

CHAPTER 5
SECTION 4

ANNEX M

PRIVATE SERVANTS IN DIPLOMATIC HOUSEHOLDS

**GENERAL GUIDANCE - INCLUDING FACTORS TAKEN INTO ACCOUNT BY
ENTRY CLEARANCE OFFICERS****1. INTRODUCTION**

Applications for entry clearance from domestic servants are subject to a set procedure. They will be interviewed *on their own*, at least on their first application, to establish that they understand the terms and conditions of the employment and that they are willing to go to the United Kingdom. If their application is successful, they will be given an information leaflet explaining their rights under the United Kingdom's criminal and employment laws.

2. PRIVATE SERVANTS AGED UNDER 18

In order to ensure that the United Kingdom complies with EU health and safety legislation protecting minors at work, the minimum age for this category is 18. Persons under 18 seeking entry in this capacity should therefore be refused entry clearance, unless they qualify for admission under another part of the Rules.

Particular care should be taken to ensure that suitable arrangements are made for the removal of any person under the age of 18 who is refused leave to enter. In cases of doubt, reference should be made to Passenger Casework Section.

3. APPROPRIATE EMPLOYERS FOR PERSONS IN THIS CATEGORY

- * The employer must be a member of staff of a diplomatic or consular mission who *has diplomatic status*, or a member of the family forming part of the household of such a person.
- * The servant of an employee of a mission who does not enjoy diplomatic privileges and immunity will not qualify under the Rules. Under certain circumstances, however, he may qualify under the "Domestic servants concession" (*see Chapter 17*).

4. PREVIOUS EMPLOYMENT WITH THE SAME EMPLOYER

No minimum period of previous employment with the employer is required under the Rules.

5. MAINTENANCE AND ACCOMMODATION

In order to ensure that the servant will adequately maintain and accommodate himself, the entry clearance officer will require *the employer* to:

- * sign a written undertaking that he will adequately maintain and accommodate the employee and provide him with a separate bedroom; and
- * complete and sign a statement of the main terms and conditions of the servant's employment.

The format of both the above-mentioned forms is to be found at *ANNEX N*

6. TERMS AND CONDITIONS OF EMPLOYMENT

The statement of the main terms and conditions of the servant's employment referred to in the above paragraph is one of the measures introduced to protect the interests of servants employed in the United Kingdom. In addition, the employer is required to read and understand:

- * the "Notice to employers", which explains that servants are issued with a copy of the leaflet, "Information for domestic servants", setting out not only the conditions of their stay but also their legal rights in the United Kingdom; and
- * the leaflet issued to servants.

7. AFTER ENTRY CASES - DOCUMENTS TO BE PRODUCED

An employer seeking an extension of stay on behalf of a domestic servant should produce:

- * a notarised statement that he is maintaining the servant without recourse to public funds and in accommodation which provides a separate bedroom; and
- * an updated statement of current terms and conditions of employment signed by the employer and employee (or, if appropriate, a copy of the original terms shown to the entry clearance officer, signed by the employer and employee to indicate that they still apply).

Form RON 145 should be used to request these documents if they are not produced on application.

8. CHANGE OF EMPLOYMENT

8.1. Switching to this category

Applications from persons admitted as visitors to remain here in this capacity fall to be refused, but the Protocol Department of the Foreign and Commonwealth Office should be consulted, before refusal, in case there are special circumstances. A refusal is to be made on "no switching" grounds.

Entry clearance will be refused if the entry clearance officer suspects that a person seeking entry in this capacity may intend to change his employment after entry.

8.2. Switching from this category

If a person admitted as a domestic servant of a diplomat applies to remain to work for an employer who is not a diplomat or a member of his household, whether as a domestic worker or in a different job, the application should be refused.

8.3. Change of Employer

It is permissible, however for a servant of a diplomat to change *diplomatic employers within the same embassy*. In such cases the employer and employee should be asked to sign a statement of the terms and conditions of the employment along the lines of the form provided at *ANNEX N*.

9. THE INFORMATION LEAFLET FOR DOMESTIC SERVANTS

Whenever a person is granted leave in this capacity, regardless of whether the application was made by the employer or employee, the passport should be returned whenever possible, with a copy of the leaflet for domestic servants, in an envelope addressed direct to the employee.

Where the employer has applied on behalf of the domestic worker, an extra copy of the leaflet, together with a copy of the "Notice to Employers" should be sent under separate cover to the employer with a RON 54A to say that the employee's leave to remain has been extended.

Copies of the leaflet and notice may also be sent out in response to specific requests or enquiries. Stocks may be obtained from stationery.

9.1. Leaflets etc available in other languages

Arabic versions of both the leaflet and the notice to employers are available and should be issued to employers who come from Saudi Arabia or the Gulf States *in addition to* English versions unless it is clear that they can write (and therefore presumably read) English well. Versions of the leaflet are also available in *Tagalog* (the local language of Filipinos) and should be sent, together with the English version, to Filipino domestics.

Limited stocks of the leaflet are also available in *Urdu, Punjabi, Bengali, Hindi, Tamil, Thai* and *Spanish* and should be sent, together with the English version, where there is evidence that the leaflet would be better understood in that language by the domestic. The file should be minuted accordingly.
