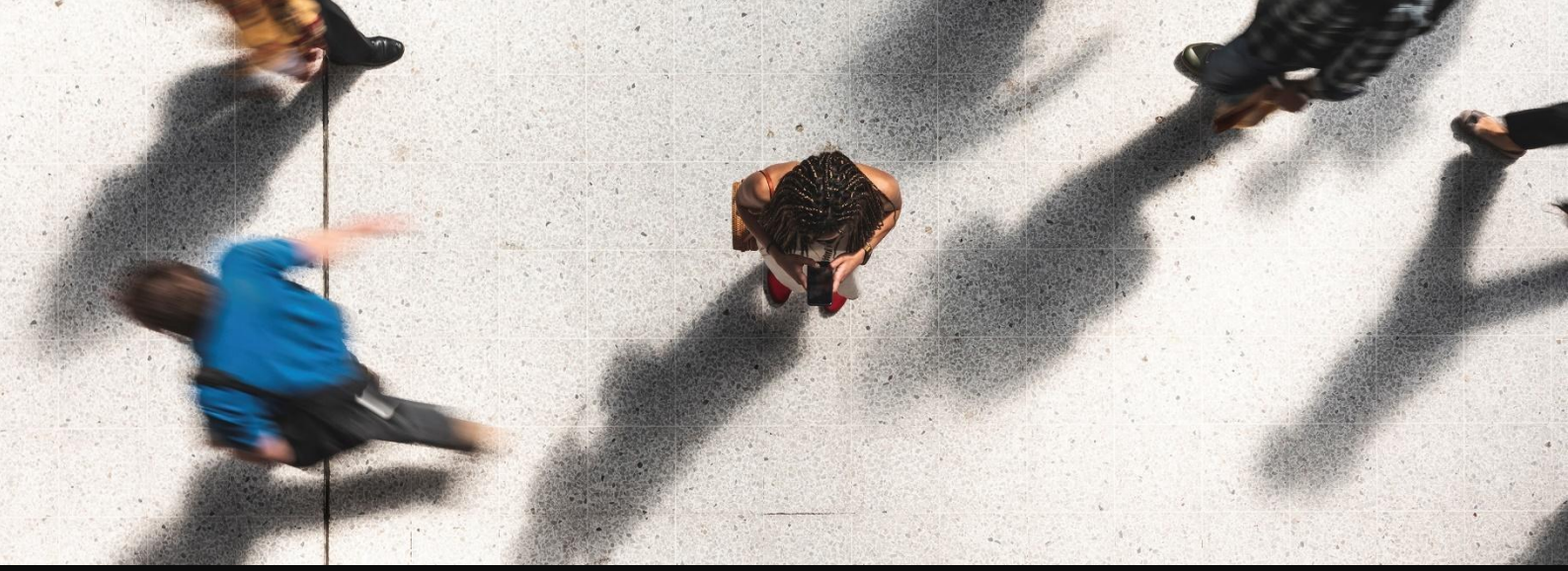

APRIL 2025 - REPORT

Safeguarding sponsored workers

A UK Workplace Justice Visa, and other proposals from a six-country comparison

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About this publication

Since the UK's departure from the European Union, numerous reports of migrant worker exploitation in the UK have been linked to the employer-sponsorship system of migration. This briefing examines why employer-sponsorship is inherently problematic from a workers' rights perspective, the changes that some of the UK's international partners have made to tackle migrant worker exploitation in their own work migration systems, and how similar solutions could be introduced in the UK.

We welcome feedback at research@workrightscentre.org

About Work Rights Centre

Work Rights Centre is a registered charity dedicated to supporting migrant workers and disadvantaged British residents to access employment justice and improve their social mobility. We do this by providing free and confidential legal advice, and by campaigning to address the systemic causes of labour and social injustice.

Acknowledgments

We'd like to thank Migrant Justice Institute (Australia) and Caroline Robinson of the Worker Support Centre for their previous work and contributions in this area of policy. We also thank Jonathan Kingham for his careful review of the briefing. All errors are our own.

Suggested citation: Sehic, A, Vicol, D. (2025). Safeguarding sponsored workers. Work Rights Centre. [Available online] https://www.workrightscentre.org/publications/2025/safeguarding-sponsored-workers-a-uk-workplace-justice-visa-and-other-proposals-from-a-six-country-comparison/

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EXECUTIVE SUMMARY

Following the UK's exit from the European Union, most migrant workers arriving in the UK do so under a system of employer-sponsorship, where their ongoing lawful migration status in the UK is tied to them working for the sponsor of their visa. In this report we explain why employer-sponsorship poses a serious risk of exploitation, and what steps the UK government can take to address the risks.

The risks of sponsorship. We find that the power imbalance between sponsors and migrant workers poses real barriers to fundamental human rights, notably workers' right to free choice of employment, and the right to not be held in slavery or servitude, or made to do forced or compulsory labour. The system also enables criminals to defraud prospective workers, including by charging extortionate job finding fees with close to no repercussions.

The UK response to date. While successive UK governments have acknowledged the vulnerability of migrant workers, we argue that policy solutions to date have focused too narrowly on the need for greater labour market enforcement and sector-level improvements. The Home Office has improved due diligence and increased action against non-compliant sponsors, but few measures focus on protecting or compensating workers who became victims of this system.

Recommendations. Removing the tie to employers would most effectively safeguard migrant workers, by empowering them with the freedom to take their labour to the businesses that need and value them. Failing that, if the government is committed to retaining a work migration system based on employer-sponsorship, our review of six other countries' immigration policy responses suggests that the UK should adopt a minimum of three measures, to plug the gap in worker protections:

- **Introduce a UK Workplace Justice visa** for victims of labour exploitation. All six countries we examined operated, with some variance, versions of an immigration route that recognises the injustice of migrant workers being exploited by a visa sponsor, and supports them to safeguard their immigration status, secure alternative employment and access remedy – with the strongest examples in Australia, Canda, and Finland.
- **Extend the grace period** between the end of employment and the curtailment of the visa, to empower all sponsored workers to leave abusive jobs. Currently, migrant workers who leave their employer have just 60 days to find another sponsor, once they have been notified that their visa is to be curtailed. An extension to six months and freedom to work would match the provisions in Australia, and effectively codify the discretion the Home Office has already applied unofficially in some circumstances by not curtailing visas.
- **Increase penalties for employers who abuse sponsorship.** Introducing new criminal and civil penalties against employers for non-compliance could raise the stakes of exploitation, and help fund a much-needed worker compensation scheme.

Implementing these measures would require additional considerations, including adopting an improved definition of exploitation, and aligning with other protection frameworks like the National Referral Mechanism (NRM). While this report is not an exhaustive plan for implementation, it is a starting point for a much-needed reform of the work migration system.

1. INTRODUCTION

Over the past couple of years, evidence that migrant workers are exploited by employers who sponsor their UK visas soared. Media investigations revealed how groups of workers from across Southeast Asia and Sub-Saharan Africa paid tens of thousands of pounds to rogue employment agencies to work in the care sector, only to find themselves with little to no work available[1] or, by contrast, overworked and underpaid.[2] This prompted the now Home Secretary Yvette Cooper to announce in July 2024 that the Labour Party would launch an investigation into the treatment of migrant workers in the British social care sector – which, at the time of writing, is still outstanding.[3] Similarly, a highly critical report from the Independent Chief Inspector for Borders and Immigration (ICIBI) detailed, among other things, "the mismatch between [the Home Office's] meagre complement of compliance officers and ever-expanding register of licensed sponsors", prompting stricter action against sponsors, and a sharp rise in licence revocations. Similar reports of exploitation emerged in sectors like horticulture, fishing and domestic work in recent years, including by charities, academics, and officials.[4]

In this chapter we examine the risks inherent in the system of employer-sponsored work visas. Starting with the issues faced by migrants in the UK, we assess four measures recently adopted by the government in response to recent reports of employer non-compliance, and review the broader framework for protecting victims of labour exploitation through the National Referral Mechanism (NRM) for modern slavery. We find that the narrow focus on sponsor compliance which characterised the government's latest policy response, and the high threshold that already applies in NRM referrals, leave significant protection gaps for migrant workers on employer-sponsored visas. To address them, we argue that two routes are possible: an ambitious one, where employer-sponsorship ends, which we reflect on here; and another where sponsorship is retained, but stronger worker safeguards are adopted. This is what we turn to in the next chapter.

1.1 THE ISSUE FOR EMPLOYER-SPONSORED MIGRANT WORKERS IN THE UK

After the UK's exit from the European Union, most migrant workers arriving in the UK do so under a system of employer-sponsorship.[1] A person wishing to come to the UK on a Worker or Temporary Worker visa needs to have a job offer from an employer that is registered as a licenced sponsor with the Home Office. Once that employer is licenced and is given an A rating by the Home Office, they are able to issue Certificates of Sponsorship (CoS) to job candidates, who in turn use this to apply for their visa. Although the current rules are described as the "Points-based" rules, the use of points for work visas is largely "presentational" because having a job offer is a non-negotiable condition.[5]

[1] Migrant domestic workers arriving to the UK under the Overseas Domestic Worker visa are not formally sponsored, though eligible workers need to have worked for their prospective employer for at least one year already.

Under this system, workers are "tied" to their sponsoring employer (known as the "sponsor"). People with these visas are only permitted to work full time for their sponsor, with an additional 20 hours of work permitted for another employer, provided they retain their existing sponsored employment. Their immigration status is also bound to a specific role. If an employer withdraws their sponsorship or if a sponsor loses their licence, workers officially have a maximum of just 60 days "grace period" from the point that they are notified their visa will be curtailed in which to find another job with another registered sponsor (or make a different immigration application in order to remain in the UK legally). They have to make and pay for a new application, and obtain a new visa to continue their lawful stay in the UK, otherwise they are forced to leave the country to avoid becoming undocumented.

A substantial volume of research by charities, academics, and journalists revealed that some employers are using this power imbalance to exploit workers and to coerce them into remaining in exploitative work situations.[6] This is because rogue businesses know that they can threaten to withdraw workers' sponsorship and place their immigration status in jeopardy if they dare to complain. The Gangmasters and Labour Abuse Authority (GLAA), the UK's foremost intelligence and investigative agency for forced labour, suggests that sponsorship is currently the most common vulnerability factor among potential victims of forced labour in the UK.[7]

Though workers can in theory change their employer, in practice this is very difficult.

- 60 days is often not long enough for workers to secure alternative employment. Our research found that less than half of Health and Care visa workers who tried to find a new sponsor managed to do so, and only a very small minority managed this within the 60-day window.[8]
- There is no official central register of sponsors that workers can filter by industry, location or available vacancies, meaning workers can only "hit and hope" that they will find another employer to sponsor them.
- Workers have No Recourse to Public Funds - this means they cannot access state benefits and have no financial safety net during this period.[9] The effect of this is worsened if, as has been commonly reported, workers have been tricked into paying illicit recruitment fees by overseas agents, sometimes running themselves into tens of thousands of pounds of debt.[10]
- Our frontline team have observed other means to entrap workers, including existing sponsors failing to provide accurate work references for prospective jobs, if any, or imposing unreasonable repayment clauses that would saddle workers with thousands of pounds of debt upon leaving their employment.
- If workers get past these barriers, they must submit a new visa application for themselves and any dependants, costing thousands of pounds.[2]

[2] For example, the application fee for someone applying to update their Skilled Worker visa from inside the UK can be as high as £1,751 per person (if they will be in the UK for more than three years). Other charges apply, notably the Immigration Health Surcharge (usually £1,035).

Poor oversight and governance have been making matters worse for workers. A report by the outgoing ICIBI published in March 2024, found that the Home Office only had one sponsor compliance officer for every 1,600 licenced sponsors.[11] Worryingly, senior Home Office staff told the Inspector's team that when prospective sponsors applied for their licences, Home Office guidance was not stringent enough to allow for applications to be refused where concerns had existed, and consequently the refusal rate for sponsor licence applications made by organisations from the "Human Health and Social Work Activities" sector was only 1.5%, in spite of evidence of widespread abuse.[12] The report noted other examples of serious failures, including licences being given out to imposter employers, and "16 pages worth" of sponsors all using the same registered address.[13] To tackle these issues, the ICIBI made five recommendations, including: a review of the route, sponsor licensing and compliance system; the development of a multi-agency agreement to enforce, safeguard, and regulate the care sector; and the creation of a migrant facing guide to employment rights. All recommendations were accepted by the Home Office, with a plan to deliver by July 2024. As we argue next, there is still a lot left to deliver on the spirit of the ICIBI report.[14]

1.2 THE UK'S RESPONSE TO REPORTS OF EXPLOITATION

In response to evidence of exploitation under the sponsorship system, the UK government has adopted several policy proposals. Some of these have been directly aimed at, or have been launched as, a reaction to well-documented allegations of migrant exploitation in the adult social care sector.[15] These include:

1. Requiring care provider sponsors to be regulated by the Care Quality Commission (CQC). In December 2023 the Conservative government announced that care providers in England would only be able to sponsor migrant workers if they were undertaking activities regulated by the CQC.[16]

2. A 'rematching' programme to help exploited workers continue their employment in the UK. The government's international recruitment fund (£15m) for the adult social care sector was repurposed in 2024 so that regional and sub regional partners could deliver "activity which prevents and responds to exploitative employment practices involved with international recruitment of care staff in their regions…". While the operational details of the programme vary by regional partnership, part of this response includes a rematching programme to help migrants impacted by sponsor licence revocations to find another sponsored role in the care sector.[17]

3. Increased scrutiny at licensing stage. The Home Office accepted the ICIBI's recommendation to review the sponsor licensing application and decision making process, and learn from the characteristics of poor licensing decisions and the resulting problems to inform future decision making. This was followed by a significant drop in licences granted to employers every quarter, from a peak of 13,800 at the beginning of 2024, to just over 9,000 by the end of the year (see Figure 1).[18]

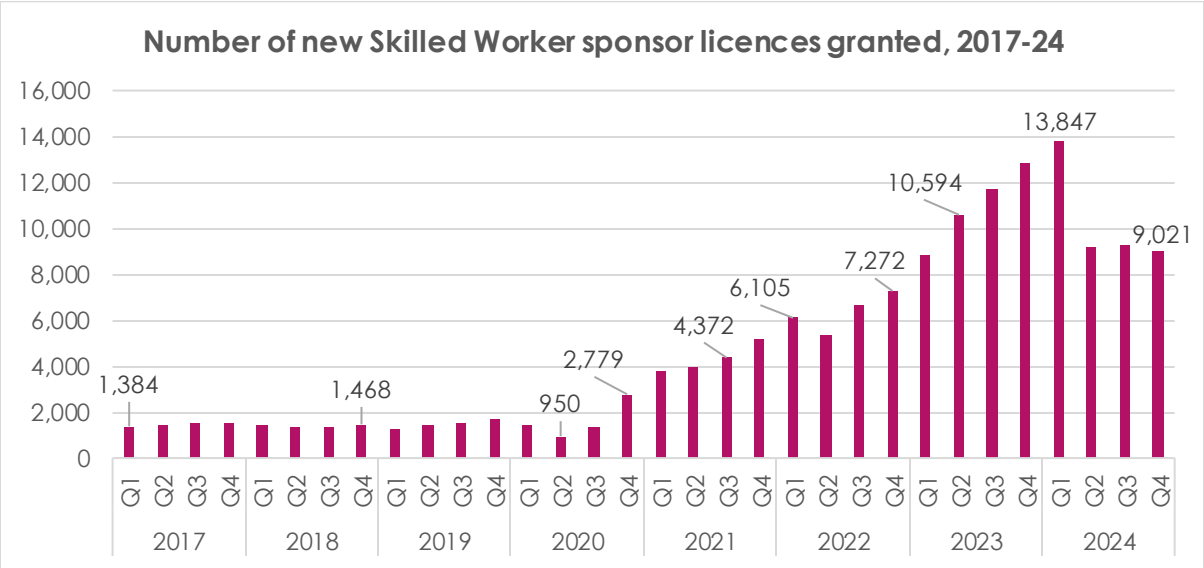

Figure 1. Number of new Skilled Worker sponsor licences granted, 2017-2024. Source: Home Office Transparency in Migration Data, New Sponsors table, Q4 2024.

4. Increased sponsored enforcement activities. In addition to stricter licensing requirements, there has been an evident increase in enforcement actions against sponsors, from a few dozen licence suspensions and revocations a quarter at the beginning of 2023, to hundreds in 2024. Many of those were in the care sector – though not all, indicating that non-compliance is clearly not a sectoral issue, but a systemic one. Between July 2022 and December 2024, the government revoked more than 470 sponsor licenses in the care sector.[19] This comprises just over one third (35%) of all Skilled Worker licence revocation decisions made in that time period (see Figure 2).

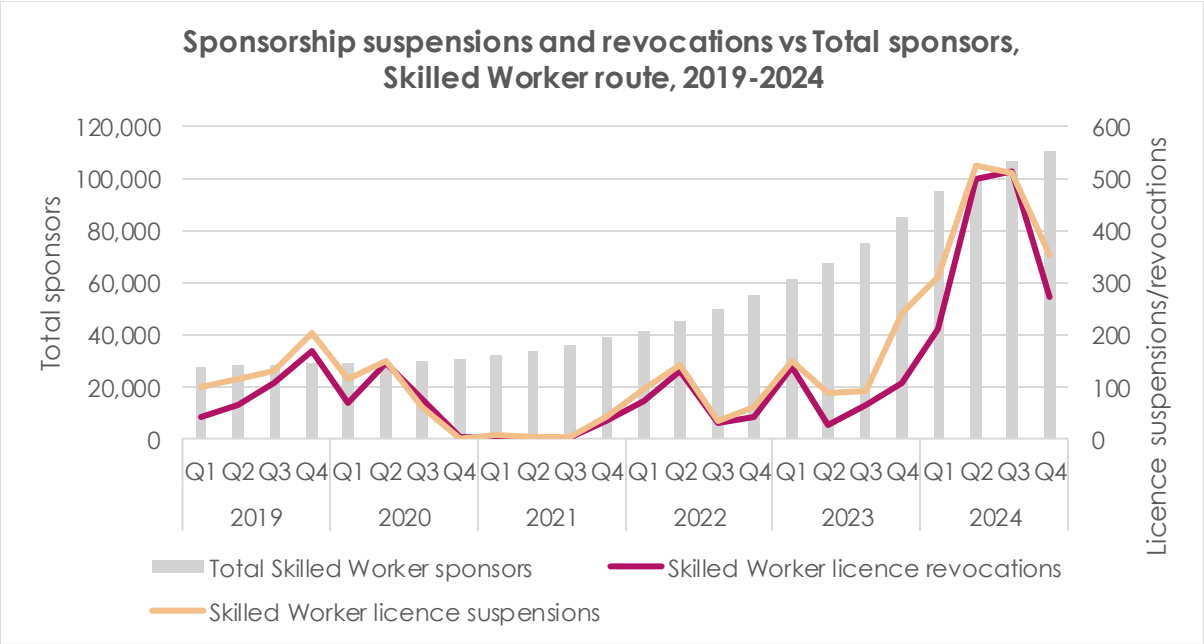

Figure 2. Number of Home Office enforcement actions against sponsors. Source: Home Office Transparency in Migration Data, New Sponsors table, Q4 2024

5. Increasing sanctions on employers for non-compliance. In November 2024, the government announced that employers who are found to be repeatedly breaching visa and/or employment rules would be banned from hiring migrant workers for at least two years, a marked increase from the previous maximum of 12 months.[20] It also announced that the duration of action plans given to those sponsors needing to rectify a minor visa breach before being allowed to sponsor workers for new roles would be extended, from a maximum of three months to 12 months. Changes were also announced to prevent sponsors from passing on the costs of sponsorship to workers.[21] This coincided with an increase in enforcement actions against non-compliant sponsors.

The policy proposals have, at least to some extent, improved the prevention of exploitation. The greater regulation of sponsors by the Home Office and stricter licensing requirements are likely to reduce the incidence of new cases where employers dupe workers into paying extortionate recruitment fees for jobs that never existed. Making it illegal for employers to pass on sponsorship costs to workers will also remove a financial barrier that has historically made it harder for people to leave abusive workplaces – although it is still not prohibited for employers to pay workers' visa fees and recover those on termination. However, these changes still provide no punitive aspect (beyond ramping up restrictions on whether sponsors can continue to, or start again, employing overseas workers). While legislation gives the Home Office the power to fine businesses found to be employing people illegally (up to £60,000 per worker), and the worst cases can lead to criminal convictions carrying a prison sentence of up to five years, closure of the business and disqualification of directors,[22] there is no parallel system of criminal or civil sanctions directly aimed at those abusing migrants and the sponsorship system itself.

These measures also leave wide protection gaps for workers. In March 2025, the government made the extraordinary revelation that as many as 39,000 migrant workers were affected by the 470 licence revocations in the adult social care sector.[23] Given how care providers accounted for just over 1 in 3 licence revocations, the number of migrant workers on Skilled Worker visas is likely significantly larger. And yet, there is no official policy that protects migrants from having their visas curtailed if, through no fault of their own, their sponsor loses the licence to employ them because of Home Office enforcement action. Even though in practice frontline advisers have reported delays in curtailment, the absence of an official written policy in Home Office guidance makes this a highly precarious status which, from workers' perspective, could end at any point. There is also no policy to give exploited migrant workers access to public funds or the unrestricted right to work while they are looking for a new sponsor. This puts them at risk of destitution or re-exploitation in the black market, especially given that they would have to pay the Home Office substantial fees to obtain a new visa sponsored by a different employer.

None of the measures adopted recently address the power imbalance at the heart of employer-sponsorship as a whole, and it is questionable whether the Home Office delivered on the promise to heed the ICIBI's first recommendation: to review the Health and Care Worker visa route, including for the purpose of reforming it. The government's rematching programme for exploited care workers reflects an after-

the-fact approach that is reluctant to materially change underlying immigration rules to give sponsored workers more flexibility from the outset – opting instead for a more complex, time-consuming, and costlier response. Similarly, measures like requiring sponsors to be CQC registered have merely shifted the responsibility for compliance and oversight between different government departments and agencies, when many CQC registered providers were already exploiting workers.

Perhaps most importantly, the limitations of these recent measures compound the UK's already fragile framework for tackling exploitation and modern slavery.

The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery for support – created in 2009 and extended with the Modern Slavery Act 2015. Several first responder organisations which include the police, local authorities, the Home Office and a small number of charities, have the power to refer potential victims into the NRM. Once a referral is made, the Immigration Enforcement Competent Authority (IECA), a Home Office department, determines whether there are reasonable grounds and, significantly later (after an average of 630 according to the latest data),[24] conclusive grounds that the person is a victim of modern slavery. This can open the way to a number of protections including housing, a modest living stipend, and immigration advice – though crucially, an NRM referral does not automatically provide victims with a secure immigration status.

There have been increased reports of potential cases of modern slavery, particularly into low paid sectors like social care. For example, a report in 2023 by the charity Unseen indicated that calls to its Modern Slavery and Exploitation Helpline from the care sector had increased by 606% between 2021 and 2022.[25] Similarly in 2023/24, the CQC made 106 referrals regarding concerns about modern slavery and labour exploitation, nearly three times higher than the previous year.[26] It also acknowledged the "exploitation of workers using the immigration system and being sponsored to obtain a skilled care worker visa to work in the social care sector".[27]

Modern slavery referrals are only the tip of the non-compliance iceberg, and the NRM is often an unsuitable framework to uncover and redress the real scale of exploitation reported under the employer-sponsorship system. Firstly, the threshold required to secure a referral into the NRM is often too high to accommodate the continuum of labour exploitation experienced by sponsored workers, which ranges from cases of servitude to cases where negligent employers with good intentions become unable to provide contractually agreed hours and pay due to tendering errors.[28] Secondly, even if a worker secures a referral into the NRM, this does not grant them the right to work and support themselves, but merely preserves the work permission of the immigration status they held at the point of obtaining a positive reasonable grounds decision. In other words, if their status restricted them to only working for the sponsor of their visa, they continue to only be allowed to work for that employer (thus making virtually no difference to workers who were scammed or abused by visa sponsors); if their status lapsed, they continue to not have the right to work, but merely enjoy temporary protection from immigration enforcement.

The only scenario in which an NRM referral could lead to an unrestricted right to work is if a person receives Temporary Permission to Stay for Victims of Human Trafficking or

Slavery ('VTS leave'), as per the provisions contained in Section 65 of the Nationality and Borders Act 2022. This is extremely difficult to access. Among other restrictions, this status is ordinarily only accessible to people who obtained a positive conclusive grounds decision under the NRM (which can take over two years according to recent statistics),[29] and who were also undocumented at the point of receiving this decision – as per Section 65(1) of the Nationality and Borders Act 2022. This makes it a virtually impossible route to access by people who were exploited by their sponsors but still had leave to remain. Any immigration application for protection that workers in this situation could make would be one based on human rights breaches, or a discretionary one, also known as 'leave outside of the rules'. Yet as immigration advisers know all too well, relying on Home Office discretion is hardly a suitable strategy for the scale of exploitation recorded under the employer-sponsorship system. Additionally, even if migrant workers were given leave outside the rules, this would prohibit them from switching back to a sponsored work route which carries the benefit of being a path to settlement/indefinite leave to remain in the UK (see Immigration Rules Appendix Skilled Worker, SW1.5) – unless the Home Office can be persuaded to apply discretion.

1.3 AN INTERNATIONAL PROBLEM

The exploitation of migrant workers by their visa sponsors is very much a live problem for the UK. The number of tweaks to sponsor compliance instituted last year makes this clear, as does the increase in reports of exploitation. It is however important to understand that the UK is not alone in this context. Other states including Australia, New Zealand and Canada operate various iterations of employer-sponsorship within their work migration systems, and have all been subject to claims of widespread worker exploitation in the past. For example:

- In Australia, workers on the Temporary Skill Shortage (TSS) visa category (the first iteration of which, known as the 457 visa, was introduced in 1996) supply labour in sectors like hospitality. The TSS visa is similar to the UK's system of sponsorship because workers must be nominated for a skilled position by an approved sponsor.[30] There has been evidence of mistreatment and workplace health and safety violations under this route. Academics studying Australia's system have cited the reasons for this as including workers having a short time to find an alternative sponsor if their employment relationship is terminated, and a lack of access to social security or unemployment protection.[31] This contrasts with the position of migrant workers arriving in Australia before 1996, who had relatively higher agency and bargaining power to negotiate better working conditions and pursue job and career opportunities.[32]

- In New Zealand, the Accredited Employer Work Visa (AEWV) supports migration into a variety of sectors including those with skill shortages. The AEWV is very similar to the UK's system of sponsorship in that migrants apply for a visa if they have a job offer from an accredited employer, along with the relevant skills and qualifications required.[33] A review of the AEWV found that migrant workers were subjected to different forms of exploitation, including employers

controlling living conditions, movement and communication, as well as underpayment.[34]

- In Canada, the United Nations Special Rapporteur on Contemporary Forms of Slavery noted in July 2024 that its temporary migrant worker programme, where work permits are tied to a specific employer, "serves as a breeding ground for contemporary forms of slavery, as it institutionalises asymmetries of power that favour employers and prevent workers from exercising their rights".[35]

1.4 WHY IS SPONSORSHIP PROBLEMATIC BY DESIGN?

The system of employer-sponsorship that the UK and other states use is an example of "stated-mediated structural injustice". According to Professor Virginia Mantouvalou, this is where legislative schemes that promote otherwise legitimate aims (here, a system for facilitating labour migration) create vulnerabilities that force and trap workers in conditions of exploitation.[36]

By definition, sponsorship inhibits workers' ability to withdraw their labour from an individual employer and move elsewhere. This is a barrier to what is a fundamental human right, namely the right to free choice of employment which is codified in the right to work under Article 6 of the International Covenant on Economic, Social and Cultural Rights.[37] While sponsored workers have in theory the right to change employers, doing so in practice is significantly more difficult, compared to workers whose immigration status is not dependent on their employer, and who have access to public funds.

Sponsorship as currently operated in the UK also risks breaching the UK's international human rights obligations. This includes Article 4 of the European Convention on Human Rights (ECHR), which states that no one shall be held in slavery or servitude, and no one shall be required to perform forced or compulsory labour. Time and again clients disclosed being overworked or underpaid, or being coerced to undertake work that was entirely different from what was originally agreed. Similar situations of destitution, irregular migration status and the burden of large debts may also indicate potential breaches of Articles 3 (prohibition on torture, inhuman or degrading treatment and punishment) and 8 (right to respect for private and family life) of the ECHR.

In respect of Article 4, the UK government's policy responses to date arguably fall short of its positive duty to put in place an appropriate legal and regulatory framework to protect against exploitation and trafficking, as well as the operational duty to take positive steps to protect victims from exploitation and trafficking. Fundamentally, sponsorship lends itself to an abuse of vulnerability, an International Labour Organisation indicator of forced labour, because it can produce multiple dependencies on an employer - not just on work, but also on other factors like accommodation.[38] Sponsorship can also be weaponised in the context of legal sanctions such as deportation, detention or loss of status, arguably making it incompatible with the international prohibition on forced labour - "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".[39] A menace of penalty in this context would be restricting workers' ability to leave employment that they took

voluntarily by threatening them with the aforementioned sanctions.[40] This is a practice that has been flagged by frontline organisations extensively.[41]

By creating a large database of "accredited" employers, this system also sets the conditions of an ever-thriving information market, where intermediaries can charge extortionate fees to link workers with companies that may otherwise appear out of reach. Many people pay thousands of pounds in fees, acquiring a debt which then becomes virtually impossible to pay without continued employment for their sponsor. Were they to leave that employment, the loss of status and removal from the UK may lead to property being taken as security over an unpaid debt or, worse still, physical violence and intimidation.[42] Though the presence of a "migration industry"[43] of intermediaries is admittedly bigger than any visa system and steeped in social networks, sponsorship does create more opportunities for fraudulent activity. For example, a variety of employer-related costs, on top of work finding and administrative costs charged by intermediaries themselves, can be more readily levied against workers in a way that seems to form a "legitimate" part of the migration process. Similarly, a sponsorship system requires an active state response in terms of compliance and audit activity to ensure that employers abide by their responsibilities, including to workers. If this is neglected, as has been the case in the UK, and responsibility over the welfare of individual migrants is in effect delegated to private entities, rogue actors in the prospective country of arrival can more easily participate as "necessary" parts of cross-border work migration scams without punishment.

Sponsorship thus not only produces exploitation for migrant workers, but is also a highly exploitable system that criminals can use to perpetuate fraud and other forms of financial crime. In the context of the UK increasing labour migration from countries outside the European Union, this is problematic because enforcement against such actors would require cross jurisdictional cooperation, including between law enforcement and state labour enforcement agencies. This is complex, resource intensive, and only likely to successfully manifest in a small minority of high-profile cases – at the expense of thousands of workers who fall beneath that threshold.

Finally, thinking beyond individual visa holders, sponsorship amplifies poor labour standards and wider sectoral risks by creating a two-tiered labour force. Visa routes like the Health and Care Worker visa and the Seasonal Worker visa that tie workers to their underlying sectors of social care and horticulture are problematic because they entrench historically poor conditions. In both sectors workers are under-unionised, low paid, and have limited collective bargaining powers.[44] Supplying employers in these sectors with a cohort of visa-tied workers who are even less able to challenge rights breaches risks disempowering the labour force across the sector as a whole.[45]

1.5. WHAT MIGHT A DIFFERENT SYSTEM LOOK LIKE?

At the most ambitious end of the reform spectrum, workers' rights organisations recommend a complete uncoupling of the relationship between an employer and a person's immigration status. In our previous research we argued that work visas in the UK could be granted on the basis of applicants' levels of English, qualifications, and/or history of employment, rather than mandating a job offer from a Home Office-approved businesses.[46] Under this system employers would be freed from the cost and

administrative burden of a Home Office licensing system, while workers could retain the freedom to change jobs and sectors. This, in turn, would also allow the Home Office to shift its operations away from regulating labour standards, which has never been the department's primary focus. Indeed, a lack of clarity about the division of responsibilities between the Home Office and labour market enforcement bodies has recently led to protection and governance gaps.[47]

Similar initiatives have been proposed elsewhere. For example, in the Australian context it has been argued that mobility visas could be used, with eligibility criteria based on characteristics such as age, English language skills and work experience, alongside a nomination from an Australian employer.[48] The nomination would mean that the employer would have the first opportunity to recruit the worker in question, but there would be no obligation for that individual to maintain employment with them. By allowing a worker to find employment elsewhere, the nominating employer would be incentivised to provide competitive wages and to treat the visa holder fairly.

Another proposal that has been suggested is industry rather than employer-led sponsorship. In a recent Westminster debate, UNISON the union proposed the introduction of a Certificate of Common Sponsorship, whereby sponsorship would be industry-wide instead of tied to a single employer.[49] Though further details are yet to be fleshed out, this in theory could involve industry associations e.g. employers could apply for workers with agreement from the association. To safeguard workers in this process, unions and appropriate worker representative organisations could act as joint sponsors with industry associations, to ensure that employers remain compliant with labour standards, workers have representation, and the visa does not undermine employment and training standards.[50] Workers under this system would be free to move between employers, provided their work continued to relate to their particular industry/area of sponsorship.

The common denominator across these measures is a fundamental rebalancing of the migrant worker – employer power dynamic, by giving workers more flexibility and by limiting employer control. This would be good for workers, cheaper for business, and beneficial for the Home Office. With buy-in from policymakers this would be, in our view, the most effective way of mitigating the risks of exploitation: not by hoping to regulate bad employers out of the immigration system, as the government's recent measures appear to be doing; but by empowering workers with the freedom to leave bad employment and take their labour to the businesses that genuinely need and value their skills. Freedom is, after all, the driving force of all market economies, and a pillar of our human rights.

And yet, we recognise that buy-in may not be feasible in the post-Brexit context, where the language of control appears to weigh more than even workers' rights, business productivity, and migrants' welfare. In this context we turn to six case studies where high-income countries have adopted additional safeguards which the UK can learn from and adapt.

2 MIGRANT WORKER SAFEGUARDS FROM SIX COUNTRIES

Like the UK, Australia, New Zealand, Canada, Finland, the Republic of Ireland and the United States are all high-income countries where economic migration plays an important gap in plugging labour shortages and mitigating the risks of an ageing population. With some variance, these are also countries where the demand for migration, and indeed the business use of migrant labour, have been in tension with a political commitment to control the number of people who come in, the jobs they do, and their mobility in the country. The result has been the implementation of tightly controlled work-migration systems, often where employers who meet certain criteria can sponsor the work visas of eligible migrants.

In this chapter we look at some of the steps taken in these countries to address the risk of migrant worker exploitation. This covers a range of policies, including sanctions regimes for rogue employers exploiting migrant workers.[3] Our focus, however, is on "workplace justice visa" policies, a term we borrow from Australia, to define measures that support migrant workers to leave abusive sponsors by accessing a separate immigration status, explicitly designed for victims of exploitation. In our view, these are the most impactful safeguards against abuse of employer power, where it is important to examine details of implementation. Table 1 summarises the key differences and presents a further comparison of the grace period that migrant workers have to change sponsors in different countries. We follow with a critical discussion of how these measures could be adopted in the UK context.

2.1 AUSTRALIA

The Australian Government published its 10-year migration strategy in December 2023, which included specific measures to tackle migrant worker exploitation. Among the suggested reforms were measures to give effect to the principle of a firewall between labour migration regulators to encourage increased reporting, and supporting collaboration to address the issue of exploitation. The strategy also included suggestions to improve post-arrival monitoring of wages and work conditions to detect exploitation faster.[51]

Sanctions for exploitative migrant workers. Another aspect of the strategy, a new Migration Amendment (Strengthening Employer Compliance) Bill, was introduced in 2024.[52] This legislation introduced several new sanctions for employers abusing migrant visa workers, including:

- New criminal offences and civil penalties for employers who unduly influence, pressure or coerce migrants to breach work-related visa conditions, in order to accept exploitative work arrangements. These offences carry criminal penalties of 2 years' in jail and/or a penalty of $118,000, or a civil penalty involving a $79,200 fine.[53]

[3] For a more comprehensive overview, we urge readers to seek specialist advice in these jurisdictions.

- Prohibition measures to permit the Department of Home Affairs to prevent employers from hiring additional migrant workers if they have engaged in serious, deliberate or repeated exploitation. This measure was also updated and expanded to prevent employers from evading its purpose by hiring other temporary visa holders like foreign students and temporary graduates to continue their exploitative business models.[54] For individuals, sanctions for breaching a prohibition declaration also carry a criminal penalty of 2 years' in jail and/or a penalty of $118,000, or a civil penalty involving a $79,200 fine. For corporate bodies, fines in criminal cases can be as high as $594,000, while civil penalties of up to $396,000 can be applied in the alternative.[55]

- The ability for the government to publish the names of prohibited employers on the Department of Home Affairs website, effectively naming and shaming rogue employers.

The bill also repealed section 235 of the Migration Act 1958, which made it a criminal offence to breach a work-related visa condition. The then minister for Immigration, Citizenship and Multicultural Affairs, The Hon Andrew Giles MP, noted that "despite not being used since introduction in 1994, the mere presence of such a provision understandably discourages people from reporting exploitation".[56]

Other changes in Australia made significant improvements to worker mobility and flexibility. This includes:

1. **More time to change employers -** from 1 July 2024, temporary migrant workers including on the TSS visa who cease work for their sponsoring employer have more time to find a new sponsor, apply for a different visa, or leave Australia. Like the UK, Australia previously had a time limit of 60 days for migrant workers to change sponsors after leaving their existing employer. Under the changes, workers will now have up to 180 days at a time or a maximum of 365 days in total across the entire visa grant period to change sponsors. Moreover, during this period workers will be permitted to work outside of their nominated occupation.[57] These changes mean workers have the flexibility and freedom to find suitable alternative employment in good time, while employers will also have more freedom to lawfully employ a visa holder for a limited period before sponsoring them.

2. **A new Workplace Justice Visa -** the Australian government has introduced a pilot of a new short-term "Workplace Justice Visa" that includes workrights, and enables a migrant worker to stay in Australia for up to 12 months to enforce their labour rights.[58] This tackles an issue which we commonly see in the UK, namely workers being too afraid to report or legally pursue an exploitative employer because of worries that this might jeopardise their current/future immigration status in the country.

   To apply for the Workplace Justice Visa, a migrant must get a certification that there is evidence that they have been exploited, that the worker is committed to seeking justice or redress, and that their presence in Australia is beneficial or

necessary to effectively and efficiently address the exploitation.[59] Importantly, the certification can be provided by a government agency or "accredited third party", which currently includes trade unions and migrant support organisations.[60] Certification must be provided by a lawyer who holds specialist accreditation from the relevant Law Society of their state/territory in employment law, or has five or more years of experienced practicing for an accredited third party.[61] This is vital because migrant workers are often reluctant to engage directly with state actors, even on an anonymous basis. A downside however is that this certification work is as yet unfunded by the state, meaning accredited organisations are sensitive to fluctuations in demand for their services.

The visa carries unrestricted work rights, meaning that migrants can work in any occupation or industry anywhere in Australia. They can also be self-employed, change employers or work for more than one employer, and they do not need to inform the authorities each time there are changes in their employment status. The only qualification is that applicants must not be prevented from pursuing their exploitation claim because of their work activities.[62]

3. **Protection against visa cancellation –** another measure announced by the Australian government includes protection against visa cancellation for exploited migrants who have breached a condition of their visa. Authorities cannot cancel the work visas of people who obtain a certification that indicates evidence of a connection between exploitation and the visa breach, and who are committed to complying with visa conditions in the future. For migrants who arrived on a visa without work rights, the authorities must have regard to their experience of exploitation as set out in a certification before they decide whether to cancel their visa. [63]

Measures 2 and 3 above were introduced by the Australian government as part of a "Strengthening Reporting Protections Pilot" in the summer of 2024. In respect of measure 3, Australia already had an Assurance Protocol in place between the Fair Work Ombudsman and the Department of Home Affairs which largely had the same purpose of ensuring exploited migrant workers were protected against visa cancellation. However, the Protocol was previously criticised as being ineffective for a number of reasons e.g. it was not enshrined in law or policy, it only applied to migrants on temporary visas with work rights and it was only available to workers assisting the Fair Work Ombudsman with their inquiries.[64] The Migration Amendment (Strengthening Reporting Protections) Regulations 2024 means that the policy of protection against visa cancellation is now enshrined in Australia's main immigration regulations (Migration Regulations 1994).[65] Government materials also confirm that the protection is now wider in scope – temporary visa holders without work rights can still apply for protection and have their case considered on its merits, while protection can also be accessed if exploited migrants have initially taken their case to an accredited third party rather than a government agency like the Fair Work Ombudsman.[66]

2.2 FINLAND

In Finland, migrant workers can get a residence permit or certificate if they have been exploited by their employer. People who already hold a permit that denotes the right to work can apply for this if their employer has "neglected their obligations to a significant degree". This includes situations where they have been made to work unreasonably long hours, have been underpaid or have been threatened by their employer.[67]

There are two types of permits under this system that cater to two different situations:

1. **An extended permit for victims of employer negligence or exploitation** - that is designed for workers whose current permit is about to expire and where they have not found a new employer. The permit is valid for one year from the point their current permit expires and is designed to help exploited workers look for other work or start a business of their own. Once granted, workers can start a new job without any restrictions on which professional field they can work in.[68] Though the extended permit is not itself renewable beyond a year, once workers have found employment they can begin the process of applying for another residence permit.[69]

2. **A certificate of expanded right to work** - that is designed to allow exploited individuals to stop working for an abusive employer and to allow them to take on a new job without having to apply for a new residence permit. Once granted this certificate, there are no restrictions on the individual's right to work, meaning they can work in any professional field. Individuals with the certificate can also change employers during its validity. The expanded right to work is valid for as long as the individual's existing permit is valid.

As other commentators have noted, this scheme "strikes a balance between meeting labour market needs while allowing visa holders the ability to obtain more competitive wages and working conditions with another employer in their professional field".[70] The main limitation is that this route is not available for workers whose permit expired already, or for seasonal workers.

Sanctions for exploiting migrant workers. Unlike some of the other countries discussed in this section, Finland has lacked a tailored regime to appropriately punish employers exploiting migrant workers. However, in early 2024, Finland's Ministry of Economic Affairs and Employment announced an action plan for the prevention of labour exploitation, specifically aimed at ensuring migrant workers coming to Finland can work in fair and safe conditions.[71] As a result, the Finnish government plans to "increase penalties for exploitation in working life".[72]

2.3 CANADA

In 2019, the Canadian government launched the **Open Work Permit for Vulnerable Workers** to help migrant workers on employer-specific work permits leave their employer in cases of exploitation and abuse. The permit normally lasts for 12 months (though immigration officers have discretion on the length of the permit) and allows migrants to obtain a work authorisation for other employers while searching for a new sponsor. The definition of abuse in this context includes physical, sexual, psychological and financial abuse, alongside reprisals. Reprisals are actions taken by or on behalf of employers that adversely affect workers' employment conditions, either because individuals have chosen to report a breach of employer obligations or because they have cooperated with a workplace inspection.[73]

Canadian immigration officers must have reasonable grounds to believe that the worker is experiencing abuse or is at risk of abuse in the context of their employment in Canada in order to issue an open work permit. Officers first assess the credibility of the applicant's information and then look at the totality of evidence to determine whether reasonable grounds can be established.[74] Expert analysis of the Open Work Permit for Vulnerable Worker suggests that its basic model can "serve to safeguard workers on temporary migration programmes".[75]

Sanctions for exploiting migrant workers. Employers hiring migrant workers on employer-specific work permits are subject to a compliance regime to ensure safe working conditions. Non-compliant employers in this system may be subject to a range of compliance actions including warning letters, fines and temporary or permanent ineligibility from hiring temporary workers.[76] Since 2015, Canadian authorities have imposed 193 fines under the regime, totalling more than $1m. More than $1.6m in compensation has been paid out to migrant workers as a result of inspections carried out under the regime (for issues like non-payment of wages and other entitlements).[77] As of 30 September 2024, 376 employers are ineligible to hire migrant workers for not paying fines imposed on them, one employer has received a permanent ban, and 42 employers have active bans in place, the duration of which ranges between one to 10 years.[78]

2.4 REPUBLIC OF IRELAND

In Ireland, the **Reactivation Employment Permit** allows non-EU citizens who became undocumented through "no fault of their own", including as a result of workplace exploitation, to work for another employer. The permit is specific to a designated employer, occupation and location. Workers under the permit must be paid at least the minimum wage and must be in work for at least 20 hours a week.[79]

A job offer is technically not required in the first part of the process, which is effectively a request for temporary permission to remain in Ireland in order to then apply for the Reactivation Permit. However, as workers are expected to make the substantive application for the Reactivation Permit very soon after this initial permission is granted, in practice a job offer is necessary. The permit can last for up to two years and can be renewed for a further three years. Importantly, the permit counts towards

"reckonable residency" in Ireland, meaning time spent on the permit can be used towards long-term residency and naturalisation applications in the future.[80]

Sanctions for exploiting migrant workers. Under the Employment Permits Act 2024, employers hiring migrant workers may be subject to sanctions for facilitating exploitation.[81] For example, under section 55 of the Act, employers are prohibited from making salary deductions to recover charges, fees and expenses linked to the worker's employment permit application or renewal, their recruitment for the role or previous amounts paid for travel expenses. Employers are also prevented from withholding personal documents from migrant workers. A person found guilty under this section of the Act can be liable to a fine of up to €50,000, imprisonment for up to 5 years or both. Section 60 of the Act also prohibits employers from "penalising" migrant workers who make complaints or participate in proceedings under the Act (penalising includes measures such as suspension, dismissal, coercion and intimidation). In response to a breach of this provision, an adjudication officer of the country's labour enforcement body, the Workplace Relations Commission, can direct employers to take a specific course of action or to pay employees compensation that they regard as just and equitable in the circumstances. Breaches of the act more generally can also result in the employer losing their permit to hire migrant workers.[82]

2.5 New Zealand

In New Zealand, the government launched a **Migrant Exploitation Protection Work Visa** to help workers leave their job while allegations of exploitation are investigated. As such, in order to be eligible for the visa, migrant workers must report their exploitation to Employment New Zealand, the country's employment standards regulator, and receive a confirmation letter.[83] Migrant exploitation is defined as "behaviour that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker. This includes breaches of minimum employment standards or breaches of health and safety immigration laws. This excludes minor and insignificant breaches that are not constant and easily remedied."[84] Successful applicants are permitted to leave their employer and work anywhere in New Zealand for any employer for a period of up to 6 months.

In September 2023, the New Zealand government announced a further, temporary package of support for those on the visa, including:[85]

- A temporary funding package for successful applicants to be used for accommodation and essential living support;
- Allowing applicants to make a renewal application, giving them more time to find a job; and
- Free job search assistance for visa holders to expedite the job search process.

In October 2024, it was announced that the New Zealand government would be removing the ability for individuals to apply for a second Migrant Exploitation Protection Work Visa if they had been unable to secure a job in six months.[86] For this reason, it is prudent for migrants who have secured a Migrant Exploitation Protection Work Visa to look for another job opportunity in the 6 month timeframe that will allow

them to transfer from this visa to another temporary work visa such as the Accredited Employer Work Visa (which can be granted for up to 5 years).

Sanctions for exploiting migrant workers. Employers may be sanctioned for migrant exploitation under the Employment Relations Act 2000 ("ERA") and the Immigration Act 2009 ("IA"). For example, section 142G of the ERA suggests that employers who breach minimum employment standards may be fined up to $50,000 in the case of an individual, and up to $100,000 for corporate bodies (or three times the amount of financial gain made by the body from the breach).[87] Under section 357 of the IA, a person convicted of exploiting a temporary migrant worker is liable to a period of imprisonment of up to 7 years, a fine of up to $100,000, or both.[88] Similarly the Employment Relations Authority, an independent body set up to investigate workplace disputes, has the power to order employers to compensate exploited workers for issues like unpaid wages, holiday pay and more.[89]

2.6 UNITED STATES

Though not specifically aimed at sponsored workers, the United States government can provide immigration relief known as "**deferred action**" in cases where undocumented workers come forward to report abuse. Guidance issued by the Department of Homeland Security in 2023 confirms that deferred action is available to individual victims of labour violations as well as witnesses.[90] It provides protection from deportation while the worker pursues labour remedies and other immigration options. Importantly, it also provides the individual with the right to work in the US that is not tied to a specific employer so workers can support themselves while pursuing their claim. To obtain deferred action protection, workers need to submit a letter of support from a relevant government agency, which can include federal and state labour agencies.[91]

The initial guidance released in 2023 suggested that deferred action could be granted to an individual for a period of up to two years. However, due to the fact that complex labour investigations often last longer than two years, a coalition of state and municipal labour enforcement agencies successfully pressed the Department to extend the maximum period deferred action could be granted for. As a result, in late July 2024, the Department of Homeland Security confirmed that labour-based deferred action periods would be extended from two to four years.[92]

Sanctions for exploiting migrant workers. While the United States sanctions regime is highly complex, initial research suggest that, like Finland, the U.S. does not have a specific, tailored regime which sets out to sanction employers who are exploiting migrant workers. However, federal labour laws (including the Fair Labour Standards Act and the Occupational Safety and Health Act) can be invoked to apply civil penalties in situations of labour abuse. Separately, the Migrant and Seasonal Agricultural Worker Protection Act establishes minimum standards relating to wages, housing, transportation, disclosures and recordkeeping. First-time violations of the Act can attract criminal sanctions, including fines of up to $1,000, imprisonment for up to one year, or both. Civil penalties may also be applicable at a rate of $1,000 for each violation.

Table 1: A cross-country comparison of immigration provisions that can safeguard against the exploitation of migrant workers by employers sponsoring their visas

Country	Provisions applicable to all migrant workers on employer-sponsored visas	Provisions applicable to migrant workers recognised as victims of labour exploitation under a separate immigration route	
	Grace period after sponsored employment ends, before the visa also ends	Permission to remain	Permission to work
UK	Workers whose sponsored employment ends have **60 days** (or until the visa's expiry date, if sooner) until their visa is curtailed.	**If referred into NRM**, and with positive reasonable grounds, as long as it takes to obtain a conclusive grounds decision. In 2024, the average wait time for conclusive grounds decisions was 630 days.	Under the rules, a positive reasonable grounds decision in the NRM does not offer victims a new right to work, but only preserves the right to work inherent in the immigration status they held at the time they received a reasonable grounds decision. In the case of sponsored workers this means they can either continue to work for their sponsor (if their visas were still valid), or they have no right to work at all (if their visas expired).
		If a positive conclusive grounds decision is obtained, and the person was undocumented at the time, this can lead to Temporary Permission for Victims of Slavery. Significant limitations apply.	If the person meets the strict criteria to be granted Temporary Permission, they obtain the unrestricted right to work.
Canada	**The remaining duration** of individuals' closed work permit, or until a removal order against them becomes enforceable. There is also flexibility for workers whose visa expired. They have a 90 day "restoration period" to restore their status.	**12 months,** with the Open Work Permit for Vulnerable Workers. This is not renewable. To stay in Canada beyond the 12 months Open Work Permit, people would have to find another sponsor/make a separate immigration application.	Mostly unrestricted. Employers previously found to be non-compliant are excluded, as well as those that "regularly offers striptease, erotic dance, escort services or erotic massages)."
Australia	**180 days** at a time or a maximum of 365 days in total across the entire visa grant period. During this period individuals have the right to work, including outside their nominated occupation.	**6 -12 months** initially, with the Workplace Justice Visa. This is extendable up to a maximum of 4 years (if the workplace exploitation claim has not yet been finalised).	Unrestricted.
New Zealand	**No grace period ordinarily**. An individual may be in breach of visa conditions if they stay in New Zealand after their employment has ended. However, workers who were dismissed during a trial period can apply for a 3-month long Dismissed Worker Visitor Visa. This does not include a right to work, but allows them to stay in New Zealand as a visitor while they	**6 months** (with Migrant Exploitation Protection Work Visa). This is not renewable. To stay in New Zealand beyond the 6 months granted by the Migrant Exploitation Work Visa, people would have to find another sponsor/make a separate immigration application.	Unrestricted.

	contemplate a potential further immigration application.		
USA	Some workers on employer-sponsored visas have up to a **60-day** grace period until their visa ends. However, this excludes agricultural workers and seasonal workers.	**If reporting exploitation, and Homeland Security** confirms deferred action, initially **up to 4 years**. This can be renewed for an additional period of up to 2 years. Deferred action can be terminated at any time at the discretion of homeland security.	Unrestricted (subject to the worker reporting exploitation and demonstrating an "economic necessity for employment").
Republic of Ireland	After informing the Department of Enterprise, Trade and Employment, workers will usually be allowed **6 months** to find another job and apply for a new General Employment Permit.	**4-6 months**, with a temporary Stamp 1 permission to remain in Ireland for the purpose of applying to the Reactivation Employment Permit (REP), an employer-sponsored route. If a REP is granted, initial leave is for up to 2 years, extendable for up to a further 3 years.	Restricted. To work legally, a victim of exploitation would have to find a new employer that would be linked to the Reactivation Employment Permit. While the criteria for eligible employers are relatively accessible (law-abiding, with at least 50% of workforce who are Irish or EEA nationals), the REP does not generally allow workers to change employers within the first 12 months, unless they are made redundant or in exceptional circumstances that change the nature of the contract.
Finland	As of 1 April 2025, if employment is terminated, individuals on a work-based residence permit have **three months** to find a new job. If no new job is found in this period and there are no other grounds for continued residence, the permit will be cancelled and the worker has to leave Finland. For some specialists and managerial roles, the time period will be six months.	**Up to 12 months** (with the Extended Permit), but this cannot be renewed. Once the individual finds new employment, the expectation is that they can begin the process of applying for another residence permit.	Unrestricted.
		Whatever is left on the existing visa (with Certificate of Expanded Right to Work). If workers plan to stay beyond this period, they need to apply for another residence permit before their Certificate of Expanded Right to Work expires.	Unrestricted.

Legend					
	= longest grace period		= 12 months+ leave		= unrestricted right to work
	= stricter grace period		= shorter leave		= right to work with conditions
	= strictest grace period		= shortest leave		= no right to work

3 CONSIDERATIONS FOR UK IMPLEMENTATION

The measures adopted in these six countries are instructive examples of reforms that could plug gaps in migrant worker safeguarding without the admittedly greater challenge of ending employer-sponsorship entirely. Removed from the contentious debates around immigration control, these measures are, in our view, fully realisable by any government committed to preventing exploitation. However, while the policies adopted abroad offer a general sense of direction, limitations apply. "Workplace justice visa" policies in particular, that have the potential to make the biggest impact on redressing the power imbalance inherent in sponsorship, differ widely in how they are applied across the six countries we examined, and ultimately in their effectiveness.

In this chapter we review considerations at the level of design, implementation, and governance, which the government should take into account to plug the gaps in migrant worker safeguarding effectively in the UK.

3.1 DESIGN CONSIDERATIONS

Right to work. The main consideration at the level of design refers to what rights are conferred to victims of labour exploitation, and for how long. There is a fundamental difference between routes that merely grant migrants protection from immigration enforcement, which is the case with an NRM referral in the UK, and those that also grant them the right to work and support themselves. New Zealand, Australia, Canada, Finland and the U.S.A. all grant certified victims of exploitation the unrestricted right to work. The Irish Reactivation Employment Permit, by contrast, continues to tie the new right to work to a designated employer (at least for 12 months, except in certain circumstances), effectively replacing one sponsor with another.[93] This still inhibits practical labour market access to migrant workers. Any new status for victims of labour exploitation should give them the unrestricted right to work, to recognise the injustice already suffered, and to remove the risk of re-exploitation through black market work. This is particularly important in the current UK context where migrant workers lack access to public funds.

Status duration. Another key consideration applies to the duration of the visa, and the extent to which it replicates the settlement options available on the main employer-sponsored work visas. To avoid a paradoxical situation where reporting exploitation would result in shortening one's overall stay in the UK, any workplace justice route for victims of labour exploitation should last for at least as long as the applicant's current immigration permission, and count towards meeting permanent residency and naturalisation requirements. Finland's extended permit system, for instance, falls slightly short here. The permit counts towards permanent residence and citizenship but only lasts for a year and cannot be renewed, meaning being on the route may result in reducing workers' stay below what they had with an employer-sponsored visa.[94] New Zealand's Migrant Exploitation Protection visa also has shortcomings because it is only 6 months long and cannot, according to updated rules, be extended.[95] Status on a workplace justice route should not cut workers' stay short, be renewable, and any time spent on the route should count towards settlement.

Inclusivity. A further factor for policymakers to consider is the extent to which workplace justice visa policies are inclusive of migrant workers with different forms of leave, including those who are undocumented. In the UK migrants' access to the NRM-related Temporary Permission status is *only inclusive* of people who are undocumented at the point of receiving a conclusive grounds decision. This puts migrant workers in the extraordinary position of having to hit rock bottom before they can receive support – and makes it near impossible to use this route proactively to negotiate their way out of an exploitative situation while their visa is still valid. Other countries adopt opposite, but similarly inflexible approaches.

Canada's Open Work Permit for Vulnerable Workers, for example, entirely *excludes* undocumented workers. This has led the UN Special Rapporteur on contemporary forms of slavery to describe it as not an entirely "effective solution", as workers who have already left their employer (and who will consequently lose their status) are unlikely to ever qualify.[96] The Australian Workplace Justice visa, by contrast, is inclusive of both documented and undocumented workers, with the notable caveat that prospective applicants must have no more than 28 days remaining on their visa, or it must have expired less than 28 days before the application is made. This is a relatively narrow window of eligibility – though similar in length to the 21-day window Australian workers have to bring an unfair dismissal claim. To avoid unfairly penalising people whose leave expired, the UK Workplace Justice visa should allow for a grace period, and consider applications with compelling circumstances even beyond it, replicating the flexibility that has previously been applied in other contexts like the EU Settlement Scheme and Ukraine Extension Scheme.

3.2 IMPLEMENTATION CONSIDERATIONS

Important considerations also apply at the level of implementation.

Cost is an evident barrier. Finland's extended permit, for example, is limited in the sense that applications carry a cost of €180.[97] This fee places an additional financial burden on people who, in many cases, will already have acquired large debts and will be the least equipped to pay for additional applications. A similar barrier exists in the UK, whereby exploited migrant workers must pay for a new visa to change sponsors. To be truly accessible, no workplace justice visa should carry a fee, and no worker with this status should have to pay another fee to transition into a long-term employer-sponsored visa.

Secure reporting. The process required to be *recognised* as a victim of labour exploitation and granted status is another important consideration that speaks to the inclusivity, and ultimate utility, of policies designed to protect sponsored workers. The extent to which any government agency involved in recognising labour exploitation is separate from immigration enforcement is key. A substantial volume of literature has shown that in order to encourage vulnerable workers to come forward and build a culture of trust, workers need to know that doing so will not have adverse consequences on their immigration status.[98] This is more commonly known as "secure reporting". Measures to implement secure reporting can include, for example, data "firewalls" that inhibit unnecessary sharing of data around irregular migration status with immigration authorities in the course of investigating breaches of labour

standards. A common critique of data firewalls of this kind is that if immigration information can never be shared with relevant authorities, including immigration, this stifles the ability of government agencies to properly investigate wrongdoing, including matters outside of just labour exploitation. However, Australia demonstrates that this doesn't have to be the case. Australia's Strengthening Reporting Protections Pilot includes protection against visa cancellation, ensuring that someone's visa will not be cancelled if they breached visa conditions because of workplace exploitation. Though a decision on visa cancellation is ultimately made by the Home Department, other government departments or accredited third parties are involved in the certification of exploitation, meaning workers have some degree of confidence that they will not suffer detriment from coming forward. Similarly, the pilot makes it clear that if protection is offered, previous breaches of visa conditions will not impact current or future visa applications.

Eligibility thresholds. If secure reporting is key to encouraging people to come forward, the threshold they must meet to obtain recognition of their exploitation is key to ensuring that the process is just. There is a clear distinction between routes that require migrant workers to take formal action against abusive employers, such as those we identified in Australia, New Zealand, and the U.S., and routes that support them to transition to a new work visa more broadly, such as in Ireland, Finland, and Canada. Taking formal action against an employer presupposes an adversarial relationship, which some vulnerable migrants will be intimidated by – particularly if employers use threats of transnational retaliation. As a frontline organisation, the Work Rights Centre has seen cases of blatant and persistent witness intimidation, explicitly undertaken to get workers to drop their employment tribunal case. Formal action also generally requires legal advice. At a time when free legal advice has been decimated,[99] a truly inclusive status for victims of exploitation should encourage, but not be limited to, taking formal action.

Related to this, the process for evidencing exploitation should be proportionate and trauma-informed,[100] accessible to people with a whole range of abilities, digital skills, and language proficiency, and not impose a standard so high as to exclude victims or make them dependent upon scant professional advice. An independent analysis of decisions made through Canada's Open Work Permit system, for example, found there was some inconsistency around how evidence was interpreted. Workers who received assistance with their applications and requested reconsiderations of their applications appeared to "fare better" than workers who did not have such assistance available.[101] This should not be the case. By contrast, Australia's Workplace Justice visa appears more accessible. The certification can be provided by a government agency or accredited third party, including unions and migrant support organisations. The evidence required is not tied to a limited cohort of labour law breaches, provided a lawyer can certify that there is prima facie evidence of *a* labour law breach. Notably, applicants should have a right to appeal decisions without instituting lengthy judicial review proceedings.

Processing times. Other important considerations relate to processing times. In the UK, the NRM already struggles with vast processing delays. The median waiting time for a reasonable grounds decision to be made after referral in 2023 was 23 days,[102] much

higher than the 5 working days stipulated by statutory guidance.[103] Similarly, the median waiting time for a conclusive grounds decision was 630 days in 2024.[104] This has also been a criticism of Ireland's Reactivation Employment Permit application process, where processing delays mean that workers in practice have to have an offer of employment ready long before it is actually required.[105] To avoid migrant workers losing faith in the system or falling back into exploitative irregular work, processing times should be prioritised. There should be a minimum service requirement and flexibility to apply for urgent consideration if workers are facing compelling circumstances such as homelessness or destitution.

This also requires good resourcing – in government, as well as any partners entrusted with identifying and supporting victims of labour exploitation to make applications. An issue with the current NRM system is the lack of capacity that non-statutory first responders have to respond to potential cases of exploitation. First responders have reported being overstretched, underfunded, and lacking a pathway for continuous professional development. Such capacity issues are exacerbated by the absence of a pathway for new, prospective organisations to apply to become a First Responder.[106] Early evidence from Australia suggests that similar issues apply with the Workplace Justice Visa applicable there, as the list of accredited organisations that can certify claims of workplace exploitation has not been expanded further since the introduction of the visa. Good resourcing and a consistent standard of service are as important to the effectiveness of these policies for workers as the overall design. Having a growing, well-funded list of accredited organisations that can help to spot exploitation and assist migrant workers should be the norm.

Simple application process. Any new application process should be flexible enough to cater to a wide cohort of workers. Previous analysis has suggested measures such as allowing for digital and paper applications, limiting the extent of supporting evidence required and trauma informed evidence gathering processes as beneficial in this context.[107]

3.3 GOVERNANCE CONSIDERATIONS

New policies often come with teething issues and unintended consequences, particularly when the aim is to mitigate the risk of a system that, by design, rests on a power imbalance. To address these risks in the context of a UK Workplace Justice visa, we propose three governance considerations.

Collaboration. New immigration policy initiatives should involve a broad range of stakeholders, including workers and organisations with experience of providing support and advocacy. This means consulting beyond trade unions as a proxy for workers' interests, as many temporary migrants arriving to the UK are not unionised.[108] This is essential to ensuring that policy solutions tackle the issues that workers experience in practice, and that the task of identifying victims of exploitation is not delegated to a network of responders that is under-resourced. Thankfully, the infrastructure for this collaboration between the Home Office and external stakeholders already exists. Since 2018, the Home Office has engaged with advisory groups on immigration policy, including a Legal Migration User Experience Advisory Group consisting of NGOs and organisations supporting migrants.[109] These groups

have been underutilised as a space to co-design policy for the benefit of workers.[110] This aspect of stakeholder engagement needs to change if future protections are to be worker-centric.

Continued monitoring. The government should track and release data on the take-up of a new workplace justice route, as well as key success indicators (e.g. average time taken to process status applications, and share of status holders securing alternative employment) to allow for incremental improvements. Previous analysis has also suggested the utility of creating direct links between workplace justice visas issued to exploited workers and workplace inspections, to ensure that employers are taking their obligations around labour standards seriously, and re-exploitation does not occur.[111]

Alignment with the NRM. Perhaps most importantly, care should be taken to align any new UK Workplace Justice visa with existing frameworks (see Table 2). Despite the limitations we outlined earlier in this briefing, the NRM is a precious resource for people who, as a result of the most severe exploitation, require safe housing, counselling, or financial support with everyday expenses. While the framework requires improvement, there is good reason it should continue to exist. The policy considerations we have proposed in this briefing are not designed to undermine the NRM. Instead, we have two aims. The first is to provide an accessible route into immigration security for all exploited workers, including, but not limited to, those who fit the eligibility criteria of the NRM. As we have argued earlier, the NRM operates with a vision of labour exploitation that is simply too narrow to include the experiences described by sponsored workers, and too under-resourced to respond to the scale of non-compliance under the employer-sponsorship system. The creation of a separate workplace justice visa could plug that inclusivity gap. The second aim of proposing this policy is to raise the standard of immigration protection inherent within the NRM itself. The absence of a right to work makes it impossible for people in the NRM to support themselves while they are searching for a new work visa. An NRM referral should be one pathway to a UK Workplace Justice visa, that gives migrants the much-needed right to work and support themselves, and provides a path to regularisation. In this context, certifying organisations could in the first instance help applicants to decide whether to apply for a UK Workplace Justice visa alone/directly or to seek the more generous, non-immigration related assistance potentially available through acquiring VTS leave.

Failure to achieve alignment with the NRM , including on resourcing, capacity to make decisions and immigration security offered through VTS leave, would likely lead to a two-tier system of protection. It could also unintentionally result in applications being channelled into a single framework, that is perceived to be more advantageous, at the risk of undermining the other framework, or overwhelming itself. Given this challenge and existing problems inherent in the NRM, any new protections should be designed and implemented hand-in-hand with significant improvements to the NRM itself.

Table 2. A comparison of the Temporary Permission for Victims of Human Trafficking or Slavery, and a new UK Workplace Justice visa, modelled on international best practice

Criteria	Temporary Permission for Victims of Human Trafficking or Slavery (VTS)	Possible UK Workplace Justice visa (WJV)
What immigration status do applicants need to have to access the route?	**Undocumented.** According to the guidance, a person will not qualify for temporary permission to stay (VTS) solely because a Competent Authority has confirmed that they are a victim of modern slavery. They must meet certain eligibility and suitability requirements set out in Appendix: VTS, and not have permission to stay in the UK in another category, as per S65(1) of the Nationality and Borders Act 2022.	**Any victim of labour exploitation** should be eligible for the UK WJV. Individuals should be permitted to make an application up to and including 90 days after the expiry of their leave. Beyond this, applications should be open for consideration by the Home Office on a case-by-case basis.
Threshold	**High.** According to the guidance, the eligibility requirements for permission to stay (VTS) include supporting recovery from physical or psychological harm, supporting the victim to cooperate with a public authority, or to pursue compensation claims.	**The UK WJV should be open to** confirmed victims of labour exploitation, without additional requirements.
Competent authorities with the power to certify exploitation	**Home Office**. Currently, while a range of first responder organisations can make NRM referrals, caseworkers who decide whether the person was a victim of exploitation are part of the Home Office.	**Labour enforcement agencies**, unions and frontline labour rights organisations should be able to certify labour exploitation for the purpose of a UK WJV.
Application process	**No application required**. According to the guidance, for those in scope permission to stay will be automatically considered following a positive conclusive grounds decision.	Victims of exploitation should have the option to apply for a UK WJV themselves, or be referred for consideration by the bodies entrusted with certifying exploitation.
Application fee	**No fee** for an initial consideration of temporary permission (VTA).	**No fee**.
Application processing time	According to the latest available data, in 2024 conclusive grounds decision wait times were 630 days. We were unable to find data on processing times for the VTS, once a positive conclusive is obtained.	Competent authorities should be resourced at a level that enables them to certify exploitation as soon as possible. **8 weeks**. WJV applications should then be processed within 8 weeks, the same expediency with which the Home Office processes Skilled Worker Visas.
Length of stay under route	**Up to 30 months**. The guidance advises caseworkers to determine duration of stay on a case by case basis, but it does not normally exceed **30 months**.	**The remainder** of the worker's original visa or 30 months, whichever is longer.
Right to work under route	People with VTS status can work without restriction. However, given the long time needed to stay in the NRM before VTS status can be obtained, and the fact that NRM status does not offer the right to work, this carries a high risk of destitution and/or re-exploitation on the black market.	**Unrestricted** right to work.
Right to settlement under route	The Temporary Permission to Stay for Victims of Human Trafficking or Slavery is **not a route to settlement**.	**Stay under the UK WJV** should be considered as part of the qualifying period for settlement.

4 CONCLUSION AND RECOMMENDATIONS

This report has shown that a work migration system which puts employers in charge of visas poses serious risks of exploitation and human rights breaches. Without urgent and substantial policy change, these risks are almost certain to persist. To date, the UK government's response has focused on requiring better regulation within the adult social care sector, where most reports of abuse emerged, and on increasing sponsor due diligence and compliance activities. However, our analysis indicates that the risk of exploitation is neither limited to a single sector, nor solvable by employer-regulation alone, which does nothing to compensate workers or support them in accessing remedy. The fundamental driver of exploitation is the power imbalance between workers and employers - that exists in most workplaces, is severe in low paid sectors (such as care, but also hospitality, retail and construction), and is exacerbated when employers are given the key to their staff's immigration status. This is what immigration policy reform urgently needs to address.

The approach that would most effectively safeguard migrant workers from the excesses of employer power would be one that removes employers from the visa grant process entirely, and gives migrant workers the freedom to take their labour to the businesses that genuinely need and value them. This is, in effect, a scenario where sponsorship ends. Failing that, if the government is committed to retaining a work migration system based on employer-sponsorship, it is vital that some changes are made to mitigate the system design risks identified here, and plug the gap in migrant worker safeguarding.

Adopt a UK Workplace Justice visa for migrant victims of labour exploitation. All six countries we examined operated, with some variance, versions of an immigration route or solution that recognises the injustice of migrant workers being exploited by their visa sponsor and supports them to secure alternative employment. To make this most inclusive, the route should be open to applicants regardless of the validity of their leave, it should grant them the right to remain and work for at least as long as their original work visa, and be accessible in practice, including by adopting proportionate thresholds reflective of the wide continuum of exploitation that migrants experience in practice.

Give sponsored workers more time and means to find another sponsor. While opening a UK Workplace Justice visa would be a lifeline for people exploited by their sponsor, there will almost certainly be people who should qualify for this route but fail to obtain it – be it due to their inability to engage with the application process, the level of evidence they are able to obtain, or other factors. To empower them to leave abusive workplaces and find a new sponsor, the Home Office should extend the 60-day grace period between the end of employment and the curtailment of the visa, to six months. An extension to six months would match the provisions in other countries, give migrants more certainty, and effectively codify the discretion the Home Office has already applied unofficially in some cases, by delaying the curtailing of visas in the social care context. Following the example of Australia, people should also have more flexibility to take up work during this grace period, without needing a CoS to start a new role. From workers' perspective, this provision would make it significantly easier to take up

employment and support themselves while looking for a new sponsor, thus reducing the risk of homelessness and destitution. From the perspective of would-be sponsors who might be reluctant to front the costs of issuing a CoS before workers pass a probation period, this additional flexibility would facilitate recruitment.

Increase penalties for employers who abuse sponsorship. The consequences for rogue employers abusing sponsorship are minor, in comparison to the scale of exploitation and fraud perpetuated against workers, which can collectively run into the millions of pounds. This stands in stark contrast with the penalties regime that apply to illegal working, where employers face unlimited fines and up to 5 years in prison for knowingly employing someone without permission to work. The UK government should go further by establishing new criminal offences and a civil penalty regime for those abusing the sponsorship system and migrant workers they sponsored. This new regime should also clamp down on employers who use threats of visa curtailment to silence grievances or coerce migrants into accepting unacceptable conditions at work. As in the international examples discussed in this briefing, such as Canada and New Zealand, a new penalties regime for unscrupulous employers could also help to compensate workers directly for the consequences of mistreatment, including on issues like non-payment of wages. It may also help to subsidise the costs of running a UK Workplace Justice visa system at no charge to prospective applicants.

The evidence presented in this briefing makes it clear that it is possible to implement reforms that strengthen protections for migrant workers within the UK's existing system of employer-sponsorship. The countries we examined face similar push and pull dynamics to the UK, share long histories of migration, and have experienced, or are still experiencing, the tension the UK has grappled with since the Brexit referendum: between an economic imperative to plug labour shortages by attracting talent from abroad, and a rising politics of immigration control. The policy examples we examined indicate that there are real, achievable reforms the UK government can make. The rest is a matter of political will.

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