



Why the UK must reinstate the original Overseas Domestic Worker visa

Briefing for Report Stage of the Border Security, Asylum and Immigration Bill in the House of Lords

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THE JOINT COUNCIL
for THE WELFARE
OF IMMIGRANTS

Baroness Hamwee has tabled an urgent amendment to the Border Security, Asylum and Immigration Bill. [Amendment 44](#) reads:

Insert the following new Clause—

“Migrant domestic workers

- (1) The Secretary of State must amend the Immigration Rules to make provision for the matters the subject of subsection (2).
- (2) All holders of domestic worker or diplomatic domestic worker visas, including those working for staff of diplomatic missions, must be entitled—
 - (a) to change their employer (but not work sector) without restriction, but must register such change with the Home Office;
 - (b) to renew their domestic worker or diplomatic domestic worker visa for a period of not less than 12 months, provided they are in employment at the date of application and able to support themselves without recourse to public funds, and to make successive applications;
 - (c) to apply for leave to enter and remain 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) to be granted indefinite leave to remain after five continuous years of residence in the United Kingdom if at the date of application their employer proposes to continue their employment.”

‘I hope the Home Office will recognise that this amendment is the humane and appropriate response to the appalling situation in which some—I stress some—domestic workers find themselves, at the hands of extreme abuse by their employers.’

Baroness Hamwee, Liberal Democrat Peer, HL Deb 8 September 2025, vol 848, col 1199

The issue

Since 2012, successive UK Governments have repeatedly acknowledged the vulnerabilities faced by migrant domestic workers. However, their concern has been restricted to after-the-event responses that focus measures and resources to rescue workers who have experienced extreme abuse, rather than addressing the ways in which the legislative and policy framework facilitates abuse of migrant domestic workers and excludes them from certain fundamental protections as workers in their own right.

The previous visa regime, in place from 1998 to 2012, permitted workers the right to change employers, registering any such change with the Home Office, and the right to renew their visa if they could demonstrate their labour as a domestic worker was still required. **Such rights also acted as safeguards and were instrumental in preventing abuse as well as stopping exploitation from escalating, and enabled workers to access reporting mechanisms to hold employers accountable whilst in the safety of alternative employment.** Workers also had the right to apply to have their spouses, partners and minor children join them in the UK and, after five years of continuous employment, the right to apply to put down permanent roots and settle in the UK. The [2009 Home Affairs Select Committee Inquiry into Trafficking](#) found that this visa regime and the protection it offered

to workers was the single most important issue in preventing the forced labour and trafficking of such workers.

These same rights were stripped away from workers in April 2012 when the then Government made drastic changes to the terms of the Overseas Domestic Worker. Workers were issued a six-month non-renewable visa and tied to the employer they accompanied to the UK. This meant that even in cases where workers fled abusive employers, they became undocumented and at risk from those looking to exploit their insecure status in the UK.

Stripping rights for this workforce did not reduce demand for domestic workers' labour but did produce a significant [increase in rates of worker exploitation](#). Following Parliamentary scrutiny and the findings of a Government-commissioned [independent review](#), some limited changes were made to the visa in April 2016 when the Government permitted workers with the stated aim of avoiding them being trapped working for abusive employers. To facilitate this the review found that **workers need to be afforded sufficient time to be able to safely exercise their right to change employer, as the underlying rationale for changing employers is to give workers a route out of abusive employment, of which safe re-employment is an essential part**. It therefore recommended that workers should have the right to apply to renew their visa, subject to ongoing employment, up to a total of two and a half years.

The then Government did not accept this recommendation in full so, since April 2016, workers have had the right to change employers, but only whilst their six-month visa remains valid. There has also been no requirement for workers to notify the Home Office when changing employer, which the Government has claimed can stand as an administrative burden.

It is, generally, outside the control of workers as to when they arrive in the UK, as this is dictated by their employer, meaning that workers may arrive in the UK with less than, sometimes significantly less than, six months on their visa which may be close to expiry by the time they leave exploitation. This makes them highly undesirable to an employer looking to hire someone to join their household, making the right to change employer inaccessible in practice. The absence of the right to renew their visa means that workers risk destitution if they change jobs and/or challenge their employer or conditions of employment. Many are forced to remain with abusive employers rather than lose their livelihood, accommodation and permission to stay in the UK. Those that flee are at risk of destitution and further harm, including the risk of being trafficked or forced into other situations of labour exploitation. **The current situation means that workers cannot hold abusive employers accountable and are trapped in cycles of workplace abuse.**

'13 years down the track, all their predictions [Kalayaan, the Voice of Domestic Workers, campaign groups and workers themselves] have come true. It is absolutely indefensible'.

Baroness Bennett of Manor Castle, Green Party, HL Deb 8 September 2025, vol 848, col 1209

The Government's response at Committee stage

Lord Hanson of Flint, Minister of State responded to the same amendment at Committee Stage and again acknowledged the Government's concerns between visa arrangements for migrant domestic workers and instances of modern slavery. He referred to the Government's White Paper, published in May 2025, which states:

Instances of modern slavery and labour exploitation continue to be seen amongst those who held visas as domestic workers. We will reconsider the purpose of this route, acting to stop employers exploiting their staff.

Lord Hanson also stated the Government's view on existing visa arrangements:

- The ability to change employers since 2016 makes it very clear that overseas domestic worker status in the UK is not exclusively dependent on their current employer and gives them an opportunity to escape abuse.
- The Government does not currently require workers to inform the Home Office so they are able to move more quickly and easily.

Neither of these statements are borne out in reality:

- Workers are not aware of their rights in the UK, including their right to change employer. In a [2024 report by Kalayaan](#), only 13% of workers received an information leaflet during the visa process informing them of their rights in the UK and where they may seek help and assistance if they needed it, and only 18% of workers were aware prior to their arrival that they had the right to change employers. **Even if workers were aware of their rights, in their current form they are of limited use given that workers are effectively denied the practical opportunity to safely change employer in the absence of a renewable visa.**
- The statement that workers need not inform the Home Office of any change in employment is also at odds with those who were issued a visa prior to April 2012 and are still required to do exactly this. The result of this is that, since April 2012, not only are workers not protected or safeguarded from abuse, but **the Government has denied themselves crucial data which would help inform their understanding of the reasons why workers change employer.** Interrogation of trafficking cases and outcomes, and the use of entry and exit data cannot and should not serve as an adequate substitute for this given their respective limitations.

Other Government responses

When workers and supporting organisations have raised how workers are trapped in cycles of abuse with no way out, the response has been the Government is aware of the special vulnerability that migrant domestic workers have, and that there is the National Referral Mechanism (NRM) to provide support and assistance. This policy position is problematic because not only does it **not prevent work conditions from deteriorating and withholds protections until the harm has taken place, but also because not all abuse experienced by migrant domestic workers falls within the legal definition of trafficking or slavery.** These cases will not qualify for a referral, leaving workers at high risk of further harm from those looking to exploit their insecure status. Some of these workers have been forced into exploitative work due to there being no other options for their survival.

Other responses have included that the length of the domestic worker visa aligns with that of the employer and reflects the short-term nature of their time in the UK. However, making the six-month visa non-renewable denies workers the practical option to withdraw their labour for any reason, including to leave exploitation. This short term, restrictive visa structure exacerbates a significant power imbalance, creates multiple dependencies and significant risks of exploitation. It means that when workers on this visa experience abuse or threats of abuse whilst in the UK, they are denied an effective and accessible escape route.

The evidence base

On International Domestic Workers Day in 2024, Kalayaan produced a report called [12 Years of Modern Slavery: the smokescreen used to deflect state accountability for migrant domestic workers](#). This has an overview of the history of the domestic worker visa regime and sets out in full the reasons why previous Government administrations have rejected calls made by workers to have rights at work that would keep them safe. **It also contains evidence of more than 2,000 workers and their reported experiences over a 16-year period, the largest data picture that exists in the UK. This data unequivocally demonstrates that reported abuse has increased exponentially since 2012, with changes in 2016 making little difference.**

Of 2,080 workers registering at Kalayaan between April 2008 and April 2024:

- 14% of workers issued a visa prior to 6 April 2012 presented with **indicators of trafficking**. This rose to 40% of the workers issued a visa after 6 April 2012 and 41% of the workers issued a visa after 6 April 2016.
- 47% of workers issued a visa prior to 6 April 2012 **did not have access to their passport in the UK**. This rose to 73% of workers issued a visa after 6 April 2012 and 6 April 2016 respectively.
- 38% of workers issued a visa prior to 6 April 2012 **did not have their own bedroom or private space**. This rose to 64% of workers issued a visa after 6 April 2012 and 53% of workers issued a visa after 6 April 2016.
- 24% of workers issued a visa prior to 6 April 2012 were **not paid regularly**. This rose to 39% of workers issued a visa after 6 April 2012 and 31% of workers issued a visa after 6 April 2016.

In all types of reported abuse collated by Kalayaan, reports are higher when the worker was issued a visa after 6 April 2012, when the tied visa regime took effect, with levels remaining consistently high following changes to the visa made in April 2016.

[Kalayaan] ‘has done deep research into what is a form of modern slavery—a smokescreen used to deflect the transparency and accountability there should be for what is experienced by many migrant workers. The evidence that Kalayaan has compiled reports very serious abuse. I ask the Committee to take seriously the amendment from the noble Baroness, Lady Hamwee, which I strongly support’.

Baroness Kennedy of The Shaws, Labour, HL Deb 8 September 2025, vol 848, col 1209

Support for this amendment

Calls for the changes introduced with this amendment are backed by the UK’s leading anti-trafficking organisations, the Independent Anti-Slavery Commissioner, trade unions, and three United Nations Special Rapporteurs (on contemporary forms of slavery, on the human rights of migrants, and on trafficking in persons, especially women and children) who found that granting rights such as the right to change employer and visa renewals would contribute **‘directly and significantly to the prevention and protection from exploitation and abuse of migrant workers.’**

There are numerous other benefits in restoring rights to this workforce including keeping workers visible and able to access reporting mechanisms such as taking claims before the Employment Tribunal and reporting to the police. This would send a clear message that the UK does not tolerate abuse in any form.

We urge the Government to engage with the evidence from workers and front-line organisations and seize this moment to right this historic wrong. There should be no further delay when the evidence is resoundingly clear. The original Overseas Domestic Worker visa and the protections it offered to workers meant that workers could challenge abuse when it arose and, if necessary, withdraw their labour, find alternative employment and consider their options in taking action against their former employers. **The safety of workers must be the paramount consideration if they are to feel able to pursue action and end cycles of workplace abuse.**

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