



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

September 2025

### **The ‘UK Workplace Justice Visa’ Amendment for a review: the first step towards securing rights for migrant workers**

We need to ensure that all workers in the UK are able to benefit from existing and improved employment rights. Restrictive immigration policies leave some migrant workers without meaningful access to vital protections, leaving them unable to seek assistance from authorities and driving exploitation. To this end, we propose a review on a UK Workplace Justice Visa, drawing on international best practice, and we urge Parliamentarians to support amendment 203D tabled by Baroness Hamwee.

#### **Context**

Restrictive work visas have created a tiered workforce where migrant workers face significant barriers to enforcing their rights, driving a race to the bottom in terms of pay and conditions across the UK labour market. Such visas often limit the sector in which workers are permitted to work, or the employers for which they can work. Their immigration sponsors are usually their employers, and are responsible for the worker’s duties, functions, and outcomes or outputs, and for paying the worker. This creates multiple dependencies, for access to work, income, and immigration status. The result is a vicious cycle where exploited migrant workers are doubly punished - first, by unscrupulous employers, then by immigration enforcement and the resulting loss of work, income and immigration status. This has allowed for a proliferation of abuses, from non-payment of wages, to overwork, and sexual assault amongst a litany of other labour and criminal law violations.

Increasingly, other countries have recognised the need to address labour abuse, including abuse below the threshold of modern slavery. Examples include but are not limited to:<sup>1</sup>

**Australia:** Recent reforms protect migrant workers on temporary visas from being trapped in exploitative work due to their immigration status.<sup>2</sup> Where, at first sight, there is evidence of labour abuse the Workplace Justice visa permits a person to work in any sector, while the worker seeks redress.

**Republic of Ireland:** The Reactivation Employment Permit permits non-EU citizens who held a work permit but became undocumented through no fault of their own or been badly treated in the workplace, to work legally again. “No fault of their own” can refer to labour exploitation and abuse, closure of the workplace without previous notice, being made redundant, or failure of the previous employer to submit the redundancy notification on time.<sup>3</sup>

The proposed amendment to review a workplace visa in limited circumstances would learn and borrow from these comparators, providing recommendations to ensure the UK keeps pace with international best practice, while remaining tailored to the specificity of the UK immigration system and labour market.<sup>4</sup>

## **Exploitation of Adult Social Care Workers**

As has been seen in the adult social care sector, workers are too often scared to speak out or seek protection due to their dependence on their employer for their visa.

If an employer sponsoring a worker on the Health and Social Care worker visa loses their sponsor license due to exploitative practices or non-compliance with their duties as a sponsor, the Health and Care worker is ordinarily given only 60 days to find another employer who can also sponsor their visa before they must leave the UK. This sponsor must be willing and able to sponsor a new visa - a task that has proved to be an impossible hurdle for many workers, when they and their colleagues have simultaneously lost their employment, are unable to support themselves, and are prohibited from undertaking new employment until they have a new visa. While the option to secure entry clearance to the UK on the Health and Social care route ended on 22 July 2025, thousands of workers who previously entered on the route remain in limbo. Freedom of Information data collected by the Work Rights Centre demonstrates the dire situation created by the dependency on a visa sponsor for many workers with less than 4% of workers reported to have found new work through the government funded sponsor rematching programme.<sup>5</sup>

The dependency created by sponsorship also creates a barrier to workers being able to join a trade union or engage in collective action in order to advocate for better conditions, out of the fear that they will be victimised for trade union activity resulting in them losing not only their job but also their immigration status. Being put at risk of no longer being able to remain in the UK, migrant workers are punished for the wrongdoings of unscrupulous employers and recruitment agencies, and are left unable to meaningfully pursue and participate in employment or other legal proceedings.

## **Amendment 203D**

After Clause 48

insert the following new Clause—

### **“Review of workplace visa in limited circumstances**

1. The Secretary of State must, within 12 months of the day on which this Act is passed, publish a report of a review of the rights of persons to whom this section applies.
2. This section applies to a person (“P”)—
  - a. who is not a British citizen,
  - b. who does not have indefinite leave to remain in the United Kingdom,
  - c. whose most recent grant of limited leave, exemption from leave or entry to the United Kingdom without leave was dependent on P’s employment, and
  - d. who has experienced labour abuse, or whose employment has been terminated through no fault of their own.
3. The review must report on—
  - a. provision for the grant of leave for a minimum period of 12 months;
  - b. cancellation or revocation of leave in circumstances prescribed in immigration rules.
4. This section is to be treated for the purposes of section 3 of the Immigration Act 1971 as if it were provision made by that Act.
5. In this section—
  - “entry to the UK without leave to enter” refers to the provision for crew members under section 8(1) of the Immigration Act 1971;
  - “exemption from leave” refers to a person exempt from provisions of the Immigration Act 1971, pursuant to section 8(2) or (3) of that Act;
  - “immigration rules” means rules under section 3(2) of the Immigration Act 1971;
  - “labour abuse” includes—
    - a labour market offence,
    - an offence under the Gangmasters (Licensing) Act 2004, and
    - an offence under the Modern Slavery Act 2015in England, Wales, Scotland or Northern Ireland or a suspected or alleged such offence.”

## Member's explanatory statement

This new clause would require a report on a route for migrants with work visas, or migrant fishers with a Code 7 stamp on UK fishing vessels, who experience labour exploitation, loss of their employment, or immigration status, through no fault of their own, to remain in the UK, enabling them to leave abusive work

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### Endnotes

- 1 Other examples include the Canadian 'Open work permit for vulnerable foreign workers who are victims of abuse', New Zealand's Migrant Exploitation Protection Work Visa' and the Finnish 'Residence permit or certificate due to exploitation by employer'.
- 2 Australian Government, 'Workplace Justice Pilot' <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-activity-408/australian-government-endorsed-events-workplace-justice-pilot>
- 3 Department of Enterprise, Tourism and Employment, 'Reactivation Employment Permit' <https://enterprise.gov.ie/en/what-we-do/workplace-and-skills/employment-permits/permit-types/reactivation-employment-permit/>
- 4 For example, due to restrictions in the UK's immigration rules, domestic workers in private households and seasonal workers are unable to switch into other work routes such as Skilled Worker, but are no less deserving of access to rights, justice, and freedom from exploitative work conditions driven by precarious immigration status.
- 5 Less than 4% of exploited care workers reported to have found new work by government scheme, FOI data reveals <https://www.workrightscentre.org/publications/2025/less-than-4-of-exploited-care-workers-found-new-work-foi-data-reveals/>

