

The latest news and announcements from Derbyshire UNISON

## Migrant care workers

Two migrant care workers explain the effects of a flawed visa system



## Cowboy care companies

**When we call bad builders 'cowboys', it means they're reckless, dishonest, a bit rubbish. Cowboy care agencies are even worse. They don't turn up, cause chaos and then ride off into the sunset. They're more calculated, controlling and even more insidious.**

### The bait

Wacuka (pictured above) is a UNISON member and activist. She was born and raised in Kenya, where she qualified and worked in communications development. After resigning from her job to work on an unsuccessful political campaign, she had to make a decision.

"In Kenya the politics are quite dynamic," she explains, "If you're in government, you have everything you want. But if you're against the government, you're desolate, there is nothing for you. I thought, 'this is not the place for

me'."

So, Wacuka paid around £8,000 to a care agency in the UK for a 'certificate of sponsorship'. It would allow her to come to the country on a health and care worker visa and work for the agency as an administrator in the care sector.

A few months later, she left Kenya and her two sons behind and headed to the UK in search of a better life for her family. Wacuka says: "On 14 February 2023, I found myself here, full of vigour, full of hope and revitalised to come and work."

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After arriving at Heathrow she travelled to Cambridgeshire, where the agency told her to go for accommodation and to start her job.

"But I had taken the bait," she says. When she arrived, she met the owner of the agency. "He told me: 'You came here when it was really rough. So, get out and go look for work, I don't have work for you'."

### **The trap**

It is unlawful to sell certificates of sponsorship to workers. And under the visa regulations, the sponsors must also be the organisation providing work. Currently, the health and care worker visa is leaving migrant workers open to exploitation. Sham agencies are luring workers to the UK through the prospect of a better life, controlling them through a huge imbalance of power and treating them like cattle, denying their dignity and exploiting their labour.

But even though agencies must be Care Quality Commission (CQC) accredited to provide the certificates of sponsorship, it is very rare that they are audited by the Home Office.

Wacuka describes the conditions she faced: "They huddled us together to sleep, eight to 10 people in a three bedroom, mattresses slung all over."

"Soon, we were told to relocate so that other people who would be arriving with the agency could come to the 'first stop'. We were sent to Peterborough, then the next week to Huntingdon."

Moving people around in this way is a common practice. It stops the victims settling, stops them forming personal relationships and makes them more dependent on the agency. It maintains and reinforces the victim's lack of control.

"After three weeks of torment, of living in this overcrowded housing and being moved around, I had had enough and left to live in Ware, in Hertfordshire," says Wacuka.

"I talked to my parents back home, who I had left my kids with. They got a little money together for me and I bought myself a small car. I found myself an agency in Buckinghamshire and I would commute daily

from Ware to Aylesbury [nearly 50 miles].

"I would get shifts in Stevenage, some in Welwyn Garden City, some in Waltham Abbey, and they would not pay me mileage. I went hungry, I slept in the car, I slept in offices after long shifts, because of the distance I had to travel."

But even when Wacuka found work and accommodation away from the original agency, she was not free from its hooks. The visa comes with limitations on who the migrant can work for - primarily the agency - so even work through other agencies would be paid through her sponsor.

"My sponsors were still pulling on my tail. My salary would go through them, and they would not pay me."

### **Modern-day slavery**

Wacuka was trapped - little money coming in, little power to complain and no alternatives. Her status in the UK was based entirely on her relationship with the agency. If the agency removed her certificate of sponsorship, she would be deported.

She says: "When your sponsor does not treat you right, you're still bound to them."

"You've already spent a lot of money and probably don't even have anything to go back to in your country. So, they will do anything they want and regard you as a second-class citizen or a second-class human being. And even if you whistleblow and the agency goes down, you know you're going down with it."

In other situations, migrant workers have been forced to work 80-hour weeks or be on call 24/7 because their accommodation is on-site. Many are charged extortionate 'rents' to limit their financial freedom or are threatened with huge bills to repay if they try to leave the employer.

"It's tantamount to modern-day slavery," says Wacuka.

After several months, she managed to get her certificate of sponsorship transferred to another employer who provided work. An improvement, for sure, but one that still left her facing the huge everyday challenges of many migrant care workers - low pay, poor

rights, and commonplace discrimination.

### **The health and care worker visa**

Not all visa stories are like Wacuka's. There are many legitimate care employers out there providing their own work and not charging for the certificates. The health and care worker visa is also used in large part by NHS organisations.

Adekunle is a mental health nurse who works for an NHS trust in the South West. He came to the UK in November 2020 on such a visa after having worked as a mental health nurse in Nigeria for 17 years and a trade union organiser for two years after that.

He says: "I heard 'El Dorado' stories about the UK, a great society to live in, a great health system. To be honest, I was expecting to retire from trade union activism. What people didn't tell me before I came were the challenges you still faced as a Black migrant worker in the UK. "When I came to the union with my challenges, I quickly realised that, to some extent, the best way to solve your problems is to find someone with bigger problems and solve those. In the process, you will probably end up solving your own as well."

After becoming a member, Adekunle became an activist and started bringing the issue of visa conditions to the attention of others in the South West region. He has become a leading activist in the regional migrant worker network.

He wrote a motion about the issue which went to Black members' conference and then national delegate conference, about challenging discrimination and neo-colonialism in visa regulations. The region also recently sent around 30 migrant workers to Parliament to tell their stories and to lobby MPs on the issue.

Adekunle explains about the health and care worker visa: "In the current system, many employers know they don't have to be good because the imbalance of power is such that they can do away with you [the worker] and withdraw their sponsorship, and you have to go back to your country.

"Most people are scared to death about that,

and they'd rather keep quiet and endure all the poor treatment rather than speak out and challenge the bad treatment."

### **A solution**

And how can this problem be solved?

Adekunle notes: "Every migrant worker who has come to work in the UK [on a health and care worker visa] has come to serve the community and not to serve an employer.

"There are models that have been employed in other countries like Australia, Canada and the US. Essentially what you get is a work visa which is not tied to a particular employer. Instead, you would be 'sponsored' by the government or by the Home Office to come and work in the UK.

"So, if the relationship breaks down between you and your employer, all you need to do is find a new employer in that sector and your visa status won't be affected. Then, the onus falls on employers to be good because, if you're not, you won't get people to work with you."

This better balance of power is central to UNISON's campaigning on the issue. The union is calling for a review of immigration policies that increase the vulnerability of migrant workers to exploitation and modern slavery - in particular, around the visa-sponsorship relationship in the social care sector.

The union believes in moving towards a sector-wide sponsorship scheme run by an independent body. It would enable overseas staff to leave bad employers and find work with better ones, relieving the pressure on the worker while avoiding any costs for employer or employee when they move jobs.

UNISON believes that any visa scheme reform will stand and fall on whether it enables overseas workers to live their life free of exploitation.

This is not only the right thing to do, but crucial to raising standards in the social care sector.

Email your MP about care visas: [unsn.uk/care-visa](https://unsn.uk/care-visa)