



**HOME OFFICE**  
**POLICY EQUALITY STATEMENT (PES)**

<b>Name of Policy:</b>			
Immigration Rules: changes to settlement rules for skilled workers; changes to Tier 5 and overseas domestic workers rules; and new visitor route for permitted paid engagements			
<ul style="list-style-type: none"> <li>• Introduce a minimum settlement pay threshold of £35,000 for Tier 2 migrants; limit the total amount of temporary leave in Tier 2 to six years; and apply a 12 month “cooling off” period across all the Tier 2 routes.</li> <li>• Limit leave under certain Tier 5 Government Authorised Exchange schemes to a maximum of 12 months. Allow sportspersons under the Tier 5 Creative and Sporting sub-category to undertake some guest sports broadcasting work.</li> <li>• Create a new visitor category for “permitted paid engagements”.</li> <li>• Restrict overseas domestic workers to accompanying a visitor or a diplomat for a defined period of time, with no right to change employer or settle. Those working in private households may not bring dependants.</li> </ul>			
<b>Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.</b>			
<p>Responses to the Government consultation on <i>Employment-related settlement, Tier 5 and overseas domestic workers</i>  <a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement/">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement/</a></p> <p>Home Office Immigration Statistics October-December 2011  <a href="http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/">http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/</a></p> <p>Various other published and unpublished data sources as referenced within.</p>			
<b>SCS sign off</b>	Glyn Williams	<b>Name/Title</b>	Head of Migration Policy
<p>I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that <u>due regard</u> has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.</p>			
<b>Directorate/Unit</b>	Migration Policy	<b>Lead contact</b>	Alan Boyd
<b>Date</b>	March 2012	<b>Review Date</b>	Ongoing

Retain the completed PES for your records and send a copy to [SDAT@homeoffice.gsi.gov.uk](mailto:SDAT@homeoffice.gsi.gov.uk) and your relevant business area Equality and Diversity Lead.

## **EMPLOYMENT-RELATED SETTLEMENT, TIER 5, OVERSEAS DOMESTIC WORKERS AND NEW VISITOR ROUTE FOR PERMITTED PAID ENGAGEMENTS**

### **INTRODUCTION**

#### **Policy context**

The Government believes that Britain can benefit from migration but not uncontrolled migration. It has indicated that through a more rigorous and controlled approach there will be fewer non-EU migrants than in the past and a significant reduction in net migration. The goal is a smarter, more selective, more responsive system that commands public confidence and serves the UK's economic interests.

To help achieve the Government's migration aims, the settlement rules for skilled and highly skilled workers have been reviewed, together with the rules for temporary workers admitted under Tier 5 of the Points Based System and the overseas domestic worker routes. A public consultation took place from 9 June to 9 September 2011 (*Employment-related settlement, Tier 5 and overseas domestic workers*) and, following that consultation, the Government's policies were announced on 29 February 2012. A Statement of Changes to the Immigration Rules was laid before Parliament on 15 March 2012.

This Policy Equality Statement (PES) deals with the changes to the settlement rules for non-EEA skilled workers, under Tier 2 of the Points Based System, changes to the Immigration Rules relating to Tier 5 and Overseas Domestic Workers (ODWs) and the introduction of a new visitor route for permitted paid engagements.

#### **Policy objectives and outcomes**

The objectives of the policy are as follows:

- To be more selective about those workers that are allowed to settle in the UK in order to break the link between coming to work and staying permanently.
- To reserve settlement for those who make the biggest economic contribution.
- To reduce the adverse social impacts of migration and improve public confidence in the immigration system.
- To reduce reliance on migrant labour, while ensuring that employers are able to recruit the migrants they need to fill skills shortages and drive growth, and that Britain remains open for business.
- To reduce the numbers settling and thus contribute to reducing net migration.
- To return the ODW routes to their primary purpose (to provide diplomats and other overseas-based individuals and their families with access to domestic workers during diplomatic postings and visits to the UK) while providing appropriate protection against abuse and exploitations.

## Policy impacts

The Immigration Rules changes will have the following impacts:

### Tier 2

- A new minimum pay requirement of £35,000 for Tier 2 General and Sportsperson migrants who wish to settle (with exemptions for those in PhD and Shortage Occupation categories). The minimum pay requirement will apply to those eligible for settlement from April 2016.
- Limit the total amount of temporary leave that may be granted to a Tier 2 migrant to six years.
- A 'cooling-off period' across all the Tier 2 routes. Tier 2 migrants will need to wait for 12 months from the expiry of their previous leave before they may qualify for a further Tier 2 visa.

### Tier 5

- Limit leave under certain Government Authorised Exchange schemes to a maximum of 12 months. The schemes relate to intern, work experience and youth exchange type programmes.
- Allow sportspersons who enter under the Tier 5 Creative and Sporting sub-category to undertake some guest sports broadcasting work where this is not filling a permanent position.

### Visitor rules

- Create a new visitor category to allow a defined group of professionals to apply to enter to carry out pre-arranged "permitted paid engagements", for which they will receive a fee payment; leave will be limited to a maximum period of one month. The rules will specify the types of 'permitted paid engagements'.

### Overseas domestic worker routes

- Restrict all ODWs to working only for the employer with whom they entered the UK, or whom they came to join.
- Restrict ODWs in private households to working for an employer who is a visitor to the UK. Leave will be limited to a maximum of 6 months or the length of the employer's stay, whichever is earlier. Remove the current provision for them to be accompanied by dependants.
- Permit ODWs in diplomatic households to apply to extend their stay 12 months at a time up to a maximum of 5 years, or the length of the diplomat's posting, whichever is earlier.
- Strengthen the requirement for the employer to provide evidence of an existing ODW/employer relationship, and require agreed, written terms and conditions of employment to be produced, prior to entry clearance being granted to the ODW.

- In respect of those who have already applied for leave to enter or remain before 6 April 2012, the rules will permit ODWs in private households to change employer apply to extend their stay 12 months at a time and permit all ODWs to apply for settlement after 5 years' continuous employment in a domestic capacity.

With the exception of minimum pay requirement for Tier 2 settlement, the changes will take effect from 6 April 2012.

## **EQUALITY ISSUES**

This PES has been prepared to accompany the Statement of Changes to the Immigration Rules laid on 15 March. The impacts of the changes will, by necessity, be kept under review to ensure that no adverse equality issues arise as a result of the application of these changes.

### **Public sector equality duty**

The Equality Duty, introduced by Section 149 of the Equality Act 2010, requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Equality Duty covers the following protected characteristics: age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; and sexual orientation.

Schedule 18 of the Equality Act sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, section 149 (1) (b) - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race or religion or belief.

The table below summarises the expected equality implications of the policies according to each of the three areas that public bodies are required to have due regard to as a result of the general Equality Duty in Section 149 of the 2010 Act:

Policy	Eliminate conduct prohibited by the 2010 Act	Advance equality of opportunity	Foster good relations
Tier 2 settlement Tier 5 Overseas domestic workers Visitor route for permitted paid engagements	The policies will apply equally, regardless of protected characteristic. To the extent that there may be indirect discrimination, it is justified as a proportionate means of achieving a legitimate aim (see discussion below).	In relation to the exercise of immigration and nationality functions, does not apply to the protected characteristics of age, race or religion or belief.  In respect of disability, gender reassignment, pregnancy and maternity, sex and sexual orientation, we consider below the need to put measures in place to advance equality of opportunity for those with protected characteristics and in the main conclude that such measures are not needed because there is little or nothing to suggest these groups will be adversely affected by the policies.	Not applicable to the policies under consideration. No change to status quo. No specific need to foster good relations between people who share a protected characteristic and others has been identified in relation to the Immigration Rules.

### Direct discrimination

The changes will apply to main applicants under the relevant Immigration Rules regardless of whether they share any of the eight protected characteristics covered by the Equality Duty, so there is no direct discrimination.

Paragraph 17 of Schedule 3 of the Equality Act provides an exception from the prohibition on discriminating against a person in the provision of services or the exercise of a public function because of his or her ethnic or national origins or nationality, in relation to the exercise of immigration functions.

### Indirect discrimination

The possibility of indirect discrimination is discussed below. Section 19 of the Equality Act 2010 sets out that indirect discrimination does not occur if an individual is not put at a particular disadvantage when they have protected characteristics and

if the provision, criterion or practice can be shown to be a proportionate means of achieving a legitimate aim.

The changes will also have some indirect impact on the dependants of those migrants but the effects of the new policies will depend on the application of the new Immigration Rules to the main applicant (for example if a main applicant is refused settlement, his dependants will also not qualify). Individual dependants will not be put at a disadvantage as a result of protected characteristics.

### Indirect discrimination – new settlement rules for Tier 2 migrants

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts
Race	<p>Published Home Office statistics show that significantly more nationals from Asia, Africa and the Americas regions are granted settlement for a work related reason in the UK than those who are from Europe, the Middle East or Oceania regions (see <b>Tables 1 and 2 in Annex A</b>). Similarly, those from Asia and Africa have a higher propensity to extend their stay in the UK (see <b>Tables 3 and 4 in Annex A</b>). It follows, therefore, that migrants from these regions will be more affected by settlement policy changes. However, the settlement criteria will apply irrespective of nationality; individuals will not be placed at a disadvantage by their protected characteristic.</p> <p>There is no available and reliable data which shows earnings by nationality or ethnic origin in given occupations. However, the Equality Act 2010 makes it unlawful for employers to treat employees less favourably on the grounds of race (including colour, nationality, ethnic or national origins). This includes recruitment, terms and conditions, pay and benefits, status, training, promotion and transfer opportunities. Accordingly, once employed by a UK-based sponsor as a skilled worker under Tier 2 of the Points Based System, there is no reason to suppose that a person will be more or less likely to meet the settlement pay threshold as a result of their colour, nationality or ethnic origin.</p> <p>The Migrant Journey Analysis<sup>1</sup> showed that there were notable differences in the proportion of migrants who had reached settlement after five years. Skilled workers from the Philippines had the highest proportion of settlers in 2009 (69% of the cohort). By contrast, only 32% of Indian skilled workers and 9% of those from the USA settled after five years. A 2011 UKBA study<sup>2</sup> suggests that chefs, nurses and careworkers had a greater propensity than average to settle and that those workers who settled had lower salaries than those who did not. If certain nationalities are more represented in lower-paid occupations, it may be that the settlement pay threshold has a disproportionate</p>	N/A

<sup>1</sup> <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/horr57/horr57-report?view=Binary>

<sup>2</sup> <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ100/>

	<p>impact on those nationalities. However, the purpose of the policy is to restrict settlement to those who make the biggest economic contribution, therefore to the extent that there is any indirect discrimination it is justified by the policy objective.</p>	
<b>Age</b>	<p>No - the policy will apply irrespective of age.</p> <p>Those aged between 25-34 and 35-44 are more likely to settle in the UK compared to other age groups (see <b>Table 5</b> in <b>Annex A</b>), so that extent the settlement pay threshold may impact more on this group. However, this is not considered to amount to indirect discrimination as individuals in the 25-34 and 35-44 age group are not put at a particular disadvantage.</p> <p>The ONS report <a href="#">Patterns of pay: results of the Annual Survey of Hours and Earnings 1997 to 2010</a> states that median gross weekly earnings for full-time employees climb steadily with age, reaching a maximum for the 40-49 age-group. Women's earnings peak earlier than men, reaching a high in the 30-39 age group. Men's full-time earnings reached their highest for those aged 40 to 49.</p> <p>Therefore, although those in the 25-44 age group are most likely to be affected by the settlement pay threshold of £35k, they are also likely to be at the peak of their earning power and most likely to be capable of meeting the requirement.</p> <p>As regards the measures to limit duration of stay in Tier 2, International Passenger Survey data suggests that migrants aged over 45 are more likely than younger migrants to intend to stay in the UK permanently or over four years. It is likely, therefore, that the policy will impact most on those aged over 45. However, individuals will not be put at a particular disadvantage by their age, and as indicated above those aged over 45 are most likely to be at or towards the peak of their earning potential and therefore most likely to be able to meet the settlement pay threshold (therefore unaffected by the six-year limit on stay in Tier 2 as they will be able to qualify to stay permanently).</p> <p>To the extent that there may be indirect discrimination in favour of older, better paid workers, it is justified by the legitimate policy objective of controlling migration and reserving settlement for the brightest and best.</p>	N/A
<b>Disability</b>	<p>The UK Border Agency does not collect data on Tier 2 applicants with disabilities. It is possible that people with disabilities might be disproportionately impacted by settlement pay threshold due to the impact that disability has on earnings and employment. However, the new settlement pay threshold applies to a limited group of people (those admitted to the UK as skilled workers under Tier 2 of the Points Based System). The Equality Act makes it unlawful for employers to discriminate against disabled people (e.g. in respect of pay, promotion and transfer opportunities) and requires employers to make reasonable adjustments in the workplace. Therefore once employed by a UK-based sponsor as a skilled worker, there is no reason to suppose that a person with disabilities would be paid less than an able-bodied migrant in an identical job.</p> <p>To the extent that there may be indirect discrimination it is justified by the legitimate policy objective of controlling migration and restricting settlement to the brightest and best.</p>	N/A

<p><b>Sex</b></p>	<p>Women may be more affected by the settlement pay threshold as they are more likely to work part-time, and salaries paid to women tend to be lower than those paid to men (see <b>Table 9</b> in <b>Annex A</b>). Women may find it harder to meet the new pay threshold for settlement as a result. However, this is likely to be a reflection of the wider male/female pay gap; women will not be put at a particular disadvantage by their sex.</p> <p>To the extent that there may be indirect discrimination, this is justified by the policy objective of controlling migration and restricting settlement to the most economically valuable migrants.</p>	<p>N/A</p>
<p><b>Pregnancy and Maternity</b></p>	<p>The UK Border Agency does not collect data on Tier 2 applicants who take maternity leave. Nonetheless, as 24% of Tier 2 visas in 2009 and 2010 were issued to women (see <b>Table 7</b> in Annex A), it is reasonable to assume that a proportion will take maternity leave during their time in the UK. Since pregnancy and maternity could put an applicant at a disadvantage in meeting the settlement pay threshold, such that it might amount to indirect discrimination, the UK Border Agency operational guidance will set out how periods of maternity leave are to be discounted when calculating the settlement pay threshold.</p> <p>A claimant <u>cannot</u> bring a claim for indirect discrimination on the basis of pregnancy and maternity under the Equality Act because it is specifically excluded (from indirect discrimination) by virtue of s. 19(3) of the Equality Act.</p>	<p>Guidance will set out how the pay threshold is to be calculated when periods of maternity leave are to be taken into account.</p>
<p><b>Religion or belief</b></p>	<p>No. Although no data are available on the religion/belief of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.</p>	<p>N/A</p>
<p><b>Sexual orientation</b></p>	<p>No. Although no data are available on the sexual orientation of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.</p>	<p>N/A</p>
<p><b>Gender reassignment</b></p>	<p>No. Although no data are available on those subject to the Immigration Rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.</p>	<p>N/A</p>



**Indirect discrimination – Tier 5**

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts
<b>Race</b>	Data on the top five nationalities using the Tier 5 Creative and Sporting and Government Authorised Exchange sub categories is at <b>Annex A, Section 2.1</b> . The changes will have greatest impact on those nationalities which are high users of the sub-categories, however individuals will not be put at a particular disadvantage by their race (including nationality and ethnic origin) as a result of these changes.	N/A
<b>Age</b>	Data on the age profile of those using the Tier 5 Government Authorised Exchange (GAE) schemes are not routinely published. However, the GAE schemes that will be limited to 12 months are work-experience type programmes which tend to be filled by migrants who are recent graduates. The typical age group affected by the changes is therefore expected to be those in their 20-30s. The changes we are making are not expected to change the age demographic of those using this category. The changes will not affect those in one age group differently when compared to migrants of a different age group.	N/A
<b>Disability</b>	No. The changes are not expected to particularly affect people with disabilities.	N/A
<b>Sex</b>	Data on extensions of stay under the Tier 5 GAE sub-category show that more men than women were granted extensions of stay in 2009 and 2010 (see <b>Table 12 in Annex A</b> ). It follows therefore that more men are likely to be affected by the policy of limiting leave under certain GAE schemes to a maximum of 12 months. However, men using the GAE route will not be treated differently to women; although more of them may be affected, they will not be put at a disadvantage when compared to women using the GAE sub-category.	N/A
<b>Pregnancy and Maternity</b>	No – the changes are not expected to particularly affect those who are pregnant or on maternity leave.	N/A
<b>Religion or belief</b>	No. Although no data are available on the religion/belief of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
<b>Sexual orientation</b>	No. Although no data are available on the sexual orientation of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
<b>Gender reassignment</b>	No. Although no data are available on those subject to the Immigration Rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

**Indirect discrimination – new visitor route for permitted paid engagements**

This is a new route, so the profile of applicants is unknown. However, it is not expected to have any negative impact on individuals as a result of their protected characteristics.

**Indirect discrimination – overseas domestic workers**

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts
<b>Race</b>	Data on the nationalities using the ODW routes is at <b>Annex A, Tables 13 and 14</b> . This shows that the ODW routes are used predominantly by people from India, Indonesia and the Philippines. Although these nationalities are therefore likely to be most affected by the changes, they will not be put at a particular disadvantage when compared to ODWs of different nationalities.	N/A
<b>Age</b>	The profile of those using the ODW routes indicates that those most affected by the policy changes will be in the 16-44 age group (see <b>Tables 15 and 16</b> in <b>Annex A</b> ). The age profile of ODWs reflects that it is a work route and is therefore to be expected to be most used by people of working age. Although those in the 16-44 age group are likely to be most affected, they will not be put at a particular disadvantage when compared to ODWs of different age groups.	N/A
<b>Disability</b>	<p>No – the changes are not expected to particularly affect people with disabilities.</p> <p>There is no evidence to suggest significant use of the ODW routes by disabled people from overseas who require live-in domestic help while in the UK. However, if the routes were used in this way, those coming to the UK for over 6 months who might previously have been accompanied by an ODW will be able to recruit domestic help from the UK labour market.</p>	N/A
<b>Sex</b>	<p>The majority of ODWs are women (see <b>Tables 17, 18 and 19</b> in <b>Annex A</b>), therefore the policy changes will affect more women than men. However, women using the ODW route are not treated differently to men. Although more of them may be affected, female ODWs will not be put at a particular disadvantage when compared to male ODWs.</p> <p>Some respondents to the public consultation exercise<sup>3</sup> commented that removing the right to change employer and to settle would increase the vulnerability of female ODWs to exploitation and abuse, including trafficking. The Government has not seen compelling evidence that changing the terms of the ODW routes will leave ODWs more vulnerable to trafficking or to unlawful discrimination and harassment. ODWs will still be able to flee abusive employers and seek assistance, but instead of changing employer and, ultimately, settling in the UK the expectation will be that they return to their home country. The existing legal protections against abuse, harassment and discrimination will continue to apply. Additional protections will also be put in place to protect against abusive relationships (see Annex A). The Government recognises that ODWs are vulnerable to abuse, however that vulnerability could apply to male ODWs also.</p>	Measures will be put in place to help ensure ODWs are aware of their legal rights in the UK, including how to see advice and support.

<sup>3</sup> *Employment-related settlement, Tier 5 and overseas domestic workers* (UK Border Agency 2011)

Protected characteristic	Are people with this protected characteristic particularly likely to be affected?	What mitigation will reduce any adverse impacts
<b>Pregnancy and Maternity</b>	No – the changes are not expected to particularly affect those who are pregnant or on maternity leave.	N/A
<b>Religion or belief</b>	No. Although no data are available on the religion/belief of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
<b>Sexual orientation</b>	No. Although no data are available on the sexual orientation of those subject to the Immigration Rules, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A
<b>Gender reassignment</b>	No. Although no data are available on those subject to the Immigration Rules who have undergone gender reassignment, there is no reason to suppose people with this protected characteristic are particularly likely to be affected.	N/A

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RELEVANT DATA

1. SETTLEMENT

1.1 - Nationality

Table 1 - Grants of settlement in selected work-related categories

Geographical region	2009			2010		
	5 years with a work permit	Total 5 years aggregate of pre PBS categories and Tier 1 Highly Skilled Migrants	Total 5 years aggregate of pre PBS categories and Tier 2 Sponsored with a job	5 years with a work permit	Total 5 years aggregate of pre PBS categories and Tier 1 Highly Skilled Migrants	Total 5 years aggregate of pre PBS categories and Tier 2 Sponsored with a job
Africa	5,092	181	69	5,077	448	692
Americas	1,695	99	32	1,847	240	245
Asia	16,621	1,051	287	14,184	2,529	1,703
Europe	674	99	21	675	216	79
Middle East	359	49	5	293	99	30
Oceania	979	89	11	971	250	80

Published statistics allows us to break this information down further by country. Focusing on Asia and Africa (which show significantly larger numbers settling), then the numbers of grants in selected categories of work-related settlement can be broken down by the top 5 countries in each region as follows:

Table 2 - Grants of settlement in selected work-related categories, top 5 countries of nationality (Africa and Asia)

Geographical region	Country	2009			2010		
		5 years with a work permit	Total 5 years aggregate of pre PBS categories and Tier 1 Highly Skilled Migrants	Total 5 years aggregate of pre PBS categories and Tier 2 Sponsored with a job	5 years with a work permit	Total 5 years aggregate of pre PBS categories and Tier 1 Highly Skilled Migrants	Total 5 years aggregate of pre PBS categories and Tier 2 Sponsored with a job
Africa		5,092	181	69	5,077	448	692
	<i>South Africa</i>	1,590	67	20	1,441	171	148
	<i>Zimbabwe</i>	1,080	18	16	1,196	21	222
	<i>Nigeria</i>	765	39	10	771	105	95
	<i>Ghana</i>	348	4	3	405	17	65
	<i>Kenya (2009)/ Mauritius(2010)</i>	240	1	4	247	21	35
Asia		16,621	1,051	287	14,184	2,529	1,703
	<i>India</i>	7,612	734	159	6,520	1,756	838
	<i>Philippines</i>	2,932	5	42	2,553	13	343
	<i>Pakistan</i>	1,789	140	12	1,294	264	111
	<i>China</i>	1,764	92	38	1,421	191	191
	<i>Malaysia</i>	537	14	7	440	80	35

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

Data on salary and occupation of those who settle is not routinely captured by the UK Border Agency. A 2011 study by the UK Border Agency (*Analysis of Tier 2 general migrants' previous salary and occupation of those eligible to apply for settlement*) provides information on the salary and occupations of a sample of 456 main applicants eligible to apply for settlement in early 2011. This shows that those who settled after five years had lower salaries than those who did not; and those working in non-graduate occupations were more likely to settle than those in graduate occupations. The study does not break down the data by nationality.

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ100/>

The 2011 Home Office research *Migrant Journey Analysis* showed that there were notable differences in the proportion of migrants who had reached settlement after five years. Skilled workers from the Philippines had the highest proportion of settlers in 2009 (69% of the cohort). By contrast, only 32% of Indian skilled workers and 9% of those from the USA settled after five years.

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/horr57/horr57-report?view=Binary>

In 2011, the independent Migration Advisory Committee (MAC) was commissioned to consider the economic effects of restricting settlement rights and to advise on possible criteria for identifying the most economically important Tier 2 migrants for settlement. Internal, UKBA management information supplied to the MAC provides the salaries, occupations, nationality and gender of a sample of 2231 Tier 2 General migrants allocated Certificates of Sponsorship (CoS) from April 2011 through to July 2011. Focusing on those countries highlighted in **Table 2** above, the data shows that:

- of 515 - CoS issued to Indian nationals, 143 declared salaries under £35,000 (28%)
- of 69 - CoS issued to Filipino nationals, 64 declared salaries under £35,000 (93%)
- of 90 - CoS issued 44 to Pakistani nationals, 24 declared salaries under £35,000 (27%)
- of 132 - CoS issued to Chinese nationals, 63 declared salaries under £35,000 (48%)
- of 32 - Cos issued to Malaysian nationals, 16 declared salaries under £35,000 (50%)
- of 42 - CoS issued to South African nationals, 18 declared salaries under £35,000 (43%)
- of 16 - CoS issued to Nigerian nationals, 11 declared salaries under £35,000 (69%).

However, a CoS allocation does not necessarily translate into grant of a visa (for example, an employer may be issued a CoS for a person but that person may fail to satisfy the UK Border Agency they meet all the relevant visa criteria). Of those granted a visa to enter the UK under Tier 2, not all will go on to apply for settlement after five years. Bearing in mind that salaries can be expected to rise over time and that different nationalities have differing propensities to settle, the above figures cannot be considered a reliable indication of the impact of a settlement pay threshold on different nationalities of settlement applicant.

### Length of stay in Tier 2

The published Office for National Statistics annual migration statistics report for 2008 shows just under half of all long-term immigrants arriving to live in the UK in 2008 intended to stay between one and two years (page 17). The report also acknowledges that in recent years it has become increasingly prevalent for migration to the UK to be on a less permanent basis (Figure 12).

<http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-235204>

It is important to note that this report relates to all immigrants, which include British citizens and EU nationals coming to the UK and not just migrant nationals. It does indicate, however, that extensions of stay are not relevant to all who enter the UK.

Home Office, published statistics provide data on numbers of extensions granted for work-related reasons by geographical area. They show that migrants from Asia and Africa have a higher propensity to extend their leave for a work-related reason in the UK than those from Europe, the Middle East, the Americas or Oceanic regions (see **Tables 3 and 4** below). This mirrors the larger numbers of migrants from these regions who enter the UK in work-related categories. Nationals from India show a greater propensity to apply for further Tier 2 leave than any other nationality. It logically follows that migrants from the regions set out below and which have a higher propensity to enter and extend leave in work routes are more likely to be affected by any restrictions which are being made to

the availability to extend leave beyond five years. However, individuals will not be put at a particular disadvantage as a result of their nationality.

**Table 3 - Extensions of stay in selected work categories by geographical region**

Geographical region	2009		2010	
	Total PBS - Tier 1 Highly Skilled Migrants	Total PBS - Tier 2 Sponsored with a job	Total PBS - Tier 1 Highly Skilled Migrants	Total PBS - Tier 2 Sponsored with a job
Africa	9,616	2,775	9,154	2,489
Americas	3,821	2,798	3,258	2,385
Asia	45,358	12,574	37,164	14,527
Europe	2,172	613	1,903	619
Middle East	1,195	327	1,158	395
Oceania	3,727	1,046	1,666	782

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/extensions-q4-2011-tabs>

**Table 4 - Extension of stay under Tier 2: Top 5 nationalities**

Country of nationality	2009	Country of nationality	2010
India	7,661	India	8,547
United States	1,647	United States	1,424
China	1,298	China	1,340
Philippines	930	Philippines	1,364
Australia	782	Pakistan	932

## 1.2 - Disability

Various studies and data sources indicate that disability is associated with disadvantage in the labour market, for example lower employment rates, lower skills and lower income. See:

The average gross hourly pay for disabled employees is £10.31 compared to £11.39 for non-disabled employees. [Source: Labour Force Survey, 2006]

Disabled men experience a pay gap of 11% compared with non-disabled men, while the gap between disabled women and non-disabled women is double this at 22%. [source [http://www.equalityhumanrights.com/uploaded\\_files/triennial\\_review/tr\\_execsumm.pdf](http://www.equalityhumanrights.com/uploaded_files/triennial_review/tr_execsumm.pdf) ]

*Experiences and Expectations of Disabled People* - A research report for the Office for Disability Issues published in July 2008 <http://odi.dwp.gov.uk/docs/res/eedp/eedp-full-report.pdf>

*Enduring economic exclusion: disabled people, income and work* by Tania Burchardt, published by the Joseph Rowntree Foundation on 24 October 2000 <http://www.jrf.org.uk/publications/enduring-economic-exclusion-disabled-people-income-and-work>

*Employment of Disabled People: Assessing the Extent of Participation* by Meager N, Bates P, Dench S, Honey S, Williams M Research Report RR69, Department for Education and Employment, published in July 1998 <http://www.employment-studies.co.uk/pubs/summary.php?id=ddapart>.

However, the Points Based System is open to anyone who meets the requisite skills levels, and other requirements such as securing a skilled job in the UK and a UK-based sponsor. Employers will select the most appropriate person for the job in question and pay that person according to such criteria as the skills levels of that person and the overall nature of the job: these factors should not be determined or influenced by disability. There is no evidence to suggest that once employed by a UK-based sponsor as a skilled worker, a person with disabilities would be paid less than an able-bodied migrant in an identical job.

### 1.3 - Age

Table 5 provides a breakdown of employment-related settlement grants by age. This shows that migrant workers granted settlement (main applicants) are predominately in the 25-44 age group.

**Table 5: Age Breakdown of selected employment-related settlement grants 2010**

Age Band	Grand total	%	Main applicants	%	Dependants	%
0-16	20,937	30%	19	0%	20,918	52%
17-24	2,661	4%	39	0%	2,622	7%
25-34	20,934	30%	13,329	45%	7,605	19%
35-44	18,210	26%	11,915	40%	6,295	16%
45-54	5,540	8%	3,510	12%	2,030	5%
55-59	880	1%	566	2%	314	1%
60-64	290	0%	202	1%	88	0%
65 plus	124	0%	70	0%	54	0%
Age not recorded	32	0%	16	0%	16	0%
<b>Total</b>	<b>69,608</b>	<b>100%</b>	<b>29,666</b>	<b>100%</b>	<b>39,942</b>	<b>100%</b>

**Notes:**

Data for 2010 are provisional figures.

The data are a breakdown of the categories "Employment with a work permit after 4/5 years" and "5 years aggregate of pre-PBS categories and Tiers 1 or 2" published in table se.02

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

The ONS report [Patterns of pay: results of the Annual Survey of Hours and Earnings 1997 to 2010](#) states that:

Median gross weekly earnings for full-time employees climb steadily with age, reaching a maximum in the 40-49 age-group (£560), and declining thereafter. Women's earnings peak earlier than those of men, reaching a high in the 30-39 age-group. This pattern is continuous over the period 1997 to 2010. Women's full-time weekly earnings climbed with age to reach a maximum of £508 for those aged 30 to 39. Men's full-time earnings reached their highest of £614 for those aged 40 to 49.

### Length of stay in Tier 2

The published Office for National Statistics annual migration statistics report for 2008 shows just under half of all long-term immigrants arriving to live in the UK in 2008 intended to stay between one and two years (page 17). The report also acknowledges that in recent years it has become increasingly prevalent for migration to the UK to be on a less permanent basis (Figure 12). <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-235204>. As noted above, this report relates to all immigrants, including British citizens and EU nationals coming to the UK and not just migrant nationals.

The report indicates that a higher proportion of younger adults intended to stay in the UK for less than two years than older adults. Around 55 per cent of 15-24 year olds and 47 per cent of 25-44 year olds stated that they were intending to stay less than two years in the UK. In comparison, 58 per cent of

those aged over 45 stated an intention to stay for four years or more (page 25). This suggests that a limit on the length of stay in Tier 2 will affect older migrants more than younger migrants. However, this is mitigated by the fact that it will be possible to apply for settlement (for those who meet the pay threshold) and the data suggest that earnings climb steadily with age, peaking (for all full-time employees) in the 40-49 age group, which suggests that those most likely to want to stay in the UK for longer than six years are also amongst those most likely to meet the settlement pay threshold and thus be able to do so.

It is not considered that individuals will be put at a particular disadvantage by their age. However, to the extent that there may be indirect discrimination, this is justified by the legitimate policy objective of controlling migration.

#### 1.4 - Sex

Table 6 provides a breakdown of employment-related settlement grants by sex. This shows that male migrant workers (main applicants) accounted for 54% of grants of settlement in 2010, while female migrant workers accounted for 46%.

**Table 6: Sex breakdown of selected employment-related settlement grants 2010**

Sex	Grand total	%	Main applicants	%	Dependants	%
Male	34,882	50%	16,131	54%	18,751	47%
Female	34,725	50%	13,534	46%	21,191	53%
Sex not recorded	1	0%	1	0%	-	0%
<b>Total</b>	<b>69,608</b>	<b>100%</b>	<b>29,666</b>	<b>100%</b>	<b>39,942</b>	<b>100%</b>

**Notes:**

Data for 2010 are provisional figures.

The data are a breakdown of the categories "Employment with a work permit after 4/5 years" and

"5 years aggregate of pre-PBS categories and Tiers 1 or 2" published in table se.02

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

As settlement data for 2010 is likely to reflect the characteristics of migrants admitted to the UK five years previously, data for intake under Tier 2 may provide a better indication of the gender split of migrants who will be eligible for settlement from 2016. Table 7 shows that in 2009 and 2010, three quarters of Tier 2 visas were issued to men and a around quarter to women.

**Table 7: PBS Tier 2 entry clearance visas issued by sex, excluding dependants**

Sex	2009	%	2010	%
Male	23,608	76%	29,933	75%
Female	7,610	24%	9,677	24%
Sex not recorded	4	0%	69	0%
<b>Total</b>	<b>31,222</b>	<b>100%</b>	<b>39,679</b>	<b>100%</b>

**Notes:**

PBS = Points Based System

Percentages appearing in this table are rounded and may not add to 100%.

The figures that appear in this table are derived from administrative information used for the processing of applications of entry clearance visas and as such are not quality assured. It is provisional and subject to change.

The figures are a subset of data published in Table be.04 alongside the publication *Immigration Statistics, October to December 2011* available from <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/>.

Internal, UKBA management information supplied to the Migration Advisory Committee in 2011 provides the salaries, occupations, nationality and gender of a sample of 2231 Tier 2 General



migrants allocated Certificates of Sponsorship (CoS) from April 2011 through to July 2011. Focusing on those countries highlighted in **Table 2** above, the data shows that the split between Certificates of Approval (CoS) issued to the following nationals according to gender is:

**Table 8: Certificates of Sponsorship issued to male and female applicants by nationality**

Country	Number of CoS issued to male applicants	Number of CoS issued to female applicants
India	411	104
Filipino	27	42
Pakistan	75	15
Chinese	86	46
Malaysian	19	13
South African	25	17
Nigerian	12	4

Further analysis of the data shows the number of CoS issued to nationals of either gender where the CoS specifies that they will be paid less than £35,000.

**Table 9: Certificates of Sponsorship for jobs paid less than £35,000 issued to male and female applicants by nationality**

Country	Number of CoS issued to male applicants	Number earning less than £35k	Number of CoS issued to female applicants	Number earning less than £35k
India	411	106 (26%)	104	37 (36%)
Filipino	27	24 (89%)	42	40 (95%)
Pakistan	75	19 (25%)	15	4 (27%)
Chinese	86	43 (50%)	46	22 (48%)
Malaysian	19	4 (21%)	13	4 (31%)
South African	25	8 (32%)	17	10 (59%)
Nigerian	12	8 (66%)	4	3 (75%)

This suggests that female Tier 2 settlement applicants may be less likely than male applicants to meet the settlement pay threshold. However, it is based on a relatively small sample and as mentioned above, CoS data are not necessarily accurate predictors of the characteristics of those who will apply for settlement. Furthermore, as male and female applicants are treated equally under the Immigration Rules, the fact that female Tier 2 migrants appear likely to be paid less than their male counterparts is likely to be a reflection of the wider male/female pay gap, and the tendency for women to enter the lower-paid public administration, health and education sectors, rather than some of the better-paid sectors like banking and finance, which tend to be male-dominated.

The settlement pay threshold is based on the median salary of the UK population in jobs skilled to NQF4+. ONS data on the median gender pay differences for 2010 broken down by the Standard Occupation Classification (SOC) 2000 major occupation groups for full-time employees indicates that the median gender pay gap for full-time employees was narrowest for professional occupations (4.2 per cent), so we could expect any gender pay gap to be smallest amongst the skilled migrants that Tier 2 is intended to cater for. All migrants who enter the UK under Tier 2 of the Points Based System are required to be undertaking a graduate-level job, and to be paid a minimum of £20,000 p.a. or the appropriate rate for their job, whichever is higher; the same requirement applies to extensions and (prior to the introduction of the settlement pay threshold in 2016) to settlement. The pay requirements apply equally to both sexes and are based on the skills required for the job. If employers are abiding by their anti-discrimination obligations, there is no reason why a male skilled migrant worker should be paid more than a female worker in the same job. To the extent that any disparities occur, they are not as a consequence of the Immigration Rules.

ONS data shows that women are much more likely than men to work part-time. Forty one per cent of female employees worked part-time in March to May 2009 compared with 11 per cent of male employees (Annual Survey of Hours and Earnings - Presentation of the Gender Pay Gap: ONS Position Paper, 2009). There is a requirement for those undertaking shortage occupation jobs in Tier

2 to work at least 30 hours per week. This is because Tier 2 is subject to a numerical limit and should that limit become over-subscribed, shortage jobs are prioritised. It is important therefore to ensure that those coming under the shortage occupation route will be making a significant contribution to the UK. Although Tier 2 is not designed to facilitate part time working (it is intended to provide a way to meet gaps in the domestic labour market and in general the expectation is that migrants entering the UK under Tier 2 will normally be working full-time), Tier 2 migrants in non-shortage occupations may work part-time, providing their earnings are at least £20,000. It will be possible for part-time workers to meet the settlement pay threshold provided they are paid over £35,000 p.a. in total.

The UK Border Agency does not hold data on part-time working by Tier 2 migrants. Whilst women in general may be statistically more likely to work part-time this may not be the case for Tier 2 migrants, given the requirements described above. Therefore it does not necessarily follow therefore that women will be adversely impacted by the settlement policy changes. Part-time working is not a protected characteristic under the Equality Act 2010. However, to the extent that those who choose to work part-time may be adversely affected by the new settlement policy when compare to those who work full-time, this is considered to be reasonable and proportionate, given the Government's policy objective of awarding settlement to those migrants who make the greatest economic contribution.

## 2. TIER 5

Published Home Office statistics provide data on numbers given leave to enter the UK in the Tier 5 Temporary Worker and Youth Mobility routes. The route was only opened in 2008 and significant numbers were only noticeable in 2009 and 2010. The figures for these years are provided in Table 10 below.

**Table 10: Passengers given leave to enter in Tier 5 Temporary Worker and Youth Mobility routes**

Category	2009	2010
Tier 5 - Charity Workers	985	1,240
Tier 5 - Creative and Sporting	17,400	24,900
Tier 5 - Government Authorised Exchange	1,060	2,180
Tier 5 - International Agreement	355	355
Tier 5 - Religious Workers	1,370	2,670
Tier 5 - Youth Mobility Scheme	15,000	17,100
<b>TOTAL</b>	<b>36,200</b>	<b>48,400</b>

### 2.1 Nationality

The published statistics show that different nationalities enter under each of the above Tier 5 sub-categories. The data is too detailed to be set out in full here but can be found at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/admissions-q4-2011-tabs> Table ad.03.w: Passengers given leave to enter the United Kingdom in employment categories by country of nationality.

In 2010, the top 10 nationalities granted leave to enter under the Tier 5 Creative and Sporting sub category were:

USA	14,500
Canada	1,500
Russia	1,250
Australia	1,080
Argentina	870

The top 10 nationalities granted leave to enter under the Tier 5 Government Authorised Exchange scheme sub-category in 2010 were:

USA	515
India	255
China	225
Turkey	130

Australia 125

The changes will have greatest impact on those nationalities which are high users of Tier 5, however individuals will not be put at a particular disadvantage by their nationality as a result of these changes.

## 2.2 Sex

The tables below show the gender split within the Tier 5 Government Authorised Exchange (GAE) sub-category for 2009 and 2010. These show that while there are broadly equal numbers of men and women entering the Tier 5 GAE sub-category, more men than women extended their leave under this category.

**Table 11: PBS Tier 5 Government Authorised Exchange entry clearance visas issued by sex, excluding dependants**

Sex	2009	%	2010	%
Male	877	51%	1,670	52%
Female	854	49%	1,559	48%
Sex not recorded	1	0%	6	0%
<b>Total</b>	<b>1,732</b>	<b>100%</b>	<b>3,235</b>	<b>100%</b>

**Notes:**

PBS = Points Based System

The figures that appear in this table are derived from administrative information used for the processing of applications of entry clearance visas and as such are not quality assured. It is provisional and subject to change.

The figures are a subset of data published in Table be.04 alongside the publication *Immigration Statistics, October to December 2011* available from <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/>.

**Table 12: PBS Tier 5 Government Authorised Exchange grants of an extension of stay by sex, excluding dependants**

Sex	2009	%	2010	%
Male	7	78%	75	65%
Female	2	22%	41	35%
<b>Total</b>	<b>9</b>	<b>100%</b>	<b>116</b>	<b>100%</b>

**Notes:**

**PBS = Points Based System**

Data for 2010 are provisional figures.

The figures are a subset of data published in table ex.03.w in the *Immigration Statistics October to December 2011* release.

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/extensions-q4-2011-tabs>

## 3. OVERSEAS DOMESTIC WORKERS

### 3.1 Nationality

Published Home Office statistics for 2010<sup>4</sup> provide us with data on numbers granted work-related settlement by geographical area in the category of overseas domestic worker in a private household.

Published statistics for the years 2009 and 2010 provide information on the number of overseas domestic workers entering the UK to work in their employer's private household. This demonstrates

<sup>4</sup> The latest calendar year for which leave to enter statistics are available.

that the route is predominantly used by migrants who are from Asia, with a far smaller majority from Africa.

As shown by the table below, in 2009 and 2010, 80% of the domestic workers entering the UK to work in their employer's private household, were from Asia with three nationalities predominating. (In total, 10,100 domestic workers entered the UK in 2009 to work in a private household and 11,100 in 2010.)

**Table 13: Overseas Domestic Workers (private households) given leave to enter the United Kingdom by selected geographical region and country of nationality**

Geographical Region	Country of nationality	2009	2010
Asia total		8,040	8,910
	India	2,060	2,200
	Indonesia	1,160	1,310
	Philippines	3,760	4,250

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/admissions-q4-2011-tabs>

Published Home Office statistics also show that 726 grants of settlement to ODWs out of a total of 791 in 2009 and 960 of 1,062 in 2010 were from Asia. The same three nationalities predominate.

**Table 14: Overseas Domestic Workers granted settlement by selected geographical region and country of nationality**

Geographical region: Asia	Country of nationality	2009	2010
Asia total		726	960
	<i>Philippines</i>	392	553
	<i>India</i>	188	241
	<i>Indonesia</i>	36	36

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

It follows that ODWs from these three countries particularly and Asia more generally, are more likely to be affected by any changes that are made to the routes - including restricting their period of stay, their ability to change employer and the path to settlement. However, the changes will apply to all ODWs. Those of Asian origin will not be put at a particular disadvantage.

### 3.2 Age

Information on the age profile of overseas domestic workers (ODWs) is not routinely published by the Home Office. However, UK Border Agency management information shows the following:

**Table 15: Overseas Domestic Worker migrants by type and age breakdown**

Age	under 5	5 to 15	16 to 44	45 to 64	65 to 74	75 to 84	over 84
ODW Dependants	8%	21%	59%	11%	0%	1%	0%
ODW Visitor	0%	0%	68%	31%	0%	0%	0%
ODW Other	0%	0%	74%	26%	0%	0%	0%

Source – UKBA Management Information Q2 2010 – Q1 2011

This indicates that ODWs are predominantly in the 16 to 44 age group, which is likely to reflect that this is a work route, used by those of working age.

As shown above, migrants from Asia, the Philippines, India and Indonesia predominantly tend to enter under the ODW routes. Home Office published statistics on the age of Asian nationals granted settlement in all categories, shows the following:

**Table 16: Grants of settlement on removal of time limit to Asian nationals, by sex and age, 2010**

	Total	Children (under 16)	16-24	25-34	35-44	45-59	60+	Adults (16 and over)
Male	59,896	12,978	5,261	19,825	15,878	5,236	718	46,918
Female	58,239	11,815	8,206	22,336	11,278	3,729	875	46,424
<b>Total</b>	<b>118,135</b>	<b>24,793</b>	<b>13,467</b>	<b>42,161</b>	<b>27,156</b>	<b>8,965</b>	<b>1,593</b>	<b>93,342</b>

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

Respondents to the consultation *Employment-related settlement, Tier 5 and overseas domestic workers* (UK Border Agency 2011) highlighted that the ODW role is mainly carried out by young women and girls. The above figures show that women aged 25-34 make up the largest age group granted settlement from the Asia region. This suggests that women aged 25-34 will be most affected by the removal of the right to settle in the UK. However, the changes will apply to all ODWs. Those aged 25-34 will not be put at a particular disadvantage.

### 3.3 Sex

Statistics available on visas issued to ODWs in private households, extensions of stay and settlement granted show that the majority of ODWs are women. Data on ODWs admitted as private servants in diplomatic households are limited as they form part of overall data on those admitted under the Tier 5 International Agreement, however, where available they show that most domestic servants in diplomatic households are women. Respondents to the consultation also highlighted that most ODWs are women.

**Table 17: Overseas Domestic Workers in Private Households entry clearance visas issued by sex, excluding dependants**

Sex	2009	%	2010	%
Male	3,388	23%	3,318	22%
Female	11,496	77%	12,028	78%
Sex not recorded	2	0%	5	0%
<b>Total</b>	<b>14,886</b>	<b>100%</b>	<b>15,351</b>	<b>100%</b>

**Notes:**

PBS = Points Based System

The figures that appear in this table are derived from administrative information used for the processing of applications of entry clearance visas and as such are not quality assured. It is provisional and subject to change. The figures are a subset of data published in Table be.04 alongside the publication *Immigration Statistics, October to December 2011* available from <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/>.

**Table 18: Overseas Domestic Workers in Private Households granted an extension of stay by sex, excluding dependants**

Sex	2009	%	2010	%
Male	1,091	17%	1,050	16%
Female	5,371	83%	5,595	84%
<b>Total</b>	<b>6,462</b>	<b>100%</b>	<b>6,645</b>	<b>100%</b>

**Notes:**

Data for 2010 are provisional figures.

The figures are a subset of data published in table ex.03.w

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/extensions-q4-2011-tabs>

**Table 19: Overseas Domestic Workers in Private Households granted settlement by sex, excluding dependants**

Sex	2009	%	2010	%
Male	171	22%	188	18%
Female	620	78%	874	82%
Sex not recorded				
<b>Total</b>	<b>791</b>	<b>100%</b>	<b>1,062</b>	<b>100%</b>

**Notes:**

Data for 2010 are provisional figures.

The figures are a subset of data published in table se.03

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q4-2011/settlement-q4-2011-tabs>

It was the view of many respondents to the public consultation<sup>5</sup> that restricting the ODW route - particularly removing the right to change employer - would lead to an increase in trafficking, forced or bonded labour and a reduction in employment rights. The Government has not seen convincing evidence that closure of the route or removing the right to change employer would lead to an increase in trafficking. However, clearly the policy changes will impact more on female migrants since they form the majority of ODW applicants. In their response to the consultation, Amnesty International identified the following equality issues:

*“Amnesty International is also concerned that the proposed changes contradict the Government’s own policies on violence against women and its domestic and international human rights obligations including the commitment to guaranteeing gender equality under Article 1 of Council of Europe Convention on Action against the Trafficking of Human Beings.”*

*“Amnesty International believes that the likely impact of the capped leave will be to increase the vulnerability of predominantly female migrant domestic workers to exploitation and abuse and to increase the impunity with which employers will be able to exploit or abuse migrant domestic workers in breach of UK employment and criminal laws.”*

*“The majority of domestic workers in the UK are women. Kalayaan, the leading organisation representing migrant domestic workers in the UK keeps statistics on the gender of its service users and the kinds of abuse they report. In 2008 Kalayaan reports that 84% of their service users are women”*

The Government’s policy is that no level of violence against women and girls is acceptable in modern Britain and its principles include reducing the risk, providing support where violence occurs and ensuring the best outcome for victims. The protections that we are putting in place for ODWs will reduce the risk by reducing numbers of ODWs who come here, provide initial support, access to redress and assistance. Consequently we do not consider that the changes contravene either the Government’s policies on violence against women and girls or the UK’s international obligations.

<sup>5</sup> *Employment-related settlement, Tier 5 and overseas domestic workers* (UK Border Agency 2011)