



Home Office

Immigration and Border Policy Directorate
2nd Floor Fry
2 Marsham Street
London
SW1P 4DY
www.homeoffice.gov.uk

Myrtle Witbooi
Chair, International Domestic Workers Network
c/o International Union of Food (IUF)
Rampe du Point Rouge 8
CH-1213 Petit Lancy,
Geneva

18 December 2012

Dear Myrtle,

TO181892 – Changes to the visa system for migrant domestic workers.

Thank you for letter of 19 November to the Minister of State for Immigration. Your letter has been passed to me to reply.

You raise concerns over the changes to the Overseas Domestic Workers (ODWs) visa which no longer allows a change of employers in the UK.

We do not consider that the ability to change employer is necessary to provide protection. There are a range of options available to ODWs to seek protection such as; access to the National Referral Mechanism (NRM) if they have been trafficked to the UK; the ability to report abuse or confiscation of a passport to the police and as workers, the right to access the Employment Tribunal service or return home.

Notwithstanding these protections we consider the best way to prevent an abusive relationship from being brought to the UK is to restrict access to the route and to test the validity of the working relationship before a visa is issued. To do this we have restricted the length of stay in the UK to 6 months and we require 12 months prior employment, a signed statement of terms and conditions of employment in line with the National Minimum Wage. Additionally a letter is handed to the ODW in person informing them of their rights in the UK and where to get help if needed. This letter is provided in a range of languages as well as English.

Since the introduction of the new rules we have not seen any evidence that these changes have led to an increase in abuse or trafficking. A recent Inter-Departmental Ministerial Group report on human trafficking showed that only a small percentage of trafficking victims entered the UK to work in the household of their employer and the expectation is that the changes to the Immigration Rules will reduce this percentage even further.

Although limiting ODWs time in the UK to 6 months will impact on our net migration figures, our primary objective was to return the route to the original intention and to remove the anomaly of granting a route to settlement to low skilled workers who do not meet the tighter settlement requirements which applicants from other work routes are increasingly expected to meet. Statistics for 2011 showed that 6,159 ODWs were granted extensions of stay in the UK and 979 were granted settlement. The route was only ever meant to be temporary to allow employers to bring their household staff for a short term. It was never intended as a route to settlement in the UK.

As set out in our explanatory memorandum on the International Labour Organisation (ILO) Convention No.189, laid before Parliament on 27 April, while the UK supports the principles behind the domestic workers convention we do not think that ratification of the Convention is appropriate for the UK as we already provide extensive employment and social protections for domestic workers and the lack of sufficient flexibility within the health and safety provisions would involve the extension of the Health and Safety at Work Act etc to private households and goes beyond the EU Framework Directive on improving health and safety at work.

Yours sincerely

Lorna Bavage
Migration Policy