



KALAYAAN

justice for migrant domestic workers

UK Border Agency
Leave to Remain – FLR(BID)
PO Box 495
Durham
DH99 1WR

13 April 2011

Dear Sir or Madam

Please note that Kalayaan are not representing the individual named in this application. I am writing about one particular aspect of their application for further leave to remain as a domestic worker in a private household. Any queries about the application should be directed to the applicant themselves at the correspondence address provided in the application form.

Section 8D requirement for evidence of employer's right to reside in the UK

Kalayaan have discussed the requirement for evidence of the employer's right to reside in the UK with the UK Border Agency Non-PBS Operations Policy, Temporary migration team in Sheffield. Specifically we asked whether it was necessary for the employer to provide their original passport or whether a photocopy would suffice. Many employers cannot surrender their original passports for the length of time needed to process a domestic worker application, particularly as many often travel to and from the UK regularly on business. Jennifer McKenna of the UKBA has informed Kalayaan that:

"The new requirement for the employer is so that we can establish the employers immigration status in the UK, as you will be aware some employers are actually UK nationals and some will be here under various immigration categories. We will accept a photocopy of the employers passport and visa (I will include a line on this in the new IDI for caseworkers which will be published soon). In the case of UK nationals without a passport we would accept a full UK birth certificate as evidence of their right to reside."

Until the guidance appears in the new IDI for casework, I enclose the copy of our email correspondence with for your reference.

If you have any further queries about this matter please do not hesitate to contact me on the address below. If the query is about the application more generally please contact the applicant at the correspondence address.

Yours faithfully

Jenny Moss
Community Advocate