IMMIGRATION & ASYLUM BILL 2026

Amendment NC8: The Overseas Domestic Worker visa

Migrant domestic workers in the UK continue to face **violence** and serious **breaches to their human rights and workers' rights**. They have their passports confiscated, their movements controlled, and are threatened, misinformed and abused.

Kalayaan is a charity that has been providing frontline advice to workers and campaigning for domestic workers to have enforceable rights since 1987. The bigger challenges domestic workers face stem from the excessively restrictive terms of the current Overseas Domestic Worker visa (ODWv). The visa is non-renewable so prevents workers from being able to safely challenge abuse and de facto ties them to their employers. **The most effective way to reduce exploitation and provide options for workers is for changes to the terms of the ODW visa.**

WHO ARE DOMESTIC WORKERS?

Some 20,000 ODWvs are issued by the UK annually.[i] Domestic workers are employed directly by the individual for whom they work. Their work includes cooking, cleaning, caring for children and providing elderly care. Typically, they live in their employers' home.

- Most domestic workers are **women**.
- They work in private households, away from the public eye and regulatory oversight. They are highly **vulnerable to exploitation and abuse** at the hands of their employers.

THE CURRENT VISA ENABLES EXPLOITATION

Following a joint successful campaign in 1998, migrant domestic workers were granted an Overseas Domestic Worker visa that recognised domestic work as work. The visa gave them the right to:

- Change employers to escape abusive situations
- Renew their one-year visa if they were in domestic employment

In **2012**, the ODWv terms were severely restricted, and the new restrictions were accompanied by increased levels of exploitation. The visa was capped at six months and was made non-renewable. Workers were also tied to their employer, meaning they could not leave them, even if they were being abused. This resulted in an exponential increase in levels of reported exploitation.

In **2016**, after parliamentary debates and an Independent Review, the then Government made a small concession in recognition that workers should not be trapped working for abusive employers without an escape route. This has meant that since April 2016, workers have been able to change employer, but only during the term remaining on their non-renewable six-month visa. This is a meaningless concession because:

- Workers are **unable to find decent alternative employment** within the weeks or days they have left remaining on their visa.
- Rates of abuse following the 2016 changes have remained consistently high and have never dropped down to the pre-2012 number despite the concession:
    - **41%** of workers on the post-2016 visa presented with **indicators of trafficking**. Under the pre-2012 visa, this was only 14%
    - **73%** of workers on the post-2016 visa **did not have access to their passport** in the UK, versus 47% for those with the pre-2012 visa
    - **69%** of workers on the post-2016 visa were **not allowed out of their employer's property alone**, versus 47% on the pre-2012 visa
    - **61%** of workers on the post-2016 visa had **irregular food**, versus 17% on the pre-2012 visa[ii]

Under the current visa regime **workers face an impossible choice**: Without sufficient time, references, and in some cases their passport containing their visa, they are unable to find alternative employment, and so **leaving their exploitative employer sometimes feels worse than if they had chosen to stay with them**. This uncertainty leaves workers exposed to further harm. **This is unacceptable**.

THE CURRENT VISA PREVENTS WORKERS FROM ACCESSING THEIR RIGHTS

Migrant domestic workers are entitled to the same rights as any other worker in the UK: they are entitled to the National Minimum Wage, to days off, breaks, sick leave and annual leave. In practice, these **rights are not accessible** because:

- Their workplaces are unregulated private homes and workers often have no access to their contracts (if there is one).
- Unlike most workers in the UK, they cannot stay in the UK long enough to enforce rights and claim any remedies for breaches of employment law.
- Most domestic workers are **not aware of their rights** despite the UK's obligation to receive information about their visa terms and where they can seek assistance should they need to.

Current safeguards, including information leaflets for workers, are not effective alone in the absence of workers having rights to challenge abuse, and the establishment of the **Fair Work Agency** will also not support workers who remain fearful of coming forward to speak with the authorities given their precarious immigration position.

The **National Referral Mechanism** (or NRM) for modern slavery survivors is a reactionary measure and does nothing to prevent exploitation as it waits for the harm to be done. It also does not assist workers who have faced labour abuse but do not meet the legal threshold for having been trafficked or enslaved. **These workers fall through the gaps.**

THE ODW VISA REVIEW

The Government announced a review of the purpose of the ODWv, which is due to be completed by the end of 2026. **The intention and scope of the review remains opaque.** Without formalising it, this review may run the risk of rubber-stamping a decision that fails to properly consider the evidence.

- NGOs including Kalayaan have been invited to input into the review and provide feedback, but we remain concerned that without formalising this review, worker testimony will not be properly heard, and the wealth of evidence on what is needed to drive down abuse will not be given the proper consideration it requires.

THE CHANGES WE URGENTLY NEED

Workers need a visa that gives them more agency and provides real options to challenge abuse and seek redress. **A better visa will not have a significant impact on net migration**: Only **6%** of domestic workers on the pre-2012 visa renewed their leave each year, and less than **5%** settled in the UK.[iii]

The amendment proposed also provides for domestic workers who are qualified to do so to switch to the Skilled Worker visa route which would help address the UK's **severely understaffed adult social care workforce**.

THE IMMIGRATION & ASYLUM BILL

The Bill does not currently engage in solutions that prevent situations of modern slavery. There is no mention or acknowledgment that restrictive visas increase the risk of exploitation and modern slavery for migrant workers in the UK.

Amendment NC8 focuses on preventing abuse from deteriorating to modern slavery offences by providing workers with crucial and fundamental rights that will grant them **agency and dignity once more**.

PLEASE HELP REDUCE AND PREVENT THE EXPLOITATION OF DOMESTIC WORKERS BY SUPPORTING THIS AMENDMENT

AMENDMENT NC8

To move the following Clause –

"Amendments to rules for overseas domestic workers

1. For the purposes of preventing situations of modern slavery and reducing the risk of exploitation for migrant domestic workers in the UK, the Secretary of State must, within three months of the passing of this Act, make such changes to the Immigration Rules and any other rules or regulations governing domestic worker and diplomatic domestic worker visas as may be necessary to meet the requirement in subsection (2).

2. Holders of a domestic worker or diplomatic domestic worker visa must be enabled to –

a. change employer (but not worker sector) without restriction, with such changes registered with the Home Office;

b. renew indefinitely an existing domestic worker or diplomatic domestic worker visa for a period of not less than 12 months, provided that they are in employment permitted by their visa at the date of application and are able to support themselves (and any spouse, partner or children) without recourse to public funds;

c. apply for leave to enter and remain in the United Kingdom for their spouse or partner and any child under the age of 18 for a period equivalent to the unexpired period of their visa and of any subsequent visa;

d. be granted indefinite leave to remain after five continuous years of residence in the United Kingdom; and

e. switch to a different work visa (including but not limited to the Skilled Worker visa) where they meet that visa's eligibility requirements**.**

3. For the purposes of this section, "the Immigration Rules" means rules laid before Parliament under section 3(2) of the Immigration Act 1971.**"**

Member's explanatory statement:
This new clause would require the Secretary of State to make amendments to the existing rules regarding people with domestic worker or diplomatic domestic worker visas for the purposes of preventing situations of modern slavery, including by enabling them to change employer and renew their worker visas.

For more information, please contact Sophie Levack – Immigration Lawyer & Policy Officer – at Kalayaan: sophie@kalayaan.org.uk

[i] Immigration Statistics on GOV.UK: "Entry clearance visa applications and outcomes detailed datasets, year ending December 2025 – Vis D02 – Outcomes of applications for entry clearance visas"
[ii] Kalayaan, 2024, "12 Years of Modern Slavery: The smokescreen used to deflect state accountability for migrant domestic workers", page 18, available at: https://www.kalayaan.org.uk/wp-content/uploads/2026/08/Kalayaan_Report_2024_.pdf
[iii] Kalayaan, 2011, "Ending the Abuse: Policies that work to protect migrant domestic workers", pages 10 and 6, available at: https://www.kalayaan.org.uk/wp-content/uploads/2026/08/Kalayaan-Report-final.pdf