



## **Border Security, Asylum and Immigration Bill: House of Lords Committee Stage Briefing Fishing**

June 2025

### ***‘Seafarers Transit Loophole’ - To what extent is the (mis)-use of the Code 7 (contract seaman) stamp driving migrant fishers into exploitation?***

There is a strong reliance on migrant fishers in the UK’s fishing industry. Lack of worker protections and oversight, poor conditions, and a significant power imbalance between worker and employer has meant little oversight of the (mis)-use of the Code 7 (contract seaman) stamp to employ migrant fishers inside UK waters. The Code 7 stamp permits migrants to transfer to another vessel and prohibits employment within the UK.

Migrant fishers, however, have little control over where the vessel they work on fishes. The misuse of the Code 7 stamp to employ migrant fishers in UK waters renders these workers in breach of the immigration rules. They are resultantly unlikely to speak out about exploitation or attempt to enforce their rights for fear of immigration removal.

There is an urgent need in the context of the Border Security, Immigration and Asylum Bill for the UK to examine the use of the stamp to employ migrant fishers and to make recommendations about how all workers employed in British waters can access rights as workers.

### **What is the Code 7 (contract seaman) stamp?**

British fishing vessels that operate outside of UK territorial waters do not have to comply with work visa rules to employ migrant fishers. Instead they can rely on an exemption under section 8 of the Immigration Act 1971. As part of this exemption, fishers are given a Code 7 (contract seamen) stamp which permits

them to enter the UK to join a ship which will leave the UK in a ‘reasonable amount of time’, usually within seven days. This stamp is intended for seafarers to pass through the UK to join their ship. The Home Office have confirmed that fishers who are transiting cannot work in UK Territorial Waters (usually 12 nautical miles from the UK coast).

## **What are the concerns with Code 7?**

While the code 7 transit stamp is needed for transit purposes and so cannot be easily abolished, its existence, combined with the unregulated and isolated nature of fishing on small vessels, means that it can be misused to employ migrant fishers inside of UK waters. Where this happens, workers are in breach of the immigration rules and will be more likely to be viewed as an immigration offender than have any employment rights enforced even if they are working on a UK flagged vessel and selling into the UK supply chain. This misuse of the Code 7 stamp creates significant risks of exploitation as it puts migrant fishers in breach of the immigration rules, making them fearful of contacting the authorities due to the risk of immigration removal. This means that exploitative employers can use the limitations of the ‘transit loophole’ to control workers.

Nor does the Code 7 stamp give permission to enter the UK other than to transit to a named vessel. If migrant fishers return to port they need to apply for entry clearance, creating further barriers to accessing support or even medical services.

There are no publicly available statistics as to the number of migrant fishers who use the Code 7 stamp either to transit through, or to enter the UK. ITF estimate that there are around 2,000 migrant workers in the UK fleet who are recruited via the Code 7 transit stamp.

Fishers with a Code 7 stamp are left with few options if they are exploited. If they are working more than 12 nautical miles from the UK coast they are outside of UK jurisdiction. If they are closer, even if for a limited period, they are breaching the immigration rules. This means that these workers are criminalised, and even if they are exploited, contacting the authorities will more likely lead to an immigration enforcement response than support to access rights. The limited support that exists, such as the UK’s National Referral Mechanism for identifying victims of trafficking, is difficult to access, rife with delays and does not allow people to work. Even where workers are identified as exploited, the vulnerabilities created by their lack of immigration status mean they may be reluctant to disclose exploitation.

## **Exploitation of Migrant Fishing Workers**

In 2022, a comprehensive survey found that most workers worked excessive hours in violation of ILO Convention 188<sup>1</sup>. They also received pay substantially lower than domestic and EEA fishers. 60% reported working minimum shifts of 16 hours, and one third reported working shifts exceeding 20 hours. 30% reported that they had never received 10 consecutive hours of rest. Due to the requirement that workers remain onboard the fishing vessel while in port, 25% reported that they had never received 77 hours of rest across a 7-day period, as they are required to clean and conduct maintenance during their ‘off’ days

in port. Non-EEA migrant fishers reported that they were paid as little as £400 per month. On average, workers incurred around £1,800 of debt despite ILO Convention 188 ('Work in Fishing' Convention) prohibiting fishers from being charged placement fees. When calculating wages, debt, catch-based top-ups, and average working hours (excluding informal port work), the average salary for migrant fishing workers was £3.52 per hour. Beyond that, overwork and non-payment of wages, 35% of fishers reported that they had experienced regular physical violence.

There were also reported examples of extreme violence, for instance, one worker recounting being beaten while racial slurs were yelled at them by the skipper's son. Additionally, two fishers reported extreme acts of sexual violence<sup>2</sup>. Probable forced and compulsory labour was found in 19% of the interviews and survey responses, with potential forced and compulsory labour found in 48%, demonstrating the scale of exploitation in the UK fishing industry<sup>3</sup>. This appears to be systematised by the large-scale misuse of the transit stamp and resulting fear of contact with authorities combined with lack of proactive labour market enforcement. An additional risk relates to the isolation that migrant fishing workers face on board vessels, as well as the insular nature of the fishing industry in the UK. As a result, many workers do not know who to trust when reporting a grievance and rely on welfare groups and ITF to raise grievances rather than government bodies like the MCA who are tasked with enforcing Convention 188. Over 60% of workers reported that they would never report a grievance out of fear of reprisal, such as blacklisting.

## **The Immigration White Paper**

The Immigration White Paper contains proposals to require that all Skilled Worker visa applicants will need to be educated to degree level or equivalent. Together with proposals to increase the minimum salary threshold it is unlikely that migrant fishers will meet eligibility requirements. They will be limited to the Immigration Salary list which will be phased out in future changes to Immigration Rules or time limited inclusion on the Temporary Shortage List.

It is vital that the UK has oversight of the use of Code 7 to understand not only the current picture for migrant fishers, but also the implications of the White Paper for the sector and its workers.

Any attempt to create a temporary route must be alert to learnings from the sector and its particular risks and drivers of exploitation. There is also a need to avoid the pitfalls from other short term or restrictive visas in high risk sectors including the agricultural Seasonal Worker visa, the Overseas Domestic Worker visa and the Health and Social Care Worker visa.

A focus on migrant fishers and Code 7 by the Migration Advisory Committee is a much needed first step to address and prevent further issues.

## Amendment 154

Lead Member: Lord Watson

Page 43, Clause 45, at end insert -

### “Workforce Strategy: migrant fishers on Code 7 (contract seamen) stamp

1. The Secretary of State shall, within six months of this Act being passed, commission a report by the Migration Advisory Committee on workforce strategy regarding the risk of exploitation of migrant fishers on the Code 7 (contract seamen) stamp.
2. The report shall -
  - (a) examine
    - (i) the extent to which the Code 7 stamp is being used to recruit migrant fishers on UK flagged vessels,
    - (ii) what work is being carried out by migrant fishers on behalf of fishing vessel owners, and
    - (iii) the extent to which migrant fishers on the Code 7 stamp feel unable to assert their employment rights, due to their immigration status denying them the right to work inside the UK,
  - (b) make recommendations to the Secretary of State as to how the recruitment needs of the fishing industry can be supported while ensuring all migrant fishers are recognised as workers and are able to access their employment rights, and
  - (c) make recommendations to the Secretary of State as to how migrant fishers on the Code 7 stamp can be supported in the assertion of their employment rights.
3. The report shall be completed within three months of being commissioned and the Secretary of State shall, as soon as is practicable after receipt of the report, publish the report and lay it before both Houses of Parliament.
4. The Secretary of State shall, within three months of receipt of the report, respond to the recommendations in the report, and publish the response and lay it before both Houses of Parliament.”

### Member’s explanatory statement

This amendment would require the Secretary of State to commission a review of the workforce strategy of the fishing industry and then make recommendations on how fishing recruitment needs can be met, while ensuring that risks of labour exploitation are addressed.

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#### Endnotes

- 1 Sparks, J., (2022). Letting exploitation off the hook?: Evidencing labour abuses in UK fishing. Rights Lab, University of Nottingham.
- 2 *id.*
- 3 *id.*