

Community
Legal Service



COVENTRY LAW CENTRE

IMMIGRATION

Domestic Workers

This leaflet explains what you need to know if you are coming to the United Kingdom with your employer as a domestic worker. They are only a guide and aim to answer frequently asked questions.

Coventry Law Centre
The Bridge
Broadgate
Coventry
CV1 1NG

Tel: 024 76223053

Registered with Charity Commission as Coventry Law Centre: 1087312
Registered as a limited company in England & Wales: 4149673

Although every effort is made to ensure the information in this leaflet is accurate and up to date, it should not be treated as a complete and authoritative statement of the law and does not constitute legal advice - we cannot be held liable for any inaccuracies and their consequences. The information in this leaflet is written for people resident in, or affected by, the laws of United Kingdom only.

How long can I stay in the United Kingdom?

When you apply to come to the United Kingdom as a domestic worker, you are normally given permission to stay for up to six months if your employer is coming to the United Kingdom as a visitor. If your employer plans to live here for a longer period, you will normally be given permission to stay for up to 12 months.

Before your permission to stay ends, you must either:

- start to make arrangements to leave the United Kingdom; or
- apply to the Home Office to extend your stay.

Can I change jobs when I am in the United Kingdom?

You can change jobs as long as your new job is as a domestic worker in a private household and the work you do is of a similar level of skill as your original job. For example, this includes childcare, household budgeting and so on. You cannot change to a basic cleaning job.

How do I apply to extend my stay?

You will need to complete an application form. Applications (except those for asylum and work permits or under European Community law) will not be valid unless they are made on the appropriate application form.

To apply for further leave to remain, get form FLR(O).

To apply for indefinite leave to remain, get form SET(O).

If you wish to obtain an application form contact the Coventry Law Centre on 024 76223053.

You should send the completed form to the Home Office, by post, before your permission to stay ends. The application form will give you details of **all** the documents you will need to send with your application and where you should send it.

If you need to travel urgently, you can apply in person at one of the Home Office's public enquiry offices.

All documents should be originals unless you have a good reason as to why you cannot produce them with your application. The Home Office will not normally accept photocopies.

If your application is successful, the Home Office will normally give you 12 months' permission to stay in the United Kingdom. After four years' continuous employment as a domestic worker, you can apply to stay in the United Kingdom indefinitely.

Will the law protect me if a crime is committed against me?

Everybody in the United Kingdom has the full protection of the criminal law, whatever their nationality or conditions of stay. There are strict laws in the United Kingdom against assault. For example, it is against the law for someone to:

- keep you locked in the house against your will;
- have sex with you without your consent; or
- behave violently towards you.

If anyone assaults you, you should report this to the police. You can find their address and telephone number in the telephone book under 'Police'. In an emergency, dial 999 and ask for the police. They will help you.

If you do not feel able to contact the police directly, you can get confidential support and advice from:

Kalayaan
St Francis Centre
Pottery Lane
London W11 4NQ

Telephone 020 7243 2942

Your passport is proof that you have permission to stay in the United Kingdom. It is an important document and you should keep it in a safe place. Your employer should not keep it for you. If your employer is keeping your passport without your permission and refused to return it, you should report this to the police and your embassy.

What employment rights do I have?

You and your employer should already have agreed the conditions of your employment. You should have your own copy of this document.

Your employer cannot change the conditions of your employment unless you agree. For example, your employer must:

- pay you the agreed rate
- give you agreed holiday pay; and
- give you the rights of giving notice you are entitled to

If they do not, you should be able to take legal action through an Employment or Industrial Tribunal or the civil courts.

Even if you do not have a contract of employment, the law gives you rights, including rest breaks, paid holidays, sex and race discrimination and maternity and parental leave. Please contact your trade union for advice.

Trade unions protect workers' rights. For details of how the Transport and General Workers Union (TGWU) can help you, please contact them at:

Transport and General Workers Union
Transport House
16 Palace Street
London SW1E 5JD

What if I need medical attention?

You are entitled to free healthcare from the United Kingdom Health Service because you are 'ordinarily resident' in the United Kingdom. This means you have either come to the United Kingdom to work or you have been in the United Kingdom for more than 12 months. You will need to register with a doctor to receive treatment.

You can telephone directory enquiries to find out the telephone number of your nearest doctor. Or, you can call the Health Information Service free on 0800 66 55 44.

Can I stay in the United Kingdom if I no longer have a job?

Yes, you can stay in the United Kingdom until your permission to stay ends as long as you have enough money to support yourself without help from public funds.

If you have worked in the United Kingdom for four years and have been given permission to stay for an indefinite period, you are free to change jobs without needing to get the Home Office's permission first.

You must make arrangements to leave the United Kingdom before your permission to stay ends. The Home Office will not give permission to stay in the United Kingdom if you are no longer working as a domestic worker.

You will be breaking the law if you do any other work or stay in the United Kingdom after your permission to stay ends.

If you do not have the money or a ticket to return home, you should contact your Embassy. The address and telephone number of your embassy should be listed in the London telephone book, or you can telephone directory enquiries on 192.

What are public funds?

If you come to live or stay in the United Kingdom, you must be able to support and accommodate yourself without claiming certain state benefits. These are:

- Income Support and Jobseeker's Allowance (JSA);
- housing and homelessness assistance;
- Housing Benefit and Council Tax Benefit;
- Working Families Tax Credit;
- a social fund payment
- Child Benefit, or
- any disability allowance.

What should I do if my employer leaves the United Kingdom?

If you are accompanying your employer on a visit to the United Kingdom, you will be expected to leave with them. If you stay longer, you cannot work unless members of their close family are also visiting and they want you to work for them. You must, however, leave at the end of your permission to stay.

If your employer is leaving the United Kingdom, you do not need to go with them on trips abroad as long as they are still based in the United Kingdom and are going to return. If your employer leaves the United Kingdom permanently, you will be expected to leave with them. If you do not, you must make arrangements to leave the United Kingdom before your permission to stay ends.

Do I have to register with the police?

If you have to register with the police, the Home Office will stamp this requirement in your passport. You must register within seven days of arriving in the United Kingdom.

APPEALS

Coventry Law Centre offers free legal advice and representation.

The Law Centre will advise you about appealing and may represent you at the hearing. You can contact the Law Centre for an appeal appointment or telephone our free legal advice line on Tuesdays and Thursdays between 10:00am and 12:00noon on 024 76253168.