in reality they will not be in a position to exercise this right given the restrictions in place to combat the spread of the virus, leaving them trapped or without any form of support available to them should they flee.

The government has been clear since the outset of the pandemic that if you are in the UK with a time limited visa and plan to remain, you must submit an extension application as normal. Those workers eligible to renew their domestic worker visa must pay £1052.20 in fees and £400 for the Immigration Health Surcharge. This will be an impossible feat for those workers who have lost their income or have seen it dramatically reduced, meaning that they face becoming undocumented, at risk of exploitation and having to do battle with the government's hostile environment.

Sunita's story

Sunita arrived in the UK in 2005 as a domestic worker and has been renewing her visa annually. She began a new job as a live in worker in November last year. She was responsible for the family's cooking, cleaning and general housework. She reported her employer was difficult to work for and always found fault in her work. She considered leaving but decided to stay after her employer apologised for their behaviour and offered her a pay rise. Sunita's employers remained critical and after an argument, threw her out with her belongings. Sunita said her employers did not listen to her when they told her she had no place to go and would be at risk of exposure to coronavirus. They also demanded she leave without paying her for her last week's work. In a taxi with her belongings, Sunita called the one person she knew in the UK and begged for her help. This friend, whilst concerned of social distancing measures and putting her own family at risk, agreed that Sunita could stay with her as she would otherwise become street homeless. Sunita's visa is due to expire in a few weeks. She has tried contacting agencies to find a new employer to be able to renew her visa and pay the near on £1500 fee but no one is hiring at the moment and the few jobs that are available do not meet the requirements of her leave in the UK.

During the pandemic, Kalayaan has continued to receive calls from abused workers who are overstayers and have not known who to contact for trusted advice on regularising their immigration status. This vulnerable population is at heightened risk of exposure to severe exploitation as many are having to find alternative means to survive following a reduction in work.

Kalayaan also remains deeply concerned for those workers in the NRM awaiting a decision on their trafficking claim. Those in receipt of outreach support, who are accommodated by community members, are struggling to survive on £35 weekly subsistence. Ordinarily, workers report this is not enough money to live on so they access food banks and other charitable support to meet their essential needs but many of these services have had to close during the crisis. £5 a day to live on has never been enough and is woefully insufficient during a global pandemic. It is hampering the recovery of survivors who are forced to prioritise the most urgent items to keep themselves safe. This has meant for some going without food or having credit on their phone.

Keeping all migrant domestic workers safe

In a [letter](#) dated 16 April 2020, Kalayaan set out 5 recommendations to the Ministers for Immigration and Safeguarding to ensure the safety of all migrant domestic workers during the pandemic. Disappointingly, the brief response we received failed to engage with the concerns we raised and recommendations we put forward. Kalayaan responded in a [further letter](#) on 1 June in which we repeated that the government must take swift action to protect this forgotten workforce:

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.

Recommendation 2: Introduce a concession for ODW visa holders. Kalayaan recommends 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,

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without incurring the financial costs and practical burden of having to try and access legal advice during this difficult period.

Recommendation 3: Increase the £35 weekly subsistence support for victims of modern slavery by £20 in line with the uplift announced by the Chancellor on 20 March 2020 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.

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

If the government wants to claim that we are all in this together, then they must ensure all migrant domestic workers are safeguarded during the pandemic. We are only as protected as the least protected amongst us.

For further information, please contact avril@kalayaan.org.uk.