

SEASONAL WORK AFTER THE WAR IN UKRAINE

An analysis of Home Office entry clearance data for Q1 2021 – Q1 2022, and what it means for the fight against labour exploitation.

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Work Rights Centre

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EXECUTIVE SUMMARY

On the 26th of May, the Home Office published the latest quarterly immigration statistics for the United Kingdom. This includes an overview of the visas it issued every three months from January 2019 to March 2022, broken down by visa type, outcome, and the applicant's nationality.

In this briefing we take a close look at Seasonal Worker visas, and what the numbers mean for workers and stakeholders engaged in the fight against labour exploitation.

Seasonal workers experience some of the harshest work conditions in the UK, confined to remote rural areas, isolated from sources of community support, and often invisible even to labour enforcement agencies.ⁱ Several studies and media investigations have documented this time and again.ⁱⁱ

TRENDS. To prevent exploitation from occurring, we examine what the latest immigration trends tell us about workers' countries of origin, and how labour enforcement agencies may use this intelligence to buttress their prevention and investigation work. In summary, we find two trends for 2022:

- The number of seasonal worker visas issued to Ukrainians is likely to decrease, as the war prevents men from leaving the country, and new visas give those Ukrainians who can leave the right to work in other, lower risk sectors.
- By contrast, we are already seeing an increase in the number of visas issued to workers from Central Asia, Romania, Bulgaria, Moldova, and Nepal, as farmers and recruiters turn their attention to new labour markets.

IMPLICATIONS. The trends in the recruitment of seasonal workers raise several important implications for labour rights:

- As visa operators look to recruit from new markets, there is a risk that workers will be charged illegal recruitment fees from local agents who claim to operate for, but without real scrutiny from, UK regulated firms.
- Particularities of language, social media use, but also taboos around reporting may make it harder for workers to report exploitation, especially when there are few community groups supporting migrants from Central Asia and Nepal.

RECOMMENDATIONS. To mitigate these risks, labour enforcement agencies and other stakeholders engaged in the fight against exploitation could take the following steps:

- Research the newly emerging countries of origin, particularly the landscape of recruitment, communication, and culture of reporting.
- Embed origin-country languages in frontline teams to facilitate outreach and build trust – particularly Russian, Farsi, Romanian, Nepali and Bulgarian.
- Reach out to workers and make it clear that enforcement agencies are not merely about preventing crime, but giving workers justice.

THE NUMBER OF UKRAINIAN SEASONAL WORKERS LIKELY TO DECREASE

In 2021, the overwhelming majority of seasonal workers who kept Britain's farms running was supplied by just a handful of countries. These were Ukraine, who supplied almost 20,000 workers, or 67% of the total of just under 30,000 workers, Russia, who supplied another 7.7% of workers, Bulgaria and Belarus, which each supplied 3.7% and 3.4% of workers, respectively.

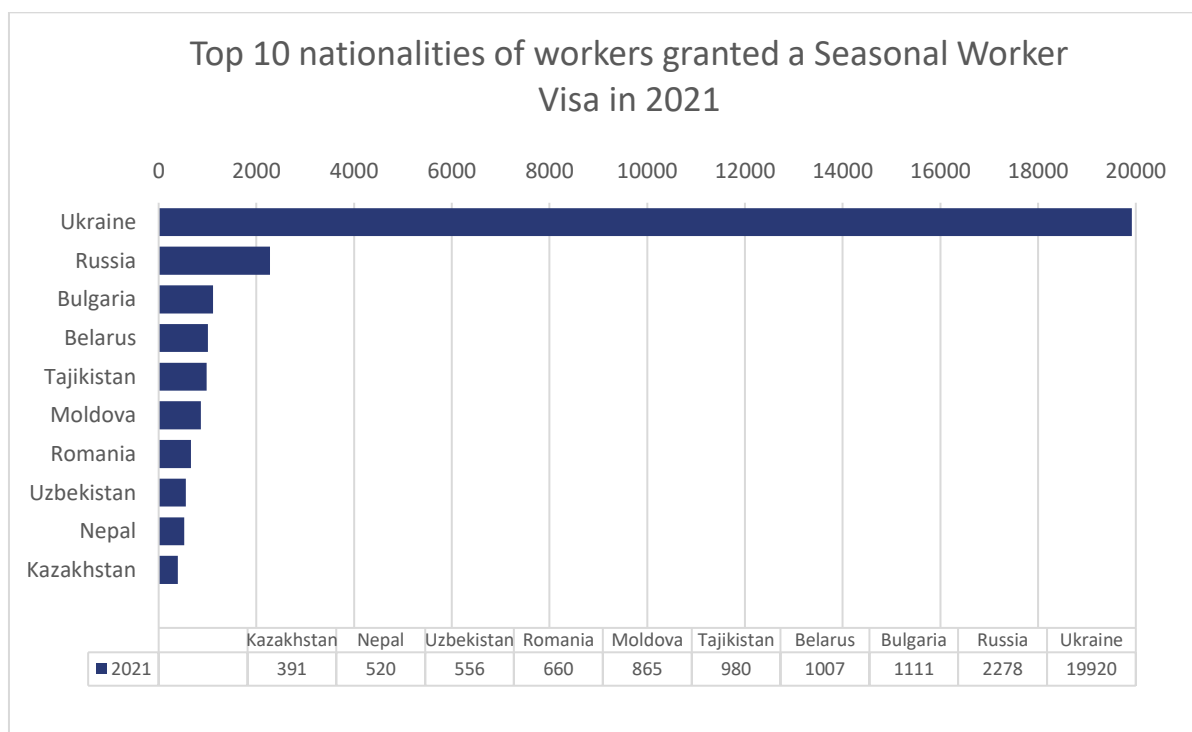


Figure 1 Seasonal Worker visas issued in 2021 by worker nationality. Source: Home Office Immigration Statistics, Entry Clearance Visas - Applications and outcomes. Published 24 Feb 2022

The Russian invasion of Ukraine, a democracy of 44 million people, is likely to cause some significant changes to the supply of seasonal workers from 2021. The data is still very recent (Russia's bloody invasion started on the 24th of February, towards the end of the interval covered by the data, which runs from January to March), but several policy trends are already pointing to a likely drop in the number of Ukrainian seasonal workers in 2022.

First, Ukrainian men are not allowed to leave the country. On the day of the Russian invasion, Ukraine adopted martial law, which prohibits men of fighting age, defined as 18 – 60, from leaving the country. The law was most recently extended in May, and it is unlikely to be rescinded before the war comes to a halt.ⁱⁱⁱ This is likely to significantly impact the flow of Ukrainian seasonal workers. While Home Office figures do not provide a gender breakdown, if 1 in every 2 of the Ukrainians who came to the UK on seasonal worker visas last year was a man, and men are now prohibited from leaving, this could mean a shortfall of as many as 10,000 Ukrainian workers in 2022.

Second, Ukrainians who can come to the UK have access to a much wider range of jobs in 2022, which is likely to drive many away from seasonal work. After the war started, the Home Office introduced three visa schemes for Ukrainian nationals: a Family Scheme, for those who wish to join relatives in the UK, a Sponsorship Scheme, for those willing to join an unrelated sponsor, and most recently a visa Extension Scheme, for Ukrainians who were already on the UK on temporary visas – including, but not limited to, seasonal worker visas.^{iv}



Figure 2 Seasonal Worker visas issued in 2021 and Q1 2022 to Ukrainians. Source: Home Office Immigration Statistics, Entry Clearance Visas - Applications and outcomes. Published 26 May 2022

In contrast to the seasonal worker visas, which restrict visa holders to working only for the employer who sponsors them, confining them to agricultural work, the new schemes give them the right to work anywhere in the UK, as well as to claim public funds such as benefits and study grants. This is likely to turn some Ukrainians away from agricultural work. For years Ukrainian community groups have been aware of the limitations of work on some British farms, including the isolation, the poor living conditions, and long working hours - we covered this in a previous briefing.^v Given the choice, it's likely that many will look for better quality employment.

In May 2022 when the Extension scheme was introduced, there could have been over 10,000 Ukrainians eligible to switch from a seasonal worker visa. We calculated this by looking at the seasonal visas issued in Q1 of 2022, plus those issued in the last two quarters of 2021 (seasonal worker visas have a six-month validity). We cannot know how many of them made the switch in practice. But there is a real possibility that access to better employment will further decrease the presence of Ukrainian workers on farms, prompting recruiters to look elsewhere.

NUMBERS OF CENTRAL ASIAN AND EAST EUROPEAN WORKERS ON THE RISE

Figures for the first quarter of 2022 are starkly different from this time in 2021. The continued prominence of Ukraine as the most common nationality among seasonal workers is, as we've explained in the previous section, likely an outcome of the fact that the reporting period started almost two months *before* the Russian invasion, and is yet to capture the full effects of the new visa schemes. Even so, it is notable that Ukraine was among the few nationalities (along with Barbados and Belarus) with fewer seasonal worker visas issued in the first quarter of 2022, than during the same interval in 2021.



Figure 3 Top 10 nationalities of workers granted a Seasonal Worker Visa in Q1 2022, compared to Q1 2021. Source: Home Office Immigration Statistics, Entry Clearance Visas - Applications and outcomes. Published 26 May 2022

By contrast, there is a sizeable increase in the number of seasonal visas issued to workers from Central Asia, notably Tajikistan, which is now the second most common country of origin, as well as those from Moldova and Nepal. If in 2021, the most common nationalities for seasonal workers were Ukraine, Russia, Bulgaria, and Belarus, the first quarter of 2022 is topped by Ukraine, Tajikistan, Moldova and Nepal.

Without a doubt, visa operators are looking to recruit more overall this year. The 6,168 seasonal worker visas issued in the first quarter of 2022 mark a 62% increase on the 3,794 issued during the same time last year. On closer inspection however, this trend appears to be supported by recruitment from new labour markets, primarily in Central Asia. More visas were issued for Tajikistan, Moldova, Nepal, Romania and Kyrgyzstan

in the first three months of 2022, than even during the busiest summer months of last year.



Figure 4 Seasonal Worker Visas, broken down by worker nationality and time when visas were issued.
 Source: Home Office Immigration Statistics, Entry Clearance Visas - Applications and outcomes.
 Published 26 May 2022

IMPLICATIONS AND RECOMMENDATIONS

Drawing on Home Office immigration statistics, this briefing has identified two possible trends in the recruitment of seasonal workers. First, a likely decrease in the number of visas issued to Ukrainians. Second, an increase in visas issued to workers from Central Asian republics and, to a lesser extent, Eastern Europe.

Trends matter, and while care should always be taken to view them in context, long term, and in conjunction with intelligence obtained from other sources, labour enforcement agencies and other actors with a stake in preventing labour exploitation can learn from the figures.

Research the newly emerging countries of origin. Country-specific context matter. There are at least three regional dynamics to research.

1. *Recruiters.* In order to ensure that workers are not charged illegal fees and that they are not made false promises, labour enforcement agencies and licensed visa operators would benefit from knowing who leads on recruitment locally. As a recent investigation in Nepal has shown, local firms contracted by *suppliers of licensed operators* routinely charged workers extortionate and illegal fees reaching as much as \$4,000, for what should otherwise be free job adverts.^{vi} This was due to poor oversight of regionally subcontracted partners, and could be prevented with more robust contractual agreements, explicitly banning such fees, and regular inspections of local partners' practices.
2. *Communication.* Understanding local communication patterns is key to conducting effective worker outreach. More specifically, intelligence about local levels of English and IT literacy, and the social media platforms most frequently used, can ensure that outreach initiatives are delivered in the languages, in the formats, and on the channels that workers engage with. For instance, Facebook is a popular channel in many countries, but it routinely gets banned in Tajikistan.^{vii}
3. *Culture.* Having a sense of the moral codes and taboos which predominate in countries of origin can help labour rights advocates to better anticipate how workers might engage with enforcement agencies. Taboos around being a victim of violence, speaking to authorities, or being perceived as weak can all inhibit reporting – as one Nepalese worker told the British visa operator, she did not report the \$3,000+ fee she had paid in Nepal, as she “didn't want to get in trouble”.^{viii} Similar inhibitions can emerge from ethical frameworks which valorise *personal endurance*.

Embed origin country languages in your frontline team. Native language speakers embedded in frontline teams can play a key role in building trust with workers, and in generating high quality intelligence that can prompt investigations into labour exploitation. Ideally, including speakers of workers' native languages as long-term members of staff is preferable to contracting interpreters or relying solely on the help of volunteers, who may not be able to build long-term relationships conducive of trust. At a minimum, given the emerging 2022 trends in seasonal worker visas, enforcement agencies would benefit from working with speakers of Russian (which is spoken in Russia, Belarus, Moldova, Ukraine, as well as several Central Asian republics), Farsi (a dialect of which is spoken in Tajikistan), Romanian (spoken in Romania and Moldova), and Nepali – and subject to resources, Bulgarian.

Be prepared to make the first step towards establishing a relationship with workers.

Traditionally, workers from Tajikistan and the other Central Asian republics have migrated to Russia, where systems for reporting labour exploitation are less developed. This may have created a culture of normalising precarious work conditions, which may inhibit workers from reporting labour exploitation in the UK. To prevent this, employment rights organisations and enforcement agencies in the UK should make the first step in reaching out to workers, and creating a culture of trust, where workers are left in no doubt about the value of their reports, and their security. This may consist of airport welcome programmes, visits, as well as social media and other outreach campaigns organised with community partners.

Give workers a framework for reporting bad employment practices transnationally.

The case of Nepalese workers who were illegally charged recruitment fees, but were yet to receive any compensation, exposes the difficulty of pursuing justice transnationally. While visa operators may scrutinise their contractual relations with local agents and seek to shift liability, workers from developing nations are still thousands of dollars out of pocket. To mitigate this, seasonal migrant workers need a framework which clarifies the chain of accountability and reporting for rights breached in the country of origin and in the UK. This will likely require close collaboration between labour enforcement agencies in countries of origin, and in the UK, as well as an effort of communicating this framework directly to workers at key points of their journeys to the UK.

ABOUT WORK RIGHTS CENTRE

Work Rights Centre is a registered charity with a mission to end in-work poverty. We do this by helping people exit precarious work conditions, and by supporting them to improve their professional mobility with employability advice and civic training. The charity was founded in 2016. Ever since, we have advised over 3,000 people, helped recover over £150,000 in unpaid wages and fees, and supported hundreds more to make job applications and secure their status after Brexit by applying to the EUSS.

Our frontline service consists of two multilingual teams of advisers who operate in London (5 days a week) and Manchester (on Saturdays). Together, the 3.6FTE members of the advice team assist an average of 20 beneficiaries a week, with issues which range from non-payment, insecure immigration status, and career advice. You can support their work here <https://www.workrightscentre.org/support-us>

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