



## Summary of Independent Review of ODW Visa

Overseas Domestic Workers visas allow domestic workers who have worked in a private household for at least one year to enter the UK and continue working for their employers. Workers who enter the UK on these visas are allowed to be in the country with their employer for up to 6 months. However, they are unable to change employers or jobs during this time. These workers are, in effect, tied to a single employer and dependent on that employer for both income and the right to continue residing in the UK.

Prior to 2012, ODW visas allowed workers to change employers and were less restrictive in how long workers were allowed to stay in the UK. The changes in the visa were the product of the Coalition Government's argument that stricter requirements would ensure that only the brightest and most skilled migrants would be eligible for residence. The Government also argued that some overseas domestic workers took advantage of the existing system by changing employers once they entered the UK for reasons other than abusive employment relationships.

The Government commissioned a review of these changes to assess their impact in February 2015.

James Ewins' December 2015 [Independent Review of the Overseas Domestic Workers Visa](#) mirrors many of the recommendations made by René Cassin in our [May 2015 submission of written evidence](#).

Because tied visas make workers dependent on a single employer for both income and residence in the UK, workers are often left with little to no recourse in the case of abusive employment relationships.

There is evidence from visa interviews that workers have been unable to understand the forms they were signing and what rights they had upon entering the UK. In addition, employers were present in some of these interviews and coached or threatened their employees into signing documents.

The initial application process is the opportunity to provide workers with clear information about their rights and avenues for redress in the UK.

Applicants must be physically apart from their employers during the application process, must be communicated with in a language they clearly understand, and must be provided with resources informing them of their rights and the steps to take if abuse occurs.

The Modern Slavery Act of 2015 provides for workers to challenge employers and remain in the UK for an additional six months if they are found to be victims of slavery or trafficking. However, six months is often not long enough for their claims to be resolved.

Many overseas domestic workers are migrant workers who are primarily concerned with making money to send home to dependents. Because they enter the UK tied to a single employer, they have high incentives to remain with them even if the situation is abusive. Workers are unwilling to make formal

complaints against employers because they know calling such attention to themselves will likely lead to deportation.

Ewins asserts that workers should be able to search for other domestic jobs and that visa extensions should be long enough to allow workers to secure new employment. Ewins advocates for a total of up to two and half years of extensions to stay in the UK and work. Workers are far more likely to report previous abuse when they have found stable, alternative forms of employment and do not run the risk of being deported.

He also recommends that workers be required to pay the immigration health surcharge so they are not at the mercy of employers to have access to healthcare.

Ewins suggests that workers be required to attend a meeting outside the home within 42 days of entering the UK, at which point they would be provided with more resources and information about their rights in the UK. Estimates show this program would cost no more than £50 per person.

In addition, workers often have difficulty getting Legal Aid funding when seeking redress against abusive employers. Ewins recommends that the Government provide funding for 20 new Employment Tribunal cases per year. He also highlights that the legal process should be made more accessible to all workers seeking redress.

Ultimately, his primary recommendations are to remove tied visas and improve provision of information to workers.