

CREATING A SAFE AND FAIR UK IMMIGRATION POLICY FOR WORKERS

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ABOUT US

Focus on Labour Exploitation (FLEX) is a research and policy organisation working towards an end to labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

SUMMARY

This briefing explores how immigration policy can result in the creation of an environment that fosters labour exploitation and modern slavery and prevents people facing or at risk of exploitation from seeking assistance from the authorities. It outlines the key risks linked to recent immigration policy decisions in the UK and the actions that should be taken to address them in order to ensure that workers are protected and treated fairly.

1. INTRODUCTION

The UK has committed both domestically and internationally to tackling labour exploitation and modern slavery under the Modern Slavery Act 2015,¹ the EU Anti-Trafficking Directive 2011,² the United Nations Convention against Transnational Organized Crime and the Protocols Thereto³ and the Council of Europe Convention on Action against Trafficking in Human Beings.⁴ To uphold these commitments, it is crucial that policymakers understand how immigration policy can increase the risk of these offences and take proactive action to mitigate them.

While this briefing aims to examine the risks caused by uninformed immigration policy, it is important to note that modern slavery is a serious crime committed against individuals and not an immigration matter, as evidenced by the fact that most people found to be victims of modern slavery in the UK are British. However, immigration policies that limit people's mobility and ability to exercise their rights can make migrants more vulnerable and at greater risk of being exposed to severe forms of abuse, with limited options for accessing redress.

¹ [Modern Slavery Act 2015](#) (UK).

² [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JHA](#) (2011) *OJ L 101*.

³ ['United Nations Convention against Transnational Organized Crime and the Protocols Thereto'](#) (United Nations Office on Drugs and Crime, 2004).

⁴ [Council of Europe Convention on Action against Trafficking in Human Beings](#), Council of Europe Treaty Series No.197 (2005).

2. HOW IMMIGRATION POLICY CREATES VULNERABILITY TO EXPLOITATION

All individuals within the UK immigration system, whether they have regular status or not, have varying degrees of access to residency, work, and welfare rights and entitlements. This creates what has been called a 'hierarchy of vulnerability'⁵ a stratified system where some people will have greater access to rights and protections, while others will face more restrictive conditions that limit their power to refuse exploitative working conditions. Within the complex UK immigration system, there is a broad range of restrictive categories that put people at higher risk. Restrictions placed on people's time in the UK, for example, can push individuals into increasingly exploitative forms of work, as employers may take advantage of the fact that it would be extremely difficult for a temporary worker to switch sponsors.

In addition to this, people's experiences of and vulnerability to labour exploitation will also vary greatly depending on personal, situational, and circumstantial factors (see Box 1 below). Individuals who have the fewest options and levels of support to counter these factors are more likely to experience higher levels of harm, compounding the effects.

BOX 1. FACTORS AFFECTING VULNERABILITY TO EXPLOITATION

Personal – Personal vulnerability stems from a person's individual characteristics, such as their age, gender or physical or mental health.

Situational – Situational vulnerability relates to how a person is positioned within their environment, such as being subject to immigration restrictions, undocumented in a foreign country, or socially or linguistically isolated.

Circumstantial – Circumstantial vulnerability relates to a fact or event experienced by an individual, such as unemployment, economic destitution, or the loss of identity documents.

For example, when tight immigration restrictions are applied to workers in already high-risk sectors – such as domestic work or agriculture - their effects are compounded. The layering of vulnerabilities produced by labour market and immigration systems can restrict people's options to the point of creating 'unfreedom', compelling them into coercive working relationships and eroding their ability to negotiate decent work.⁶

3. RISK OF EXPLOITATION LINKED TO RESTRICTIVE VISA CONDITIONS AND LIMITED ACCESS TO RIGHTS

In addition to entry requirements such as salary and skills thresholds, visa costs, and language requirements, many visas and immigration statuses set conditions and restrictions on a person's right to work, reside, and access welfare support in the UK. Some visa statuses are more restrictive than others.

Common restrictions and conditions on UK visas include:

- No right to work (for non-work visas)
- Limits on type of role and/or labour sector
- Conditions on the right to change employer

⁵ Peter Dwyer et al., '[Forced Labour and UK Immigration Policy: Status Matters](#)' (York: Joseph Rowntree Foundation, 2011).

⁶ '[No Viable Alternatives: Social \(in\)Security and Risk of Labour Exploitation during Covid-19](#)' (FLEX, IWGB and UWW, 2021).

- Limits on or restrictions around working hours
- Minimum earnings threshold
- No Recourse to Public Funds (NRPF) or conditional access tied to one or more of the following:
 - Being employed
 - Being registered
 - Being in work deemed 'genuine and effective'
- Limited access to free public healthcare
- A time limit on the length of stay
- 'Cooling-off' periods between visas
- Limits on the number of times a visa can be renewed
- Not being allowed to renew a visa in-country
- Not allowed to switch onto other visas or apply for permanent residence
- No right for family members to apply to enter or stay in the UK as dependents

The impact of immigration restrictions and visa conditions on vulnerability to labour abuse and exploitation is not always clear-cut; it will vary between different groups depending on people's specific situation. It will also depend on how different restrictions and conditions interact with each other. For example, having strict conditions for changing employers will carry more risk for someone in a low-paid job who also depends on their visa sponsor for accommodation, as is the case for most agricultural workers on short-term visas, than it would for someone on a higher salary who does not have multiple dependencies. The following section delves deeper into the links between immigration policy and risk of labour exploitation by looking at the potential impact that high visa costs, the No Recourse to Public Funds (NRPF) rule, and short-term visas, can have for workers in low-paid jobs.

3.1 HIGH VISA COSTS, RECRUITMENT FEES AND DEBT BONDAGE

ILO guidance and the Employer Pays Principle state that the costs of recruitment should be borne not by the worker but by the employer, and that no worker should pay for a job.⁷ Whilst charging a worker recruitment fees is unlawful in the UK, migrant workers often have to pay a number of upfront costs, including visa fees, health surcharges and travel costs. These costs can be prohibitive, particularly for low-wage workers, leading people to take loans or use up their savings to migrate.

Previous research has suggested that a high percentage of migrant workers in the UK have gone into debt to pay for their visa costs.⁸ A FLEX evaluation of the then Seasonal Worker Pilot found that the majority of workers had entered into debt to come to the UK to cover visa fees, travel and clothing expenses.⁹ This debt posed a risk to workers when coupled with a lack of guaranteed working hours and barriers to changing employers where work was limited.

⁷ [Operational Guidelines for Fair Recruitment & Definition of Recruitment Fees and Related Costs](#) (Geneva: International Labour Organization, 2019).

⁸ [Destroying, Hopes, Dreams, and Lives: How the UK Visa Application Costs and Process Impact Migrants' Lives](#) (Migrant Voice, 2022).

⁹ [Assessment of the Risk of Human Trafficking for Forced Labour on the UK Seasonal Worker Pilot](#) (FLEX and Fife Migrants Forum, 2021).

In addition, and despite these being illegal in the UK, many migrant workers may be charged recruitment fees by employers or labour intermediaries for arranging travel, entry, and access to work or accommodation. The longer or more complex the recruitment chain, the more difficult it is to ensure that such costs are not being charged, and for workers to access redress.

When workers cannot pay these costs upfront, they may be offered loans by labour brokers or other intermediaries, often with inflated interest rates on repayment. Workers may then be required to pay back those fees before being paid their wages, in part or in full, increasing the hold their employer or broker has over them.¹⁰ Individuals may also have to borrow money from family or friends, or use their savings to secure a job, creating pressure to stay in exploitative situations.

Debt is one of the key drivers of labour exploitation, as workers become dependent on their employer to pay back loans. Recruitment debt can lead to debt bondage, a form of forced labour where an individual is forced to accept an obligation to pay an inflated or artificial debt. Some workers may not have their debt artificially inflated, but may still be forced to work for a specific employer to pay off the debts associated with travel, visa and recruitment fees. If workers are effectively tied into an employment relationship via debt bondage, they will be unable to leave abusive situations or risk failing to repay their loan(s). There is also a risk that additional costs, such as accommodation fees, might be forced upon them, further increasing their indebtedness.

3.2 NO RECOURSE TO PUBLIC FUNDS (NRPF)

No Recourse to Public Funds (NRPF) is a condition applied to most people with limited leave to remain in the UK, as well as anyone with irregular immigration status. Having NRPF means that the individual has no entitlement to most welfare benefits, including Universal Credit and housing assistance. The aim of NRPF is to ensure immigration does not create an excessive burden on public finances.¹¹

The Home Office does not currently collect and publish data on the number of people with NRPF, however recent estimates identified that over 1.31 million people have this condition attached to their visa, with around three quarters being on study and work visas and around one fifth on family visas.¹² The total number of people facing these conditions is estimated to be much higher, as there are currently no reliable estimates on the irregular migrant population in the UK.

Numerous studies have documented the harm that NRPF¹³ does to migrants by denying them access to support, forcing people into destitution and debt, and preventing them from leaving exploitative and abusive situations.¹⁴ NRPF is also one of the key ways in which lack of access to social security drives the risk of labour abuse and exploitation, especially in the context of low-paid and insecure work.¹⁵ This is because for individuals working in high-risk sectors or the informal economy who often experience issues around pay and are on low income, not

¹⁰ Dwyer et al., [‘Forced Labour and UK Immigration Policy: Status Matters’](#).

¹¹ [‘No Recourse to Public Funds’ \(NRPF\)](#), Home Office, 2020 (last accessed 3 November 2022).

¹² [‘Children in Poverty: No Recourse to Public Funds: Government Response’](#), First Special Report of Session 2022–23 (Work and Pensions Committee, 2022); Marley Morris and Amreen Qureshi, [‘Locked out of a Livelihood: The Case for Reforming “No Recourse to Public Funds”’](#) (IPPR, 2021).

¹³ While there are very few limited exceptions where people can access public funds if they have NRPF (if they are destitute, at imminent risk of destitution, or for the welfare of their child), there are strong disincentives to applying for an exemption, as doing so can extend the route to settlement in up to 10 years, with its associated immigration costs.

¹⁴ [‘Nowhere to Turn: How Immigration Rules Are Preventing People from Getting Support during the Coronavirus Pandemic’](#) (Citizens Advice, 2020); Eve Dickson and Rachel Rosen, [“Punishing Those Who Do the Wrong Thing”: Enforcing Destitution and Debt through the UK’s Family Migration Rules’](#), *Critical Social Policy* 41, no. 4 (2021): 545–65; Eve Dickson et al., [‘Local Authority Responses to People with NRPF during the Pandemic’](#), 2020.

¹⁵ [‘No Viable Alternatives: Social \(in\)Security and Risk of Labour Exploitation during Covid-19’](#).

having access to public funds creates a high level of dependence on the employer and makes it extremely difficult for them to exit situations of abuse.

Access to benefits and support dramatically improves individuals' resilience to labour exploitation. Studies have found that the gains from the removal of the NRPF condition for any household, including households with families, would outweigh the costs of granting everyone access to benefits, both in the short-term and in the long-term.¹⁶ These gains come from a range of savings generated by addressing many of the problems of destitution and poor housing presented to local authorities and third sector services, which can then be invested elsewhere.

3.3 LIMITS ON THE LENGTH OF STAY: TEMPORARY MIGRATION PROGRAMMES (TMPS)

Temporary Migration Programmes (TMPS) offering short-term work visas present a significant risk of labour abuse and exploitation, including modern slavery offences. TMPS have also been criticised for undercutting wages and working conditions by allowing industries to implement wages and conditions for migrant workers that would not be acceptable to the resident workforce.¹⁷ They provide a steady turnover of new migrants with fewer rights than national workers; less knowledge of the rights they do have; higher barriers to enforcing these rights; and limited support networks and bargaining power. In addition, short-term visas are generally accompanied by other immigration restrictions leading to an increased risk of exploitation.

The risks associated with short-term visas include:

- Debt bondage as a result of debt taken on to pay upfront migration costs and illegal recruitment fees as well as the limited period of time the visa allows for work to repay the debt
- Deception in recruitment about the terms and conditions of work, leading to destitution, over-work or inability to earn back on the investment made to secure a job in the UK
- Barriers to changing job or sector
- Multiple dependencies on employers or third parties for work, accommodation, transportation, information and translation and/or interpretation
- Destitution due to no recourse to public funds
- Lack of access to information about rights or how to seek support
- Barriers to accessing justice, such as employment tribunal timeframes
- Lack of guaranteed hours / zero-hours contracts

TMPS are widely recognised as risky and if introducing them, the Government should take measures to prevent and mitigate against these risks, as well as ensuring that schemes are regularly monitored and that workers are consulted throughout the process. Box 2 provides an overview of the UK TMPS.

¹⁶ Eleanor Benton et al., '[Social Cost Benefit Analysis of the No Recourse to Public Funds \(NRPF\) Policy in London](#)' (LSE, 2022).

¹⁷ Kerry Preibisch, '[Pick-your-own Labor: Migrant Workers and Flexibility in Canadian Agriculture](#)', *International Migration Review* 44, no. 2 (2010): 404-41.

BOX 2. TEMPORARY MIGRATION PROGRAMMES IN THE UK

The Overseas Domestic Worker (ODW) Visa

Important rights were removed from the Overseas Domestic Workers (ODW) visa, a non-renewable six-month visa, in 2012. At this point, it became a tied visa, making a person's right to work and remain in the UK (for a maximum period of 6 months) dependent on continued employment with a specific employer. This tie made it very difficult for workers to enforce their rights at work or leave exploitative situations.¹⁸ There is a wealth of evidence on the exploitation experienced by workers on this visa, including physical abuse, excessive working hours, confiscation of identity documents, the denial of rest days, and underpayment and non-payment of wages.¹⁹ In 2016, the visa was changed to allow people to "take alternative employment as a domestic worker with a different employer *during the six-month period for which they are originally admitted*" [emphasis added]. Though technically an improvement, in practice the problems remain the same, as workers struggle to find new full-time domestic work roles with just months or weeks left on their visa. It is therefore the short-term nature of the visa which makes it high-risk for workers.

The Seasonal Worker Visa (Temporary Worker)

The Seasonal Worker Visa for agriculture was introduced in March 2019 as a two-year pilot. Originally, it was capped at 2,500 workers per year, but this was expanded to 10,000 in 2020, 30,000 in 2021 and most recently 40,000 in 2022.²⁰ The visa is supposed to offer a temporary solution to labour shortages in agriculture and to support business during the transition following the end of free movement. At the time of writing, the visa has been extended only until 2024, with the number of visas beginning to taper down after 2023 as part of a transition to 'employing and prioritising domestic workers',²¹ although there are suggestions that the scheme will be further extended and expanded. Like the ODW visa, the Seasonal Worker Visa is also a six-month long visa (though applicants can apply to return for another six months after a six-month 'cooling-off' period) that ties workers to a specific sector. Workers on the visa can change employers but this must be facilitated by the scheme operator. FLEX has previously published an evaluation of the visa, after conducting outreach and research with migrant farmworkers in Scotland together with Fife Migrant Forum. The research identified several highly concerning indicators of risk, including debt and possible debt bondage; recruitment fees and inflated visa costs; workers living in the same place as they work with limited freedom of movement; degrading living conditions; hazardous work without protective gear; working conditions in violation of labour laws; denial of breaks; and compensation being tied to production targets.²²

¹⁸ Natalie Sedacca, '[International Domestic Workers' Day 2019: The Rights of Domestic Workers in the UK Need Far-Reaching and Urgent Reform](#)', *FLEX*, 2019 (last accessed 3 November 2022).

¹⁹ '[Still Enslaved: The Migrant Domestic Workers Who Are Trapped by the Immigration Rules](#)' (Kalayaan, 2014); James Ewins, '[Independent Review of the Overseas Domestic Worker Visa](#)', 2015; Virginia Mantouvalou, '["Am I Free Now?" Overseas Domestic Workers in Slavery](#)', *Journal of Law and Society* 42, no. 3 (2015): 329-57.

²⁰ '[Seasonal Worker Visa Route RFI Notice](#)', Gov UK, 2022 (last accessed 3 November 2022).

²¹ '[Industry given Certainty around Seasonal Workers but Told to Focus on Domestic Workforce](#)', Gov UK, 2021 (last accessed 3 November 2022).

²² '[Assessment of the Risk of Human Trafficking for Forced Labour on the UK Seasonal Worker Pilot](#)'.

4. INCREASE IN IRREGULARITY AND VULNERABILITY TO EXPLOITATION

Tight immigration restrictions, particularly when compounded by other risk factors, can become too difficult to comply with, pushing people into irregularity or 'semi-compliance'.²³ In addition, the lack of safe and fair migration routes for low-paid jobs has led to labour shortages that continue to put pressure on a range of industries. This pressure can end up encouraging employers to engage workers that do not have a right to work, pulling migrants into irregularity.

In this sense, it is important to note that irregular migrants are not a homogenous group of people, but a complex and diverse category that covers several statuses. This group includes people who are in the UK without a legal right to remain or who are not adhering to their visa conditions, either because they have entered the UK through irregular channels, because they have overstayed the length of their visa, or because their situation has changed and they no longer meet the requirements of their visa.

Irregular migrants are at heightened risk of exploitation as their immigration status gives employers, recruiters, gangmasters and others an unparalleled tool for coercion: the threat of denunciation to immigration authorities. Irregular migrants also have fewer alternative employment options compared to others, which increases their dependence on their employer, and they are often prevented from seeking help from public authorities, such as the police or labour inspectorates, for fear of arrest or deportation. Research by the European Agency for Fundamental Rights finds that "vulnerability linked to residence status is the most important risk factor causing or contributing to labour exploitation".²⁴

Vulnerability to exploitation experienced by irregular migrants is a global issue, but it is compounded in the UK by the 'hostile environment'. The hostile environment is a series of measures aimed at making it difficult to live in the UK without proper documentation and to deter those seeking to migrate without legal permits. These measures include but are not limited to:

- 1. Citizen-on-citizen immigration checks** requiring migrants to prove their status to access work, housing, education, social security, healthcare, etc.²⁵
- 2. Data sharing** between public authorities and services, such as the police or labour inspectorates, and the Home Office, for immigration enforcement purposes.
- 3. The criminalisation of unauthorised work**, making it a criminal as opposed to a civil offence punishable by the confiscation of earnings, a custodial sentence and an unlimited fine.

The criminalisation of irregular work and the failure to separate labour market enforcement from immigration enforcement creates conditions in which migrant workers are made more vulnerable to forced labour and human trafficking. These policies have been shown to negatively impact not only irregular migrants, but also those with regular status. As a result of the Illegal Working Offence, for instance, a much larger number of migrant workers in the UK are reluctant to report abuse when investigations could result in them losing their right to work.²⁶ The automatic sharing of personal data between immigration enforcement and labour market

²³ The term 'semi-compliance' refers to migrants who have the right to enter and stay in the UK but are in violation of the conditions attached to their visa or residence. Like people who have entered the UK through irregular routes, those in semi-compliance will be at risk of modern slavery due to threats of denunciation to immigration authorities; Martin Ruhs and Bridget Anderson, '[Semi-compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants, Employers and the State in the UK](#)', *Population, Space and Place* 16, no. 3 (2010): 195–211.

²⁴ '[Protecting Migrant Workers from Exploitation in the EU: Workers' Perspectives](#)' (European Union Agency for Fundamental Rights (FRA), 2019).

²⁵ Some of these checks, such as the Right to Rent scheme, only apply to England.

²⁶ '[Risky Business: Tackling Exploitation in the UK Labour Market](#)', (FLEX, 2017); '[Opportunity Knocks: Improving Responses to Labour Exploitation with Secure Reporting](#)' (LEAG and FLEX, 2020).

enforcement agencies, and the absence of secure reporting systems, put migrant workers at considerable risk of exploitation.

In this context, people working irregularly can only do so informally, risking severe repercussions, such as arrest, detention and deportation, if they come to the attention of the authorities.²⁷ This vulnerability can be exploited by employers by imposing exploitative conditions and coercing people into work with the knowledge that they are unlikely to complain or seek help from the authorities.

Whilst the demand for workers may act as a strong pull factor into irregular migration, the fact that the UK immigration system has changed so rapidly and significantly makes it likely that people are unaware of being in breach of immigration restrictions, especially if they have previously been able to migrate freely for work as EEA nationals. Others may knowingly work in breach of their visa terms, as there can be strong factors encouraging both migrants and employers to circumvent restrictions on labour migration. Box 3 provides an example of such cases.

BOX 3. SEMI-COMPLIANCE IN THE CARE SECTOR

Nine Indian students were identified in December 2021 as potential victims of modern slavery and labour abuse by the Gangmasters Labour Abuse Authority (GLAA).²⁸ The group had been found to be working in care homes, where they all worked more than the 20 hours per week allowed for students studying in the UK, and their wages were controlled by their alleged exploiters. GLAA officers also found that the group were sleeping on mattresses on the floor in cold, unsanitary and cramped conditions.²⁹

Adult social care has been identified by the Director of Labour Market Enforcement as a sector with a high risk of labour exploitation, especially in the case of live-in care work.³⁰ The current shortage of workers in the care sector has also played a significant role in increasing the risk of vulnerable people being recruited into exploitative work.³¹

Concerns remain around the potentially significant number of people that may fall into an irregular status due to difficulties in applying to the EU Settlement Scheme (EUSS), whether because they are vulnerable, struggle to navigate the application system, or cannot provide proof of citizenship or residence.³²

While there is no evidence that the Illegal Working Offence and other 'hostile immigration' policies are effective at deterring irregular migration into the UK, there is significant evidence showing how these policies prevent people from reporting crimes and unsafe working conditions to the authorities,³³ which further drives risk of exploitation.

²⁷ Meri Åhlberg and Lucila Granada, ['The Making of Irregular Migration: Post-Brexit Immigration Policy and Risk of Labour Exploitation'](#), *Journal of Poverty and Social Justice*, 2022, 1–21.

²⁸ ['Couple Arrested after GLAA Discovers Care Workers Sleeping on Floor Mattresses'](#), GLAA, 2021 (last accessed 3 November 2022).

²⁹ *Ibid.*

³⁰ ['Director of Labour Market Enforcement 2020/2021 Strategy: Call for Evidence'](#) (Department for Business, Energy & Industrial Strategy and Home Office, 2019).

³¹ Meri Åhlberg et al., ['The Vulnerability of Paid, Migrant, Live-in Care Workers in London to Modern Slavery'](#) (Rights Lab University of Nottingham, 2022).

³² Madeleine Sumption and Mariña Fernández-Reino, ['Unsettled Status-2020: Which EU Citizens Are at Risk of Failing to Secure Their Rights after Brexit'](#) (Migration Observatory, 2020).

³³ ['Opportunity Knocks: Improving Responses to Labour Exploitation with Secure Reporting'](#).

5. CHANGES TO IMMIGRATION POLICY AND AD-HOC ROUTES INTRODUCED WITHOUT PROPER SCRUTINY

In addition to the cumulative impact of tight visa restrictions and high immigration costs, another key factor is the introduction of changes to immigration policy and new routes without proper scrutiny or due diligence (Box 4 provides an example of this). The reliance on migrant labour in certain areas of the UK economy has become abundantly evident with the increase of labour shortages in most low-paid roles following the end of free movement. Of the EU workers that were employed in the UK before the end of free movement, 63% are now ineligible to work in the UK under the new immigration system.³⁴ When the UK Government decided not to introduce a general route for low-paid jobs in sectors that were highly reliant on a predominantly migrant workforce, a number of industries were confronted by the challenges posed by labour shortages. In response to this pressure, a small number of new routes and changes were introduced as a response to labour shortages in specific sectors. These measures, however, were generally presented as provisional and introduced with little warning.

This ad-hoc and short-term response did not allow for appropriate scrutiny nor to build on learning and experience, leading to unsustainable schemes that push costs onto workers and are associated with increased risks of exploitation.³⁵ This has resulted in routes that have been created with little parliamentary scrutiny or consultation with stakeholders in the design process. There is a considerable risk that some employers, unable to legally recruit from abroad and unwilling or unable to attract workers from the domestic labour force, will turn to irregular migrants, including workers in semi-compliance. Proper scrutiny and planning are key to addressing and mitigating the risk of exploitation that might arise from restrictions and limitations associated with new visas.

BOX 4. NEW ROUTES, LACK OF SCRUTINY AND RISK OF EXPLOITATION: HOMES FOR UKRAINE

The UK's domestic response to the Ukraine crisis raised some major concerns around risk of exploitation and overall safeguarding risks for Ukrainians arriving to the UK. Having recently passed the Nationality and Borders Bill, the UK was caught between a process of criminalisation of asylum seekers and the British public's overwhelming demand for support for Ukrainians fleeing the conflict. This meant that instead of allowing people to enter the UK and seek asylum, the UK Government introduced several Ukraine-specific visa schemes: the Ukraine Family Scheme (allowing for reunification with a family member in the UK); Homes for Ukraine (the Ukraine Sponsorship Scheme, under which members of the public host refugees in their home); and the Ukraine Extension Scheme (for certain Ukrainians who are already in the UK on visas unrelated to Homes for Ukraine and the Ukraine Family Scheme). Concerns raised include the ways in which the UK's requirement for visas is seen to heighten risks of exploitation; the lack of transparency, clarity, accountability and resourcing of these schemes; inadequate training, guidance, support and expectation management for hosts taking part in the Homes for Ukraine Scheme; difficulties in accessing accommodation and long-term housing support for those on the Ukraine Family Scheme; and lastly around the interaction of the Seasonal Worker Visa with the new Ukraine Extension Scheme, including workers being highly dependent on their employers, unable to change sectors or work outside the scheme, and having NRPF.³⁶

³⁴ Marley Morris, 'Building a Post-Brexit Immigration System for the Economic Recovery' (IPPR, 2020).

³⁵ 'The Risks of Exploitation in Temporary Migration Programmes: A FLEX Response to the 2018 Immigration White Paper' (FLEX, 2019).

³⁶ Ella Cockbain and Aiden Sidebottom, 'The War in Ukraine and Associated Risks of Human Trafficking and Exploitation' (Office for the Independent Anti-slavery Commissioner, 2022); 'Filling the Gaps: Preventing Increased Risks of Exploitation for Ukrainian Workers on the Seasonal Worker Visa', FLEX, 2022 (last accessed 3 November 2022).

The effect of the Homes for Ukraine Scheme was to bypass the asylum system. By relying on private citizens support, it also effectively transferred a range of responsibilities from the Home Office and UKVI to local authorities. The Homes scheme made securing a host in the UK with space to accommodate a Ukrainian national for a period of 6 months a requirement of the 3-year visa. However, safeguarding checks are very limited and often take place after the event due to local authorities' capacity. The fact that hosts needed to name their guests led to Ukrainians having to share personal details on the internet, including on social media and dating sites, leaving them vulnerable to different forms of abuse. Additionally, the scheme lacked guidelines for hosts and guests, leading to unclear boundaries and risks of exploitation. Moreover, people are at a heightened risk of homelessness as hosts only need to commit to an initial 6 months while the visa lasts 3 years.

6. RISKS CREATED BY OTHER INTERACTING POLICIES: LABOUR MARKET AND SOCIAL SECURITY

In addition to the impact that immigration restrictions have on the level of vulnerability experienced by workers, there are a number of other interacting policies that may compound those effects, which fall outside of the immigration policy remit but must be taken into account when considering immigration changes.

Social security, for example, can significantly affect people's risk and/or resilience to labour exploitation. The social security system is meant to reduce social and economic vulnerability and help people who are struggling to meet their subsistence needs. However, when social security is not available, accessible, or enough to cover the cost of living, people become more dependent on their jobs and less able to push back against poor treatment. The lack of access to social security contributes to the erosion of workers' bargaining power by increasing financial hardship and leaving them without a safety net in times of crisis, which in the worst cases can lead to labour exploitation. This has especially affected people in low-paid and insecure work, as not only do they face greater barriers to accessing protections, but they also have less financial and job security. In a previous report on access to social protections and risk of exploitation, FLEX identified several cases of people staying in situations that had become exploitative because they could not access welfare support and were afraid of experiencing financial difficulties, destitution, and homelessness if they lost their job or had their hours reduced.³⁷ Exploiters are often aware of how restrictions on access to welfare support increases their power over certain groups of people and will specifically target these groups. This is especially apparent in the context of homelessness, where successive reports have shown how rough sleepers, in particular, are targeted for exploitation.³⁸

The UK has one of the weakest labour market enforcement (LME) systems in Europe, with an inspector to worker ratio that falls below the International Labour Organization's recommendation of one inspector per 10,000 workers.³⁹ This can result in unscrupulous employers profiting through the exploitation of workers due to gaps in enforcement. Another key issue with the UK's LME system is that it prioritises immigration enforcement over identifying forms of labour exploitation and upholding the enforcement of labour rights and standards. Workers that experience exploitation are therefore unable to seek help, reducing the effectiveness of the Government's efforts to end modern slavery.⁴⁰ Understanding how lack of access to social

³⁷ ['No Viable Alternatives: Social \(in\)Security and Risk of Labour Exploitation during Covid-19'](#).

³⁸ Júlia Tomás, ['Findings and Recommendations from the First Two Years of The Passage Anti-Slavery Project'](#) (The Passage, 2020); Sam Parker, ['No Way out and No Way Home: Modern Slavery and Homelessness in England, Wales and Northern Ireland'](#) (Crisis, 2021).

³⁹ ['Risky Business: Tackling Exploitation in the UK Labour Market'](#).

⁴⁰ Åhlberg and Granada, ['The Making of Irregular Migration: Post-Brexit Immigration Policy and Risk of Labour Exploitation'](#).

security and poorly regulated labour markets interact with vulnerability created by immigration policy is crucial for policymakers looking to design safe immigration routes.

7. POLICY RECOMMENDATIONS

In order to address the risks posed to workers by UK immigration policy highlighted in this briefing, the Government should take the following steps:

1. CREATE SAFE AND FAIR IMMIGRATION ROUTES FOR SECTORS WITH HIGH DEMAND FOR LABOUR

All migration routes to the UK should be safe and offer a fair deal to workers. This must include routes into low-paid work. Routes should be planned, recognising and responding to the continued demand for labour migration into jobs and sectors like food manufacturing, construction and hospitality. Workers on these visas must be able to access employment rights in practice. Such a response would demonstrate a commitment to the prevention of modern slavery over other political aims.

2. MITIGATE THE EFFECTS OF IMMIGRATION RESTRICTIONS

Immigration restrictions should be carefully considered vis-à-vis other factors compounding risk of labour exploitation, and either removed or mitigated via proactive action. Harms that may arise from the interaction of immigration with other policies must be accompanied by targeted, proactive state enforcement of workers' rights.

3. ENSURE CONTINUED SCRUTINY OF IMMIGRATION POLICY DECISIONS

The Government needs to plan for a more sustainable, fairer approach to immigration which ensures the protection of workers, allowing time for these significant changes to go through proper parliamentary and public scrutiny. This includes a commitment to consulting relevant stakeholders, including workers' organisations, and conducting due diligence checks, as well as having proper oversight of recruitment and working conditions. Learning from existing routes must inform this process.

4. ACKNOWLEDGE THE INTERACTION WITH DIFFERENT POLICIES AND ADDRESS CONTEXTUAL FACTORS

The enforcement of existing labour standards should be strengthened, focusing on sectors with low pay and high rates of insecure work. This will require evidence-based resourcing of labour inspectorates, so they have the staff and capacity to proactively enforce workplace standards, as well as a review of their powers and remit. At a minimum, the Government should repeal the No Recourse to Public Funds (NRPF) policy, which has been shown to create and exacerbate extreme poverty and inequality, to ensure a baseline access to social protection. People whose employment rights are being breached must be able to challenge this early on and access support to enable them to ultimately leave exploitative work. Support should not require people to be at the point of destitution, homelessness, or experiencing exploitation so severe that it meets the threshold for modern slavery.

5. ENSURE ALL WORKERS ARE ABLE TO REPORT ABUSE

The Illegal Working Offence should be repealed and secure reporting channels introduced to enable all workers to report workplace abuse and exit exploitative situations regardless of their immigration status.