



KALAYAAN

justice for migrant domestic workers

1 June 2020

Kevin Foster MP
Minister for Immigration

Victoria Atkins MP
Minister for Safeguarding

By email: victoria@victoriaatkins.org.uk and kevin.foster.mp@parliament.uk

Dear Sir / Madam,

Concerns about Migrant Domestic Workers and Coronavirus

We are writing in response to your email dated 13 May 2020, in reply to our detailed letter dated 16 April 2020 in which we raised our concerns regarding the plight of migrant domestic workers during the pandemic. (<http://www.kalayaan.org.uk/wp-content/uploads/2020/05/Letter-to-Government-17.04.2020.pdf>).

We are disappointed with the generic response we have received, which failed to address the substance of the issues we had raised in our letter. We had sought to highlight a number of different problems Migrant Domestic Workers were experiencing, as a result of the government lockdown, which stemmed from the conditions imposed on their visas, and the nature of their employment. We had also highlighted the plight faced by those who had become overstayers. We made a number of practical suggestions to address these specific issues, in the hope that government would consider adopting these, or at the very least, use these as a basis to formulate their own measures.

In the response we have received, we have simply been directed to two government announcements.

- On 2 May 2020, Robert Jenrick, Secretary of State for Housing, Communities and Local Government, announced the £76million extra funding to support survivors of domestic abuse, sexual violence and vulnerable children and their families and victims of modern slavery
- On 5 May, in a blog the Government outlined its policy on no recourse to public funds

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Extra Funding for Victims of Modern Slavery

Whilst we welcome the £1.73 million promised specifically for Victims of Modern Slavery, we note that this is intended to ensure that the government can fulfil its existing obligations towards individuals supported through the Modern Slavery Victim Care Contract, and manage additional demand on the services during this period. However this is not intended to provide any extra support during this crisis, despite the fact that these individuals will face new challenges as a result of this crisis. Individuals will continue to receive only £5 a day, in financial support. When those receiving Universal Credit saw an increase of £20 in their payments (announced on 23 March 2020) it is difficult to understand the rationale for not increasing support across the board for all those reliant on government support, given they are all facing the same COVID-19 related challenges.

No recourse to public funds (NRPF)

In our detailed letter we sought to provide a clear picture of the circumstances migrant domestic workers, including those identified as Victims of Trafficking and Modern Slavery are faced with. In your reply you have simply directed us to a Home Office blog with key facts regarding the NRPF condition (<https://homeofficemedia.blog.gov.uk/2020/05/05/no-recourse-to-public-funds-nrpf/>.) This again fails to take on board the particular circumstances of migrant domestic workers which we had highlighted at length.

We have carefully reviewed the government blog on NRPF and note that it explains the public interest rationale for the NRPF condition, which is to protect the public purse. However given the lack of flexibility in relation to this condition, at this critical time, the claim that “The Government has acted decisively to ensure that we support everyone through this crisis”, does appear to ring hollow because in reality, to maintain this condition for migrant domestic workers and those recognised as Victims of Trafficking and Modern Slavery, means vulnerable people will slip through the safety net.

We are reminded in the government blog, that the NRPF condition is imposed upon those staying in the UK with temporary status. We are told that people with this condition can access other support provided by government, for example mortgage holidays and protection from eviction. We are also informed that people can access support from their Local Authority, implying that this is the ultimate safety net. It is stated that Local Authorities are providing accommodation and support to vulnerable people who are at risk of, or who have been diagnosed with, Covid-19, as well as those who are currently, or at risk of, sleeping rough, those with community care needs, serious health problems or family cases where the wellbeing of a child is in question.

The blog fails to recognise that migrant domestic workers and Victims of Trafficking and Modern Slavery are unlikely to be in a position to benefit from the general government support offered, for example the mortgage holidays and protection from eviction, given their circumstances. The government’s “Everyone in Scheme”, which brought the street homeless inside, during this pandemic has come to an end, which has led to many in the housing sector to sound the alarm for the future of those supported by the scheme. The other Local Authority support referred to, is subject to caveats, as this is not simply for those in need, but warrants the presence of additional factors for example “community care needs”, or “serious health problems”. This support is therefore not a catchall safety net as suggested. We also note that only migrants with leave under the Family and Human Rights routes can apply to have the NRPF restriction lifted.

The blog also states that migrants subject to the NRPF condition will be able to benefit from the Coronavirus Job Retention Scheme, Self-Employed Income Support Scheme and statutory sick pay, however as we set out in our previous letter, those workers who have their employment terminated, will not benefit from these provisions.

The Prime Minister, when asked about the NRPF condition, by the Liaison Committee on 27 May 2020, asserted that 'people who have worked hard for this country should have support of one kind or another'. He committed to establishing the numbers affected by this condition, and to consider what could be done to support people. We note that since making this commitment a number of letters have been sent asking for this condition to be reviewed and possibly suspended. Kalayaan would support such requests.

We reiterate, the imposition of the NRPF condition on those in the UK with a domestic worker visa, in particular those who have been given positive Conclusive Grounds decisions through the NRM process and granted limited leave to remain, means that men and women, who have previously been exploited, and often ill treated, cannot access the basic financial safety net offered through Universal Credit, if they are to lose their job during this pandemic, even though they would have contributed to public funds whilst working. We have already raised our concern that Victims of Trafficking and Modern Slavery are less likely to have the informal support of friends and family available to them. Given their past experience, we are concerned that they are at greater risk of re exploitation in the current climate. Again the reply to our letter, completely overlooks these points.

We note that on 13 May 2020, MP Jess Phillips had asked the Secretary of State for the Home Department about steps being taken to "support Overseas Domestic Worker visa holders in the UK whose six months visas are due to expire and who are unable to travel due to covid-19 lockdown measures". Again the reply given failed to take on board the particular difficulties this group would face. Kevin Foster, Minister of State for Immigration, replied on 18 May 2020 "The Government is committed to the safeguarding of migrant domestic workers entering the UK. The Home Office has put in place a range of measures to support those affected by the covid-19 outbreak.", a link was provided. www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders"

Although the measures referred to prevent Overseas Domestic Worker visa holders from becoming overstayers, that is the only assistance they have been given. We remain concerned that migrant domestic workers accompanying their employer to the UK, who are experiencing abuse, will not in practice be able to exercise their right to change employer, leaving them trapped. Given the current lockdown, it is highly unlikely that they would be able to find a new employer even though this is permitted, and they are not entitled to access public funds. Which begs the question, what are they to do in such circumstances, in order to survive?

It is because of the unique circumstances faced by Migrant Domestic Workers, we at Kalayaan had sought to highlight the range of difficulties this group would face and had suggested practical solutions. We recognised that government faced many challenges they could not have anticipated, and so we are in a position to provide some insight into how Migrant Domestic workers would be affected. However it is clear from the reply we have received and the one given to Jess Philipps MP, that the government has failed to fully engage with the issues raised. The general statements we have been directed to state the government is "committed to protecting vulnerable people", however without proper consideration of the issues raised by those advocating on

behalf of the most vulnerable, this is just a meaningless statement, which deflects the real concerns.

In light of this we would ask that you carefully consider the substance of our earlier letter and in particular consider the suggestions we have made.

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. 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.

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.

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

Time and time again, we have heard the claim that “This Government is committed to doing whatever it takes to support everyone through this crisis.”, a line which appears in the statements we have been directed to. However for this statement to be more than a meaningless slogan, further action needs to be taken.

We look forward to your response

Yours faithfully,

Rita Gava
Director
Kalayaan